

Kāneʻohe Bay Regional Council Meeting
Agenda
November 17, 2021
6:00PM-8:00PM

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

1. Opening (Introductions) 6:05 Convened

Brian Neilson - DLNR-DAR, Administrator and Chair of KBRC (non-voting member)
Mo Radke - Kāneʻohe neighborhood board chair/representative. (voting member)
Fred Reppun – NERR Education, HIMB (voting member)
Cedric Bertlemann – Kāneʻohe bay Fishing (voting member)
Letani Peltier - OHA, Heʻeia resident (voting member)
Clifford Loo - Kahaluʻu neighborhood board representative (voting member)
Liko Kaluhiwa – Community of Heʻeia, Kāneʻohe bay recreational boating association (voting member)
Aunty Rocky Kaluhiwa – Aha Moku, Koʻolaupoko Hawaiian Civic Club
Josh Hekekie - Office of Planning for Director Mary Alice Evans
Meagan Ostrem – MCBH
Mike McCartney – DBEDT (Department of Business, Economic Development, and Tourism)
Casey Ching – Heʻeia NERR
Joe Pickard
John D Benson III
Randall Kennedy
Summer Keliipio
Randy Cates
Ian Masterson
Elena Bryant
Kristi Kahale

2. Approval of Agenda (Action Item)

Chair Neilson corrected the agenda to remove item #4 “Holomua: Marine 30x30 Presentation” as a remnant from last meeting’s agenda. Member Radke moved to approve the agenda. Member Bertlemann seconded. All were in favor. Motion passed.

3. Approval of Council minutes of September 15, 2021 (Action Item)

Member Reppun motioned to approve the last meeting’s minutes. Member Bertlemann seconded. All were in favor. Motion passed.

~~4. Holomua: Marine 30x30 Presentation (Non Action Item)~~

5. Discussion of the Kāneʻohe Bay Master Plan with DBEDT Director Mike McCartney (Non-Action Item)

Chair Neilson introduced Director Mike McCartney from DBEDT. His attendance was requested by Auntie Rocky Kaluhiwa to share about the development of the original master plan and to give the group a chance to ask questions and discuss the current update.

Director Mike McCartney paid tribute to the stories and people that put their time, energy, and passions into the managing of Kāneʻohe Bay and the original master plan's development. He especially called out Joe Pickard's involvement.

- A book called, Kāneʻohe, A History of Change, was one of the foundations of the original master plan documenting what happened in the bay, why it is the way it is, and how its current situation came to be.
- He shared an experience while elected to Senate in 1988, when he and Charlie Rose were visiting Kahaluʻu fishpond and were chased out by a young man on a jet ski. This was one of many experiences that led to two bills being passed in 1990, one for the Kāneʻohe Bay Master Plan and the other to stop commercial activity in Kāneʻohe Bay on weekends and holidays.
- This community-based management plan was a way to find balance when the bay was getting crowded and to manage use with mālama to protect the bay for future generations.
- He worked with Joe Pickard to develop a carrying capacity using coastguard standards – looking at permits, their transition and transfer, investments and their protections, zoning, etc.
- He and Uncle Roy Ryder had many conversations with community members before working with Joe Pickard on the previous plan.
- The process for the original plan opened up communication, common understanding, and trust to find a common solution, despite contentions and different points of view remaining present. Collaboration requires a safe space for people to feel comfortable speaking without retribution and retaliation.
- They were being guided by kūpuna. More issues will come up but we will have to find a way to handle them.
- Despite the department being able to adopt rules, DLNR is understaffed so community management plans are a key tool to keep moving forward and lessen dependence on enforcement resources. He thanked DLNR for rallying a large amount of people to be involved and dealing with many revisions and changes.
- Director McCartney offered to put resources together to pass on to KBRC and to assist with the new proposal in any way he can.

Member Radke shared about topics being addressed in the new update, including enforcement, education, and environmental issues, but emphasized that it has been successful in addressing minor conflicts as they come up.

- Participants have attended trainings about psychological safety and how to resolve contentions within their groups.
- He invited Director McCartney to join upcoming meetings where committee leaders will be coming together and invited his input in the process moving forward.

Member Peltier asked if there were any issues that the original master plan didn't adequately address that the new committee should. Director McCartney responded that management needs to extend beyond use and recreational activity, but to the 9 ahupua'a, how they connect, and its lineal descendents.

- Incorporate the knowledge of kūpuna, such as Aunty Rocky Kaluhiwa and Uncle Jerry Kaluhiwa, lineal descendents of the area offering knowledge that is not available in a book and not covered in science.
- Cultural understanding needs to be embedded throughout the plan as its foundation.
- The last plan did not go deep enough in honoring and connecting sacred sites of the bay, such as ahū'olaka, but the next generation should add in the missing pieces.
- Finding a way for all the conflicting users to work together and move forward will create a roadmap for other communities to move forward together.
- Lineal descendents, cultural history, the connection between water, land, and sky, needs to be present in our thinking.

Randy Cates shared that he attended many of the previous meetings and requested clarification about whether commercial permits given were limited, could not be sold, and only transferred.

- Director McCartney recalled that permits may be transferred within a certain time frame to a family member, but was uncertain and recommended the plan be reviewed for clarification.
- Randy Cates encouraged the group to look into the companies currently holding the permits because it seems that some have been sold.

Randy Cates inquired about the financial records he received from DOBOR where it appears that tourist contributions to the harbor equates to \$0.23 per person per day. He confirmed the 2019 or 2020 records with BLNR and voiced that it did not seem fair to have boaters (slip holders) paying 2x the amount to support the harbor than the tourists since visitors also contribute to crowding, trash, and facility use.

- Director McCartney responded that with transitions, there is costs. Small boat harbors were transferred to DLNR but they were not given the resources to properly steward the harbors.
 - o Tourists are taxed at multiple areas. DLNR is trying to find a balance with users, such as charging visitors for parks and trails to maintain those places.
 - o He agreed that everyone should have access to the financial records.
- Randy Cates suggested the committees look into the numbers themselves and offered the Mokulua Islands kayak landing fee of \$3/person as an example.
- Joe Pickard informed that currently commercial operators pay 4% GET and 4% Gross Revenue Fee for a total of 8% of the gross revenue to State, but that the problem is the GET doesn't go to the Harbor.

Member Reppun shared that the subcommittees for environment, climate change, and education are lacking in information (especially for environmental issues) and do not know which agency can provide needed information for issues such as wastewater, SLR, transportation, etc.

- Similar to the revenue issue, the committees need to know where we stand on certain issues and get updated information and clarification.

- Casey Ching, previously with DAR and now with He'eia NERR, can help navigate the state system to assist different subcommittees in getting an audience from the appropriate agency.
- Director McCartney offered to help facilitate connecting the group to the Planning and Sustainability offices to get updated information for the committees.

Chair Neilson addressed the big lift of this effort on communities and asked what type of support is needed to achieve the update based on what was needed in the past.

- Director McCartney shared that Harold Matsumoto from the Office of Planning was a great leader in helping to budget out what it would cost. \$50k was the original appropriation given to the Office of Planning for consultants, with \$10k to DLNR for support to convene meetings. The support was needed.

Director McCartney spoke about efforts to charge users fairly and have the money stay within DLNR to help the resources. Technology could allow better tracking of money so it can go back into harbors, like the airports, and address capacity issues.

- Joe Pickard added that a new rule was enacted requiring each guest to pay \$1 per head, but the problem is harbors aren't getting the money from commercial operations with a lot of it going into the general fund.
- Chair Neilson clarified that the \$1/head rule is the Ocean Stewardship Fund that DAR put forward during the last legislative session with the idea that each ocean recreation passenger will pay \$1 and those revenues will go back to ocean stewardship projects, not to harbor facilities.
 - o Ocean stewardship examples are outreach/education, restoration, marine debris clean ups and the fee doesn't go in effect until 2024.
 - o However, commercial tourism revenue has the possibility of going back into projects in Kāne'ohe.
- Ian Masterson inquired who will collect the tax and Chair Neilson responded that every operator under a DOBOR commercial use permit will collect \$1/head in addition.

Randy Cates shared his evaluation about how money was moving within boaters and commercial operators.

- While boaters pay ramp fees, slip fees, and commercial license fees, commercial operators pay a percentage of their gross. Therefore, commercial operations will divide their services into separate companies to avoid paying higher fees.
- DOBOR records show commercial operations ended up paying less than half what boaters pay in the harbor. Similar circumstances arise elsewhere.

Director McCartney inquired about what type of policy, legislation, or rules DLNR would need to implement a better system. He acknowledged that charging for use of a public resource also has legal barriers.

- Ian Masterson shared that enforcement is needed, but DOCARE officers can also be educators.
- Director McCartney shared that DOCARE is understaffed, but there are currently 27 new officers in the training academy. However, more are needed. He suggested the TAT (transient accommodations tax) dedicate funding to DLNR to hire staff.

Member Reppun asked which plans should be taken into consideration to ensure the new one meshes well with previous efforts, given that there are so many.

- Director McCartney volunteered to have the Office of Planning send over relevant resources, noting that a plan is only as effective as the people who support and execute it. He applauded KBRC for coming together and building a foundation for the department to implement new rules on their authority.

Ian Masterson asked about education efforts, including ideas to expand informative education through enforcement. He shared an idea for a QR code to be made available for someone to go to a place, get information, and learn more about the area's cultural significance.

- Director McCartney agreed that education is necessary, real people interactions are important, but technological additions can be made.

Aunty Rocky Kaluhiwa expressed disappointment with a lack of enforcement and that it is a huge need for better management. She has seen improper commercial use of the bay by people who are not from this place. As someone who occasionally provides cultural tours of the bay with the civic club on the glass bottom boat, she would like uses to be controlled.

Director McCartney offered to be a resource and catalyst to get more information to KBRC. He volunteered Lauren Premiano, with the Office of Planning who has family ties to Kahalu'u, to be a liaison for KBRC and provide information from the agency.

- DBEDT wants to be supportive and work towards community-based economic development to find a sustainable future for Hawai'i with diversified economy.
- Reference the Aloha Spirit Law in statute, using universal aloha to make decisions.

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

Member Radke expressed appreciation for Director McCartney's mana'o and requested he present to the committee leads in the next meeting.

- The committees have talked about learning from the first time and working collaboratively and in a pono way. They are working well individually and leads will be coming together to share ideas amongst each other.
- The next meeting will be at the end of November or in early December.

Chair Neilson suggested there be an agenda item for the next meeting to discuss necessary support for planning coming into the next legislative session.

Member Reppun requested to plan for a discussion regarding the scope of the planning process. For example, some subcommittees already have the information and language to move forward with their topics, but others will require learning and information gathering that will take much longer. He suggested a review of who can be completed within 6-8 months and who will require more extensive agency meetings.

- Member Radke agreed and added that focus can be placed on things that need to be implemented sooner, to allow time for additional study on other topics.

7. Discussion of outreach strategies to discourage Christmas tree burning on Ahu'olaka Island (Non-Action Item)

Chair Neilson described the situation from the previous year, where tree burning received a lot of attention and was disgraceful on many levels – ecological, cultural, stewardship. He proposed this agenda item to address an outreach strategy to take preemptive measures.

Chair Neilson volunteered to issue a timely press release in accordance with when these events typically occur and suggested further outreach to the yacht club.

Ian Masterson requested an instagram post be made for Kāne'ōhe Bay users to distribute to discourage tree burning.

- Chair Neilson shared that DLNR may not be the best entity to put out the post.
- Director McCartney offered to work with Dan Dennison (DLNR Communications) and someone from his office to promote the issue across the executive branch, DLNR, and HTA.
- Auntie Rocky Kaluhiwa agreed that a big advertisement about burning of the trees would help to enforce the law.
- Meagan Ostrem also supported the idea and that a post could be published on MCBH social media. In addition, the MCBH waterfront operations could make sure proper authorities are connected so if they see anything, they are ready to respond.

Ian Masterson inquired about enforcement collaboration and whether military personnel can be involved - or if military personnel are involved in the tree burning activity, whether the base is notified.

- Meagan Ostrem replied that command is aware of minor infractions that occur off base but do not always need to get involved. They do not have enforcement jurisdiction for anyone except military, but users will lose privileges if they are using a boat improperly.

As someone with yacht club affiliations, Ian Masterson volunteered to promote materials within the organization and Director McCartney offered to accompany him.

Ian Masterson emphasized that messaging from the press release will be key to ensure we are all putting the same message forward and respectfully.

- Chair Neilson volunteered to draft a draft press release to share with the group by mid December.

Randy Cates added that tree burning occurs in other areas, but the opposition to this tree burning is due to its impact on the sandbar. Therefore, impacts shouldn't be addressed in a pick-and-choose manner.

- He referenced how kayakers trampling the reef and fireworks shot from barges are more harmful than tree burning. He supported the prevention of Christmas tree burnings, but requested all other impacts be looked at evenly.

- Member Radke did not disagree, but explained that this effort was targeted because of the blatant desecration and disregard to the bay. The community understands and respects the bay and wants to move forward with this important thing.
- Member Reppun added that it is one effort, in light of ongoing efforts, to address all other impacts.
- Auntie Rocky Kaluhiwa clarified not to choose one over another, but to mālama and take care of every infraction that happens within the bay. It will take hundreds of years but action needs to be taken now to plan for 7 generations ahead.
- Chair Neilson added that we need to be proactive and productive in using time now to minimize the situation and not to break the news after.

8. Resolution to address kayak rentals in Kāneʻohe Bay (Action Item)

Chair Neilson suggested to defer this agenda item to the next meeting.

Member Radke explained that the commercial activity group began coming up with ideas and in order to ensure this resolution is inclusive of what they are working towards, the drafting of this should wait to see what they come up with.

Randy Cates shared that after discussing the kayak issue at the last meeting, he sent pictures and an email to Suzanne Case and Chair Neilson, only to receive a dismissive response that they'd look into it. As a representative of the public, he expressed that this is the reason why they get discouraged and requested a response in the future of what was found, what was looked into, etc.

- Chair Neilson clarified that he did respond and directed staff to go into Kāneʻohe Bay to investigate. At the time, Randy Cates notified Chair Neilson that he observed his staff out there. DAR didn't see a lot of kayaks, but did see a lot of fishers walking on the reef. The lack of kayaks may have been due to the weather.
- Randy Cates clarified that he did not receive a response on what was found and on the next steps to address the problem.

Joe Pickard shared that rules always work best when there's consensus and that no further commercial recreation and the kayak issue will be the two issues that we can all reach a consensus on. The shallow reef area near Heʻeia State Park is being decimated.

- Chair Neilson asked if the group is talking about a ban on kayak rentals and Joe Pickard responded that most in the meetings would like to see the elimination of kayak rentals in the bay. As the subcommittee gets closer to making its recommendation, an expansion of eliminating commercial recreation is possible.

Member Loo shared that if DLNR went out to check on the kayaks during the weekend, it is the wrong day for the kayak rentals. They typically go Monday through Friday, because Heʻeia State Park is closed on Sundays.

- Chair Neilson agreed that because DAR staff went out on the weekend, that could be why they didn't see many kayakers, though it's known to be happening. He agreed to get them back out there on a weekday to report back. Member Loo added they should go at low tide.

9. Discussion of mooring buoys in Kāneʻohe Bay (Non-Action Item)

No comments offered on this agenda item.

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

Member Radke suggested leaving the resolution on the agenda for the next meeting.

Ian Masterson suggested looking at the changes in the rules that have occurred since 1993 and how we'll address all these issues with educated operators who are following the rules.

Aunty Rocky Kaluhiwa asked about the moorings in the bay and how many there are.

- Chair Neilson volunteered to reach out to Bruce Swartz from DOBOR to see if he can join for next time.

Aunty Rocky Kaluhiwa inquired about whether the Chair of KBRC can be a community member.

- Chair Neilson responded that it is in statute for DAR to serve as the chair and a bill would need to be introduced to change who chairs the council, but supported the idea of having a community member in the seat.
- Director McCartney added that it may have been put in statute to avoid conflicts with boating, since legislators saw DAR as a more neutral entity.
- Chair Neilson added that a bill 2 years ago made a similar suggestion, so there may already be some language to support it.

Member Reppun requested to leave some space in the agenda until after the master plan committee leads meet, since there may be some agenda items following.

Member Bertlemann brought up a concern regarding the list of commercial permit holders distributed to the commercial committee, where one of the holders listed has been deceased for many years with no remaining family to take hold of the permit. He requested clarification on the permits use, due to it neither being transferred to a family member or sold.

- Joe Pickard clarified that two permits were eliminated, and the list shared may be old. However, they can confirm with the new harbor master. The situation was unique because the operation occurred from the owner's resort property along the shore.
- Member Bertlemann saw a boat going out from there and offered to dig a little further and get a little more information.
- Chair Neilson proposed an agenda item to focus on current permit holders and how that relates to the Kāneʻohe bay master plan rules on transfer of permits.

Meagan Ostrem requested MCBH have 15 minutes to provide KBRC with a brief on any changes that may be coming up. Tentative and will email to confirm.

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

Chair Neilson proposed January 19th for the next meeting.

Member Bertlemann suggested a meeting next month to submit bills by mid January.

Chair Neilson proposed December 16th to discuss legislation potential and as the deadline for the Christmas tree burning press release.

Randy Cates suggested inviting Representative Tarnas and and Senator Lorraine Inouye.

- Chair Neilson volunteered to invite them and strategic legislators of Kāneʻohe bay as well.

John D Benson III requested to do an introduction of his idea for an educational program with sailing canoes for Kāneʻohe bay in the January meeting. He is currently creating a pathway for permits to be allowed so training programs can occur in the bay for the keiki of the future.

12. Adjournment (Action Item)

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