

Additional rules, legislation would hurt businesses

THE CHAMBER VIEW
by Pamela Tumpap



In these economic times, when our businesses large and small are hurting and our unemployment

continues to rise, extra effort should go toward supporting businesses versus heaping on burdensome regulation that threatens to hurt the businesses. Yet, the latter continues to happen. Additional regulation came down and more is proposed that presents challenges for beach operators. People question how many more hits this industry can take.

The issue is the Commercial Ocean Recreation Activities (CORA) rules that govern scuba, snorkel, windsurfing, kayaking and surfing, and the proposed bill to amend Chapter 13.04 of the Maui County Code pertaining to commercial ocean recreational activity — with both the CORA rules and the proposed amendment viewed as overregulation.

Developing the CORA rules goes back several years and involves the county working with the community and industry to identify rules with broad acceptance. These rules essen-

tially were drafted by former Mayor Alan Arakawa's administration in late 2006. However, with a lost election and an administration change, the public hearings for these rules never were scheduled to allow the new administration and parks and recreation director to move these rules forward. Under the new administration and departmental direction, the rules were changed further. And, while meetings were held with the industry, many in the industry do not feel they have been heard.

Then the rules unexpectedly were moved forward when Mayor Charmaine Tavares signed the department draft in late August, with a Sept. 1 start date — according to an announcement made public in *The Maui News* on Sept. 1. The industry had learned of the rules' adoption only a week prior. Members of the industry were surprised to learn of the signing.

The county parks and recreation director's Sept. 1 Viewpoint, published on *The Maui News'* Opinion page, seemed to recognize the short time frame and insufficient industry notice by acknowledging "the need for a transition period through June 30, 2010, for compliance and enforcement of the rules," and by stating that a timeline was being created.

The situation begged the question: Why are we rapidly implementing new rules, with little industry notice, when the timeline for compliance and enforcement still must be established? Wouldn't it have been better to cooperate with the industry, apprise them of the timeline, work with them to ensure they would be prepared and could be compliant, and then move forward?

The new rules are available on the county Web site at www.maui-county.gov/index.aspx?nid=1159. It is our understanding that the industry is reviewing and will be commenting on the rules, addressing the required training program, limited beach use, time constraints, parking requirements, etc.

But, this situation doesn't end there. The Parks and Recreation Department also proposed a bill to amend Chapter 13.04 of the Maui County Code pertaining to commercial ocean recreational activity. The bill would eliminate the definition of "ocean activity" and limit permit transferability rights.

While the language on transferability was considered by the department as a measure to expand permit transferability rights to a spouse, reciprocal beneficiary or child of the permit holder, the language essentially prevents the permit from

being considered a business asset that can be transferred with the sale of the business, which would hurt many businesses.

The matter was taken up by the County Council's Economic Development, Agriculture and Recreation Committee on Sept. 3, just two days after the new CORA rules went into effect.

We recognize that the parks and recreation director viewed the bill as a starting point for discussion and was looking for guidance. Such guidance was offered by numerous businesses that testified and shared their thoughts, along with the Activities & Attractions Association of Hawaii, the Maui Chamber of Commerce, and the Maui Hotel & Lodging Association. All of the latter understand the importance and value of beach activities to our overall economy.

The council Economic Development, Agriculture and Recreation Committee meeting ran past the allotted time, and no decision was made that day. We ask that the leadership work further with beach operators on reasonable regulation and winning solutions.

Visitors come to Maui to experience our many wonders, and beach activity operators show them a side of Maui that they otherwise would not have an opportunity to see. The

beach operators highlight the natural beauty of our islands and engage, educate and excite visitors, giving them unforgettable memories that bring them back time and again.

Besides being an integral part of the visitor industry, beach operators contribute to our overall economy; provide many jobs; serve our community by providing ancillary support to lifeguards, maintenance crews and park rangers; and are responsible ambassadors and

stewards of beaches and ocean resources. These ocean activity businesses are owned and operated by Maui residents who live here, and care about and contribute to our community and environment. Like all businesses, they need help and relief right now, not further regulation that increases costs, and limits options and investment.

■ *Pamela Tumpap is president of the Maui Chamber of Commerce.*