

Kāneʻohe Bay Regional Council
September 27, 2018
Kualoa-Heʻeia Ecumenical Youth Project (KEY)
47-200 Waiheʻe Road, Classroom 204
Kāneʻohe, HI 96744
6:00PM-8:00PM

Meeting Minutes

Members Present:

Judy Lemus
Mo Radke
Brian Neilson
Wayne Tanaka
Clifford Loo
Jeffrey (Liko) Kaluhiwa
Clayton Hanagami

1. Opening

Chair Neilson calls meeting to order

Public Testimony: None

2. Introduction of Members (Non-Action Item)

Brian Neilson is a program manager at DLNR-DAR, serving as acting administrator and Chair of KBRC. He has been at DAR for 8 years, 6 years in Kāneʻohe Bay working on invasive limu. Lives in Hawaiʻi Kai.

Dr. Judy Lemus represents Hawaiʻi Institute on Marine Biology (HIMB) on the KBRC. She works on education and outreach for HIMB, has a background in marine biology, and lives in Kāneʻohe.

Mo Radke is the Kāneʻohe neighborhood board chair/representative. He lives in Kāneʻohe and likes golf.

Clayton Hanagami is the commercial operator representative. Used to work for the glassbottom boat, lives in Aiea.

Clifford Loo is the Kahaluʻu neighborhood board representative, born and raised in Kahaluʻu.

Wayne Tanaka is the OHA representative, grew up in Heʻeia, spent lot of time on the bay growing up, now lives in Maunaloa.

Liko Kaluhiwa is the recreational boating representative.

Public testimony:

Bob Twogood: Kayak company owner in Kailua, is interested in making sure activities in Bay are legal.

Ray Sanborn and Andy Carey: With Kama'āina Kids, work together at He'eia State Park.

3. Approval of Minutes from September 29, 2016 (Action Item)

Member Tanaka: Meeting minutes from 2 years ago are available on the DAR website. At the last meeting KBRC voted to find that Kama'āina Kids' Holokai tour programs constituted commercial activity in violation of the Kāne'ōhe Bay Master Plan (Master Plan).

Member Radke and Member Lemus suggest moving this item to later on the agenda (unanimous agreement).

Public Testimony: None.

4. Discussion about illegal commercial activity and illegal fishing in Kāne'ōhe Bay (Non-Action Item)

Member Tanaka: Auntie Rocky previously identified this as a concern.

Member Lemus: Holokai Tours is still running commercial tours about 7 days a week in the Bay, and still appears to be charging fees exceeding costs of fuel and labor.

Public Testimony:

Ray Sanborn presented a commercial use permit and said that Holokai Tours is operating under the permit; he stated that he had confirmed with Ed Underwood that they are in compliance with Division of Boating and Ocean Recreation (DOBOR) regulations. Sanborn circulated a commercial use permit.

Bob Twogood said that people should look at the Master Plan and administrative rules; the commercial permit appears to be in violation of the Master Plan which said no more commercial activities.

Member Loo asked what commercial licenses consists of.

Member Radke said the permit allows 16 seats per tour per day.

Member Lemus: The permit was issued on March 14, 2018. We had previously found in 2016 that Holokai Tours constituted a commercial activity and should be held to account. The commercial use permit was issued in March of this year.

Member Lemus agreed with Bob Twogood that permit is not in alignment with the Master Plan.

Member Tanaka stated that this is something that the Attorney General's (AG's) office should look into. Chair Neilson stated that he would ask the AG for an opinion on the matter.

Member Loo wanted to know if the permit covers kayak tours. Ray Sanborn asserted that it does. Member Loo observed that the permit allows for 16 seats. Ray Sanborn asserted that they only take 16 passengers per day on escorted tours.

Member Loo said he asked kayak passengers/customers about their tours, they showed him underwater camera pictures showing them pulling out corals.

Member Hanagami asked if there are other permits. Sanborn said the permit is the only one for commercial activities on the bay. Sanborn said that the rentals are completely different and that according to Ed Underwood and Meghan with DOBOR and DLNR Director Case they do not need a permit for rentals, only guided tours. Sanborn stated that they worked for 2 years to find a resolution. Bob Twogood said other nonprofits had applied to do same thing but were turned down. Sanborn said that Kama'āina Kids has a unique history in the Bay compared to other groups.

Member Radke asked what the issue is. Bob Twogood said that the issue is whether the permit allows for the kayak rentals and tours. Member Radke said that two years ago we voted to find that a permit should not be issued to Holokai Tours as a commercial activity and is curious to know what happened, what changed to make this an educational or non-commercial activity.

Member Lemus: We found that they were not an educational activity, which is presumably why they sought a commercial permit; who was part of the discussion to get the permit?

Ray Sanborn stated that he, the DLNR Chair, and Ed Underwood worked together to get the permit issue resolved-- no other parties were present.

Member Nielson stated that he will follow up with DOBOR, the Chair, and the AG to get clarification on the commercial permit.

Member Loo noted that the Bay is still polluted and is getting worse.

Aunty Rocky said that this matter should go before the Land Board because the rules have been broken, and the Master Plan has been broken. If the Chair and head of

DOBOR are breaking the law we should go before the Land Board. We waited for two years for a meeting and Kama‘āina Kids went behind the Land Board to get their permit.

Bob Twogood said that it may be worthwhile for the KBRC to consider legal remedies. Member Radke suggested moving on to the next agenda item.

Member Tanaka asked if any other member of the public wants to testify; none did.

5. Establishment of a Committee (Permitted Interaction Group) to investigate and make recommendations on illegal commercial activity and illegal fishing in Kāne‘ohe Bay (Action Item)

Member Tanaka motioned to establish a Permitted Interaction Group (PIG) to make recommendations on illegal commercial activity and illegal fishing in Kāne‘ohe Bay, Member Radke seconded.

Public Testimony:

Aunty Rocky said she represents the ‘Aha Moku and will take this information back to the ‘Aha Moku Council and is in support of the motion.

Bob Twogood believes a PIG should be formed.

Member Tanaka noted that a PIG may have up to but less than a quorum of KBRC members which would be a maximum of 3 members.

Member Radke wanted to know if illegal fishing is an issue.

Member Loo said that he has encountered guys throwing net over small fish, filling up their bucket. By the time you call the authorities the guys are gone already.

Member Neilson noted that the Division of Conservation and Resources Enforcement (DOCARE) has a Tip App for smart phones otherwise you have to call DOCARE.

Member Tanaka noted that he spoke to a security guard at Kama‘āina Kids who attested to illegal mesh netting by the fishpond.

Aunty Rocky said that people are on the Bay every day catching tiny squid for bait, selling them illegally to fishing stores and restaurants. She noted that people are out there with illegal ‘oama nets as well.

Aunty Rocky: We also need an inventory on commercial activities in Kāne‘ohe Bay. Meghan Statts said she would bring that at a previous KBRC meeting. Member Lemus noted that we asked for an inventory of legal commercial operators.

Aunty Rocky said that there were 6 businesses in Kāneʻohe Bay when the KBRC was formed; how many more businesses have been added since the KBRC law was passed?

Member Tanaka noted that an inventory of legal commercial activities would be helpful for identification of illegal operations.

Member Neilson noted that mullet are a DOCARE/DAR issue and asked about laynetting issues.

Members Lemus and Loo said that there is laynetting at night, in stream mouths and in the Bay.

Member Neilson asked if the PIG can make recommendations to do enforcement?
Member Radke said that they can.

Recommended KBRC PIG Members: Radke, Kaluhiwa, Loo. No need Chair.

Member Tanaka noted that Neilson is not a voting member and can be a liaison to the department if the PIG desires.

Member Lemus noted that in the minutes from 2016 Meghan Statts provided an update in anticipation of the KBRC vote, stating that DOBOR worked with DLNR Chair and would offer Kamaʻāina Kids a commercial permit for operations existing on July 1 consisting of after school and summer education programs and these would be the ONLY activity that would be permitted, NOT the kind of activities currently under the permit. So according to DOBOR they were going to offer a commercial permit for after school and summer programs only.

No other public testimony.

Motion passes.

6. Discussion about the maintenance of feral cat colonies on public lands surrounding Kāneʻohe Bay (Non-Action Item)

Member Tanaka stated that feral cat issues have been and will be raised at the legislature, and that feral cats are a significant invasive species issue and can also harm human health.

Member Loo noted that there was a no-kill shelter that was once proposed for the wetlands which was not realized; he noted that in Temple Valley certain houses have cats that are let out at certain times.

Aunty Rocky: Cat lovers can be very vicious. Need enforcement at the parks and harbors. Cat droppings by canoe house, etc. I have seen DOCARE sitting there watching

cat feeders. At the state park – see cat droppings, disgusting. Thinks we should take action.

Member Loo: State parks have the most cats.

Aunty Rocky: Every day they have to clean the cat droppings before they can even work the canoes. Gotta start to mālama.

Member Lemus: Certainly something we should keep our eye on we could stay informed. What can we do?

Member Tanaka: We can pass resolutions, have them sent to the legislature.

Member Lemus: A concern is forming too many PIGs.

Aunty Rocky: Lāna‘i has a cat colony. Maybe O‘ahu should do what they do

Member Radke: The last PIG can be used as a planning PIG, should we reopen Master Plan, etc. We put a lot of effort into that plan.

Aunty Rocky: 1,500 hours. A lot of time.

Member Radke: John Goode and smart people who cared worked on it, it was a good plan. Could we pull together the same amount of people with passion or the knowledge.

Member Loo: Would like to learn more about the cat issue.

Member Tanaka: We can defer agenda item 7, and provide a presentation for members at the next meeting.

Ray Sanborn: It is a major problem. We’ve tried to prosecute people, gotten video evidence, but no enforcement. Willing to be on a PIG.

7. Establishment of a Committee (Permitted Interaction Group) to investigate and make recommendations on a Resolution relating to the maintenance of feral cat colonies on public lands surrounding Kāne‘ohe Bay (Action Item)

Member Tanaka motioned to establish a committee to investigate and make recommendations on a Resolution relating to the maintenance of feral cat colonies on public lands surrounding Kāne‘ohe Bay.

Member Lemus seconded.

Member Radke suggested deferring until next meeting after Member Tanaka provides a presentation.

Member Tanaka agreed to withdraw first motion.

Member Radke motioned to defer, Member Loo seconds. Unanimous vote to defer.

Public Testimony:

Ray Sanborn said he has posted the laws, but has seen no enforcement of any kind. Would volunteer to be on the PIG if it is formed.

8. Establishment of a Committee (Permitted Interaction Group) to investigate and make recommendations on resolutions for future consideration by the Council (Action Item)

Member Radke wants to make a recommendation to change the action item, to make recommendations for future consideration, not resolutions.

Member Lemus: The group could be a point of contact for community concerns, constituents.

Public Testimony:

None.

Member Tanaka suggested not changing the language of the agenda item to avoid Sunshine Law issues, but noted that the KBRC can likely interpret the motion to encompass Member Radke's idea.

Member Tanaka made a motion to establish a Committee to investigate and make recommendations on resolutions for future consideration by the Council. Member Lemus seconds. Unanimous support, **motion passes**.

Recommended KBRC PIG Members: Lemus, Hanagami, Kaluhiwa.

9. Deferred agenda item 3

Member Lemus offered one change: her questions about the NEERS salary should be changed to reflect Member Lemus' understanding that the match would be provided by the state for staff salaries

Member Lemus motioned to adopt the minutes of September 29, 2016. Member Loo seconded.

Public testimony:

None.

Unanimous support; **motion passes**.

10. Adjournment