



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

DONOVAN M. DELA CRUZ
COUNCILMEMBER, DISTRICT 2
CHAIR, COMMITTEE ON PUBLIC HEALTH,
SAFETY AND WELFARE
TELEPHONE: (808) 547-7002
FAX: (808) 527-5737
email: dmdelacruz@honolulu.gov

January 5, 2007

Mr. Alan Lennard
North Shore Bodysurfing Club
P.O. Box 818
Haleiwa, HI 96712

Dear Mr. Lennard:

Enclosed is the response to the RISR we submitted on your behalf regarding your concern. I regret that the department is unable to accommodate your request at this time for the reasons stated. I believe that the best option is to request that the current administration resolve problems regarding surf contest applications by implementing a new and equitable selection process. Therefore, I will be drafting a resolution requesting this and will need your support when it comes before Council.

If my office can be of any other assistance to you, please feel free to call me or my Legislative Aide, Reed Matsuura, at 527-5561.

Sincerely,

A handwritten signature in black ink, appearing to read "Donovan M. Dela Cruz", is written over the typed name.

Donovan M. Dela Cruz
Councilmember
District II

DMD: rhm
(lennard - resp)

Enc.

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 692-5561 • Fax: (808) 692-5134
Website: www.honolulu.gov

RECEIVED

MUFI HANNEMANN
MAYOR



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CITY COUNCIL
HONOLULU, HAWAII

LESTER K. C. CHANG
DIRECTOR

DANA L. TAKAHARA-DIAS
DEPUTY DIRECTOR

December 27, 2006

The Honorable Donovan M. Dela Cruz, Chair
Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813-3065

Dear Chair Dela Cruz:

This is in response to your memorandum of July 20, 2006, concerning the North Shore surf contest permit applications.

Former Mayor Jeremy Harris did appoint Mr. Manny Menendez, former Director of the Office of Economic Development, to resolve problems with the surf contest application and selection process. Unfortunately, Mr. Menendez did not submit a final report or make any recommendations to the Department of Parks and Recreation ("Department") for review. A search of the files left in the Office of Economic Development was conducted; however, we were unable to find any minutes, notes, or any recommendation from Mr. Menendez documenting the work of the blue ribbon panel.

The Pipeline Bodsurfing Classic is just one of many events competing for dates during the winter surf season. In processing the permit applications, the Department followed its administrative rules and regulations and the prior ruling of the Circuit Court concerning the conflict resolution process. Because the number of permit applications exceeds the finite number of dates available during the winter surf season, not all permit applications are granted. Applicants receiving permits for this winter surf season have already been notified by the Department. There are no dates available at Ehukai Beach Park during the dates requested by Mr. Lennard. Therefore, the Department cannot issue a permit to Mr. Lennard without violating its own rules and regulations and the prior Circuit Court order. In addition, the Department has been notified by the "Let's Surf Coalition," that a lawsuit will be initiated by the Coalition should the Department not comply with its administrative rules.

It is our understanding that Mr. Lennard has made the representation that the Pipeline Bodsurfing Classic is the only bodysurfing event on the North Shore and that there are not many events that are open to all and with no age qualifications. Contrary to these representations, the Ka Hana Nalu Haiana O'Ehukai, is a bodysurfing event which is scheduled to take place in early April, 2007. Furthermore, of the fourteen events scheduled for this winter surf season, the majority of the events are open to both youth and adults, and both genders. There is only one event scheduled which is limited to only females and one event limited to only the youth.

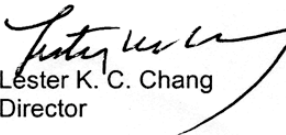
The Honorable Donovan M. Dela Cruz
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In response to Mr. Lennard's request for an appeal of the Department's decision, Mr. Lennard is well aware of the legal remedies available to him, having participated in two prior lawsuits involving the City. Mr. Lennard was informed that the Department is not required to provide him with a contested case hearing. As we have been advised by the Corporation Counsel, neither state, county, nor federal law require the Department to provide an applicant with a contested case hearing prior to denial of a permit application; otherwise, a contested hearing would be required in every instance an individual, group, or organization is denied a park use permit, including a permit to use a park for a picnic, or field sports activity, a building for a meeting room, etc.

In response to Mr. Lennard's request for documents, the Department provided Mr. Lennard with copies of various documents on or about August 14, 2006. Mr. Lennard was also provided the opportunity to review the Department's files that day.

Should you have any questions, please contact Mr. Wilfred Ho, Windward Oahu Manager, at 233-7300.

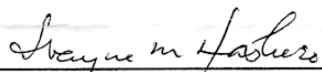
Sincerely,


Lester K. C. Chang
Director

LKCC:kh
(164837-165140)

cc: Ms. Dawn Spurlin, Corporation Counsel
Mr. Alan Lennard (P.O. Box 818, Haleiwa, Hawaii 96712)

APPROVED:



Wayne M. Hashiro, P.E.
Managing Director