

Kaneohe Bay Regional Council Minutes
July 9, 2015
Windward Community College, Hale Akoakoa Rm 107
Kaneohe, Hawaii

The meeting was called to order by Chair Alton Miyasaka at 6:50 PM

Opening pule was provided by Member Wayne Tanaka

Opening and Introductions

Chair opened the meeting with a statement of the Kaneohe Bay Regional Council meeting, the date and location of the meeting (listed above in the heading)

Started with introductions of the voting members

Voting members introduced themselves as follows:

Mr. Jerry Kaluhiwa (Kahaluu Neighborhood Board representative)

Member Kaluhiwa lived in Kaneohe all his life, one of the last old-time fishermen in this area, learned from his relatives, passed on these teachings to his family. He has noticed the changes to the resources and felt that he wanted to participate in groups like the Council to make a difference to keep what there is left for future generations

Dr. Judy Lemus (Hawaii Institute of Marine Biology (HIMB) representative)

Member Lemus lives in Kaneohe near Castle High School, background in marine biology, currently employed at the HIMB at Moku O Loe, serves as an education specialist for the institute and UH, acting associate director at HIMB with a new director coming shortly; interested in the health of Kaneohe Bay; HIMB is focused on tropical marine research and interested in maintaining healthy ecosystems

Mr. Mo Radke (Kaneohe Neighborhood Board representative)

I am chair of the Kaneohe Neighborhood Board with 30 years of service in the Navy, retired and run a golf academy. Its important to make sure Kaneohe Bay is kept healthy for future generations.

Mr. Wayne Tanaka (Office of Hawaiian Affairs (OHA) representative)

I grew up in Kaneohe, currently working for the OHA in the public policy program with main areas in marine resource management and freshwater resources

Non-voting members introduced themselves as follows:

Mr. Alton Miyasaka (Acting Administrator, Division of Aquatic Resources (DAR) & Chair)

I am the acting administrator and when the permanent administrator is named, that person will also become the chair of the KBRC. I have been with DAR for 35 years spending my entire career at this one agency starting as a technician and working up to the acting administrator. I am trained as a marine biologist, studied at the UH, then started working at DAR. I have a wide variety of experiences fishing and diving, currently living in Kaneohe.

Mr. Leo Asuncion (Acting Director, Office of Planning)

I am the acting Director of the OP and the manager of the Coastal Zone Program within the OP. We helped to develop the Kaneohe Bay Master Plan but one of the more recent items we are working on is the NERRS (National Estuarine Research Reserve System) that is one of the goals in the Master Plan. We are working with a lot of partners to try to get the NERRS designation in place and may be updating the KBRC in future meetings on the progress. We are trying to write the draft management plan and the draft EIS for the NERRS. The KBRC will be asked to review these documents at some point in the future to ask for your input. The draft management plan is projected to be available in October 2015. NOAA will be writing the draft EIS because it's their designation. I'm glad to be here, it's my first time.

Ms. Meghan Statts (Oahu District Manager, Division of Boating and Ocean Recreation (DOBOR))

I am the district manager for DOBOR, I oversee five small boat harbors on Oahu and the waters from shore to three miles out. I've been with the division for 20 years, the last 12 years involved with the KBRC, born and raised in Kailua, still live in Kailua but have spent many years in Kaneohe Bay. I look forward to working with everybody.

Ms. Tiffany Patrick (Community Plans & Liaison Officer, Marine Corps Base Hawaii)

Public present included:

Mr. Ray Sanborn & Mr. Andy Carre, Kama'aina Kids Heeia, Kaneohe, Oahu

Mr. Joe Picard

Mrs. Rocky Kaluhiwa

The Chair moved the agenda to a discussion on the amendments to Chapter 200D, Hawaii Revised Statutes, relating to some recent changes to the KBRC. A few changes were the naming of the Administrator as the Chair of the KBRC and some members were removed. We have been trying to make quorum by seating four voting members and looking to fill the other vacant voting members.

The Chair moved the discussion to the next item on the agenda focusing on the next meeting to be held on the third Thursday in September, which would be September 17, 2015 and the third Thursday in December, December 17, 2015.

Member Radke suggested moving the December 17th meeting date to December 10th instead. There was a discussion of the length of the meetings, ranging from 2-3 hours, members preferred two hours rather than three hour meetings but the length will depend on the agenda items to be discussed. Next was a discussion on when to start the meetings, either 6:00 or 7:00 PM.

Chair asked for a motion to schedule the next meeting for September 17, 2015 at 6:30PM at a location to be determined. The motion was made by member Lemus, seconded by member Radke, with all voting in favor, none opposed.

Chair asked for a motion to schedule the following meeting for Thursday, December 10, 2015 at 6:30PM at a location to be determined. Member Radke made the motion, seconded by member Lemus, with all voting in favor, none opposed.

Chair moved the agenda to a discussion on the filling of the vacant voting member seats. Persons suggested were Mr. Clayton Hanagami for the commercial boaters and Mr. Joe Picard for the recreational boaters (or both). The fishing panel members are to select a chair and this person will be a voting member of the KBRC. Member Kaluhiwa suggested that the fishing panel members should be fishers with experience in fishing the bay but could be from beyond the Kaneohe ahupua'a. Discussions focused on creating a list of potential members, asking persons about their willingness to serve, then making decisions on selecting members in a future meeting.

Member Kaluhiwa recognized Mr. Joe Picard who joined the meeting.

Member Tanaka asked about potential fishing panel members and who they might be.

Member Lemus also asked if an HIMB person could serve in another capacity on the KBRC. The chair responded that yes, an HIMB person (not member Lemus) could serve as a member of the fishing panel.

A break was scheduled in the agenda but the members agreed to skip the break and moved to the next agenda item.

Ms. Statts reported on the status of the Master Plan implementation. In 2011 the master plan was implemented in rules under chapter 13-256, Hawaii Administrative Rules (HAR). There has been no change since then. Member Lemus asked for a clarification if all of the master plan is in the rules, Ms. Statts replied that all boating issues are in the rules but does not include any fishing regulations.

Member Lemus asked if DOBOR is considering making any changes to the rules. Ms. Statts replied that the rules are based on the master plan. Should the KBRC make amendments to the

master plan, that will require changes to the DOBOR rules, then they would consider making those rule changes.

Mr. Ray Sanborn, president Kama'aina Kids, and Mr. Andy Carre, General Manager He'eia State Park, provided a handout of their activities entitled "He'eia State Park" and went through the handout page by page describing the different programs and activities they conduct. They follow two plans, the He'eia State Park master plan and the Kaneohe Bay master plan. They have a strong emphasis on activities that relate to the park's natural and cultural resources in accordance with the He'eia State Park master plan. The park is a public facility and they try to maintain access through the park for all users, not just their customers. The different programs are the Kama'aina Kids summer camp, the Warrior Adventure Quest, the Holokai Kayak and Snorkel Adventure Eco-Tours, the Community Boating Access, and the Keiki O Ka Aina Family Learning Center. Staff training is focused on safety and environmental stewardship.

Member Lemus asked about the average daily numbers in the camp program. Mr. Carre replied about 50-60 kids with a maximum of 110. Member Radke asked how they teach the kids to swim. Mr. Sanborn replied that they use the various swimming pools, haven't used the Kaneohe District park pool this year but did in the past. They usually use the Koko Kahi pool instead.

The Warrior Adventure Quest is a program for military personnel prior to and after deployment to give them new skills helps their ability to return to normal life.

Work with The Nature Conservancy to remove alien algae and Pae Pae O He'eia to remove alien species and restore He'eia stream. They were awarded \$70K grant for Spirit of America State Boating program, train at least 75-100 kids per year.

Pua'kea program run by Uncle Bobby to restore and perpetuate canoe building.

Member Lemus asked what kind of water testing programs they do. Mr. Sanborn explained that HPU and UH do the water testing; Kama'aina Kids provide them access and security of their equipment.

Community hall rentals are available after they remodeled the hall. They provide all grounds maintenance and park operations. They do much more than what the Friends of He'eia Kea provided.

Costs of running He'eia State Park exceed revenues; park operating expenses are losing money. Their goal is to serve the community so they have not allowed subcontracts from wedding businesses since this would take away from community use of the park. They do have boat rentals from the park and this is the only place where the public can do this.

Member Lemus asked if the boat rentals are run by the not-for-profit side of Kama'aina Kids. Mr. Sanborn said it is run by the not-for-profit side of Kama'aina Kids. The Holokai Tours have about 5,500 participants/year. Daily numbers are about 100 kids for the park programs, the

Warriors is about 30/day, Holokai is 16/day, community boating is 15/day. Kama'aina Kids does some pre-school and there are private (separate from Kama'aina Kids) have their pre-school in the hall.

Member Radke asked if the kayak tours are run every day, Mr. Carre replied except for Sundays and federal holidays.

58:39 Ms Statts explained why this is on the agenda.

The DOBOR administrator and myself have been receiving a lot of complaints regarding this Holokai Eco-tours because of the advertising in Waikiki. Some of the scope of services being provided are outside of what was originally done by Kama'aina Kids. Kama'aina Kids are not listed in the Master Plan but they were supposed to be covered under the educational or not-for-profit tours. So we met with them and told them that they need to get approval from the KBRC as to whether or not the paid kayaking and snorkeling with tourists from Waikiki falls within the activities you were originally allowed to do. The reason they are here is to talk about all their activities. This is likely a decision that cannot be decided right now. The Division of Boating and Ocean Recreation (DOBOR) and Kama'aina Kids need to know if the KBRC feels this is something that falls within the definition of the Kaneohe Bay Master Plan. We don't have the authority to go beyond what's in the Master Plan.

Member Lemus asked if DOBOR was looking for guidance from KBRC, Meghan replied "yes." Member Lemus continued that she was trying to understand why this tourist operation would fall under the "not-for-profit" category when other commercial groups operating tours would have to come under a commercial permit. Could any of the tours switch to not-for-profit so they don't have to follow the commercial guidelines?

Mr. Sanborn responded that they've been an environmental education program from day one and they have in the lease with State Parks that we were clear we were going into these activities. We were also clear that we were going to have minimal impacts. We are issued 150 stickers and we have never exceeded that level of having that many boats on the bay at any one time. The highest has been may be 100-120 kids at any one time and only during the summer months. It's all passive, paddling and sailing, and it's a very small operation. We are operating out of our land based lease property at He'eia state park, not leaving from the pier but from our area. We've also been doing this for 28 years. The Yacht harbor and the Base have boating activities and they are not mentioned in the master plan.

Member Radke asked if it is mentioned in the lease that it has to be land-based? Who else can do this, start up a business and put in another 100 boats? Mr. Sanborn stated that only so many permits are issued and so only some many boats can come in.

Ms. Statts added that when the master plan was written, there are specific permits that were issued. Kama'aina Kids at the time was over at Kokokahi Y. There was never an actual permit

that was issued to Kama'aina Kids. The then district manager issued registration decals for their equipment because there was nothing in the master plan that said they could be issued an actual permit. When they were down at Kokokahi, it wasn't an issue because the majority of things they did were with kids. It wasn't until they moved to the state park, then the advertising in Waikiki triggered the complaints. Any of the other businesses can start a not-for-profit tour, they just can't count it against their regular passenger count. We've had a kayak tour from Kailua want to do not-for-profit tours and we've told him "no". Kama'aina Kids say they come from land so they are exempt.

Member Lemus asked why coming from land makes you exempt? Mr. Carre responded that the lease from State parks, where we actually pay for the use and maintenance of the park, funds the budget information (in the handout) shows how we are able to generate revenues from the hall rentals to sustain our operations. It's very much not for profit (the budget information shows they are negative balances over the years). Part of our lease from State parks was about how they can generate revenue to make it financially sustainable.

Member Radke asked, if he were renting a bay-front property and operating a tour, would that satisfy that requirement? Mr. Carre responded that he didn't know the answer, the property may not be zoned for that. Member Radke added that he thought it great that Kama'aina Kids are doing things the City isn't doing. He was worried about what others could do. He needed more time to get more information before he could ask any more questions.

Member Kaluhiwa stated that there were others that mentioned that there are boats coming in from a different area of the bay and people were asking why. We need to know what's happening and let the people know what's happening.

Member Lemus also explained that she would need more time. She noted that there is an impact from the boating on their island (at HIMB) that she has seen. One of our seawalls fell because of a lot of use by kayaks and the summer camps. We do see kayaks on the reef and we are documenting those things because even though Kama'aina Kids claims no impacts, we are seeing impacts.

Mr. Sanborn explained that they have had conversations with HIMB on that. We moved the kids to the sandbar and are only having the smaller groups come. We want to teach sustainability and we want to educate people on how to do that.

Member Kaluhiwa added he saw people walking on the reef. He wanted to talk to Kama'aina Kids to tell them to not walk on the island and our patches are getting damaged. Mr. Sanborn responded that if someone doesn't want us to go there, we won't go. Mr. Carre added that he doesn't deny there are impacts from everybody's boats. We do really care about educating the people about having a positive impact by managing activities, raising awareness, and being good stewards of the bay.

Member Lemus recognized that there are impacts but noted those impacts are from the tours coming to the island because the other commercial tours can only go to certain areas. We are concerned that if these activities are increased, and this is allowable under a not-for-profit status, we may be quickly inundated. We do see boats and people on the reef and are concerned. She also questioned that if it's not a permitting issue and you are working under the educational tours, are you exceeding the maximum per day limit? Mr. Sanborn stated that they have 156 stickers. Member Lemus noted that according to the plan they were not supposed to have more than 150. Mr. Sanborn noted that they were operating out of two areas – Kokokahi and the park and Member Lemus noted that the plan didn't specify the number of sites being used. Mr. Carre added that even including the largest group, they wouldn't come close to exceeding that limit.

Member Lemus asked Ms Statts about the limit of 440 for the bay, including two operations totaling 140 at the sand flats and two operations totaling 300 at Checker Reef, are we not at that limit? Ms Statts responded that it's a possibility because that number was the actual permits whereas Kama'aina Kids were only given decals for their activities. How was the number determined?

Mr. Picard explained that they took the existing number of operators to give one group 150 and 70 to the other group.

Member Patrick asked Kama'aina Kids to make sure their operations are consistent with the base's restricted area. She also asked for more info on the Warrior program. Mr. Carre explained that they don't do it during June and July because they have the summer camp kids and that would exceed the capacity. For the rest of the year, we have a contract with the Army at Schofield. Mr. Sanborn added that they (the Army) do all the recruitment at MWR, they provide the transportation, and they bring the soldiers. We are usually busy when the deployments return.

Member Kaluhiwa advised that cultural practitioners should be consulted if they find iwi. Mr. Sanborn responded that there is a protocol. Member Kaluhiwa added that he has talked to Kama'aina Kids staff about properly dealing with iwi so that they are not just thrown in the rubbish.

The members had no further questions for Kama'aina Kids so the Chair moved next to Mr. Picard to address the KBRC. Mr. Picard was one of the original and founding members of the KBRC. He gave some background starting in 1990 when the legislation was created to establish an 11-member task force to address the growing commercial/recreation on the bay. People were concerned that the commercial/recreation was overwhelming the bay and people wanted to shut the commercial operators down. At the time, there were no rules. So if you had a permit to operate from the pier, there were no limits. I was one of those eleven members to represent the commercial operators. We thought we were going to be shut down because the other task force members wanted to eliminate commercial operators from the bay. I knew that some compromise was needed to allow the commercial operator to continue. They created a map, looked at all the

different uses, access points, and where the profit and non-profits were. The goal was to ensure that there would not be an expansion of commercial operations on the bay. We identified the commercial/recreation operators. Ray was a non-profit operating out of Kokokahi and Kualoa Beach Park at the time. We never considered them to be commercial operators. That is why the master plan doesn't mention those types of activities. He'eia was never envisioned to be a point of access to the bay. The plan does not mention access from the park. What has happened during the last few years has been a transformation from an unused access to a very active point of access to the bay. It has become something the KBRC was completely against. I recognize that Kama'aina Kids is doing some good things, but, there are other things that are happening. If this kind of operation was going on, we would never have allowed this. We don't do jet skis or water tours because people don't like these activities. We do cultural tours. If you allow this activity then I could go to the State, get a permit, do those activities and the State would give me a permit to do it. This would be contrary to the Master Plan.

Member Lemus asked about the capacity number that was decided back then. If Kama'aina Kids was operating back then, would you have pulled that number into the permitted activities and the number of operations would have been reduced and each given less? Mr. Pickard responded that it was basically a survival thing, we would have probably looked at the operation where it was, is everybody comfortable with what he's doing, and tried to reach a compromise. He wasn't where he is now, wasn't doing what he's doing now. They were probably not bringing in tourists from Waikiki, doing weddings, launching from the park.

Member Lemus asked if the Yacht Club was part of this discussion? Mr. Picard said yes, Peter Nottage was included and opposed to commercial operations on the bay. The Yacht Club was considered recreational. The summer camp was already in existence at the time.

Member Kaluhiwa recalled the other uses on the bay. Mr. Picard noted that they looked at all the uses on the bay and this was not one of them.

The next speaker was Rocky Kaluhiwa. She provided her history and involvement in Kaneohe. She is a member of the Kapuna Council, supports some of things Kama'aina Kids are doing but some things have got to stop. The park was supposed to be a cultural park. She had found some iwi in a box in the park, notified the Park and Historic Preservation. It took them about a week to properly document it. There were more than one human remains in the box so there are iwi all over there. When anyone finds any kind of bones, save it, and let somebody know. You should go through training to recognize what they look like, what to do when you find them. I go on the bay every day, sometimes twice a day, and have documented how often you (Kama'aina Kids) go out on the bay, what you do, where you go. You should educate your staff better on how to use the bay.

Member Radke noted that there is a training opportunity there. How do we get someone out there to do some iwi training? Mrs. Kaluhiwa said that SHPD (State Historic Preservation Division) can send someone out there to do this training.

Member Kaluhiwa started a discussion about the Aha Moku Advisory Committee (AMAC) in the Department. He suggested that someone from AMAC be on the KBRC. There was a discussion about who might be good to ask, how to go about selecting that person, seeing if they were willing to join the KBRC, how that person would become a non-voting member, would it be possible to add non-voting, ex-officio members without confirmation, and other matters.

The Chair thought that the matter of adding someone from AMAC is not on tonight's meeting agenda and the KBRC could not vote to add such a member at this meeting but would have to agendaize it for a future meeting. There was a discussion on what would be the best process to add such a person at the next meeting. The Chair would check with the AG to see if this is allowed.

Member Lemus volunteered to contact AMAC to ask if someone from their organization would be willing to join the KBRC. Since this was not an action to be taken by the KBRC, this would be something to schedule for the next meeting.

Member Radke moved to adjourn, Member Lemus seconded. The Chair adjourned the meeting at 8:50 PM.