

Court Fight Threatened To Block New Beach Rules

By JANE VERTREES

Yesterday was the day Waikiki's beachboys were to move surfing equipment off public beach areas.

Yesterday afternoon canoes and surfboards were still stacked in beach racks and two operators said they'll go to court over what they feel is an unfair ruling.

The Board of Harbor Commissioners issued the command to clear the public beach as a safety measure. Those who don't comply are subject to arrest by life-guards.

The problem, long-standing at Waikiki, appears to be a complicated one of rules and regulations further compounded by nature and the tourist boom.

LESS ROOM

For years independent operators have stacked boards and equipment high up on the beach.

In recent years, the white sands of Waikiki have been diminishing and tourists increasing. The result is that boards and canoes in some places take up what little sand area there is.

The Waikiki Water Sports Safety Committee, considering the equipment and some of the "wildcat" operators a threat to beach safety, asked the Harbor Board to order the equipment's removal.

Chuck Yara, who operates a surfing concession just Diamond Head of the SurfRider Hotel, sees the ruling as an attempt at "elimination instead of control."

"I am willing to go into the courts to see what is wrong with what we're doing.

If we're finished, the last segment of Waikiki's true beach boys will be gone and

with them the glamor of the beach."

Four years in his location, Yara said he believes he has "squatter's rights" because he operated there before the safety committee was even formed.

"We aren't endangering Waikiki. It's out there where the safety committee should be doing something about safety," Yara said as he pointed to flashing boards and bobbing bodies in the surf.

Bob Minn, the other operator who said he'll go to court to fight for his rights on the beach, seconds Yara's comments on safety.

"Where are the injuries at Waikiki? Not on the sand but in the water," said Minn, who owns Diamond Head Beach Services and operates 70 boards and two canoes from Kuhio Beach and in front of the Moana Hotel.

"If they can drive us out, what about the lei sellers at the airport and the Kalakaua Avenue vendors? They were controlled, not eliminated."

The Water Safety Committee asked the Harbor Board for the ruling not only to

clear the beach, but to insure that only competent operators rent surfing equipment.

The feeling has been that many of the independents don't run a "tight ship," a contention both Minn and Yara deny vehemently.

Both are articulate in expressing their side of the question and consider themselves legitimate small businessmen being squeezed out by the big beach services.

There is a legal precedent for the removal order. A 1928 agreement set forth a 75-foot strip of "public easement" along the beach, which was not to be obstructed.

It is in this easement area—in many areas reduced to but a few feet by diminishing sands—that Yara, Minn and a small independent, Barry Napoleon, keep their boards.

The larger services—Outrigger, Hale Au Au, Waikiki Beach (Splash Lyons and Caroline Granelli), Hawaiian Village—are not directly affected by the order because they keep equipment on private property up off the beach.

Gas Tax Boost Won't Help Isles

Hawaii gasoline users will pay roughly \$1¼ million in additional gasoline taxes next year if Congress approves a proposed one-cent gas tax hike.

But not a penny of it will come back to the Islands for highway construction, says John C. Myatt, deputy Territorial highway engineer.

The increase from three to four cents in the Federal gasoline tax was approved yesterday by the U.S. House Public Works Committee and is expected to go to the House floor tomorrow.

Myatt explained that the extra funds would be used to continue the inter-state highway system without slow-down.