

Kāneʻohe Bay Regional Council Meeting
September 7, 2022
6:00 PM-8:00 PM
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 – HIMB Representative, Heʻeia NERR (voting member)
Clifford Loo - Kahaluʻu neighborhood board representative (voting member)
Elena Bryant – Kāneʻohe neighborhood board representative (voting member)
Cedric Bertelmann – Kāneʻohe Bay Fishing (voting member)
Liko Kaluhiwa – Kāneʻohe bay recreational boating association (voting member)
Casey Ching – Heʻeia NERR
Josh Hekeka - Office of Planning
Kirk Deitschman - DLNR DOCARE Makai Watch Coordinator
Rocky Kaluhiwa
Kristi Kaluhiwa
Leimana Demate – Aha Moku
Joe Pickard
Pua Obayashi
Leimana Damate
Lynsey Bow
Shaggyʻs iphone
Kulaniʻs iphone
Mike Scott
David Silva

2. Approval of Agenda (Action Item)

Member Reppun clarified with Chair Neilson that the resolution action item allows it to be discussed, edited, and voted on during the current meeting.

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

3. Approval of Council minutes of the July 6, 2022 and August 3, 2022 meetings (Action Item)

Kristi Kaluhiwa requested her name change from Kahale to Kaluhiwa be reflected in the minutes.

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

4. Discussion regarding activities in Kāneʻohe Bay (Non-Action Item)

Kayak Rentals from Heʻeia State Park

Member Loo recalled witnessing kayak renters from Heʻeia State Park dragging their kayaks across the reefs during low tide last month. The launch point does not have a channel, so they walk over the reefs during minus tide causing damage to the corals. This occurred over the weekend.

Member Bertelmann also witnessed a similar situation, adding that the kayakers paddle out in the narrow harbor entrance causing boats to have to stop or maneuver around them creating a hazard.

Kristi Kaluhiwa shared that MCBH patrols are receiving phone calls and getting flagged down to assist kayakers with getting back to shore. This takes away from the duties of the MCBH patrols. MCBH has called Kamaʻāina kids to inquire if they could assist, but they did not have a boat to use and instead, asked MCBH to bring them back to shore.

Pua Obayashi inquired about the current permit held by Kamaʻāina kids. Chair Neilson responded that in his recollection, they do not have a commercial use permit so they cannot have guided tours, but they are able to conduct kayak rentals through their lease with DLNR State Parks. Pua Obayashi clarified that DOBOR did not issue a permit for Kamaʻāina Kids to operate an aquatic business and that the lease with DLNR State Parks does not state that allowance. Pua Obayashi and Chair Neilson summarized that DOBOR handles aquatic businesses, DOCARE covers enforcement, and KBRC is legislatively mandated that the administrator of DAR chairs the council despite commercial activity and enforcement falling under other divisions.

Shaggy agreed with Member Bertelmann's and Member Loo's concerns regarding kayak rentals. He proposed they launch from the canoe side where there is a channel that is less used. He also shared that they do have a boat and he has seen them tow people out and bring them back in, but it should be ready to assist when needed.

Leimana Demate shared that Kamaʻāina kids consider their activities to be recreational and educational, but they do not give any information on where to go to their renters. DLNR State Parks does not consider this activity to be commercial.

MCBH Pontoon Boats

Mike Scott brought up concerns with MCBH boats causing damage to the reef and the unfairness of military not needing to take the DLNR test despite operating in State waters. Chair Neilson responded that there is an exemption for MCBH because they have their own boating safety training.

Member Reppun asked if there are specific places where MCBH boats are running into trouble. Mike Scott replied that the reef by the main triangle buoy to the right outside of He'eia Pier gets frequently hit to the point where MCBH patrol boats will sit there. Shaggy also witnessed a military boat being pushed off the reef last Monday. Kristi Kaluhiwa suggested that people who witness these occurrences take pictures of the numbers on the boat to provide evidence to the military.

Kristi Kaluhiwa shared that DLNR DOBOR worked with MCBH on their training process for renters. Renters take an online test and an onboard test where they are showed the reefs and the way to the sandbar. Renters are only allowed to go to the sandbar and are required to sign in, so any misuse of the boats can be traced back to the user.

Mike Scott reiterated that if everybody else needs to take the test, the operators of the military boats should be required, too, as well.

Aunty Rocky Kaluhiwa added that her grandson worked at the MCBH marina and said the rules are more strict than DLNR rules. MCBH documents everyone who is there and renters are tested for alcohol and reprimanded for improper behavior.

Kayak Rentals cont.

Aunty Rocky shared that her granddaughter has seen dangerous behavior with the kayak renters when they cannot control the kayaks and get into the way of boats in the channel.

Lynsey Bow added that she lives on the bay and is concerned for safety reasons. She has seen kayaks float into shore. She also has a neighbor who runs a commercial business that has grown, branching out to different launch points after previously bringing in tourist buses on the corner of Lulani. The groups are operating without offering any guidance to tourists or safety protocols. Neighbors have rescued some kayakers in the past. Despite many photos and videos being sent to DOCARE, nothing has been done because DOBOR will not claim responsibility for the issue while launch areas are under City and County.

Kristy Kaluhiwa called attention to the widespread advertising that draws people to the bay leading to overcapacity within Kāne'ohe Bay, He'eia harbor, and the surrounding area. Tourism and illegal businesses are creating impacts on neighborhoods and residents.

Chair Neilson brought up Senate Bill 3330 enacting a carrying capacity study of Pupukea MLCD including appropriated funds and suggested the option be explored for Kāne'ohe Bay.

Shaggy added that the kayak issue is difficult to regulate because you can rent a kayak from anywhere and put it in the water wherever you want. He suggested QR codes be staged at launch points or educational videos be required when renting.

Parking

Mike Scott brought up issues with parking due to commercial tours taking up most of the space at He'eia Pier. Shaggy and Member Bertelmann also agreed that many of the tourists are arriving by individual cars making it difficult for the community and those who own slips.

Impacts on Kāne'ōhe Bay

Aunty Rocky Kaluhiwa expressed concerns for illegal commercial operators and shared a recent instance where a person was taking pictures of illegal activity and was pushed into the water by the operator. A nearby cultural tour witnessed the altercation. There was no DLNR presence. She proposed a kapu be put in Kāne'ōhe Bay until it can be properly managed. Shaggy heard about the altercation from an eyewitness and added that nobody was arrested, meaning it was not just one person at fault and hearsay.

Mike Scott questioned the environmental impact of humans to Kāne'ōhe Bay and proposed that other impacts such as pollution and runoff are also affecting its ecology.

Shaggy questioned why people don't want commercial permits to open up and if there has been an impact study done. Aunty Rocky Kaluhiwa shared that Senator Gil Riviere put in a resolution this past session to have a study done of Kāne'ōha Bay. Three years ago, there were 90 scientists that came to research the bay and they found over 300 undocumented species. These are what we should be protecting.

Shaggy asked about factual information and evidence that demonstrates how more people impact the bay. He elaborated that small businesses can only take out a few people at a time whereas large commercial boats like those already operating are causing more damage due to sunscreen. Leimana Demate added that there was a police report on the incident at the pier as factual proof of the incident.

Member Reppun responded that the main goal is to come together as a community and decide what kind of bay we live in and what kind of vision we have for this place we call home – the Kāne'ōhe Bay Master Plan. Concerns shouldn't be dismissed for a lack of proof. Similar studies can speak to human impacts elsewhere in Hawai'i. A study on Hanauma Bay showed a huge impact which caused them to limit the amount of people who now go there. Some of those people may have spilled into Kāne'ōhe Bay. We don't need to wait until the bay reaches that same point before taking further action. The resolution calls on DLNR because it is a statewide issue and these decisions have an impact in others areas, too. Chair Neilson added that impacts

can be also be social and cultural, where parking may affect the accessibility of a locals to continue fishing.

Pua Obayashi shared that during the conception of the Kāneʻohe Bay Master Plan in 1990-1992, they understood the concerns driving the need for the plan, declining biodiversity. Oceanography textbooks mention Kāneʻohe Bay with solid scientific studies on the pollution that was occurring and continued federally funded studies, most recently done in 2015, funded by EPA and conducted by HIMB and SOEST. There is scientific evidence and that was the genesis for the master plan and HAR. Pua Obayashi further explained that HAR are not enforced and there is the ongoing problem of underfunding for DLNR. She shared that she has fought for additional funding for DOCARE, but at one point, only had two officers for Oahu. More positions have been added, but the vulnerability is being taken advantage of and the biodiversity of Kāneʻohe Bay declines in the meantime.

Commercial Tour Operations and Permits

Shaggy agreed that humans negatively impact the environment and brought up the issue of commercial permits being sold to continue operations and allowing overuse. He expressed frustrations with locals being blamed when permit holders bring in more people to grow and expand companies going against the master plan. Member Bryant replied that it was not the intent of the Master Plan, but the loop hole needs to be addressed. She explained that any permit transfer alters activities to lower levels and was only intended to be kept within family members and not self serving.

Joe Pickard shared background on development of the Kāneʻohe Bay Master Plan by explaining that when it started, the community was frustrated by growth and commercialization so they created the master plan to limit commercial recreation and saw numbers decrease significantly. The plan allowed for a small local Kāneʻohe family business to continue passing it along to family members. However, if they passed it on, all of the active jetski, towing, activities would be eliminated. There's limits on the rules and the permit holders now can only carry a certain amount of people per permit type. Toshi used to carry 500-600 people a day, but now they only have 40 or 50, which was the intent of the master plan.

Additional comments

Member Bryan proposed an action item for the next meeting to create a PIG to conduct a status report or survey of the current permit holders in Kāneʻohe Bay to better inform discussions with DLNR DOBOR, DOCARE, and legislators. These discussions may lead to solutions such as legislative action, carrying capacity studies, permitted system like Ka'ena or Diamond head. Member Bryant added that environmental concerns for Kāneʻohe Bay are important, but cultural concerns need to also be addressed.

5. Adoption of Council resolution relating to kayak rentals around Kāneʻohe Bay (Action

Item)

Chair Neilson shared the draft resolution with the group and opened it up for discussion.

Member Reppun suggested changing the title to “relating to commercial activities” or “tourist activities” and making it more general. It was discussed at the last meeting to draft specific resolutions such as 1. kayaks 2. unpermitted tours 3. Ahu a laka, but it could be aimed at DLNR at a high level to address the entire issue of commercial activity.

Member Bryant made proposed changes to the draft in blue. She suggested adding DOBOR AND DOCARE at the end and for the title, not limiting to tourism, but “commercial ocean recreation.”

Mike Scott suggested adding language for the ecology of the bay, such as preventing runoff or addressing the effects of development. Member Reppun agreed and suggested including language signaling that the group is aware of other issues, but is focusing on commercial recreation for this one. Member Reppun informed Mike Scott of the Master Plan update process and invited him to join the climate change and environmental committee to participate in those discussions. Chair Neilson added another whereas statement to encompass the ecosystem.

Member Reppun proposed adding another whereas statement addressing the rising conflict among users. Member Bryant suggested “Whereas conflicts have risen in the bay in recent years, DLNR should take action...” to recognize a problem and call on DLNR to do something about it.

Chair Neilson suggested the resolution call for a carrying capacity study that would push the department to act on it. Member Bryant agreed. Joe Pickard shared that it was difficult to do a carrying capacity study back then, which is why they came up with a way to greatly reduce the number. Member Reppun agreed it would be helpful. Member Bryant suggested a carrying capacity take into account social and cultural considerations.

David Silva asked about conflicts sharing that he has never seen a conflict while fishing and diving in Kāneʻohe Bay. If conflicts are occurring, it is only occasional in the way conflicts occur everywhere. Aunty Rocky Kaluhiwa agreed that subsistence fishing was never the problem and has always been part of the culture, while the commercialized tourism is the problem. David Silva shared that the signs say no fishing on the pier, but he used to fish there, and points out that it is just another example of something we’re not supposed to do but do anyway.

Mike Scott and Kulani asked if any permit holders currently sit on the council and posed a potential conflict of interest. No voting members are permit holders. They also asked about the task force, after which Member Bryant shared that the task force is open to the public. By suggestion of Aunty Rocky Kaluhiwa, Chair Neilson read the list of voting members of KBRC and the organizations they represent.

Member Bryant suggested resolving the conflict language “Whereas, in recent years, tensions among different users of Kaneohe Bay have risen, necessitating action by DLNR to appropriately manage and steward the cultural and natural resources in the bay in accordance with the goals and management principles set forth in the Kaneohe bay master plan;”

Member Bryant motioned to adopt the resolution as amended. Member Loo seconded. All were in favor.

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

Member Bryant’s suggested to establish a Permitted Interaction Group at the next meeting as an action item.

Aunty Rocky suggested establishing ground rules before the next meeting to eliminate interruptions and establish a protocol for muting and time limitations.

Member Bryant suggested requesting information from DOBO and DOCARE about existing permit holders. Chair Neilson volunteered to put in a request.

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

Next meeting will be on October 5, 2022 at 6pm.

7. Adjournment (Action Item)

Kulani expressed concerns for the suggested kapu on the bay and how it would limit locals in addition to commercial operators.

Shaggy asked if his input as a community member coming from a different side is welcomed. Chair Neilson responded that his questions brought a lot of clarity to complicated issues and alternative points of view are encouraged as long as they are respectful. Pua Obayashi volunteered to share a reference establishing guidelines for similar meeting formats.

Member Reppun motioned to adjourn. Member Bryant seconded. All were in favor.