



SURF EQUITY

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Tuesday, August 15, 2023

Director Laura H Thielen
Department of Parks and Recreation
City and County of Honolulu
1000 Uluohia Street, Ste 309
Kapolei, HI 96707

Re: Rules & Permits Governing Pro Surfing & Discrimination in Surf Competitions — City & County of Honolulu: Resolution 20-12

Dear Director Thielen,

For the past 5-years, Surf Equity has requested parity in women's divisions and men's divisions in all professional surf competitions held on Honolulu City and County beaches, parklands, tidelands, shore water and Pacific Ocean. We are concerned that delays in correcting gender discrimination are negatively impacting girls and women. The World Surf League's (WSL) women's divisions and men's divisions continue to lack parity, this is evident at WSL QS and CT events held on Oahu and it's documented on their [website](https://www.worldsurfleague.com). The same holds true for most surf competitions held on Oahu.

Surf Equity vehemently opposes the application of ranking points as a solution to rectify the entrenched problem of gender discrimination in professional surf competitions. We wish to convey our deep disappointment concerning your persistent support for a ranking point system that inadvertently perpetuate gender discrimination. We sincerely hope that you will not advocate for a similar recommendation of ranking points to redress situations involving racial discrimination.

Moreover, it is imperative to highlight that the ranking point system outlined in the August 7, 2023 draft of the Honolulu Department of Parks & Recreation Shore Water Rules not only perpetuates gender bias but also unfairly marginalizes ALL women, including transgender women. This undermines the principles of fairness and inclusivity that should guide any effective measure aimed at addressing discrimination.

RESOLUTION 20-12 — CITY & COUNTY OF HONOLULU

Resolution 20-12 emphasizes the need to address gender discrimination in surfing competitions held on the North Shore of Oahu. It points out that the existing state permit rules related to ocean recreation management by the Hawaii Division of Boating and Ocean Recreation lack provisions that address gender-based discrimination. The resolution draws attention to examples from other government agencies, such as the California Coastal Commission and the California State Lands Commission, which have taken actions to ensure gender equality in competitive surfing events.

The resolution calls on the City and County of Honolulu Department of Parks and Recreation and the Hawaii Department of Land and Natural Resources to adopt new rules that promote gender equity in

surfing contests on the North Shore. Specifically, it recommends the following provisions:

- Ensure an equal number of women and men on the Mayor's Surf Advisory Committee.
- Require gender equity for all competitive surfing events.
- Make access for female surfers via a women's division a requirement for park use permits for North Shore surfing events.
- Ensure all rules comply with federal and state civil rights laws.
- Make the permitting and conflict resolution processes transparent and guided by the principle of equal access.

The resolution also asks the Department of Land and Natural Resources to ensure that State rules/permits align with federal and state civil rights laws and maintain transparent permitting and conflict resolution processes.

Overall, the resolution highlights the importance of gender equity in the field of professional surfing and recommends concrete steps to ensure that women have equal opportunities and access in surfing competitions held on Oahu. It concludes by requesting that copies of the resolution be shared with relevant officials and departments effective Jan 15, 2020.

GENDER DISCRIMINATION IN PRO SURF COMPS

The predominant hurdle confronting female professional surfers both in Hawaii and on a global scale is discrimination. This bias manifests as a systematic exclusion of women from athletic competitions. The qualification journey for the Olympics is notably more arduous for women professional surfers compared to their male counterparts due to the limited opportunities available for women to accumulate prize money and ranking points within WSL competitions held both on Oahu and worldwide.

Mindy Pennybacker's new book 'Surfing Sisterhood Hawaii' includes the following quote from former WSL CEO Erik Logan:

In 2023, there were thirty-four men and eighteen women admitted to the World Surf League championship tour. Asked about the disparity, Erik Logan said in his role as WSL CEO, "The CT competitor numbers are reflective of our membership base and as those grow, we'll continue to evaluate." (Page 121)

EFFECTIVELY ADDRESSING GENDER DISCRIMINATION

To correct this problem, we request that the City & County of Honolulu Department of Parks & Recreation amend the Shore Water Rules and permit requirements to specifically prohibit gender discrimination in all professional surf competitions.

Please require the following for all professional surf competitions:

- A women's division and a men's division with an identical number of participants in each gendered category and age division.
- An identical number of competition heats in each gendered category and age division.

- Identical playing time/heat time in each gendered category and age division.
- Equal prize compensation in each gendered category and age division.
- Additionally, professional surf competitions should be encouraged to include an equal number of women and men judges and women and men announcers.

INCLUSION NOW

Public parks, beaches, and shorelines are spaces meant to be enjoyed by every individual. The response to addressing concerns about gender discrimination has been slow. Please move quickly to prevent further damage to women athletes.

We propose the following recommendations:

- Ensure that ALL permits contain explicit and well-articulated non-discrimination requirements prohibiting racism, gender discrimination, gender identity discrimination, and LGBTQIA+ discrimination.
- Place signage within public parks and beaches under the jurisdiction of the City/County that effectively communicates a strong endorsement of the values of accessibility, inclusivity, equity, and diversity as well as respect for the marine environment.

CONFLICT OF INTREST

We are deeply concerned about the appearance of impartiality and special benefits included in the August 7, 2023 draft of the Honolulu Department of Parks & Recreation Shore Water Rules.

A conflict of interest occurs when a public agency, which is entrusted to make decisions in the best interest of the public, creates policies/rules that provide special advantages or benefits to a specific business entity. This situation raises concerns about fairness, transparency, and the integrity of the decision-making process. Such policies might give an unfair competitive edge to the favored business, potentially disadvantaging competitors and limiting options for consumers. This conflict undermines the agency's primary duty to serve the public interest and erodes trust in its impartiality. Addressing conflicts of interest is crucial for maintaining a level playing field, ensuring ethical governance, and upholding the principles of accountability and equal opportunity.

Please remove conflict of interest from the following sections:

§19-25-11 Regulations governing surf events held on the north shore. (Page 23 & 24)

(I) Scheduling of overlapping waiting periods is prohibited. However, the director may approve up to one big wave event, in addition to the **Eddie**, and one or both may big wave events have a waiting period of 24 up to a maximum of ninety days which may overlap the waiting periods of other surf events. In the event a second big wave event is approved, the two big wave events may have waiting periods that have consecutive days without a cooling off period in-between. On leap years, the waiting period may be up to a maximum of ninety-one days.

(J) Applicant(s) for the **Eddie** shall be given precedence as a big wave event, provided the applicant meets the community impact mitigation criteria and submits a complete

application. The director may authorize no more than one additional big wave event, for the purpose of meeting the diversity criteria and supporting the growth of big wave surfers previously not included in such events due to their gender.

§19-25-12 Regulations governing surfing events held on the south shore. (Page 27 & 28)

(I) No surfing event shall be permitted more than four competition days, except for the **Duke's OceanFest** watersport festival.

(L) For scheduling on the south shore calendar, scheduling of the **Duke's OceanFest** watersport festival shall be given priority over other applicants requesting permits to conduct surfing events on the south shore, provided the applicants meet the community impact mitigation criteria and file a complete application.

WAVE HEIGHT

In reference to our previous correspondence dated September 13, 2022, we strongly recommend that the County and City of Honolulu Parks and Rec Department take immediate action to eliminate all wave height requirements from the Shore Water Event Rules. These requirements, unique to Oahu, have proven to be unnecessary, inconsistent, and regrettably discriminatory.

Historical records indicate that the wave height rule has been employed to obstruct the participation of women athletes in significant big wave events at Waimea Bay. This practice is both unjust and untenable, as it runs counter to the principles of equality and fairness that we hold dear.

It is clear that wave height regulations do not constitute a rational approach to addressing a range of critical concerns within our community. Pressing matters such as beach access, potential scheduling conflicts, parking, traffic congestion, the facilitation of emergency response efforts, preservation of the environment against undue tourism impacts, safeguarding wildlife, anticipating sea level rise implications, and establishing reliable tsunami evacuation routes require more comprehensive and transparent solutions.

We firmly believe that there are more accountable and transparent methodologies to effectively address these pressing concerns without resorting to the discriminatory measures posed by wave height rules. We are confident that by working together, we can devise innovative strategies that safeguard the interests of all community members, including athletes of all genders.

HUMAN RIGHTS

On Aug 26, 2019, Surf Equity began the process of requesting an end to gender discrimination in surf competitions held on Oahu. That day, as cofounder of the Committee for Equity in Women's Surfing, I attended the annual North Shore Big Wave Contest Meeting held in a Parks and Rec conference room. During the meeting, I was not given an opportunity to speak, I interrupted and read this section from the [Hawai'i Constitution](#), "no person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry."

In a significant development this year, women participated in the Eddie for the first time. The lack of a women's division in the big wave event deviated from the established norms of professional surfing. This exclusion denied women the chance to compete for victory and left them unrecognized during the award ceremony.

There is more work ahead, we hope you will help.

Thank you,



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