

From: [consuelo apolo-gonsalves](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] NO to Kaanapali Beach Replenishment
Date: Tuesday, October 19, 2021 9:29:05 PM

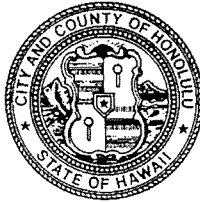
Aloha my name is Consuelo Apolo-Gonsalves I am born and raised my family is generational here NO MORE REPLENISHMENTS to our beaches enough catering for these Tourists I disagree to everything you guys want to do and I don't want any of my tax money going towards this try listen to the people of this Aina soooo much changes we don't have limu ogo what tourists call seaweed..vava (uni) has disappeared b4 we could get it anywhere on our ocean floors but now there's nothing

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
Website: www.honolulu.gov

RICK BLANGIARDI
MAYOR



LAURA H. THIELEN
DIRECTOR

KEHAULANI PU'U
DEPUTY DIRECTOR

October 19, 2021

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Chairperson Case:

SUBJECT: Testimony in Support of Administrative Enforcement and Penalties

The Department of Parks and Recreation (DPR) supports the enforcement and penalties being assessed to a permittee who is not following the Hawaii Administrative Rules by conducting commercial activities in Kailua ocean waters.

The City prohibits commercial activities at Kailua Beach Park. DPR makes routine efforts to stop these illegal activities, and greatly appreciates the state also making efforts to stop the continued illegal activities that occur there.

Thank you for the opportunity to submit testimony. Should you have any questions or require additional information, please contact me at 768-3001.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura H. Thielen", is written over the printed name and title.

Laura H. Thielen
Director

October 20, 2021

RE: Enforcement and Penalties against Twogood Kayaks

Aloha Chairperson Case and all Members of the Land Board,

I am a resident of Kailua and am asking the Board to issue the maximum penalty of \$25,000 to Twogood Kayaks (TKH). Although this hearing is only addressing 5 recent violations under HAR section 13-256-3, please allow me to share a snapshot of the extensive history of Bob Twogood's sense of entitlement and impunity evidenced by his blatant disregard of State laws, City ordinances, and conditions of his own commercial permits.

City Ordinance Violations

Starting in 2010, the Kailua community worked on county level legislation as a result of kayak vendors overtaking Kailua Beach Park, turning parking lots and picnic areas into personal satellite storefronts. Turf wars ensued and public access was encroached. In 2012, Ordinance 12-2 went into effect following two years of packed public hearings. The resulting law prohibited all commercial activity at Kailua and Kalama beach park, including the delivery of kayaks by employees to the shoreline. The commercial ban also prohibits kayak tour guides from assisting tours on park property.

TKH could no longer legally transport customers or watersports equipment to the beach park affecting his most profitable and expensive tour packages. While other kayak companies complied with the new laws and adjusted their business models accordingly, TKH began using loopholes to skirt the law. One work around was having guides meet tours in the water. Another was asking unsuspecting tour groups for a "volunteer" to drive company trucks stacked with kayaks from his shop to the beach parks where customers had to unload kayaks themselves, drag it to the ocean, and launch unassisted into the water to meet their guides. This was bad for business, reflected in online reviews, and TKH quickly reverted back to illegal business practices, doing anything they could to evade enforcement.

Besides illegal activity at the beach park, TKH conducted large tours and kayak delivery to the beach right-of-ways in the residential neighborhood of Lanikai. Groups would receive lessons by tour guides on the beach and later return to have picnic lunches. TKH was threatened with significant fines in a letter sent by the Land Division in 2012 if he did not immediately cease the unauthorized activity on State unencumbered lands at both Kailua and Lanikai beaches.

Twogood has a habit of illegally exploiting resources for profit until he faces large fines.

TKH employees acquired numerous citations from HPD for violating ROH Chapter 10 Sections 10-1, 2, & 3: Illegal commercial activity in City parks. Bob Twogood has personally received citations from 2012 to present that can be viewed at the [Hawaii Judiciary website](#). The following are just a few of his cases:

- 1DCC-12-00099
- 1DTC-12-048424
- 1DCC-17-0015317
- 1DTP-19-047161
- 1DTP-19-04001

Illegal commercial activity in parks are criminal counts so cases end up in district court. Unfortunately, some citations were dismissed without prejudice, further frustrating HPD and the community.

State Permit Violations

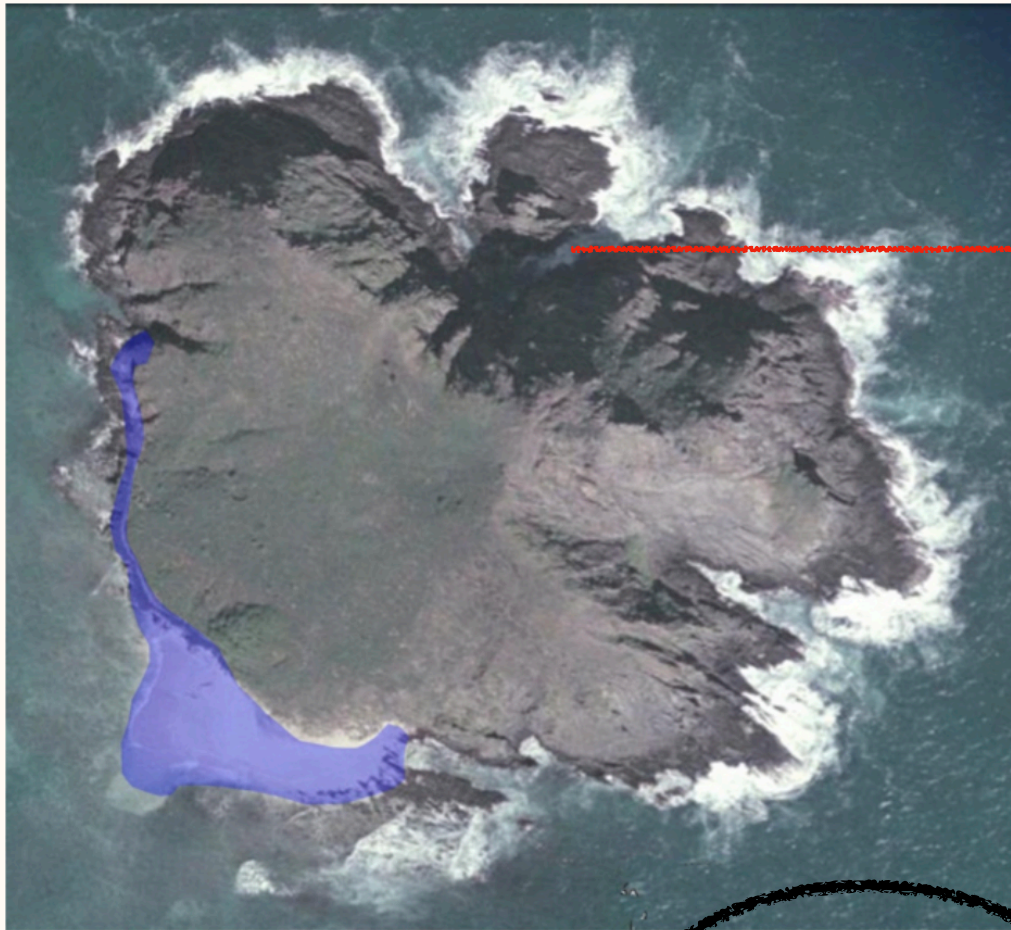
Commercial landings on the offshore islets of Mokolua and Popoia in Kailua Bay require on-line permits through DOFAW. TKH has been in violation of the following permit conditions:

- **Permittees must hold all necessary county permits to operate a commercial enterprise.** TKH does not hold necessary County permits as explained above.
- **Permittees are solely responsible for ensuring the safety of their customers when visiting State Wildlife Sanctuaries and ensuring ocean conditions are safe for kayak transit.** TKH not only advertises guided tours outside the permitted access boundaries within the sanctuary on Mokolua island, they operate in bad weather conditions as evidenced in their own Facebook posts and customer reviews.

The use of public and natural resources by private businesses is a **privilege**, however, TKH operates as if it's his personal right. TKH's illegal business practices are evidenced by lengthy records of documented violations including those captured with the DLNR tip app.

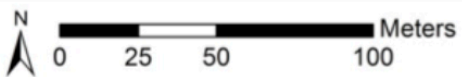
Twogood has been a bad actor in Kailua for decades but has never faced meaningful penalties or consequences. \$25,000 does not adequately reflect the habitual illegal actions of Bob Twogood and he should never be given the opportunity to hold a commercial use permit again. The refusal of Twogood Kayaks to comply with State and County laws is a clear indication of a greed driven business that will do anything for a profit. It is the responsibility and duty of this Board to finally hold Bob Twogood accountable for **years** of intentional, illegal business practices.

Mahalo for the opportunity to testify,
Lisa Cates
Kailua Oahu



Cliff jumping located outside permitted area frequented by TKH guided tours.

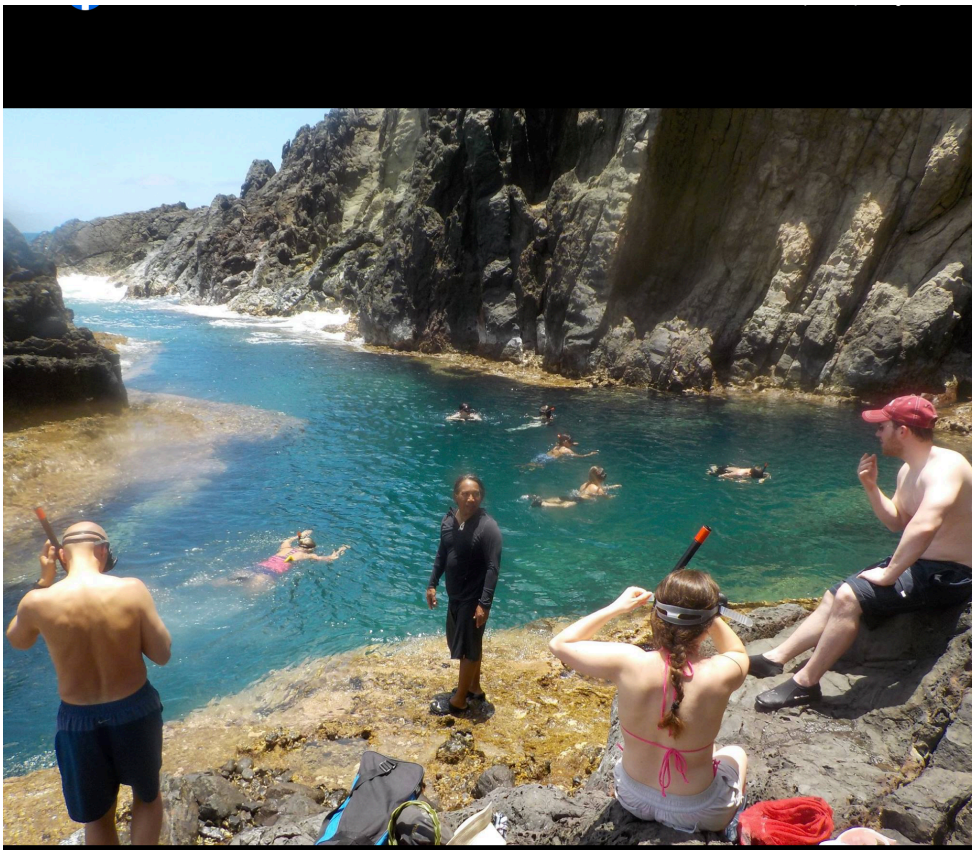
Mokulua Is. State Wildlife Sanctuary
Moku Nui Islet Commercial Activity Map



Access Permitted
in Blue Areas Only



Aerial photo of Mokunui showing boundaries in the sanctuary for access by commercial kayakers and tour groups. Photo taken from the DOFAW on-line portal for Commercial Vessel Landing Permits.

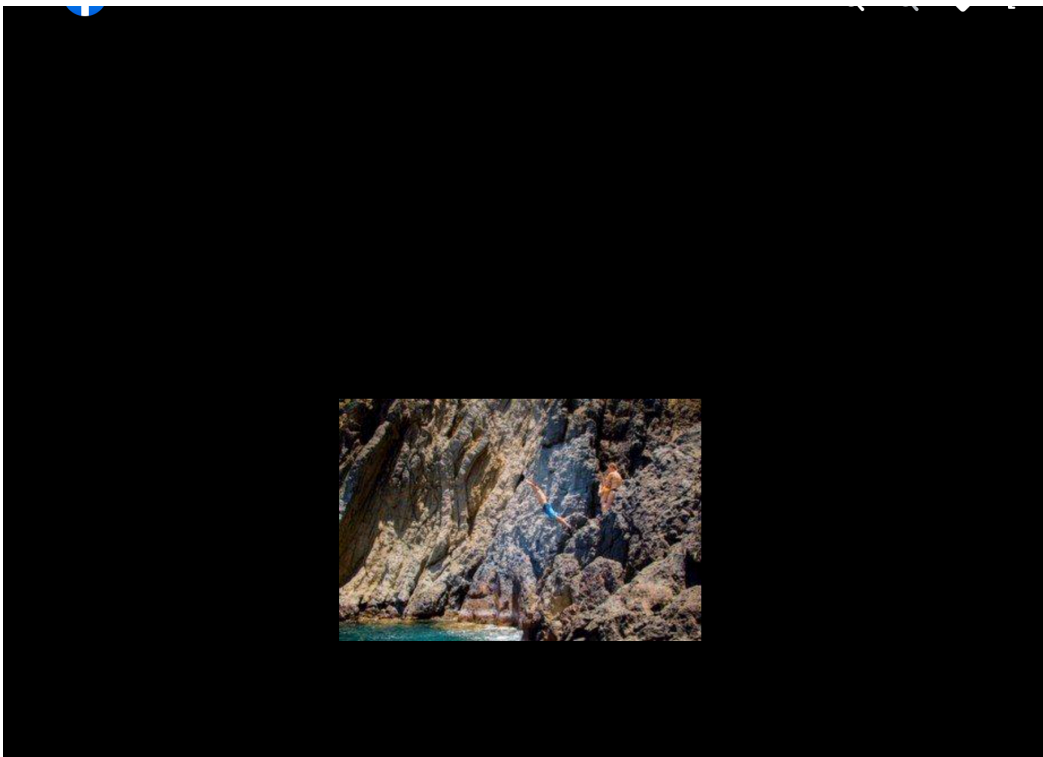


 **Twogood Kayaks Hawaii, Inc.** ...
16 May 2018 · Kailua · 🌐

— at Mokulus

👍 Like 💬 Comment ➦ Share 🌐

 Write a comment... 😊 📷 📺 🗨️



 **Twogood Kayaks Hawaii, Inc.** ...
31 December 2019 · 🌐

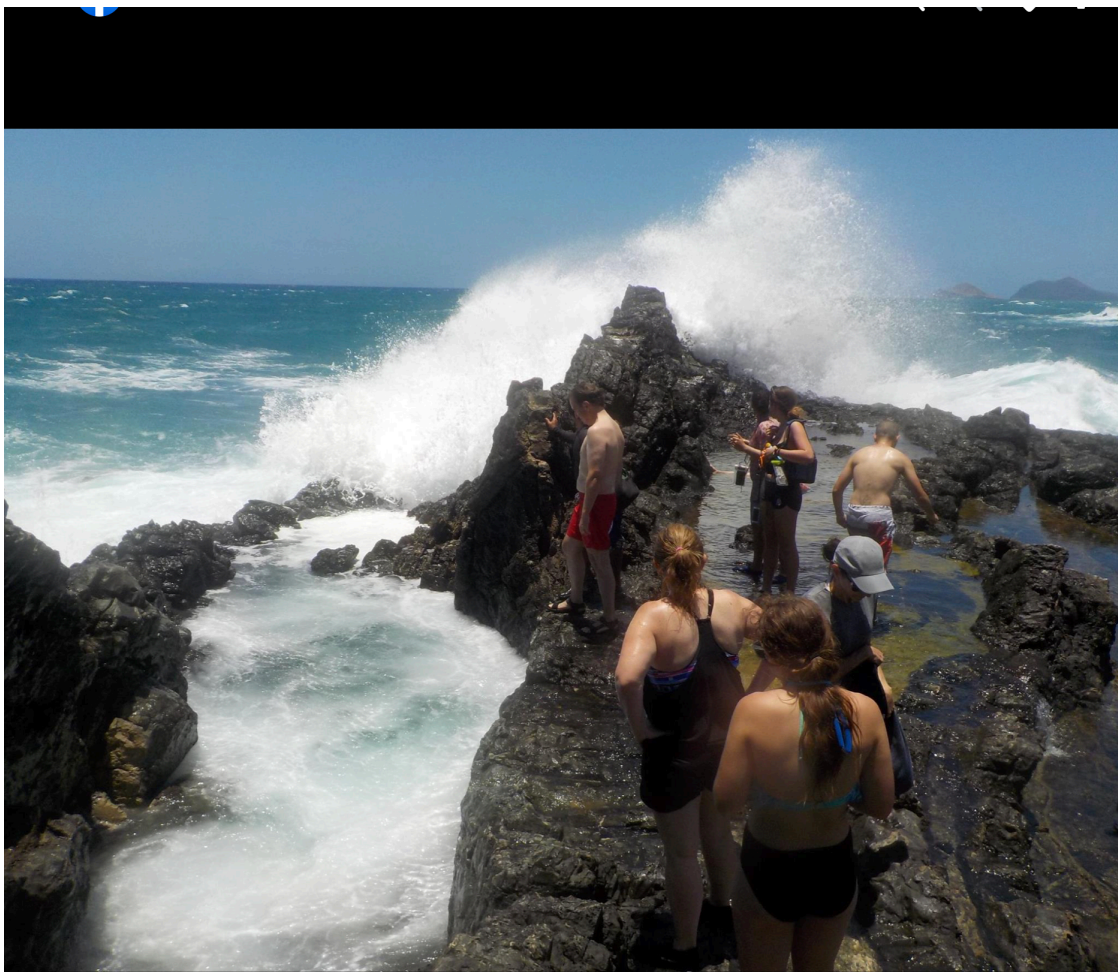
Take the leap of faith into the new year. Ask us about cliff jumping off of Mokunui!

Call us to reserve 808-262-5656

👍 Like 💬 Comment ➦ Share 🌐

 Write a comment... 😊 📷 📺 🗨️

TKH Facebook post showing guided tour snorkeling and cliff jumping behind the island in areas outside the access boundary of DOFAW permit.



Twogood Kayaks Hawaii, Inc.

9 July 2018 · Kailua · 🌐

— at Mokulua Island



Like



Comment



Share



Write a comment...



Post on TKH Facebook page. Guided tour outside boundary of their permit. Notice how extremely rough the water is and large surf crashing over the rocks, putting customers at great risk of getting swept into the ocean .



Izzy H.

Great Falls, VA



1



7



12/28/2018

While I would definitely recommend that an adventurous family or group do a kayak trip to the Mokes islands, I would also recommend looking at other kayak rental options. When our family got to the rental place, they said the weather was "good" for a kayak trip, and even though it was raining lightly, "the winds were just right" for a nice outing. We got out onto the ocean and it started raining pretty hard. We got to the island, had a fun time exploring, then ate a crummy subway sandwich that was the "included lunch" and heard thunder so we started to head back. The trip back to the beach was very dangerous as a massive storm hit us. Several people in the group behind us had to stay on the island and were probably stuck there for a few hours, I hope they got out ok... it was very frightening kayaking through 6 foot waves, trying not to get slammed into rocks, and kayaking against painfully hard rain and huge gusting winds for an hour. Somehow we got back to the shore and someone from the office called to get a "verbal consent" for the medical waiver, so they could retroactively cover their asses. They asked a lot about "did the kayaks make it out ok" and "make sure the kayaks aren't damaged" without a single question about if WE (the human customers) were ok.

TLDR: they knew the weather was going to slam us and still allowed people to go out so they could make some money (it was way too expensive for what it was btw). And they showed very little concern for human life, pretty much just cared that they got their kayaks back.



**Two good Kayaks Hawaii, Inc.**

11 March 2020 · 🌐

Spring break is coming!! Bring your friends and come on a kayaking tour with us!! Call us to book 1-808-262-5656!

·
·

#springbreak #spring #vacation #travel
#beach #springbreakers #travelgram
#goodvibes #sun #bikini #fun #vacationmode
#memories #explore #adventure #wanderlust
#goodtimes #instagood #march #kayaking
#kayak #adventure #kayaklife #nature
#kayakingadventures #outdoors #travel
#watersports #kayaklifestyle #kayakgram

👍 Like

💬 Comment

➦ Share



 Write a comment...



TKH Facebook page posted March 11 2020 of illegal instruction on State unencumbered lands at Kailua Beach, violation of HAR 13-221-35.

DOCARE COMPLAINT & SUMMONS

In the DISTRICT/FAMILY COURT

of the FIRST JUDICIAL CIRCUIT, STATE OF HAWAII

Drvr lic /SS# H00707246 H ☒ STATE ☐ JUVENILE

NAME TWO GOOD

ROBERT Last C First Middle

Current/Mailing Address 46-094 IKA ST

City, State, Zip KANEOHE HI 96741

Hgt 6'3" Wt 185 Sex M Date of Birth 8/16/52 Age 65 Complexion Fair

Place of Employment / School or Branch of Service TWOGOOD KAYAKS Job Title, Yr. In school or Military Rank

Parent's name if juvenile or Registered owner of vehicle/vessel:

Phone number (Days): 808 262-5636

Did on/or about this 24 day of 8 Yr 17 at about 12:00

did operate/command Vehicle/Vessel#: CNO 18-12

Vehicle/Vessel Make/Name FORD Type F150 Color BLU Yr 97

at (location): KAHANA STATE PARK

and did commit the offense of: ILLEGAL COMMERCIAL ACTIVITY

SECTION: 13-146-68 ☒ HAS ☐ HAD ☐ OTHER

EVIDENCE TAKEN: Yes ☐ No ☒

DESCRIPTION OF EVIDENCE

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

X Robert C Twogood Signature

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law.

Date of Issue 8/24/17 Time 13:39 Hrs.

Print Rank, First Initial, Last Name CR00 HC De. Lou 467

Complainant's Signature [Signature] Badge/ID No.

Bail Forfeiture by Mail Permitted: ☐ Yes ☒ No

A Postmarked BEFORE court date Payment Amount X B Postmarked ON court date Payment Amount X

SUMMONS

Your court appearance date is:

DATE 10/26/17 TIME: 830 AM COURTROOM:

☒ District Court ☐ Family Court of Kaneohe



1DCC-17-0015317 KP-1600002753-036
State v. Robert C Twogood 2 Pages
State of Hawaii 09/25/2017 08:16 AM
Kaneohe DC CCIT

DOCARE issued citation on 8/24/2017 at Kahana Bay for illegal commercial activity.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 3, 2012

Mr. Robert Twogood, President
Twogood Kayaks Hawaii, Inc.
345 Hahani Street
Kailua, Hawaii 96734

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and Regular Mail

Re: Allegation of Unauthorized Commercial Activity

Dear Mr. Twogood,

This has office has received a complaint from a member of the public that alleges that you are conducting unauthorized commercial activity on Lanikai Beach. The complaint included text and photos copied from your website, which our staff has independently verified. On your website page entitled "Guided Kayak Tours and Ocean Adventure Packages" the Mokulua Islands are prominently featured, with the most relevant photo a group of ten people and four kayaks on a beach, wherein at least one person appears to be giving instructions (see attachments, one individual in a white t-shirt is pointing out to sea.)

The shoreline areas of both Lanikai Beach and Kailua Beach are unencumbered land under the jurisdiction of Land Division. The applicable Hawaii Administrative Rules (HAR) are as follows:

HAR §13-221-35 "Commercial Activities. No person shall engage in commercial activities of any kind without a written permit from the board or its authorized representative."

HAR §13-221-2 "'Commercial Activity' means the use of or activity on state land for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Display of merchandise or demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, shall be considered commercial activity. Commercial activities include activities whose base of operations are outside the boundaries of the unencumbered state lands, or provide transportation to or from the unencumbered state lands. 'Compensation' includes, but is not limited to, monetary fees, barter, or services in-kind."

Based on advice from our Department of the Attorney General, we do not consider merely transiting the shoreline area to be commercial activity.

Your apparent commercial activity on the State unencumbered shoreline is unauthorized. Please immediately refrain from conducting any commercial activity on any unencumbered shoreline. According to your website, you have an established commercial site at 345 Hahani Street in Kailua. Please conduct all commercial activity at that site or another appropriate site other than the shoreline.

Pursuant to Hawaii Revised Statutes, §171-6 (15), you are subject to a fine of not more than \$5,000 for a first offense for violation of our rules, specifically HAR §13-221-35. The relevant text is as follows:

(15) Any person engaging in any prohibited use of public lands or conducting any prohibited activity on public lands, or violating any of the other provisions of this chapter or any rule adopted thereunder, for which violation a penalty is not otherwise provided, shall be:

(A) Fined not more than \$5,000 per violation for a first violation or a violation beyond five years of the last violation; provided that, after written or verbal notification from the department, an additional \$1,000 per day per violation may be assessed for each day in which the violation persists;

(B) Fined not more than \$10,000 per violation for a second violation within five years of the last violation; provided that, after written or verbal notification from the department, an additional \$2,000 per day per violation may be assessed for each day in which the violation persists;

(C) Fined not more than \$20,000 per violation for a third or subsequent violation within five years of the last violation; provided that, after written or verbal notification from the department, an additional \$4,000 per day per violation may be assessed for each day in which the violation persists; and

(D) Liable for administrative costs and expenses incurred by the department and for payment for damages, including but not limited to natural resource damages.

Should you have any questions, please contact Supervising Land Agent Steve Molmen at (808) 587-0439.

Sincerely,



Russell Y. Tsuji
Administrator

Enclosures

c: Chairperson
Oahu Board Member
District
DOCARE, Attn: Randy Awo



One of three TKH trucks used to deliver kayaks to Kailua Beach park.

From: [Terry Galpin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Two good Kayak Testimony
Date: Monday, October 18, 2021 10:00:11 AM

Aloha,

In regards to Two Good Kayak operating without a permit. Please note I am in favor of the proposed fine. There are far to many companies operating illegally, especially now. The permit process was put into place for a reason and this company has been operating not only in Kailua but also in Kahana Bay. They have zero regards for the rules and regulations. The only way to stop them and others is to issue big fines as a consequence.

Mahalo,
Theresa Galpin
808-372-8131



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

October 22, 2021

Chairperson Case and Members of the Board,

Thank you for opportunity to provide testimony today on item J-6, the request for Administrative Enforcement and Penalties against Twogood Kayaks Hawaii, Inc.

This is the first time in my thirteen years serving in elected office that I write on an enforcement action such as this. Weighing in on behalf of our community is a step I do not take lightly, but that I do today out of great frustration.

I am writing in strong support of action imposing penalties, including rescinding operating permits, against a commercial operator who has knowingly, blatantly, and repeatedly violated the law and rules at the expense of our community for personal profit for over a decade. Twogood Kayaks Hawaii, Inc. has gone further than any other illegal commercial operator and more brazenly defied the provisions set in place to ensure a safe and appropriate public environment at our beach parks and community.

No matter the law or rules, or how they have changed, this operator has tried time and time again, for many years, to continue maximizing profit by operating illegally. This includes renting equipment to individuals that has led to unsafe conditions, misleading customers into believing what they were purchasing was legal, operating without proper permits and approvals, engaging in physical confrontations with local residents, and an unending litany of violations without regard for our community. Twogood Kayaks Hawaii, Inc. has likely earned hundreds of thousands of dollars in profit from illegal activities as a result and continues to operate illegally without hesitation.

I strongly support action to resolve and deter this illegal activity to ensure the interests of the people in our community are protected and our laws and rules upheld. No one should be allowed to get away with such blatant violations of the law for so very long for personal gain, and especially not when it negatively impacts our community.

Mahalo for the opportunity to provide this testimony today.

Chris Lee
State Senator

Senator Chris Lee

25th Senate District

Hawaii State Capitol, Room 216/ Honolulu, Hawaii 96813

Phone: (808) 587-8388 / E-mail: senlee@capitol.hawaii.gov

Oral/Written Testimony on Agenda Item J.6.
October 22, 2021 BLNR Meeting
Submitted by Sarah Gilman Sur, Kailua Resident

Aloha kākou.

Mahalo, Chairperson Case and Land Board members for allowing me the opportunity to provide testimony today in support of DOBOR's request for enforcement and penalties against Twogood Kayaks Hawai'i, Inc. (TKH) for violations against HAR Sections 13-256-3. My name is Sarah Gilman Sur, and I am a Kailua resident here on O'ahu. I live on Kailua Beach behind Kalapawai Market, right at the entrance to Kailua Beach Park. My family has resided here on our beachfront property since the 1930s and have been caretakers and stewards of Kailua Beach, Kailua Beach Park, and Kailua Bay.

I am asking that the Land Board issue the maximum penalty of \$25,000 to TKH. I personally feel that this penalty is but a fraction of the cost that TKH should be paying. In addition to the five incidents cited by DOBOR in its submission to you today, I have witnessed and documented additional incidents on the following days:

- July 14, August 10, August 13, August 16, September 9, and September 13

On these days, I have witnessed TKH employees parking their company trucks loaded with kayaks in Kailua Beach Park near the Lihikai Road Bridge (near Buzz's Restaurant). It is here, also, where TKH kayak guides meet their customers, unload the kayaks for them, and then head out onto the bay for a guided tour. Such activity in the beach park is illegal and violates City Ordinance 12-2 passed in 2012 banning illegal commercial activity in Kailua and Kalama Beach Park, including the delivery of kayaks to the beach and/or beach park. Offering commercial guided tours in Kailua Bay without a CUP is also illegal, and which is what you are being asked to review and weigh upon today.

When I confronted TKH employees in Kailua Beach Park regarding their illegal activity, they responded with a certain "entitlement," if you will. They seem to be fully aware that their activities are illegal, yet couldn't care one bit about their actions and their impact upon our community. Commercialization, in general, of our beaches and public parks prior to the pandemic and during the pandemic is increasingly taking a toll--not only on local residents, but on our natural resources. Commercial operators, such as TKH, demonstrate zero respect for such resources and instead choose to exploit them for their bottom line.

This entitled "we don't care" attitude demonstrated by TKH and other vendors operating illegally in Kailua Beach Park, the beach itself, and the Bay, is, honestly, not surprising. There has been a lack of enforcement of the rules banning or regulating such activities both on the part of HPD and DOCARE. This lack of enforcement gives complete autonomy to such vendors and their illegal activities.

I would like to further point out why this “we don’t care” attitude demonstrated by TKH and other vendors is not surprising. In 2017, DOCARE conducted a sting operation on [Sammy Perez Hults](#), owner of [Sammy's Aloha Watersports](#). Of the many services that Sammy advertises on his web site, kitesurfing instruction at Kailua Beach is one of his most popular and lucrative services--despite it being an illegal activity. At the June 23, 2017 BLNR Meeting--where Chairperson Case, Mr. Yuen and Mr. Gon were present--DOCARE proposed an \$11,000 penalty against Sammy for violating several HAR rules regarding illegal commercial activity. However, according to the meeting’s minutes, Mr. Yuen made a motion to fine Sammy in violation but to reduce the fine to \$2,500. The reason for the reduced fine, as stated in the minutes, was “It should be enough to dissuade people from conducting commercial activities without permit.” Mr. Yuen’s motion was seconded. After further discussion, former Board member Roehrig amended Mr. Yuen’s motion, reducing the penalty further to \$2,000. This new amended motion was unanimously passed. As for Sammy, this “slap on the wrist” reduced fine was simply written off, most likely, as a business expense. The next day he was back in Kailua Beach Park and on the beach providing illegal instruction once again. He’s still there--four years after his appearance before the Land Board--conducting illegal commercial activity.

So, yes, this “we don’t care” attitude is not surprising coming from TKH employees who continue to operate knowing that their CUP has expired. Perhaps TKH is hedging their bets that the Land Board will simply slap their wrist...another business expense write off...and more importantly, another loss for the residents of Kailua and their waning faith in the responsibility and authority of the Land Board.

Chairperson Case and Land Board members--The evidence before you is clear and factual. Egregious violations by TKH have been committed. Fulfill your duty and responsibility and hold TKH responsible for the full penalty being recommended.

Mahalo for the opportunity to testify.

Sarah Gilman Sur
Kailua Resident