

Kāneʻohe Bay Regional Council

June 24, 2019

Kualoa-Heʻeia Ecumenical Youth (KEY) Project

47-200 Waihee Road, Classroom 204

Kaneohe, HI 96744

Meeting Minutes

Members Present:

Judy Lemus

Mo Radke

Clifford Loo

Clayton Hanagami

Pre-meeting discussion

Discussion about potential proxy for voting members, or if Governor can extend acting members beyond expiration to next legislative session for member Lemus and member Tanaka. How many votes are needed for quorum? For member Lemus it would be easier to keep her as HIMB's representative rather than getting another person vetted.

1. Opening

Chair Neilson calls meeting to order

Introductions of all in attendance

Brian Neilson is the DLNR-DAR, administrator and Chair of KBRC.

Dr. Judy Lemus represents Hawai'i Institute on Marine Biology (HIMB) on the KBRC.

Mo Radke is the Kāneʻohe neighborhood board chair/representative.

Clayton Hanagami is the commercial operator representative.

Clifford Loo is the Kahaluʻu neighborhood board representative.

Rocky Kaluhiwa (non-voting, representing Aha Moku and Ko'olaupoko Hawaiian Civic Club)

Josh Hekeka (non-voting, Office of Planning sitting in for Director Mary Allice Evens)

Bob Twogood (non-voting, Kayak company owner in Kailua)

Daniel Lager (non- voting, Employee of DLNR DAR and minute recorder)

Public Testimony: None

2. Approval of Agenda (Action Item)

Member Loo motioned to approve agenda and member Lemus seconded.

Public Testimony: None

3. Approval of Council minutes of September 27, 2018 (Action Item)

Member Radke motioned to approve council minutes from September 27, 2018 and member Hanagami seconded.

Public Testimony: None

4. Discussion of KBRC requests to DLNR for clarification of commercial activity in bay (Non-Action Item).

Chair Neilson – Two items requested from previous meeting’s minutes. First, Clarification about permit for Holokai tour and second, an inventory of ongoing tours in Kāne’ohe Bay.

1. Assistant Administrator of DOBOR Meghan Statts was unable to attend meeting or send representative. However, she gave a written statement which stated that there is no permit granted for Holokai as of March 2019. She has not been contacted by them since that date and should no longer be running commercial tours. It’s recognized there are many illegal operations in the bay and people need to work with DLNR to report. Reports should be given to DOBOR office at He’eia.
2. Chair Neilson shared a list of active tours operators in Kāne’ohe Bay provided by Meghan Statts (DOBOR), last updated Dec 2018,.

Bob Twogood asked to clarify that the contact for reporting Holokai’s action was the harbor master at DOBOR for observed illegal activity. He also requests phone number for harbor office.

Member Lemus -clarify about reporting Holokai Tours for their activity

Member Loo stated that he has still seen ads running for Kama’āina Kids tours

Rocky Kaluhiwa asks about if tour operations are prevented in Kāne’ohe Bay on Sundays and holidays.

Member Hanagami specifies the tour activity is only restricted on federal holidays and Sundays. State holidays such as Kamehameha Day tours are allowed.

Chair Neilson provides phone contact for Heeia office and also mentions DOCARE smartphone app for reporting illegal activity. (808) 233-3603

Member Lemus asks if DLNR is expecting a response from Holokai about not having a permit and will they pursue legal actions regarding permit?

Chair Neilson cannot speak on that topic because he does not have that info.

Member Lemus asks if advertising without a permit is a violation.

Bob Twogood mentions that last week Holokai tours were still listed on Expedia.

Rocky Kaluhiwa said there are reports of illegal operations which include adults on the tours not just children.

Chair Neilson stated that catching illegal operation in the act is stronger evidence than documenting advertisement of unpermitted tours.

Member Loo inquires if there is public access at HIMB.

Member Lemus says there is a public area at HIMB but Holokai Tours have no longer been stopping by there.

Bob Twogood asks what penalties can be administered if they do not stop running tours. He stated that there are no clear repercussions for Holokai Tours and mentions that Ray Sanborn and Ed Underwood are neighbors.

5. Permitted Interaction Group update on illegal commercial activity and illegal fishing in

Kāneʻohe Bay (Non- Action Item)

Chair Neilson stated that the group was formed at last meeting.

Rocky Kaluhiwa raises concern about harvesting of coral fish (aquarium fish) within Kāneʻohe Bay. Suggests a kapu for aquarium fish collection in Kāneʻohe Bay and let them recover.

Chair Neilson specifies that it is currently illegal to use a fine mesh net to catch fish, but using other gear types to capture fish is not illegal in the bay.

Member Lemus asked about fine mesh netting and the specific size which categorizes small mesh.

Chair Neilson States that an environmental impact statement is needed before fine mesh net is allowed again in the state. The Industry is in the process of completing that currently. He described net limitations of and will return to the council with an exact definition.

Rocky Kaluhiwa asks for kapu of aquarium fish collection from this council

Chair Neilson said that DAR is scoping for regulations for areas across the State and to get input on rules needed for different areas. This would be a good addition to that process. West Hawai'i had different set of regulations regarding aquarium fishing. He said that if council is interested they should discuss different types of gear or other restrictions they would be interested in seeing in Kāne'ohe Bay.

Rocky Kaluhiwa states that she will bring up this issue at national level meeting with Civic Club to support ban of aquarium fishing in Kāne'ohe Bay

Member Lemus asks should Kāne'ohe bay pursue the same type of site specific managements, proposes having discussion of P.I.G. taking up fishing regulations with the aquarium trade being the first one. Also suggest guidance from DAR on what advice would be needed

Chair Neilson adds that the council needs to consult with DOCARE to see what kind of violations they are seeing in the area.

Member Lemus said that DOCARE not sure about the permit stickers regarding commercial activity. Some of the Kayaks had DLNR stickers but officers were not sure what activity those were associated with. Issue of differentiating between rentals or guided tours and that the DOCARE officers need to know the difference.

Chair Neilson said that if the council helps to reach out to different stake holders it would be beneficial to engage with them before making any decisions regarding fishing.

Rocky Kaluhiwa said there should be no complete closure of the area and that Hawaiians would just let it rest and allowed to recover.

Member Lemus commented that the Waikiki area was not effective for management as one year on and off year for fishing.

Chair Neilson explains the original idea for that area was to create a derby for fishing rather than a management to improve fish populations.

Member Lemus said when talking about fishing the council needs to think about how fishing is not represented on this council and the need for an effective liaison to that group. Foresees criticism if they are not included.

Member Radke said regional council consists of Kāne'ohe Bay Master plan. Maps show areas to gather resources but there are no regulations. They could take up that issue and need to see if it's still valid within the Kāne'ohe Bay Master Plan.

Member Lemus comments that the Kāne'ohe Bay Master Plan language is vague and up to interpretation.

Rocky Kaluhiwa said we need to manage the dwindling resources and get a good plan together before it's too late

Member Lemus asked what is the process to get a representative from the fishing community for the council if no fishing panel exists?

Rocky Kaluhiwa said that the people for the fishing panel have not been appointed by the Governor to represent recreational fishers.

Member Hanagami believes the list of tour operators provided by Meghan Statts is not accurate, produces rules which state, when a small snorkel permit license is transferred it should drop to maximum of 35 customers per day S13-256-73.6. He said that he sold that permit 3 years ago in 2016. He clarified that the permit goes with the company.

Chair Neilson asks if any other operator have sold since Kāneʻohe Bay Master Plan had been adopted.

Member Hanagami responds that there have been no other companies sold.

Rocky Kaluhiwa said that after Kāneʻohe Bay Master Plan was adopted that only 7 companies were operating in Kāneʻohe Bay.

Member Hanagami said that some companies have more than one permit and there are examples of company having three permits for different activities.

Member Lemus asks how nominations for a recreational fishing representative are made and how would the council check on the status of those appointments.

Rocky Kaluhiwa will ask at upcoming meeting

Member Loo said he had observed netting activity in lagoon behind Hygienic Store. Not sure what was caught but DOCARE was there responding to the use of illegal nets.

Member Lemus said she had a concern for where the fish were caught, due to water quality issues and potential human health concerns if they are being consumed.

Chair Neilson added a previous example of illegal net use in Kahana Stream where hundreds of āholehole were caught. DOCARE were able to catch the fishermen for using an illegal lay net in the stream.

Member Loo comments that these illegal nets can catch everything and anything which is why they are of great concern

Public Testimony: None

6. Discussion about the maintenance of feral cat colonies on public lands surrounding

Kāneʻohe Bay (Non-Action Item)

No discussion by council which decided it would be best to wait for Member Tanaka to give a presentation on feral cat issues.

Public Testimony: None

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 Kāneʻohe Bay (Action Item)

No discussion by council which decided it would be best to wait for Member Tanaka to give a presentation on feral cat issues.

Public Testimony: None

8. Permitted Interaction Group (P.I.G.) update on recommendations and resolutions for future consideration by the Council (Non-Action Item)

Member Lemus asks if the council would want to establish a P.I.G. to make recommendations to council or if it would bring up challenges. In the past, issues were brought to the council through individual members or from the chair. The Chair had final say to add these issues to the council meeting agenda. If a change was made then the P.I.G. would be the body to decide what items to add to the agenda. This may add an additional step in the process which is unnecessary. At HIMB a group who wants to bring up an issue comes to the leadership and then it gets brought up to the chair and work well for them.

Member Radke said that the benefit of the P.I.G. is that any issue can be discussed with impunity without scheduling official meeting.

Member Lemus asked for clarification if the P.I.G. can only be 3 people.

Member Radke confirms that a P.I.G. has only three people. He said that the review of master plan would require a few different PIGs. Likes the idea of bringing ideas to the agenda at the meeting and not requiring another step.

Member Lemus said that having P.I.G.s would create the need to have pair-wise discussions with P.I.G. members which would require lots of extra work and coordination.

Chair Neilson suggests open items for agenda at each meeting

Member Lemus expressed that the Chair needs to prioritize the issues which make it onto the agenda if the P.I.G.s are not implemented.

Rocky Kaluhiwa asks council if land issues pertaining to the bay are a subject that the council should discuss. For example she has been informed of plans for a dredging project in Waiheʻe Stream (meaning squid water) and moving the dredged material to Heʻeia (meaning white sand). This action would create a muddy area in Heʻeia permanently. She believes that the council should take positions on this. She had found out about this project by interacting with survey crews being conducted by the City and County.

Chair Neilson and Member Lemus think this is applicable to this council and would like to know when this project is going to happen.

Rocky Kaluhiwa said she heard it was going to happen soon but did not have an exact date.

Member Lemus requested getting info from the City and County regarding the plan for this project and inquired if any other council members had that info.

Rocky Kaluhiwa and Member Loo do not have the project plans

Member Loo said that the community board changed mind about dredging, it had originally supported it but then ended up voting against it. Water quality testing in that area revealed the current condition as having very high levels of bacteria, worse than Ala Wai canal water.

Member Radke said that there needed to be a letter or resolution for next meeting about dredging project.

Member Loo and Member Lemus both stated they need more information about the project before moving forward.

Chair Neilson asked what's the action item to address this project

Member Radke said that a letter or a resolution is required, one of the council members needs to write it and bring it to next meeting. This would be an opinion statement from the council regarding the project.

Member Lemus asked Chair Neilson to ask the City and County about project info and give it to the council.

Rocky Kaluhiwa noted that she would inquire with Heidi Tsuneyoshi who is the Kāne'ōhe/Kahalu'u council representative.

Member Loo mentioned that due to community concern of trespassing the hiking area to Hamama Falls at the end of Waihe'e road started being monitored by police. Police put sign up and an officer was posted up over the weekend to prevent access.

Chair Neilson asked if there are more items to bring up for this agenda item.

Member Radke requested the council should explore Kāne'ōhe Bay Master Plan and review. Proposed to form a P.I.G. for that purpose or form a committee where we can pull non-council members who were involved when the Kāne'ōhe Bay Master Plan was created like Jon Goody to provide more insight. He described the difference between a committee, which would be a long-term group, compared to a P.I.G. which would meet to make a determination and then disband.

Member Lemus clarified if the P.I.G. and committee were not limited to council members but committee needs to be chaired by council member

Rocky Kaluhiwa said that Amy Lewison should be included on that committee regarding the Kāne'ōhe Bay Master Plan.

Chair Neilson requested clarification on aquarium trade for next meeting's agenda

Public Testimony:

Bob Twogood said that enforcement needs to be proactive about illegal commercial activity and not let it happen and only act when someone reports/complains about the activity.

9. Discussion on Council members' term endings and potential future voting members

(Non-Action Item)

Chair Neilson said that Member Tanaka and Member Lemus positions expire end of June 2019, Member Kaluhiwa expires in June 2020. All of those members need to be looked at for appointment for next legislative session.

Member Loo said that to renew your position on the council you need to put in a resume.

Member Lemus clarified that no resume is required for an extension. Hopefully by end of next session a new director will be in place to represent HIMB.

Member Radke said that the council should let legislature know that the expiring council members have agreed to be extended to increase likely-hood of success.

Chair Neilson clarified that the council members have a four-year term.

Public Testimony: None

10. Discussion on next meeting date (Non-Action Item)

Chair Neilson asked when should the next meeting take place.

Member Radke and Rocky Kaluhiwa suggested meeting should occur every two months.

Member Lemus expressed a need to establish a regular meeting schedule.

All members agree on a meeting every two months.

Chair Neilson puts forward August 19th 2019 at 6:00pm, and inquiries about location being at KEY Project or a Windward Community College.

Rocky Kaluhiwa offered the Hawaiian Civic Club office for a meeting space and will check availability.

Member Radke and Member Lemus said they think that area may be too small depending on how many people from the public show up to attend the meeting.

Chair Neilson said that KEY project charges to use space but is not sure about WCC cost for space.

Member Radke said that Kāne'ōhe District Park is also an option and will check availability.

Location will be determined prior to next meeting date.

11. Adjournment

Member Lemus motioned to adjourn meeting and Member Hanagami seconded.