

Kane'ohe Bay Regional Council Meeting
Agenda
February 5, 2020
Windward Community College
Room 104
45-720 Kea'ahala Rd.
Kaneohe, HI 96744
6:OOPM-8:OOPM

1. Opening

David Sakoda (DAR Program Manager) Acting for Brian Neilson-Chairperson, opens the meeting at 6:05pm on 2/5/2020

Introduction to all in attendance

David Sakoda in for 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. (voting member)

Cole Hendrickson-representing DOCARE enforcement data

Liko Kaluhiwa- Kaneohe Bay Recreational Boating Association (voting member)

Fred Reppun- non voting member education specialist NERRS

Megan Ostrem- Kaneohe Bay Marine Corps Representative (Non-voting member)

Mo Radke -Kāne'ohe neighborhood board chair/representative. (voting member)

Clifford Loo- Kahalu'u neighborhood board representative. (Voting member)

Kirk Deitschman- Makai Watch coordinator-DLNR (non-voting Member)

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

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

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

Cedric Bertelmann – Heeia kea pier user general public

Rocky Kaluhiwa- Aha Moku & Koolaupoko HCC- non-voting member

2. Approval of Agenda (Action Item)

- Moved by member Radke
- Seconded by Member Loo.
- No opposed carried

3. Approval of Council minutes of December 5, 2019 (Action Item)

No changes to minutes from last session

Member Lemus moves to pass minutes. Seconded by member Radke. carried

4. Presentation on Fisheries issues in Kaneohe Bay and enforcement statistics by David Sakoda and Cole Hendrickson (Non-Action Item)

Acting Chair Sakoda- lay net exclusion

Heeia kea Wharf HRS 188-35- nets no more than 2 ft in diameter, shrimp- for bait with hand net (no larger than 3 feet) Licensed pond owners may take young mullet (pua)

Member Lemus asks if it is all licensed pond owners- Sakoda- yes all pond owners as long as they hold a mullet license it doesn't have to be just the Kaneohe Bay pond owners.

Mahealani Cypher-asks about the status of the aquarium permit.

Sakoda- we have revoked all small mesh nets permits. This means that they can still collect everything with the use of other means but the sea cucumber which is included in the law.

Mahealani Cypher- brings up the fact that they are still taking a lot at night.

Member Lemus- Bill is in the works to make all aquarium collecting banned and asked DAR's stance on the aquarium issue

Acting Chair Sakoda- DAR is making comments on the bill but is not taking sides

Member Lemus asks more about the sea cucumbers included in the aquarium Bill-

Acting Chair Sakoda-the rule says you need both the CML and Aquarium permit, so they are affected. The limits are at 10-day for personal consumption.

Member Loo- talks about the fact that you don't need nets for getting the cucumbers and wonders why it was included in the aquarium fine mesh net ban.

Sakoda- The collection allows for food consumption it is at 10 per day. No commercial export of sea cucumbers. It was included because they were being taken in large numbers for commercial sale.

Makai Watch Kirk Deitschman- the student working on the DOCARE office is still a student but is contracted by DOCARE

-To Rocky- I looked into the issue you brought up last time and milo is not a protected species under DOFAW or OCCL and can be cut legally.

DOCARE Cole- Data from 2014-2018

DOCARE- mission statement- Protect conserve and manage Hawaii's unique and limited natural, cultural, and historic resources

240 total investigations

Kaneohe Bay: 84

Heeia Kea Harbor: 73

Ahu O Laka 23

Kualoa Regional Park 12

Main fisheries in the area, Lay net 68%, Undersized fish

By looking at this they start to show hot spots of places of suspected illegal activity.

Roughly 50 investigations per year for the Kaneohe region

Monitoring data- officers looking for violations at beach parks, on boats, etc.

DOCARE has to spend a lot of time writing tickets for illegally parked areas, instead of natural resources

Fisheries has the most investigations

88 counts of fisheries- 49% fishing gears (primarily lay-net)

Lay net/ abandoned/ unregistered/undersized fish/take is number 2

Throw net #3 equal with prohibited

Top 3 Boating Investigations

Thrill Craft Violation- boating investigation

Vessel Prohibited Entry

Vessel Registration

Cedric from FHD- they respond to a lot of vessel grounding which are not showing up in the DOCARE data.

Interaction between county and state need some work. FHD has no protocols except get the people off safely they don't contact DOCARE

Questions: Monitoring- clarification is officers out in the field

Member Lemus- would you guys be willing to share presentation with the council-

Cole will check with the chief on privacy issues

5. Approval of Council to issue a letter to DLNR that lists overt violations of relevant rules, regulations, and plans by known violators. Additionally, the council requests appropriate

sanctions to include suspensions or revocations of permit (s) until all violators cease or fall into permitted activity (Action Item)

Lemus makes a motion that member Radke to draft letter for the next session

Table #5 until next meeting. Member Radke drafted letter from KBRC to DLNR/DOCARE on the proper use of Kaneohe Bay.

Rocky Kaluhiwa- DLNR board meeting this Friday. Kamaaina kids- DOBOR is saying to change the rules back. it is important that KBRC gives the board the letter to make sure they it for the meeting

Member Lemus motions to listen to Radke Draft letter-Radke reads what he drafted

6. Establishment of a Committee (Permitted Interaction Group) to update the Kane'ohe Bay Master Plan (Action Item)

Member Radke- Kaneohe Bay Regional Plan created in 1992 by a large group of people to curtail the going on in the bay. Radke talked to John Goody about the original plan and he was willing to meet to discuss the original plan and why things were included.

Lemus moves to create a permitted interaction group with Radke as chair.

Liko Kaluhiwa seconds the PIG

No opposed motion carried

Mahealani Cypher asks if the PIG will allow community members

Radke- absolutely need community support

Radke will report back each KBCR meeting

7. Suggestions of future agenda items (Non-Action Item)

Member Lemus- would like to discuss the Cemetery District boundary amendment- they are trying to change from Conservation to Urban. (it involves the council because it involves the change from conservation to ag/urban land)

Bill 3220– deferred until tomorrow- would add language to 90.1 that DAR stance is that the new language will not add to the previous law. (they are worried that it would allow people to take advantage of gathering rights to just fish (i.e. pupukea). The language doesn't expand or take away any of the protected areas.

A report back from the Kaneohe bay Master Plan PIG

Rocky- Asked both HPD and DOCARE about the issue of a carver cutting milo trees and taking rocks from under the road near eeiaH pier. They both came back that they weren't doing anything wrong

Kirk- looked into this the milo is not protected. It comes down to the actual spot to see who has jurisdiction as far as the rock removal.

David- we are really trying to have people use the DOCARE App because it becomes a written account of a problem that can later be identified in the DOCARE data where issues are regularly occurring

Kirk and Cole- Make sure you are specific about the location and subject. Include as much information as possible. You can also include a picture.

Cedric- if we aren't sure if it is a violation can, we still use the app to see if it is a violation.

Kirk Deitschman- officers are supposed to respond to all reports. If you don't get a response you can call the branch office for more information. The State has legislative ability to build an afterhours tip line. They are in the process of building up that portion of DOCARE

Member Lemus- last meeting we approved a letter to DOCARE that asked for them to schedule officers later in the day. It would be good to receive a report back.

David Sakoda- A response letter was given to Brian from DOCARE

DOCARE letter was not actually CCed which Lemus brings up concerns that people are not actually following through with the CC's.

David will follow up with officer to make sure that the officer follows through.

DOCARE has started to split the hours at the request of KBCR

Community has concerns about having to do the investigations for the enforcement officers. They don't want to have to be associated with the court case

DOCARE Cole: there are only 16 officers for Oahu so he is hoping that he can get this data to be an asset that allows the officers to see areas that are problematic

Cedric- Wants to know policies and procedures of DOBOR on the abandoned boats. The last sailboat sat on the reef for over a week.

Lemus- future agenda item. Have DOBOR come and share their policies. Also have the KBCR review the DOBOR policies and response time

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

9. Scheduling of next Council Meeting

Acting Chair Sakoda- the next meeting will be decided by email. Once an agreed upon time is accepted an email will go out the time and date.

Carry-over for the members who are already expired at the moment

Cedric is putting in for the fishers

Member Lemus is getting ready to submit the HIMB position for Fred Reppun

The sooner the application process is started the better because it has to go through several processes before being approved

Expired:

Judy Lemus-HIMB

Wayne Tanaka-Oha- Wayne and OHA are currently looking for a suitable replacement

Expiring June 20

Liko Kaluhiwa: putting in again for his seat

10. Adjournment

Acting Chair David adjourns meeting at 7:43pm