

Kāneʻohe Bay Regional Council Meeting

December 5, 2019

Kaneohe Atrium Building

46-005 Kawa St. Ste. 104

Kaneohe, HI 96744

Meeting Minutes

Members Present:

Wayne Tanaka (OHA)

Judy Lemus (HIMB)

Clifford Loo

Liko Kahuhiwa

Others in Attendance:

Brian Neilson (Chairperson)

Rocky Kahuhiwa (non-voting representing Aha Moku)

Mahealani Cypher

Devon Gordon

Cedric Bertelmann

Kirk Dietschman (Makai Watch)

Josh Hekeka (Office of Planning)

Doug Wadsworth (US Marine Corps)

Rallen Cays

Fred Reppun

Kalani Makainai

Joe Pickard

Trevor Johannsen (minute recorder)

1. Opening

Chair Neilson called meeting to order and conducted introductions of all in attendance.

2. Approval of Agenda (Action Item)

Kirk Dietschman corrected the spelling of his name from previous minutes.

Member Lemus motioned to approve agenda and Member Loo seconded.

3. Approval of Council minutes of October 28, 2019 (Action Item)

Member Tanaka motioned to approve agenda and Member Lemus seconded.

4. Presentation on DOCARE Makai Watch Program by Kirk Dietschman (Non-Action Item)

Kirk Dietschman is the DOCARE Makai Watch Coordinator for the Makai Watch Program, which was started in 2014. He presented on the work of Makai Watch, the kuleana of the many agencies involved in fishing and the role of communities. There are currently eight official Makai Watch communities, with many more trained. He emphasized the program does not enforce fishing regulations. It is designed to build and strengthen relationships between DLNR and communities. The program offers online tools on its website and Kirk offered to organize trainings for the Kaneohe Bay community, if the community is interested. Kirk mentioned many lessons learned since the beginning of the Makai Watch program and noted the strength of the Hanalei community on Kauai as an example. Makai Watch only works with a community when the community asks for its assistance.

Questions from the audience:

Rocky Kahuhiwa - Are you hiring from the community? No, the program requires grants for funding, but some communities are able to provide funding for part time staff. Makai Watch has relationships with funders to help communities pay their coordinator positions. It is up to the community.

Member Lemus - Is there no Kaneohe Bay Makai Watch coordinator? No, DLNR is trying to bring Makai Watch to the Kaneohe Bay area. Kaneohe Bay is a known hot spot for illegal activities that needs attention but it depends on what the community wants. There are trainings for the community to educate Makai Watch volunteers.

Rocky Kahuhiwa - If we come up with people to work with Makai Watch, how many is good for a training? Less than 20 people is good for one training, which would last 3-4 hours, but there is a possibility for multiple trainings. Early February would be a good time for a training and talk story about Makai Watch for the community. There are only 3 DOCAR officers currently in the Kaneohe Bay area so volunteers would greatly help report violations and educate the community.

Member Tanaka – Has Makai Watch looked at informant fees for witnesses who report violations? Yes, one half the fine of the person convicted shall be paid to the person who led to the person being convicted, but it has never paid out due to the fact that witnesses must come to court. (This was later questioned.) Working with the community is more effective than law enforcement on getting community members to follow regulations.

Member Tanaka – Is there a relationship with DOCARE and HPD? Kirk did not know the answer. There have been more HPD tickets for illegal parked cars at boat ramps than illegal fishing. HPD has limited capacity and must pick priority problems.

Member Judy- Is there a minimum number of hours for DOCARE officers to be on the water? No, there is a lack of manpower. They hope to have a marine enforcement unit for each county of five officers for each community.

Member Tanaka – They should identify county police interested in marine enforcement. Kirk – Yes, Makai Watch wants to hold trainings for officers, and lifeguards but unions limit their scope but we can still educate them.

Member Tanaka – Does DOCARE respond to Federal issues such as endangered species? Yes the officers will help but they are not focused on getting Federal aid.

Kirk also clarified DOCARE does work at night, not every night, not all officers but they do have the abilities to work at night. Use the DLNR tip app to report. It goes to the Chief of Enforcement and others on each island so that they can prioritize reports. All reports officers will contact witnesses.

Rocky Kahuhiwa - We need to educate HPD to have better enforcement. Rocky Kahuhiwa has called DOCARE but she did not receive a return call. Kirk will check on the event and if there was a citation.

Email Kirk for more questions and continuing the conversation.

Member Judy asked if KBRC can get data to verify that Kaneohe Bay is a top illegal activity location. Chair Neilson- Yes this data exists, it's a student's master thesis. Kirk also said he would try to find the data. Member Lemus suggested, if Makai Watch is organizing an advisory council in Kaneohe Bay, this council should write a letter of support.

Member Tanaka – Is there adequate linguistic access for fishing rules? Some people have language barriers. Chair Neilson mentioned DLNR discussed translating but many languages needed and would have to be printed and distributed and it would be unfair to target only one language group. DLNR will launch an app in 2020 so the app could be translated into different languages.

Mahealani Cypher - Why does the department not keep records? Why a student doing this work? Data should be in house. You could look at past records for language problems to get started on which to translate first. Member Neilson replied that DOCAR is building a data system for analysis. Kirk also noted that the state does not have a data analyst at this time but is looking to hire more people.

5. **Approval of Council to issue letter to DLNR that lists overt violations of relevant rules, regulation, and plans by known violators. Additionally, the council request appropriate sanctions to include suspensions or revocations of permit (s) until all violations cease or fall into permitted activity. (Action Item)**

Differed until next meeting.

6. **Establishment of Committee (Permitted Interaction Group) to update the Kāneʻohe Bay Master Plan (Action Item)**

Differed until next meeting.

7. **Approval of a Committee (Permitted Interaction Group) to update the Kaneohe Bay Master Plan (Action Item)**

Member Neilson read letter to DLNR to request after hour officers to respond to violations in Kaneohe Bay from the council.

Kirk suggests to also direct the letter to the DOCARE Chief Redulla and Branch Chief Taniguchi.

Member Lemus asks for a formal request to the chair to revise letter.

Member Wayne says the Council should request boat patrols so officers are not limited to ground based patrols.

Rocky asked about Officer Harkin, who previously presented to the Council. Kirk informed the council that Officer McBarnet is now responsible for the Kaneohe Bay Region.

Mahealani Cypher ask about illegal kayak rentals in the bay. Member Lemus suggest to continue to document illegal kayakers Kirk also suggested to continue documenting illegal activities. Chair Neilson noted the businessman says he is only renting kayakers with previous bookings for free which is not illegal. Mahealani Cypher states that DLNR needs to study the matter because it is not being handled currently.

Member Tanaka recommended adding a reference to Title 13 into the letter. Chair Neilson asks for a motion to approve letter with amendments. Member Tanaka motioned to approve amendments. Member Loo seconds and the motion passes. Chair Neilson will send revised letter to DOCARE.

8. **Suggestions of Future agenda items (Non-Action Item)**

Chair Neilson noted previous suggestions to put fishing rules on next agenda items and will schedule a presentation for the next meeting.

Rocky Kahuhiwa suggested asking the legislature to put a 3 to 5 year kapu on aquarium fish. She noted not seeing the same fish before and we need to malama our resources. She requested support from this council because they will take to legislature either way.

9. Discussion of Council members' term ending and potential future voting members (Non-Action Item)

Chair Neilson noted that many terms are ending so the council needs to send applications to Governor before the end of the session.

Mahealani Cypher asked which positions will be vacant? Chair Neilson listed the HIMB seat expired as expire but the position will continue to be filled by Member Lemus until the new member can be approved. The OHA position also expired but will also remained filled until new member can be approved. In 2020 more positions will expire.

Member Lemus will be nominating Fred Reppun for the HIMB position.

Chair Neilson said that the recreational fisherman seat is also vacant. Rocky Kahuhiwa said that the fisherman nominated Cedric Bertelmann for the position.

Chair Neilson will send a list of vacant seats and how to apply to email list. There will be four seats open: HIMB, Kaneohe Bay commercial operators, fishing panel, and OHA.

10. Scheduling of next Council Meeting

Chair Neilson suggests finding a larger room for future meetings.

A meeting date of February 5 ,2020 is set at 6:00 pm with a location to be decided.

Joe Pickered asked about a Kaneohe Bay meeting in which there was a proposition to eliminate rules for non-profits to operate on bay. It may go to public hearing. When will the public hearings be? Any changes need to address legitimate non-profit use of bay but companies should also not be allowed to disguise themselves as non-profits. Chair Neilson will check. Kirk checked last week and there was no meeting scheduled yet.

The meeting is adjourned.