



Waikiki Beach Services LLC

October 13, 2022

Re: HAR 13-251, Subchapters 1, 2, 3 & 7

Ted Bush
889 Kahena St
Honolulu, HI 96825

To Whom It May Concern:

Aloha, my name is Ted Bush, a Waikiki Beachboy, surf instructor, first canoe captain, and owner of Waikiki Beach Services LLC. I am opposed to the repeal of HAR Chapter 13-251, Subchapters 1, 2, 3, and 7. The repeal, as written now, will increase the threat to public safety and ultimately lead to the demise of the Waikiki Beachboy.

Waikiki Beach Services started in 1955; I have owned it since 1977 and worked on Waikiki Beach for the last 54 years. My first 18 years of life were spent in Waikiki. I am invested in this beach and have dedicated my life to it; therefore, I am very critical and watchful of what goes on in Waikiki. I have taken part in many committees and advisory boards to ensure a voice of ownership and concern is always part of the discussion. I am not averse to change if the changes do not threaten public safety or our culture. The recent proposal to repeal HAR 13-251, Subchapters 1, 2, 3, and 7 will do just that, and I must speak up.

Presently, the rules state that individuals seeking a license to operate the outrigger surfing canoe and/or who would like to teach surfboard instruction in the waters of Waikiki, must be certified in CPR, lifesaving and pass both a written and physical test provided by the state. Individuals must also pass a physical exam ensuring that they are physically fit to conduct these water duties.

The state would like to do away with the certification process outlined above. They would allow businesses, such as my own, to determine who on their staff is capable to provide surf instruction and operate a surfing canoe. The state would like to step away from any oversight of the surf instructor and canoe captain certification process, its policing, and enforcement. They are seeking to allow for-profit businesses, through a Commercial Use Permit, to police themselves and do what they want. Here are my concerns:

- 1) **Overcrowding.** Waikiki Beach is already congested—one of the most in the world per square feet. As beaches go, it is a small footprint that incorporates a remarkable number of users for its size. It is shared by a mix of swimmers, snorkelers, bathers, surfers, surfing canoes and sailing catamarans. Any proposed changes that will allow for more users/commercial activities will threaten this capacity and will be detrimental to the public safety for both tourists and residents.
- 2) **Increase in Accidents & Strain on First Responders.** The amount of additional and questionably qualified instructors and canoe operators will result in more accidents and incidents. This will



put additional strain on our lifeguards, HFD and other first responders. Currently, Waikiki has been relatively safe because trained and certified personnel under the state certification system have been providing oversight and act as first responders in emergency situations.

- 3) **Negative PR.** The inevitable increase in accidents and detrimental incidents that will occur when there is lack of oversight on the commercial water activities operators, will also lead to negative PR in the press and through social media of Waikiki Beach; ultimately impacting tourism and perception of safety while visiting Hawai'i.
- 4) **Strain on our Environment.** With the addition of more users, surf schools and untrained instructors in the water, what will this do to the natural ocean and shoreline environment of Waikiki?
- 5) **Loss of Culture.** In 1905, Dude Miller approached the four years old Moana Hotel and asked to open a beach service that would promote surfing and canoeing to hotel guests. The people he hired for his beach service had to be expert watermen, with knowledge on everything from fishing to surfing. They were expected to be clean shaven, wear uniforms, and keep the beach clean and safe. Dude called them his Waikiki Beachboys.

In the 1950's, as more development occurred in Waikiki, unqualified and untrained individuals showed up on the beach to make a fast buck off unsuspecting tourists. Rip offs, abuse, constant injuries and near drownings became the norm. These incidents prompted a group of trained watermen, led by Duke Kahanamoku, to form a qualifications committee that would issue an instructor's license to those who passed a series of water exams, including lifesaving, surfing and canoe handling. The territory of Hawai'i then endorsed this process and adopted it into its rules for the Waikiki Shore Waters. By adopting it, they would enforce it. This eliminated the unlicensed "wildcatters" and significantly improved safety in Waikiki.

Today's Waikiki Beachboy is a result of over 117 years of knowledge, love and respect passed down from one beachboy generation to the next. The beachboy tradition is one of the mainstays in selling Waikiki and Hawai'i; however, their existence would be in jeopardy with the repeal of HAR 13-251, Subchapters 1, 2, 3 & 7. Waikiki would become just another beach, another place to surf, instead of the birthplace of surfing, the home of Duke Kahanamoku. Because of the location of my businesses, I would stand to gain the most to the repeal of HAR 13-251, Subchapters 1, 2, 3, & 7; but I stand against it. It is not about money, it is about safety, legacy, heritage, and the Waikiki Beachboy.

Mahalo for your time and consideration to my testimony,

Ted Bush

From: [Teri Leicher](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Representative David A. Tarnas](#); [Representative Nicole E. Lowen](#); [Jeff Leicher](#)
Subject: [EXTERNAL] Comments on (HAR Chapter 13-251)
Date: Wednesday, October 26, 2022 9:18:19 AM

Aloha,
This has come up rather suddenly for public viewing.
I would ask that it be deferred so the community can review before a change is made.
There has not been enough notice given.
Mahalo,

Teri Leicher | Managing Partner

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Testimony Presented Before the
HAWAII
BOARD OF LAND AND NATURAL RESOURCES
Meeting
October 27, 2022
(Via Zoom conference)

Waikiki Beach Special Improvement District Association
By
Rick Egged, President

Agenda Item J-1 Request final approval to repeal Hawaii Administrative Rule (HAR) Chapter 13-251, Subchapters 1, 2, 3, and 7.

Chair Case and members of the Land Board:

The Waikiki Beach Special Improvement District Association (WBSIDA) **requests deferral and offers comments on agenda item J-1 which** requests the repeal of Hawaii Administrative Rule (HAR) Chapter 13-251, Subchapters 1, 2, 3, and 7. The WBSIDA requests deferral of this item until there is adequate stakeholder engagement on the topic of canoe captain and surfing instruction certifications for Waikiki known as “Blue Cards” and an alternative certification process is identified. Ocean recreation is a critical component of the history, culture and sense of place for Waikiki and needs to be conducted safely with effective oversight and management of the operators conducting lessons and rides in the ocean. A number of Waikiki stakeholders have expressed questions about the repeal of the subject HAR and the unintended repercussions of this.

The WBSIDA has capacity and can assist in facilitating meetings with stakeholders and beach operators in Waikiki. This will facilitate a better understanding the intention of the proposed rule repeal and assist in the development of possible follow on plans and programs that could replace the current process of instructor and captain certifications for Waikiki. **The WBSIDA is willing to convene the beach operators and stakeholders to further discuss potential options for an alternative certification program to ensure safe management of commercial ocean recreation activities in Waikiki.**

Thank you for the opportunity to testify.

The Waikiki Beach Special Improvement District Association (WBSIDA) is dedicated to enhancing the resilience of Waikiki by ensuring the coordinated management and long-term sustainability of Waikiki Beach and nearshore waters.

<https://www.wbsida.org/>