

Kāneʻohe Bay Regional Council Meeting
Agenda
March 24, 2021
6:00PM-8:00PM

Online or call-in via ZOOM
(Zoom info listed below)

1. Opening (Introductions)

6:05pm – Meeting convened

Brian Neilson - DLNR-DAR, administrator and Chair of KBRC

Clifford Loo - Kahaluʻu neighborhood board representative. (voting member)

Mo Radke - Kāneʻohe neighborhood board chair/representative. (Voting member), PIG on Kāneʻohe bay master plan

Cedric Bertelmann – Fisherman, Heʻeia kea pier user (voting member)

Fred Reppun - HIMB, Member education specialist NERRS (voting member)

Liko Kaluhiwa – Community of Heʻeia, Kāneʻohe bay recreational boating association (voting member)

Aunty Rocky Kaluhiwa – Aha Moku, Koʻolaupoko Hawaiian Civic Club

Letani Peltier - OHA, Heʻeia resident (voting member)

Casey Ching – DLNR DAR

Randy Fernley – Hawaiʻi Sustainable Reef Fisheries President, Coral Fish Hawaiʻi

Josh Hekeia - Office of Planning for Director Mary Alice Evens

Meagan Ostrem – Marine Corps Base Hawaii

Kawika Winter – Heʻeia NERR

Ron Tubbs – Hawaiʻi Sustainable Reef Fisheries, former aquarium fisherman

Randy Cates – Fisher, Kaneohe Bay, Fishers working group

Daniel Cotrell – Hawaiʻi Sustainable Reef Fisheries, former aquarium fisherman

Eric Moennich – Hawaiʻi Sustainable Reef Fisheries, former aquarium fisherman

“Ryan” – Hawaiʻi Sustainable Reef fisheries

Jeff Preble – Kahaluʻu, former aquarium fisherman

Paul Kimsel – Former aquarium fisherman, Waianae

Bruce Carlson – Listening in

“Colin”

“kk”

Diana Masterson

Joe Pickard

Shag’s phone

Valentine Gorusch

E. Borja

Richard Pyle

Kolea Fukumitsu

Paul Williams

2. Approval of Agenda (Action Item)

Chair Neilson called to approve the agenda. Member Radke moved to approve agenda. Member Loo seconded. All were in favor.

3. Approval of Council minutes of January 20, 2021 (Action Item)

Member Rocky Kaluhiwa had a correction regarding the previous meeting minutes; that the blessing previously mentioned was given across of He'eia State Park and not within the park. Minutes were edited to reflect this change.

Members were given time to review the previous meetings notes.

Member Radke moved to accept the minutes. Member Loo seconded. All were in favor.

4. Discussion of Activities in Kāne'ōhe Bay (Non-Action Item)

Member Loo asked about the hydrofoils in the bay and shared that he's recently witnessed many of them coming in near the pier from the sandbar.

- There are concerns that it will be increasingly popular due to the Bay's optimal conditions for the activity.
- Member Bertelmann supported Member Loo's concerns due to the hydrofoils' being sharp and posing damage the reef.
- Chair Neilson brought up recent efforts to address electric hydrofoils such as DOBOR looking into potential rules made to address concerns.

R. Cates inquired about the previous bonfires at the sandbar.

- Chair Neilson reiterated concerns from the last KBRC meeting: debris in the water, toxic chemicals used to start the fires, disrespect to the place.
 - Plan of action last discussed includes targeted outreach to the yacht club around the same time of year it last happened. Similar to how the floatillas were handled.
- Member Radke elaborated that they now know where the boats get underway, the time of year and the tide when the boats go out so they will have DOBOR be involved to catch those setting fires before they happen.
 - Suggested a ramp-up of outreach and education towards the end of the year as a reminder
 - Is there a procedure in place to handle the bonfires if they occur again?
 - Chair Neilson shared that nothing formal is in place, but KBRC should revisit this discussion later in the year to get out a press release before it happens.

Member Rocky Kaluhiwa spoke about a recent party at Ahu O Laka (Kāne'ōhe Sandbar), where participants were being disrespectful and requested that a letter be drafted to HPU and Kāne'ōhe Yacht Club. She brought up the illegal businesses in Kāne'ōhe Bay that are advertised online.

- Chair Neilson suggested DOBOR would be the most appropriate entity to draft the letter.

R. Cates asked if there has been a discussion of a plan to control illegal tours occurring in Kāne'ōhe Bay now that they will be ramping back up following a time of tourism relief.

- There is a new harbor master with new cameras at the pier. Previously the harbor masters were unable to address violations without DOCARE witnessing the act even if HA numbers were on the camera.
- Member Bertelmann responded that illegal businesses are seen all the time and the harbor masters are more proactive in shutting down or calling out those businesses than before, but agreed that more needs to be done for the people who get around it on the weekends.
- R. Cates spoke about the State's public meetings regarding bag limits and restrictions on fishing for corals, but that for Kāneʻohe Bay, the foot traffic is from tours and recreational activity, not fishers.
- Member Bertelmann addressed the commercial kayak activities that occur in Kāneʻohe Bay and their illegality due to most renting from other places but deploying in the bay.

Member Radke questioned if an authorized list of operators is kept.

- Chair Neilson responded that a list of everyone with a commercial use permit with special designation for Kāneʻohe Bay according to the master plan should be kept with DOBOR. He volunteered to follow up with DOBOR to obtain that request.
- Member Radke added that he's seen a variety of tours offered on google and is unsure if they are authorized permit holders.
- Member Loo said Kamaʻāina kids were recently seen doing 1 hour kayak tours (~6/hour).
- J. Pickard shared that there is a list of authorized commercial operators at the harbor's office and Keʻehi Lagoon. All boats should have stickers issued on their boat so if there's any question, it can be quickly verified.

Christy (Guest of Member Rocky Kaluhiwa) shared that companies set up boat rentals similar to Airbnb and VRBO through getmyboat.com, where anyone can sign up to rent a boat owned by another person or entity.

- It occurs frequently on Saturday and Sunday, but between Monday and Friday, 50-75% of the activities are illegal business dealings, including but not limited to Kamaʻāina kids.
- City and County is issuing permits (possibly under snorkeling) so kayakers can pick up kayaks from anywhere around the island, cross Kualoa Regional Park, and enter into the water.
- Kayakers park outside on the street and carry their kayaks in. When asked about their activity, say they have the permits and are allowed.
- Member Radke replied that he is unaware of City and County issuing those types of permits, but that once people start to get away with violations, they will continue to do so.
 - There is a need for enforcement to discourage illegal behavior and proposed exploring flexing DOCARE officer hours to the weekend every now and then.

R. Tubbs shared that reefs are at risk for collision with reckless boaters and marking the reef better would prevent boats running aground.

- Chair Neilson replied that DAR does their best to mark the reefs.

J. Pickard responded to a question about commercial operations on Sundays clarifying that they cannot operate on Sundays or Federal holidays by one of the agreements when the masterplan was updated.

P. Kimsel asked about efforts to address the bad condition of the bathrooms and the drug users that frequent the harbor.

- Chair Neilson offered to pass those concerns on to DOBOR.

Member Bertelmann inquired about the amount of pontoons the Marine Corps Base Hawai'i (MCBH) are allowed to take out and what their established parameters are.

- M. Ostrem replied that 32 boats are available for rent between pontoons and small boston whalers.
- R. Cates shared that he's worked on MCBH since 1980 prior to their first pontoon boat and has concerns due to:
 - MCBH operators not being required to undergo the same boater license process/course as the rest of the state
 - Well-documented evidence of inexperienced boaters running into reefs
 - Potential increase in boats as the #1 MWR (Morale, Welfare, and Recreation) facility in the nation, high-producing revenue
- M. Ostrem responded that DLNR has approved the course offered to their boaters.
 - MCBH regularly deploys patrol boats to monitor their own vessel rental activity.
 - Offered to present a brief at the next meeting to share the measures and practices MCBH takes to protect resources within the bay.
 - The boats have no GPS systems.
 - Chair Neilson said he was told that GPS were installed and not having them is an issue. He accentuated their importance for avoiding the many patch reefs in the bay.
- R. Cates elaborated on his experience bringing in the first pontoon boats to MCBH.
 - It was agreed between MCBH and the state that only 10 boats would be used. With there now being 32, there are concerns that the number of boats will keep going up without being held to agreements.
 - Commercial permits in the bay were limited and could not be sold or transferred.
- Member Rocky Kaluhiwa shared that she previously met with the commander of the base and is meeting with him again the following Friday. She offered to ask about future agreements and penalties for their unacceptable behavior, adding that local community members also behave recklessly on boats as well.

Shag voiced his dispute with the commercial permitting process in Kāne'ōhe Bay.

- It is outdated, given that the last time permits were issued was in 1992 and only 7 remain in existence to Kualoa.
- Opening up permits would present opportunities for local people to open new businesses in the struggling economy.
- MCBH is making a lot of money without permits and so are the kayak businesses. Can the illegal businesses be controlled and options made available for local people to get permits to do something legally in the bay?

- M. Ostrem responded that MCBH provides a lot of local jobs, which she can share during her scheduled briefing. In addition, conservation officers on the base monitor recreational activity and educate people who are exhibiting unacceptable behavior.
- Shag emphasized that he would like the same rules and permitting opportunities to be presented to the younger generations, especially when it is difficult for local people to stay successful and remain on island.

Member Peltier directed a question to M. Ostrem regarding reports of illegal bonfires and the potential for MCBH can provide assistance.

- M. Ostrem responded that they assist the coastguard as first responders in the bay, but was unsure about response specific to the bonfire. They were able to quickly address a sinking vessel situation recently.

Member Rocky Kaluhiwa mentioned that federal jurisdiction tends to outrank state jurisdiction and therefore, all agencies should sit down together.

- The master plan was created for commercial business who were getting out of control and that local community fishers should take priority to commercial fishing.
- This overcrowding problem is why the permits were intended to expire.

Shag questioned whether it should be time to review the permits, since the process occurred during 1992 when most people now trying to make a living were too young at the time to acquire them.

- As businesses decrease over time, there will be less and less permitted activities. There should be an opportunity for expired permits to go toward a new business.
- It is unfair for MCBH to be able to operate a commercial business without a proper permit, especially since the pontoons cause more damage to marine resources than local people.
- Member Radke replied that when he underwent to process to check out the pontoon boat and it was a decent amount of training. He suggested that opening up commercial business could be brought up in the PIG meeting, though it would not be the proper place to take sides.

P. Williams expressed that other factors are largely impacting marine resources, such as climate change, global warming, channelization of streams, and erosion into our estuaries. He shared disapproval with the blame put on fishers and spoke about a lack of science presented in decision-making. Kama'āina kids is not the problem.

R. Cates reflected that the task force has been successful in reducing commercialization.

- Two suggestions moving forward:
 - Evaluate the permit holders in existence to see if they are intact, have transferred illegally, are operating under the conditions they were given, etc.
 - Determine how many boats MCBH are allowed to deploy commercially before it gets to be too much
- For the young guys who want to come out and start commercial activities, the community will probably be strongly opposed.

The group agreed that it would be helpful to receive a briefing from M. Ostrem at the next meeting and Chair Neilson volunteered to follow up with her to arrange it.

5. Aquarium Fishing in Kāneʻohe Bay (Non-Action Item)

Chair Neilson presented some background information on the action item.

- A former aquarium fisher, requested to join the council meeting to discuss aquarium fishing.
- This is a non-action item with no proposal on the table, just to open up the discussion.
- Member Radke noted that many of the people during introductions addressed themselves as former aquarium fishermen.

R. Fernley shared background on the issue.

- There are inconsistencies and a lack of science professed about it.
- The aquarium fishery has been shut down for a month with nobody allowed to collect tropical fish anywhere in the State of Hawaii without an environmental assessment.
- Aquarium fishers are undergoing the EA process and dedicated a lot of time and money to it.
- They say they are former aquarium fishers because they no longer fish for aquarium purposes, but have hopes of getting back into the water once the EA is completed and accepted by BLNR.
- R. Tubbs added that most of them are still out there fishing to eat, not for aquarium take.
- There is a preliminary draft of the EA right now, and the final will be presented to DAR for review, then to BLNR for approval. The draft of the Oʻahu EA has gone through its public comment period.
 - Chair Neilson added that there are additional opportunities for public comment BLNR and clarified that DAR only provides a recommendation and comments to BLNR. BLNR has the full approval authority.
 - J. Hekeka shared that EISs are available online. The West Hawaiʻi one is available but the Oʻahu one couldn't be found.

Member Rocky Kaluhiwa inquired whether the EIS is statewide or just for Kāneʻohe Bay.

- R. Fernley clarified two are being put together separately by Stantec, one for West Hawaiʻi and one for Oʻahu.
 - West Hawaiʻi was rejected several months ago, so they will have to revise, re-submit and hold another public comment period before presenting to BLNR again.
 - The Oʻahu EIS just went through its public comment period, modified the EIS, and has yet to go to BLNR.
 - The court case applies to both fisheries, but they are doing two separate EISs because they see them as two different fisheries and two different ecosystems.
- Member Rocky Kaluhiwa shared that she will be opposing it based on her teachings and beliefs.

R. Tubbs shared that in his experience diving the bay for many years, he's seeing more fish now than ever.

- The bleaching isn't as bad since DAR took care of the invasive algae.
- Fishers have been active in helping HIMB researchers conduct their studies, helping people who run aground, and involved in addressing issues in the bay.

R. Fernley responded to questions about limits on take.

- There is a limit on the number of certain species you can take and their size, but generally, you can take whatever you can collect within a reasonable time.
- O'ahu's total catch for the entire fishery in 2018 and 2019 was approx. 270 fish/day from 30-50 fishers. That's not a lot of fish, even with unlimited take.

R. Fernley clarified questions about the separate public comment periods.

- Member Radke added that in EIS processes, there is always opportunity for public comment during the preliminary, draft, and final phase and questioned which stage this was in.
- R. Fernley responded that Stantec informed them the public comment period was finished and no longer needed.
- J. Hekeia stated there are OAQC requirements.

Member Reppun asked for clarification about the role of KBRC in this agenda item.

- Chair Neilson shared possible involvement may include providing comment on the EIS or testimony to BLNR, but that it would require an agenda item at the next meeting and a vote to put forth a formal comment on behalf of KBRC.

Member Reppun questioned the present fishers if the EIS takes into account size limits on the fish caught, due to larger ones producing more babies than smaller ones.

- R. Fernley responded that tropical fish aquarium collectors are usually going for the smaller species and babies between 2-3 inches and clarified that take of larger fish is not a concern even though it is not explicitly stated in the EIS.
- P. Kimsel agreed with Member Reppun's comment and supported R. Fernley's response about not targeting larger fish to leave breeders behind, but added that they don't necessarily target the baby fish.
 - The aquarium industry is very well regulated and reported to DLNR. Everyone else should also have to do an EIS, such as the pontoon boats.

Member Rocky Kaluhiwa referenced an aquarium fishers website and shared examples of the value of each fish sold in the industry. She voiced support to leave the moratorium on aquarium take in Kāne'ōhe and that it was not okay to be selling baby fish at those costs. She spoke of her lawai'a family who are often in the water living off the resource.

R. Cates shared about his experience as a supporter of fishers and native Hawaiian gathering rights, being part of both these communities for many years.

- Targeting one fishery is dangerous and not based on science. The restrictions that apply to one fishery now may apply to another fishery in the future.
- Aquarium fishers are doing it right and taking sustainably. Whatever is applied to the aquarium trade, the rest of us will have to live with.
- Ryan supported R. Cates' sentiments.

Shag inquired about how our fisheries compare to other parts of the world and spoke that sunscreen, global warming, and run-off are other factors to be blamed besides the fishermen. He echoed the lack of science in regulating overtime.

P. Kimsel shared that aquarium fishers regulate their areas and take to a gold standard to keep it sustainable. He responded to Member Rocky Kaluhiwa's comments about pono fishing practices by saying a lack of fish in Kāneʻohe Bay is not due to aquarium fishers and that many native Hawaiians are also aquarium collecting.

- It requires superior skill to hunt, dive, and continue the practice sustainably.
- In Waianae, there are plenty of generational fishers out there who lost their licenses. I am a generational fisher and my kids also fish for me. We do it in a pono way and pass on the legacy.
- Economic times have changed and we need to make a living.

Member Rocky Kaluhiwa responded that she's been part of the process to draft laws (koʻa laws, limu gathering laws, etc.) but that in order to honor kuleana, konohiki-style, any harvesting practice should remain in your own place and not someone else's ahupuaʻa or ʻāina.

6. State Water Commission in-stream flow standards for Heʻeia Stream (Non-Action Item)

Member Reppun shared that no commission meetings have occurred since his update at the last meeting. He restated some background information about the issue:

- CWRM is in the process of creating instream flow standard, minimum flow level for Heʻeia stream, to return water back to the stream.
- Prior to diversions in 1940, over 2 million gallons/day were flowing but following wells drilled, less than 1 million gallons/day.
- Standard calls BWS (the main diverter) to put in .5 million to 700,000 gallons/day back into the stream to raise the level
- Working closely with NERR and a lot of Heʻeia partners, everyone is behind the recommendation to increase water flow for loʻi kalo, the fishpond, and fisheries.
- Next commission meeting is on April 20th, but it is unclear if BWS supports or is against the recommendation.

7. Permitted Interaction Group update on status of the Kāneʻohe Bay Master Plan Update (Non-Action Item)

Member Radke spoke about progress to review the Kāneʻohe Bay Master Plan.

- Started a couple months ago to review and see where we are, what's going well, what needs to be improved.
- The public has been adding to a master list of things to consider (currently 25 items)
 - 8 outcomes, 10 thoughts/suggestions, fisheries management, airforce jet flightpaths, global warming, invasive species, etc.
- Meeting set for March 30th (time at the end of the workday) to look over list, separate into groups, establish committees, and find out what needs additional work

- No timeline, as they want to get peoples' thoughts and feedback in the best way.
 - Member Reppun responded that a timeline may help with transparency to the public so they are aware of what opportunities they have to be involved.
- Outreach efforts include a PSA by Chair Neilson, which went to the websites but is unclear if they got published or picked up by media outlets.
 - Member Radke added that maybe they need to explore other outreach strategies to ensure the word gets out.

Chair Neilson commented that the effort is getting big with a lot of interest and issues and questioned if there is additional planning support needed should it continue scaling up.

- J. Hekeia added that a funding source would be helpful for something this expansive to get it professionally done and organized. Possibilities include legislature grants for capitol improvement. He'eia State Park is currently working with PBR Hawaii.
- Member Radke responded that the last 1992 plan was completed by volunteers and subject matter experts from the communities.
- Chair Neilson suggested a follow-up meeting on April 7th regarding this agenda item to create a plan for the prep work and discuss whether funding is needed.
- Member Rocky Kaluhiwa heeded to be careful with money, since it adds more to the equation and brought up that they were fine without additional funding last time.

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

9. Scheduling of next Council Meeting (Non-Action Item)

Chair Neilson proposed May 26th at 6pm. Next full agenda.

10. Adjournment

Member Radke made a motion to adjourn. Member Rocky Kaluhiwa seconded. All in favor.

Meeting adjourned at 8:13PM