

Kāne‘ohe Bay Regional Council Meeting Minutes  
August 19, 2019  
Kaneohe Atrium Building  
46-005 Kawa St., Ste. 104  
Kaneohe, HI 96744  
6:00PM-8:00PM

Members Present:

Brian Neilson  
Wayne Tanaka  
Mo Radke  
Judy Lemus  
Clifford Loo  
Clayton Hagami

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 Kāne‘ohe neighborhood board chair/representative.

Clayton Hanagami is the commercial operator representative.

Clifford Loo is the Kahalu‘u neighborhood board representative.

Liko Kaluhiwa- Kaneohe Bay Recreational Boating Association

Wayne Tanaka- OHA

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

Michael Harken- DOCARE officer- Acting Oahu Chief

Kirk Deitschman- Makai Watch coordinator-DLNR-DOCARE (RCUH contractor)

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

Kristi Kahele

Mahealani Cypher-(non-voting representing Ko'olaupoko Hawaiian Civic Club, Moku-puni Oahu (o Kakuhihewa))

Amy Luersen- non-voting

Kendall Tucker –( non-voting, Employee of DLNR-DAR and minute recorder)

## **2.Approval of Agenda (Action Item)**

Member Tanaka calls motion to approve. Member Hanagami seconds

## **3. Approval of Council minutes of June 24, 2019 (Action Item)**

Member Lemus would like to have the last meetings minutes language fixed to reflect that commercial activity is not allowed on Sundays as well as Federal Holidays

Member Clayton motions to approve Member Loo seconds

## **4. Permitted Interaction Group update on illegal commercial activity and illegal fishing in Kāneʻohe Bay (Non- Action Item)**

Rocky Kaluhiwa- reads a letter on behalf of Hawaii State Aha Moku, Kakukikewa (Island of Oahu), Moku O Koʻolaupoko – Request to address Agenda Item No. 4 at the Kaneohe Bay Regional Council Meeting on August 19, 2019

Member Tanaka-asks about the BLNR avenues for the public to report violations

Member Neilson defers to DOCARE

Officer Harken (DOCARE) - they are not allowed to do any commercial activity and they are not allowed to advertise- will instruct officers to take actions that they deem necessary (talk to operator, issue tickets or citations, confiscation of kayaks, arrest). Talking to the operator is the first action before pursuing other actions

Public and Members ask for ways to report violations

Officer Harken - will give out personal business cards and mentions that they have the DLNR tipline. Generally he lets the council know that, capacity is limited, they only have 4 officers from makapuu to kahana bay patrolling mauka to makai

Kristi Kahele ask for clarification if the exchange of business occurs on land for commercial activities who jurisdiction is it

Officer Harken (DOCARE)- If the exchange is on land it is still DOCARE's jurisdiction to enforce.

Amy Luersen - worked on the KBAY master plan. There is some question as to whether Kamaina Kids falls under educations. The #'s that Kamaiana kids asked for in there permit was 16 seats (~5000 not accounted for through rentals and non-guided tours)

Officer Harken -Kamaina kids has no permit- they are not allowed to do any comercial activity

Kristi Kahele and Mahealani Cypher asked for clarification of how they are allowed to advertise

Noted that Holokai adventures, is now kamaiana adventures

Officer Harken: They should not be advertising un-permitted commercial activity on-site.

Mahealani Cypher - is deeply concerned about the Kamaina kids- 3 months since they had a cease and desist. She is asking how many more chances they are going to get. If it was a fishermen DOCARE would have already confiscated their gear and given citations

DOCARE officer- this is the first he has heard of it as Acting Oahu chief. He is relaying this info to District 4 to look into this issue.

Mahealani Cypher - would like to see the Kaneohe Bay Council convey a message to DLNR that Kamaina Kids/Care have violated both the park permit and commercial permit and that they should take action against them and end their lease. (2009 park switched to to private/partnership)

Rocky Kaluhiwa - suggests that somebody from the board should deliver a message to BLNR of all the violations and suggest to end their permit

Member Loo- wants more information on park side of the permit- they have been cutting down trees and not giving them to the public to use. They aren't supposed to be touching these trees but if they did fall naturally they should be used by members of the community. There are tons of carvers who would have loved that wood. He is worried that they are getting around their permits.

Officer Harkin confirms that he believes that they shouldn't be doing this. Needs a statement from someone (time and place) so that they can take enforcement

Rocky Kaluhiwa- brought the issues of the tree cutting to state parks. The trees are over a 100 years old, and they have cultural impacts. The public is getting upset because they mulched the coconuts to hide it. Kamaiana care is treating it as their own personal park. The public fought to keep commercial activity out of the area and made a park and now there is commercial activity occurring there and the park is not used as it was intended for the public

Chair Neilson- asked for clarification of who is cutting trees since multiple entities operate in the Park. It is confirmed that the Hale for the Canoes is different than Kamaina Kids, but Coconunt trees were still taken down there. It isn't confirmed who did the cutting in this case

Chair Neilson asks officer Harken to clarify if advertisement of an unpermitted commercial activity is illegal. Officer Harken explains- that they can't advertise in the park. They can technically advertise offsite (e.g. Waikiki) without it being a violation. Officer Harken will look into the media issues and see what he can find out for everyone.

Member Radke- the council provided to BLNR in 2004 that Kamaina kids was a commercial entity. The council can do it again, but hopes that the Chair and DLNR take it more serious this time

Rocky Kaluhiwa-other illegal activities, Kuoloa park Kayaka, helicopter, Hygenic store boat ramp. Really disappointed because they just get a recording when they call DOCARE.

Officer Harken- lets them know to use the tipline. Someone is there to answer the phone from 7:45-4:30

Member Lemus- John Silberstein (DOCARE officer) engagement on the weekend is very proactive, HIMB is looking into space for DOCARE officers there.

Member Lemus-Asks about the Crown Jewel- big pontoon- that has been operating on Sundays in the bay. Asks for clarifications of last meetings minutes to reflect that commercial activity is not allowed on Sundays.

Permitted interaction group (P.I.G.) for commercial activity members: Judy Lemus, Mo Radke, and Clifford Loo

Member Lemus- discusses that the PIG ability to take action are restrictive. If properly noticed (6 days required) they can bring it back to a vote so they don't have the big gaps on some of these motions

Member Radke- asks to circle back to this agenda item later in the meeting

Chair Neilson moves onto next agenda item

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

Member Tanaka- Prepared presentation on this agenda issue

Well documented predation and displacement- 237 endangered native waterbirds killed in 3 years on Kauai. Koa'e ula fledgling in the heeia fishpond

Predation, toxoplasmosis, in birds it may affect their survival response, cats may continue to get infected repeatedly, also has major human health concerns. CDC is becoming increasingly concerned about this issue.

Feral cats may also carry zoonotic diseases- roundworms and hookworms

Solutions-TNR- has not been shown to be effective (trap-neuter-release)

DOBOR passed rules to stop feeding cats- it was delayed a year because of the public pushback (unclear of the status at the time of the meeting)

Member Loo brought up the small community of people feeding the cat colonies in Kaneohe and expressed his concerns for the size of the colonies in the state park

Member Lemus and Rocky Kaluhiwa both discussed how this issue can become very heated on both sides of the argument

Rocky Kaluhiwa- If the cat feeders are on a schedule and are feeding at the harbors DOCARE should be called if the DOBOR rules are in place The canoe club has problems with the cats getting in their canoes. She is concerned the kids could get sick

Member Lemus thinks that we should create a PIG for the feral cats Action item #7

### **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)**

Member Lemus motions to create PIG for this issue . Member Radke seconds that. Put up for a vote, all in favor. Motions passes.

Tanaka- chair the P.I.G., Clifford Loo

Kirk Deitschman- Kauai may have some existing laws in there parks.

Member Tanaka- thinks we need to look into the laws that may be helpful.

Member Lemus- there are laws on the book that an individual can only have so many cats at a private residency. There maybe ways to regulate large cat colonies through these laws.

Mahealani Cypher – few should focus this issue on the positives of what we are protecting

Amy Luersen - would be interesting to know how many colonies we actually have. Educate people on PETAs view

Member Tanaka-opportunity to talk to place based groups to learn what is happening in other areas. Low estimate is 350,000 cats in Hawaii

Member Tanaka- this issue can be quite contentious the best thing to do now is educate people as much as possible about what the feral cats can do to surrounding environments and human health.

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

Chair Neilson ask if the group would like to revisit agenda item 4

Member Radke motions to issue a letter to urge DLNR that lists overt violations of relevant rules, regulations, and plans by known violaters. Additionally the council requests appropriate sanctions to include suspensions or revocations of permit(s) until all violaters cease or fall into permitted activity. Clifford Loo seconds. Council Vote-passes unanimously

Chair Brian- Requests for the original draft that the council issued that kamaina kids was a commercial and not an educational entitiy

Kirk Deitschman- asks about general consensus if they made a determination on educational activities when the Kamaiana kids issue first came up

Member Lemus- the Kbay master plan isn't always clear but in this case it was very clear

Amy Luersen -Kbay master plan- 2009 agenda they made a compromise so that the kids could still go out in the bay

Chair Neilson- asks if there is evidence available that shows a violation occured. Pictures, times, etc.

Several members of public- they have photo evidence

Member Loo asked what specific educational tours they are doing.

Kristi Kahele - they give out flashcards and ID guides on the kayak tours

Kristi Kahele and Mahealani Cypher - confirm they run programs during school breaks but they have no knowledge of other events.

Kristi Kahele - voiced her concerns on safety about the way the camp programs tows the kids to the sandbar and the lack of adults supervision

Member Radke- The 1992 Kbay master plan was created. It still does its purpose but it should be refreshed. He would like the regional council to take on the master plan. With a lot of input from the community so that there are clear guidelines for people trying to establish business in the Bay

Amy Luersen - 1999 there was an update to the Master Plan that identified top 5 issues, jet skis, etc. it may be helpful to come up with some topics that could be addressed.

Mahealani Cypher - asks if the master plan was converted to rules. It is confirmed that it was.

Rocky Kaluhiwa - thinks we should add representatives from the marine corp base.

Member Lemus confirms that the MCBH has a non-voting member they just haven't been present

Kirk Deitschman- Looks up who the member is and it is noted that the MCBH member is leaving so a new member will have to be appointed.

Chair Neilson- will reach out to his MCBH contact to get a new representative

Chair Neilson- asks if the Kaneohe Bay Master Plan Review and update would need to be contracted out?

Member Radke thinks that it could be done in-house

Amy Luersen concurs with member radke that it can be done in-house with the smaller issues.

Amy Luersen - Worked on the 1999 update and a member of office of planning was assigned to help with note taking etc.

Member Radke suggests that if all the voting and non voting members look through each of the chapters.

Member Tanaka says that in order for all voting members to work on it that they may have to create several PIGs for smaller chapters so that they have less than a quorum. (6 chapters)

Amy Luersen says she thinks it will be chapters 4 and 5 with the beginning chapters just being background.

Member Tanaka clarifies PIG can have 3 member and as many non-voting member as they want

## **9. Suggestions of future agenda items (Non-Action Item)**

Kavika Winters- A presentation on the Heeia NERR- Non-action Item

Action item- Letter to DLNR on unpermitted activities

Establishment of a P.I.G-ACTION- Kbay master plan and feral cats

## **10. Discussion on Council members' term endings and potential future voting members (Non-Action Item)**

Chair Neilson- members with term limits expiring should apply for reappointment in

November, so Governor can submit their names for reappointment.

**Meeting Date- 2 months October 28<sup>th</sup> 6pm Hawaii Civic (Same location)**

Future meetings may need more space-

Rocky Kaluhiwa - lets PIG members know they can use the office

Member Lemus- asks Chairman Neilson if he can give an overview of the surveys that DAR is doing in the area, see if there is anything that is useful at the next meeting

Chair Neilson- can create a summary of what DAR has done

Mahealani Cypher - ask if DOCARE can provide a written monthly update about enforcement that they are doing in the bay similar to what the Police do for areas.

Members Tanaka and Lemus are allowed to stay in until legislative sessions. Members Kaluhiwa and Loo will be up in 2020

Rocky Kaluhiwa - has a question for Kirk and asks that Makai watch does a presentation to let the public know about what they do and when they are coming to Kaneohe Bay

Kirk Deitschman- Would definitely do a presentation and has already considered trying to expand into Kaneohe Bay when he has figured out the job a little more. (started this month)

## **11. Adjournment**

Member Radke motion to adjourn- Members Lemus/Loo seconds