

Kāneʻohe Bay Regional Council Meeting
Agenda

January 20, 2021

6:00PM-8:00PM

Online or call-in via ZOOM

[ZOOM Link Here](#) also listed below

1. Opening (Introductions)

- Brian Neilson - DLNR-DAR, administrator and Chair of KBRC
- Bruce Swartz - DLNR-DOBOR Oahu District Manager
- Clifford Loo - Kahaluʻu neighborhood board representative. (voting member)
- Josh Hekeia - Office of Planning for Director Mary Alice Evens
- Casey Ching - DLNR-DAR
- Cedric Bertelmann – Fisherman, Heʻeia kea pier user (voting member)
- Fred Reppun - HIMB, Member education specialist NERRS (voting member)
- Letani Peltier - OHA, Heʻeia resident, new representative transitioning into Wayne Tanakaʻs position (voting member pending confirmation during leg session)
- Wayne Tanaka – OHA (voting member seat transitioning to Letani)
- Mo Radke - Kāneʻohe neighborhood board chair/representative. (Voting member)
- Auntie Rocky Kaluhiwa – Aha Moku, Koʻolaupoko Hawaiian Civic Club

2. Approval of Agenda (Action Item)

Member Radke motions to approve agenda. Unanimously approve.

3. Approval of Council minutes of November 5, 2020 (Action Item)

Member Reppun motions to approve council minutes. Member Radke seconds. Unanimously approve.

4. Update on Planning Process for Heʻeia State Park (Non-Action Item)

- Contract awarded to PBR Planning to conduct plan for Heʻeia State Park ~ 2 months ago (early stages)
- Meeting with DLNR on 1/21/2020, involving DAR, DOBOR, and State Parks to receive updates
- Chair Neilson offered to recommend they attend the next KBRC meeting
- Member Kaluhiwa requested to know who is sitting on the committee and to make sure the neighborhood boards are involved in the planning committee for Heʻeia State park
 - o No members of KBRC have been contacted by the planning team at this time
 - o Chair Neilson offered to provide a list to the planning team of people who they need to reach out to and requested input from the group about how best they can engage with the Kāneʻohe community
 - o Member Radke recommended they reach out to neighborhood boards and are invited to the next meeting
- Member Kaluhiwa recommended they include members of the NERR, kupaʻāina, HCC, and Senator Riviere (recently convened in-person for a blessing of the State Park due to recent suicide)

- Member Kaluhiwa recommended Kawaikapuokalani Hewett sit in on the planning of the State park.
 - Chair Neilson will receive more information at the next DLNR meeting about the planning committee
5. State Water Commission in-stream flow standards for He'eia Stream (Non-Action Item)
- Member Reppun attended the meeting and informed the group that CWRM received testimony for an in-stream flow standard and formed a draft recommendation
 - o Background: 1 horizontal tunnel drilled ~ 1940 and 2 wells at the back of the valley from the 60's withdrawing water from the aquifers
 - o Commission hydrologist determined tunnels and wells are affecting stream flow and recommend pumping less from those sources to increase stream flow for the community uses (opening lo'i, fishponds, fisheries in the bay, ecosystem restoration, etc.)
 - o Recommendation is 1.77 million gallons/day to be measured from the gauging stations, which represents significant increase
 - o Community is happy with the recommendation, but it will require BWS to put more water back into the stream
 - o Proposed a study until they convene in April, at which time the commission will see if they will adopt it
 - o BWS reached out to He'eia to do a site visit
 - o Largest users include MCBH (irrigating golf course), Pacific Country Club, Wastewater treatment, Pali Golf Course.. BWS will be talking to them about alternative water sources for those places to lower demand
 - o Member Radke and Member Reppun discussed past uses of effluent water on golf courses water savings from recycled effluent
 - Member Kaluhiwa sat in on the previous hearing and commended the testimony provided by Kawika Winter and Member Reppun.
 - Member Reppun listed examples of the broad testimony from the civic club, both neighborhood boards, HCDA in favor of stream restoration, Kanekoa Shultz where you could hear the ae'o in the back .
 - Chair Neilson asked if the project requires more infrastructure.
 - o Member Reppun explained there's a valve that can be adjusted for pressure changes, but for this level of change, they'll need to fill a pipe taking water back into the stream, which could lead to possible contamination, or to bulkhead the tunnel allowing the aquifer to fill up. – It will be a bigger project and they are working on a solution.
 - To answer questions of flood risk, Member Reppun shared it would roughly double the flow of the stream, not impact it 100x the way a flood would. May see a larger flooded area in the wetland or raise water levels at the dams to the lo'i and at the fishpond makaha.
 - o Chair Neilson shared that DAR is working on East Maui diversions and what type of biological habitats and species they support. They found that estuaries have a lot of diversity and the water from streams and wetlands make a big difference, especially during low flows and drought.
 - o Member Reppun added that monitoring in He'eia has started a baseline and CWRM proposes 2 year baseline plan to see changes as well.
6. Aquarium Fishing in Kaneohe Bay (Non-Action Item)
- Chair Neilson announced all aquarium fishing is illegal in the State of Hawaii without environmental review and no collectors have successfully undergone the process following the court rulings on November 27th and January 12th
 - o Group of commercial aquarium collectors will be submitting an EIS in Oahu in the next couple of weeks that will go out for public comment then to BLNR to approve or reject

- Chair Neilson offered to distribute the public notice to the group
- Member Kaluhiwa stated that aquarium fishermen come in at night when there's no DLNR DOCARE around so they do not suffer the consequences. It's discouraging for the community. She asked when DLNR will be able to get DOCARE officers working at night.
 - K. Dietschman replied that it is hard to track the aquarium fishers, what days they go and where they go. DOCARE officers are periodically scheduled to work at night but not on a regular basis. It is up to community members to provide enough information to coordinate a bust while they collect the fish and it is hard.
 - Chair Neilson explained a successful DOCARE bust where aquarium poachers on West Hawai'i were taken to court for criminal violations and given a slap on the wrist, but charged for \$70,000 in civil violations and prevailed.
 - There's a need to get this news out to show these consequences and discourage potential poachers.
 - K. Deitschman added that this came from reports from the community about well-known commercial aquarium collectors at the harbor so DOCARE could be there when they came back.
- Member Bertelmann said there's one guy known for going at night and one known for going during the day and will try to get some evidence to make a report
 - K. Deitschman said any description of the boat, HA numbers, any information to track them down helps.
- Chair Neilson shared that FWS is cracking down at the airports for people trying to ship fish outside of state and violating to the Lacey act of illegal transport of an animal.

7. Discussion of Activities in Kāneʻohe Bay (Non-Action Item)

- Member Bertelmann noticed the bay is looking better without as much commercial activity. The illegal activity he does see, he tries to get HA numbers to Tanya.
- Member Kaluhiwa heard the bonfire Christmas trees were organized by the Kāneʻohe Yacht Club and that it happens once a year during the lowest tide in January. She requested they be on the look out for the yachts next year to prevent the desecration from burning stumps entering the water.
 - Chair Neilson proposed sending out a pre-emptive press release next year to let the public know these actions will be cited to prevent it from happening in the future (similary done for foatillas).
 - Member Kaluhiwa said the same thing is done with scaffolds and the nails go into the ocean, but if it's at night, DOCARE doesn't come.
 - Member Reppun added they also use lighter fluid to start the fires adding to the pollution.
 - Member Radke agrees with the idea of being pre-emptive and releasing warnings of fines, having a patrol on the sandbar when they will occur, or setting up a controlled burning elsewhere where they will not pollute the ocean.
- Member Bertelmann still sees a commercial pontoon still goes out with a lot less people on it, but most other commercial activities are shut down.
- Member Kaluhiwa noticed a retired military person has a pontoon where he takes people out from Kāneʻohe beach park and does illegal commercial business. He previously used to operate from MCBH but was kicked off following a call to DOCARE.
 - B. Swartz replied that DOBOR is aware of the situation and has made contact with the user, but it is hard to get documentation for DOCARE to intercept and cite him. DOBOR has spoken with him and hopes his activity lessens, but it is an ongoing effort.
- Member Bertelmann suggested DOBOR adjust their schedule to have Tanya work on weekends when the harbor is the busiest (Tuesday – Saturday).

- B. Swartz replied that they do not have the money to schedule overtime or weekend support on a permanent basis, but they would like to work together with DOCARE to look into it and make arrangements where they can.
 - Chair Neilson shared an HPU vessel slipped off its mooring on Monday and ended up on a reef near Paepae. Staff were trying to get out there to assess but were hesitant with brown water. The vessel is still there.
 - B. Swartz said the coastguard is involved and debunkered the fuel. They are waiting on the contractor to get a high tide and float the boat off, but are unsure when exactly they will be able to remove it.
 - Member Bertelmann brought up the problems that treble hooks cause by injuring many fish and being dangerous to fishers pulling their ropes in when used to catch sardines and baitfish. He asked if DAR can look into banning treble hooks.
 - Chair Neilson offered that DAR could look at a single-hook only rule would prohibit use of treble hooks off the pier.
 - Member Bertelmann voiced problems with dronefishing, where fishers use drones to take their line hundreds of yards out across the flat in front of He'eia State Park or right across the channel interfering with boat traffic and operations.
 - Chair Neilson agreed that drone fishing is a problem all over and the lines have more potential to get clipped off or injure endangered species, it's on DAR's radar.
 - Member Peltier shared that if they're sending drones out, it could be illegal due to restricted flight zones in proximity to MCBH.
 - B. Swartz added that rules are codified requiring flight plans due to potential interference with other aviators. Addressing this activity may require a cross-departmental effort.
 - Members of the group discussed seeing multiple cars parked along the side of the road and many (15+) kayaks and stand up paddleboards entering the water attributed to Kama'āina kids.
 - Members hypothesized that they are still operating and guests are coming in private cars and/or rental cars
 - Members expressed disappointment to see the illegal business continuing without enforcement by the State even while the subject continues to be brought up
 - B. Swartz advised that Kama'āina kids does have a permit with State Parks, so if they are only renting equipment, it is out of DOBOR jurisdiction but he will look into it.
 - Members have witnessed illegal tour packages being offered. Member Kaluhiwa clarified that the violations are of Kāne'ōhe Bay rules and Member Radke recalled legal decisions that were made in the past to address it.
 - Chair Neilson suggested the council send a letter to the Chair of BLNR addressing repeated violations.
8. Permitted Interaction Group update on status of the Kāne'ōhe Bay Master Plan Update (Non-Action Item)
- Member Radke drafted a news release for the group to look over
 - Purpose is to get the message out to Kāne'ōhe and the surrounding ahupua'a to create a robust PIG to review and update the master plan - masterplankbay@gmail.com
 - Chair Neilson volunteered to forward it to the DLNR communications office to put out a press release and post on the website to be blasted to neighborhood boards and networks
 - Member Kaluhiwa suggested recruiting Senator McCarthy and will also attend herself
 - Outside help?
 - Member Radle said they may need facilitators
 - Member Kaluhiwa suggested Leimana DaMate with Aha Moku help with the writing and documentation
 - Member Radke requested the release go out before the next meeting and to be notified so he can also promote it.

- Member Reppun volunteered to send it out to HIMB folks
9. Suggestions of future agenda items (Non-Action Item)
- Discussion of activities in Kane‘ohe Bay (Standing agenda item)
 - Water Commission Updates?
 - May not have a significant update until April, but can be put on the agenda for now
 - Kāne‘ohe Bay Master Plan
 - News Release with community joining the effort
 - Member Reppun suggested the Ahupua‘a Accelerator Program (KS and Castle Foundation initiative)
 - He‘eia is selected as a place they will invest in
 - Kawika Winter can give a short presentation and show how it will line up with other planning efforts
 - Chair Neilson will ask PBR Planners doing He‘eia State Park plan to join
10. Scheduling of next Council Meeting (Non-Action Item)
- Chair Neilson proposed March 24th at 6pm for the next meeting
 - Agenda can be adjusted until the public notice which is filed 6 days in advance
11. Adjournment
- 7:38pm