

Kāneʻohe Bay Regional Council Meeting
Agenda July 28, 2021
6:00PM-8:00PM
Online or call-in via ZOOM
(Zoom info listed below)

1. Opening (Introductions)

Brian Neilson - DLNR-DAR, Administrator and Chair of KBRC (non-voting member)
Clifford Loo - Kahaluʻu neighborhood board representative (voting member)
Mo Radke - Kāneʻohe neighborhood board chair/representative. (voting member)
Letani Peltier - OHA, Heʻeia resident (voting member)
Cedric Bertlemann – Kāneʻohe bay Fishing (voting member)
Fred Reppun – HIMB (voting member)
Liko Kaluhiwa – Community of Heʻeia, Kāneʻohe bay recreational boating association (voting member)
Aunty Rocky Kaluhiwa – Aha Moku, Koʻolaupoko Hawaiian Civic Club
Casey Ching – DLNR DAR
Bryan Ishida – DLNR DAR
Bruce Swartz – Oahu district manager for DOBOR at Keʻehi Lagoon
Josh Hekekia - Office of Planning for Director Mary Alice Evans

2. Approval of Agenda (Action Item)

3. Approval of Council minutes of May 26, 2021 (Action Item)

Member Peltier moved to approve last meeting's minutes. Member Bertlemann seconded. All were in favor. Motion passed.

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

“Shaggy” inquired about the master plan, given the last meeting was in March.

- Member Radke informed that only one meeting has happened for the climate change committee, the next will be the MCBH committee, but the committee chairs' were given until the end of July to set up dates for their committee meetings. The committee chairs were asked to contact their own people.

Member Bertlemann mentioned the kayaks continuing to be launched by Kamaʻāina kids with more of them heading to the patch reef outside of Heʻeia State Park.

- They are anchoring on the reef and swimming around it with improper markage in addition to standing on the reef.

In addition, Member Bertlemann witnessed a lot of businesses from Kailua renting kayaks out to people who come to Heʻeia Pier, park vehicles, and go to the sandbar. A large influx of them are going out into Kāneʻohe Bay and the crowding is getting worse.

- Chair Neilson shared that to visit the Mokolua islands for any commercial kayak rental, you need to pay for your permit, which could be a possible option. Capping commercial activity can also be addressed in the revised master plan, like the original.
- Chair Neilson will follow up with Kamaʻāina kids regarding attending the next KBRC meeting.

- Member Rocky Kaluhiwa shared a situation where J. Pickard was taking pictures of the kayak activity and was confronted by someone associated with the kayak business to the extent where police had to interfere. She agreed that the kayak business needs looking into and that the “If they can do it, I can do it” mentality may lead to more detrimental activity. DOCARE needs to address illegal activities.
- Member Loo witnessed 50 cars parked alongside the road by the pier, mostly from kayak users.
- Member Radke echoed Member Rocky Kaluhiwa’s sentiments saying that illegal businesses will continue to exhibit bad behavior until there is enforcement.
- Shaggy shared that education or signage where they launch about proper conduct could help, but that people are allowed to rent kayaks and launch them wherever they would like.
- Member Rocky Kaluhiwa mentioned that Member Liko Kaluhiwa took pictures of kayaks coming out of vans by the He’eia Kea Canoe Club area.

5. Approval of proposed resolution regarding commercial aquarium collecting in Kāne‘ohe Bay (Action Item)

Chair Neilson shared the draft resolution to be voted on and Member Radke shared about the process before the Kāne‘ohe neighborhood board.

- The Kāne‘ohe neighborhood board had the opportunity to discuss with folks who had a lot of concerns. Then brought it before the board. Members voted and it passed.

Member Radke moved that the resolution be adopted as a way to start the discussion. Member Liko Kaluhiwa seconded.

Member Peltier requested to change the resolution language to reference it coming from KBRC since it currently references the Kāne‘ohe neighborhood board

Member Reppun questioned where the citations and references at the bottom of the resolution can be found and requested the links be shared.

- Elena Bryant has links to send to the group.

Chair Neilson noticed that the aquarium trade catch report numbers are not accurate with DAR’s numbers.

- Bryan Ishida suggested the following change in accordance with DAR data.
- *“WHEREAS, commercial aquarium catch reports reveal that collection of the herbivorous yellow tang, kole, orangespine unicornfish (umaumalei), and Achilles tang (paku‘iku‘i) in Kāne‘ohe Bay dramatically increased from ~~8,604~~ **8,593** in 2018 to ~~25,745~~ **36,494** in 2019, with the yellow tang take exceeding the average island-wide take going back to 2000;2 and...”*

KBRC discussed aquarium fishing in Kāne‘ohe Bay.

- Member Liko Kaluhiwa expressed support to shut down all aquarium fishing.
- Member Bertlemann added that Kāne‘ohe Bay is the only place like this within the whole state and that he is not against aquarium fishing in the state, but is against it being in the bay.
- Member Loo questioned if the research done is inside or outside of the bay because he has seen depletion on the inside of the reef and the inside of the main channel.
 - o Chair Neilson shared that written testimony is referring to research in West Hawaii in Kona and there is a monitoring program set up to particularly monitor AQ. However, in O‘ahu, DAR monitors fish throughout the islands with many researchers in Kāne‘ohe Bay but there may not be any particularly monitoring the AQ fishery.

- Member Bertlemann brought up that if you ban one group, you have to ban them all, which is a flawed method.
- Chair Neilson shared more about the status of AQ collecting, and that there have been a series of lawsuits over the years and many interpretations of the lawsuits. Right now, none is allowed in the State of Hawaii until an EIS is approved and permits are issued by DLNR. West Hawaii has successfully had an EIS approved by BLNR, but no permits were issued. Oahu has submitted their final EIS for a 30 day review period before going before BLNR.
- Member Reppun shared that a scientist at HIMB has done a lot of research over the years in the bay and has an understanding that fisheries in the bay are degraded but it is not driven by AQ fishing. Other factors are more important and a ban would not result in a dramatic increase in target fish species. Based on a study done comparing the protected reef around Moku o Lo'e to the reefs nearby looking at herbivorous fish, they found that they didn't see evidence driving fish down on the open reefs. <https://www.nature.com/articles/srep43819>
- Member Radke added that lots of studies have little bits and pieces of information, but nothing specifically addressing AQ fishing in the report or the study.
- Chair Neilson added that nonrecreational catch is unknown because there is not fishing license and it's difficult to survey fishers catch. Therefore, it's hard to separate out different types of fishing from another, like Member Reppun mentioned regarding the uncertainty of these studies. However, most of our data shows declines in herbivores throughout the state and Kāne'ōhe Bay has lower biomass than other areas.
- Chair Neilson shared that they received 3 testimonies in opposition and one in support and opened up the discussion to members of the public.

The public shared their thoughts about aquarium fishing in Kāne'ōhe Bay.

Shaggy opposed the resolution due to research being based off the entire state and the potential of banning one type of fishing to roll over to other types. He understands the need to protect the bay, but would like to do it in a way that is sustainable and not through banning certain types of fishing because there are more factors affecting the fisheries, such as runoff.

Joann shared that she has lived in the bay for over 20 years and is lucky to see a yellow tang. She referenced the report shared by Fred and the jump from 2018-2019 not reflected on the study. She said West Hawaii made a strong case against AQ fishing and it needs to be done in Kāne'ōhe Bay by backing the resolution.

Leimana was asked by the kupa'āina of Kāne'ōhe Bay and He'eia to strongly support the resolution. She referenced the master plan being created to address two main concerns 1. Tourism and overcrowding and 2. Fish abundance and drastic decline. Communities depend on fish for survival and the protection of the cultural and traditional uses of Kāne'ōhe Bay are important. They don't have the same fish they used to have. She strongly supports this resolution and will be following up her oral testimony with a written one.

Elena Bryant asked if the resolution is limited to Kāne'ōhe Bay due to the text being broad and supportive for a statewide ban. Member Radke clarified that the resolution addresses Kāne'ōhe Bay specifically. KBRC decided to include language to reference Kāne'ōhe Bay specifically.

Elena Bryant shared that these are public trust resources that the state is bound to uphold and protect. There's written testimony submitted that all folks have equal access to these resources, but that's not the case. There's no vested rights. DLNR has a public duty. She addressed the higher level of scrutiny when private uses want

to make use of public trust resources. She supported the resolution for preserving these natural and cultural resources for present and future generations.

Member Rocky Kaluhiwa shared as a lawai‘a and a kupa‘āina, as a young child, her family started the glass bottom business in Kāne‘ohe Bay. It was the only boat there and there was an unbelievable amount of fish compared to what is seen now, hundreds at a time and dozens of fish. Today, you’re lucky if you see one. She commended KBRC, as the first community-based authoritative board in the State of Hawaii to have the opportunity to try make this vision come back. She voiced opposition to AQ fish take and support for the resolution to bring back fish in Kāne‘ohe Bay for future generations. She shared that Ko‘olaupoko civic club will also be writing in support.

Ryan shared opposition to the resolution due to the management of the industry that has been present for years with catch limits. As a currently closed fishery, he believes the resolution is unnecessary. There have been years of studies and money spent on studies to see how populations look and how things are going. None of the fish in the study posted by Member Reppun are targeted by AQ, they are all food fishes. Less of these fish is not due to aquarium collection.

Member Peltier voiced that when talking about public trust, the precautionary principle is in play. When in doubt, err on the side of protecting the resources. Otherwise, it’s hard to go backwards.

Inga Gibson of Pono Advocacy submitted written testimony and expressed strong support for this resolution in addition to Kailua, Kāne‘ohe, and Kahalu‘u neighborhood board. She shared documents such as AQ FAQs including research showing significant declines to populations. She shared that AQ trade in the bay should have been closed long ago, especially now facing climate change. From an economic perspective, the 20 O‘ahu collectors looking to reopen the trade only reported an average annual sale of \$12,000 over 17 years, and the collectors claim its their livelihood, but they’re reporting a low income. Some of the gear and methods that are used are questionable and where are they collecting? How is their catch verified? Where are their warehouses? This is all information not generally available to the public. If there are less than 3 people reporting aquarium catch, DAR will not release it because it’s considered confidential. 5 aquarium poachers busted in West Hawaii were long time decades long aquarium collectors. They are now facing more serious convictions for taking hundreds of fish on one single trip. Regarding the study Member Reppun mentioned, even though it didn’t include the most targeted AQ fishes, most recent studies confirmed drastic declines documented since the 80’s. In addition, she addressed the concerns about the slippery slope, but iterated that the focus now is on trying to address all of the concerns with this trade independently. Even if some refer to this as a fishery, these fish are taken for the mainland and don’t stay in Hawaii, benefit Hawaii, or native Hawaiians. The concern is that closing one area will put pressure on other open areas. Protecting resources, practices, and food fishing, is what we want to focus on. Every fish sold to the mainland is taken off the table for food.

Ryan responded that he is not a collector, but a shipper, and that there are rule packages but Hawaii Island was out of control and taking way more fish than Oahu collectors.

- Member Radke clarified Ryan’s role as an in-between that employs fishers to go out and collect.
- Ryan clarified that they distribute fish around the world, which brings in more money to the state, but is not reported in the numbers. Are there reported numbers for kole and food fish? How do we know which one is the issue if it’s not being reported?

Member Rocky Kaluhiwa shared that she used to watch AQ fish takers at night and got so disgusted they gave up their commercial license. All they're doing is harvesting aquarium fish and not thinking about putting something back. Hawaiian style is you don't just take, take, take. You give something back.

Member Peltier mentioned that O'ahu rules that govern AQ fishing are in place to prevent overharvesting of fish to the degree that they're being injured because so many are being captured and held at one time. The rules were not adopted for sustainable management of resources. He thinks it's worth knowing they've had those FRAs for a lot of time and are crucial to what they've seen there.

Shaggy shared that if you live on the water, you don't see yellow tangs or fish. Just because you don't see them in certain areas, doesn't mean they're not there. When you say it's not for Hawaii, there's a lot of stuff that happens in Hawaii that's not for Hawaii, for example, tourism. He feels a lot of people oppose this because they want to take people out and there's no fish to see. Poachers go out at night for subsistence. He's never seen people eat yellow tang, but there's folks that eat kole and the guys that eat the kole are catching way more than AQ guys, so you can't blame one trade.

Ryan mentioned about the rules package adopted in 2015 (bag limits, collection limits), a frustrating thing is that anyone can go out with a three prong and catch as much kole as they want, but if he wants to take one live kole, he can't. They just want to shut all these guys down, all fishing, and AQ is the easy target. This has put a lot of people out of work and should really be looked at and talked about in a place where everyone can talk.

Inga Gibson clarified that the rules package set bag limits higher than all the prior catch. The numbers set exceeded all the catch reports. These collectors should work with an aquaculture institution.

Leimana reminded the group that what's been lost in translation is the fishing areas out there with people who have taken care of them with generational families who are still lawai'a and traditional practices and are being fished out.

Elena Bryant shared that the state has a bunch of problems and voiced respect to the council's kuleana to protect and preserve Kāne'ohe Bay resources. Commercial collection is not a public trust use. It's taking public resources for private use. There is a stark difference between irresponsible commercial practices and traditional/customary traditional fishing. With catch limits and such, this is an ongoing problem. The only way it can be enforceable is a total ban. She commends the council on taking that step towards the preservation of these resources.

Member Reppun responded with a mahalo for others for clarifying the species in the study. Because it doesn't include targeted aquarium species, he requested the DAR biologist on the call for an opinion about whether a ban on fishing would impact fish species.

- Bryan Ishida shared that the largest take is expected to be recreational and that a ban would result in more fish but cannot say to what extent. He thinks it would result in a lot of fish populations coming back to where they were, but mentioned a need to assess take on the recreational side as well.

Member Reppun addressed concerns with the first sentence in the resolution with "driven by commercial harvesting of reef wildlife" being misleading and proposed the change "including the AQ pet trade outside of Hawaii" due to uncertainties about the driving factors threatening marine resources when there could be multiple.

Member Radke moved that the discussion be closed. Member Peltier seconded.

Chair Neilson reviewed the amendments with the group.

Member Radke requested it be sent to the Kāneʻohe Bay Master Plan group.

Member Radke moved that the resolution be adopted with proposed amendments. Member Kaluhiwa Seconded. All were in favor. Agenda item passed as amended.

Chair Neilson thanked everyone for the discussion and those on both sides coming up to discuss this issue.

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

Member Radke shared that the committee chairs had until the end of July to reach out to their committees to establish the first initial meeting to take place before August 31st. Chris Sabine's climate change meeting already took place and that committee is moving along. The next meeting will be MCBH meeting coming up next week. Member Radke is in contact with the committee Chairs.

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

Member Radke suggested the Kāneʻohe Bay mooring buoys and Kristi Kahale added a request for some documentation from the state.

Kristi Kahale asked for an action item on moving forward with the kayaks, how to address extra businesses, and monitoring and enforcement for Kāneʻohe Bay. For example, lifeguards or DLNR officers to regulate the multiple activities. Member Radke agreed to this enforcement issue. Member Rocky Kaluhiwa mentioned that Joe Pickard has some ideas for monitoring the kayak business.

Member Radke suggested an action item for people working on the committee for commercialization in the bay come to the board. They can draft a resolution.

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

September 15th next meeting.

Chair Neilson shared that the Governor's emergency order will expire August 6th, so KBRC is subject to sunshine law again. Voting members need to meet in person until January when a new law comes into effect allowing for virtual meetings again, but we can do a hybrid approach with zoom so people don't need to come meet with us. Health and safety guidelines to follow.

- Chair Neilson will send out the information about where to meet and provide the zoom, so anyone can zoom or come in person.
- Kristi Kahale suggested looking at WCC for a location.

9. Adjournment (Action Item)

Member Radke motioned to adjourn. Member Bertlemann Seconded. All were in favor.