

Kāneʻohe Bay Regional Council Meeting  
Agenda  
July 6, 2022  
6:00PM-8:00PM  
Online or call-in via ZOOM  
(Zoom info listed below)  
or  
In-person at:  
The Key Project, RM 102  
47-200 Waihee Rd, Kaneohe, HI 96744

1. Opening (Introductions)

Brian Neilson - DLNR-DAR, Administrator and Chair of KBRC (non-voting member)  
Fred Reppun – NERR Education, HIMB Representative (voting member)  
Liko Kaluhiwa – Community of Heʻeia, Kāneʻohe bay recreational boating association (voting member)  
Clifford Loo - Kahaluʻu neighborhood board representative (voting member)  
Elena Bryant – (voting member)  
Cedric Bertelmann – Kāneʻohe bay, Fishing (voting member)  
Josh Hekeka - Office of Planning  
Jason Mehlinger – DLNR- DAR  
Casey Ching – Heʻeia NERR  
Aunty Rocky Kaluhiwa  
Mo Radke  
Leimana DaMate  
Kristi Kahale  
Holck  
Kainoa Azama  
Rocky Kaluhiwa  
Cheryl Prince  
John Fleckles  
Cindy Texeira

2. Approval of Agenda (Action Item)

Member Bryant moved to approve the agenda. Member Loo seconded. All were in favor.

3. Approval of Council minutes of April 27, 2022 and May 25, 2022 (Action Item)

Member Reppun moved to approve the minutes for April 27, 2022 and May 25, 2022.  
Member Kaluhiwa seconded. All were in favor.

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

Mo Radke will retire from his position as a member of KBRC, but will continue to lead the Master Plan Update and assist committees as they present recommendations to KBRC. He shared that other than Member Reppun, no committee chairs have provided formalized recommendations thus far.

Member Reppun requested a list of the committee leaders so other council members can potentially check-in with them.

Member Reppun reported out on the Environment committee recommendations emphasizing the need for more information from other agencies. The list of topics brought up by the Environment committee include: land-use district and zoning changes, stream flow, water quality, MCBH issues, erosion and sedimentation, and invasive species. Climate change issues also came up. He recommended prioritizing the list of the issues with the permitted interaction groups and contacting agency leadership to present to KBRC on those issues.

- Josh Hekeia volunteered to follow up with contacts for the Clean Water Branch and CWRM to help with some information gathering.

Member Reppun suggested adding special agenda items to future KBRC meetings where agencies can present on issues within their jurisdiction. This may encourage more community turnout.

- Leimana DaMate volunteered to follow up with her contacts at CWRM and Member Reppun offered to email her some specific questions from the community.

Mo Radke shared about progress with the Hawaiian Cultural Legacy committee. He spoke of the need to incorporate cultural understanding of place, referencing a blessing of Ahu a Laka by Frank Kawaikapu Hewett and how Ahu a Laka was only mentioned into the previous Master Plan 6 times. He highlighted the mo‘olelo shared by Kawaikapu Hewett and its need to be in the Master Plan. He speculated that this could inform recommendations of the Education committee.

Mo Radke shared recommendations by the Enforcement subcommittee, such as a QR code sticker that proves registration of boats and canoes similar to a bike registration process. The QR code sticker would demonstrate authorized use.

Aunty Rocky Kaluhiwa brought up that an action agenda item regarding commercial activities should be present for tonight’s meeting to address illegal businesses in Kāne‘ohe Bay and expressed frustration with passive behavior from DLNR.

- Chair Neilson apologized and requested assistance with drafting an action item. He shared about SCR 205, a resolution passed by the Senate that requests DLNR and KBRC to conduct a study of commercial activity in Kāne‘ohe Bay and develop a process to reduce noncommercial activity in violation of the plan
- Aunty Rocky Kaluhiwa suggested a kapu on Kāne‘ohe Bay until a solution is found.

Member Bryant suggested a future action item in collaboration with DLNR to get an idea of the scope of unpermitted activity within Kāne‘ohe Bay and address questions that need answering to turn community concerns into action-oriented solutions.

- Chair Neilson shared that although DAR chairs KBRC, they are not involved in commercial boating activities. He volunteered to reach out to Ed Underwood, Megan Statts, and DOCARE to be invited to the next meeting and address actions that can be taken to enforce these issues.

Leimana DaMate shared that Ahu a Laka is under the jurisdiction of DOFAW as a bird sanctuary and questioned whether it is an appropriate designation given that the island is mostly submerged. Chair Neilson added that DOFAW is talking about proposing some rules for the area to restrict commercial activities.

Aunty Rocky Kaluhiwa shared that in her lifetime, the area was above water, even at the highest tide. It included a hale and trees. However, they mined the sand to refurbish Kualoa Beach despite community resistance. She added that the tires to bumper the boats at He'eia Pier are continually falling in and being replaced without the old ones being fished out. There is community blame where there should not be.

Mo Radke read aloud recommendations from the Permitted Interaction Group regarding enforcement.

Member Reppun reiterated the need to get agencies with jurisdiction over illegal commercial activity in the same room so they do not pass the issue between each other. In addition, he suggested elected officials be involved to provide input on what is feasible from the legislative side.

Jesse Makainai suggested Mo's recommendations be made into a resolution as an action item with the appropriate enforcement entity listed for each statement.

Kristy Kahale shared that the harbor is designed to cater to small boat usage. The flood of cars parking on the side of the road is unsafe and the area cannot accommodate to the current heavy use.

- Jesse Makainai suggested stalls be reserved for the appropriate commercial operators and tickets be distributed for others.
- Leimana DaMate recommended to bring in councilwoman Esther Kia'aina and DOT because they are managing the streets.
- Member Reppun shared that the parking issue is not just an issue for He'eia but all around Kāne'ōhe Bay, which is why kayak rental legislation was first introduced. He recommended City and County folks be involved.
- Aunty Rocky Kaluhiwa shared that even when the police ticket their cars, they will rip them up. She accentuated how online bookings are obvious from the tourists and illegal operators.
- Member Bertelmann added that the limited space in the harbor is why there are a lot of cars on the road. Usually, the commercial operators would bus everyone over, but since clientele has changed, they mostly like to drive themselves, taking up most of the parking. It's not just kayaks but other users.

Member Reppun supported Mo Radke's write up, but wanted to clarify that printing QR codes is just a way to tell which are permitted and which are not. QR codes are not a recommendation to expand the number of permits. He suggested it be clear that the system is for current permit holders with an accurate inventory of equipment to be sure each rental is associated with a legal permit holder.

Chair Neilson asked if regulating the kayak rental companies would solve the parking issue.

- Jesse Makainai replied that it would help, but noncommercial boaters will still take people out for tours without permits. She reiterated the need for regulation on illegal rentals and illegal commercial boat tours regardless.

Member Loo expressed concern with how during negative tides, the kayakers will drag kayaks across the coral and walk on the reef to reach the sand bar.

Member Reppun recommended diving the issue up into manageable pieces such as 1. illegal unpermitted commercial boat tours 2. illegal kayak rentals 3. parking. Chair Neilson agreed, especially with agency jurisdictions.

Member Loo emphasized the need to get enforcement officers working on Saturdays, Sundays, and nights.

Aunty Rocky Kaluhiwa shared that two weeks ago, they hosted a cultural tour on the bay for community members to teach them about Ahu a Laka. Senator Riviere was present, but they didn't see any staff from the harbor or DLNR officers, and they witnessed an altercation at the pier. She expressed disappointment that there was no DLNR presence and that the schedules need to be changed of the officers and staff to protect the resources.

Aunty Rocky Kaluhiwa recalled the fumigation of a vessel in Kāne'ōhe Bay and expressed frustration with the event.

- Member Bryant shared that fisheries program managers deferred to the EPA to ensure the product is safe to use, but how can it be determined if it is handled properly? She requested somebody in fisheries be asked how it will be monitored or prevented in the future.
- Jesse Makainai added that she takes her children diving close to where it was being fumigated, but that it could be problematic to residents who recreate and subsist from water resources. For instance, it might effect the waters feeding Kāko'o 'ōiwi and Paepae.
- Kristy Kahale agreed and inquired if there are permits or clearances to ensure fumigation is done properly given that the hazard label states that it is not environmentally friendly for wildlife and aquatics. Aloha Termite Company. Information states that it would be done on the deck of the boat and not hanging over, but pictures show the tent was laying on the outside in the water. Member Kaluhiwa added that weights were seen weighing the tarp down.

Kristy Kahale also brought up safety concerns of recreators consuming alcohol at ahu a laka.

Chair Neilson suggested having an action item at the next meeting to develop or draft a resolution pertaining to these concerns. Mo Radke began to draft a resolution incorporating parking, enforcement, and DLNR officer working hours to send to the group.

Discussion about the fumigation event continued.

- Chair Neilson added that he is not aware of what laws were broken with the termite fumigation, but that a resolution could be drafted to propose that fumigation is banned from Kāneʻohe Bay in the future.
- Leimana DaMate proposed that David Sakoda work on it. Chair Neilson replied that David Sakoda could provide input and review the language, but it would be better coming from KBRC as a resolution instead of from DAR.
- Mo Radke added that tenting is not supposed to be done at sea, but in dry dock.
- Chair Neilson replied that EPA manages these events, but DOH informed him that it is under the Department of Agriculture. He is receiving conflicting information and waiting to hear back from EPA to clarify.
- Frank Kawaikapu Hewett elaborated that whether it is legal or not, it is poison. No matter what the quantity, there should be no permits for poison entering our natural resources.
- Kristy Kahale reiterated that it should be illegal, in the same way you will get a fine for washing your boat with clorox.
- Member Reppun agreed and clarified that his question about permitting is to target a recommendation if any laws need to be changed.
- Chair Neilson suggested we hear from Department of Ag about their fumigation process on the water.
- Leimana DaMate volunteered to talk to Ed Underwood as well.
- Member Reppun suggested inquiring if there is a permit process to see if they followed it. If there is and they did, there may be something that needs to be changed.
- Chair Neilson recommending sending an inquiry to the appropriate agencies.
- Member Bryant suggested reaching out to the fumigation company to receive information on best management practices implemented, what the chemicals were, how much was used, etc. They should have these records to maintain a license for pest control. She recommended it be added to the agenda for the next meeting.
- Member Reppun read that vicane at a pesticide level is allowed to be used on surface ships in port, but Coast Guard regulations need to be followed. He suggested bringing the Coast Guard into the fold.

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

Chair Neilson recapped suggestions from earlier in the meeting:

1. Mo Radke's draft resolution
2. Invite DOBOR, DOFAW, C&C, DOT

Member Bryant elaborated that we need to invite the listed agencies and representatives that handle unpermitted commercial activity. Additionally, the same should be done for the Ahu a Laka, parking, and fumigation issues to start having these necessary conversations on the agenda. They should each come ready to discuss issues within their kuleana.

Member Bryant added that the resolution drafted by Mo Radke should be an action item as well as a resolution for the fumigation. She also recommended a discussion on DOFAW's draft rules discussing commercial activity at Ahu a Laka.

Chair Neilson summed up with 1. A non-action item for people from different departments to present on issues within their jurisdiction 2. An action item for Mo Radke's draft resolution 3. A non-action item for DOFAW to present or discuss proposed rules for Ahu a Laka 4. An action item for a resolution for fumigation

Hi'iaka spoke of an influx of tourism and exploitation of the bay and suggested incorporating community-based stewardship to employ full time community members to be present and facilitate proper etiquette and behaviors. With cultural stewardship at the pier, people of He'eia and Kahalu'u could be there to provide general information to the public and have the community step up to fill that gap.

- Aunty Rocky Kaluhiwa shared about seeing a lady there in a small boat picking up rubbish and that if DLNR cannot manage the resource, perhaps there needs to be a kapu until a solution can be found. She also recommended funding for community involvement and stewardship.
- Chair Neilson supported the idea of piloting a cultural stewardship program at the pier.
- Frank Kawaikapu Hewett reiterated that its important to get the community to work with places like Ahu a Laka, Kealohi, and the wahi pana in the natural resources. With what is seen and not enforced at these sacred spaces, it is pilau to do that on the wahi pana. Everyone needs to take responsibility to respect, honor, and nurture these places. He'eia has a strong community willing to make changes to ensure these issues are being taken care of. The question is, when are we going to fix it and when is that going to change.

Chair Neilson agreed with Frank Kawaikapu Hewett and shared that DOCARE needs to hear these things as well, with a lot of recruits now getting trained. Community voices would go a long way. DOCARE is understaffed and underfunded, but new recruits could be dedicated to Kane'ohe bay and support the community.

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

Member Loo stated that these meetings have been going on for years but nothing is being done. He recommended they happen more frequently and suggested after next weeks' neighborhood board meeting for Kahalu'u.

Chair Neilson suggested August 3<sup>rd</sup> 6-8pm.

#### 7. Adjournment (Action Item)

Member Bryant moved to adjourn. Member Loo seconded. All were in favor.