

Kāneʻohe Bay Regional Council Meeting

Agenda

October 5, 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 (Non-Action Item)

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)

Liko Kaluhiwa – Kāneʻohe bay recreational boating association (voting member)

Cedric Bertelmann – Kāneʻohe Bay Fishing (voting member)

Elena Bryant – Kāneʻohe neighborhood board representative (voting member)

Luna Kekoa – DLNR-DAR, Holomua Marine 30x30 Initiative

Casey Ching – Heʻeia NERR

Josh Hekeka - Office of Planning

Bruce Swartz – DLNR DOBOR

Joe Pickard

Aunty Rocky Kaluhiwa

Kristi Kaluhiwa

Zuri Aki

Shaggy

Ian Masterson

David Silva

Joe Pickard announced that he will be stepping down from his role with RCUH and is willing to be nominated as a member of the council to help KBRC achieve quorum.

2. Meeting ground rules (Non-Action Item)

Chair Neilson presented ground rules for the meeting. Each person should raise their hand using the zoom feature or physically, if they wish to speak. Those in person should signal to Kendall (DAR representative). Chair Neilson will acknowledge each person when it is their turn to speak and try to call on them in order. If there are problems with zoom, state if you have a comment in the chat. KBRC wants to give everyone the opportunity to raise questions, provide

comments, and share their perspectives. The chat will be left on, but should not be used for extensive back and forth conversations. All participants should be respectful.

3. Approval of Agenda (Action Item)

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

4. Approval of Council minutes of the September 7, 2022 meetings (Action Item)

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

5. Presentation: Update on the Holomua Marine 30x30 Initiative Process (Non-Action Item)

Luna Kekoa from DLNR DAR leading the Holomua: Marine 30x30 Initiative presented an update on their process starting in Maui. He originally served as the CBSFA planner and has stepped into a new role leading the initiative as a program manager for DAR.

Overview

- Effectively manage 30% of nearshore waters (of each island) by 2030
- DAR is reaching out to fishers, partners, and collaborators to share their vision for Holomua: Marine 30x30 with communities.
- A Holomua Roadshow is being presented by fishers sharing their perspectives.
- Holomua will manage fishing in a way where people can still harvest, allow the ocean to provide, and feed each other. It uses tools such as size limits, bag limits, etc. to address issues and concerns.
- Holomua is not trying to create 30% no-take areas.

Where is Holomua launching?

- The community engagement process is starting on Maui to figure out what works and doesn't work so it can be adjusted for the next island.
- MMAs will be developed measuring 30% around each island, ensuring connectivity and how each of the islands feed each other is taken into consideration
- DAR is doing outreach to spread the word about Holomua
- Social and cultural indicators will be used to represent the people, next generation learning, how the fish are using and being shared, and how regulations may affect the people of each area. It's not just about the resources, but how people in these areas engage with their resources.
- Community-based monitoring will help to translate community/local monitoring practices to DAR regulations. This will add to statewide, higher-level monitoring currently in practice.
- Increasing enforcement capacity and making sure that as rules are developed, enforcement officers are empowered to enforce rules.

- About 6% is managed statewide. Hawaii Island with 26% is pretty close, but Maui only has 2% and Oahu only has 1%.
- Examples of these areas could be Herbivore Management Areas, Limu Management Areas... DAR won't decide, but will go to communities to listen.

Holomua community engagement process

- DAR wants to get the people involved
- Talk with communities to figure out the where and what of Marine Management Areas
 - o "Here is where we're thinking of." "Here's what we're thinking of."
- Can we do more than just one at a time? Have multiple communities go through the process together and put them through as one package?
- How can DAR tweak the system to make it more efficient to establish these areas with communities?
- Overall - Compiling concerns, looking at issues at an island-wide scale, building management plans, and creating partnerships between DAR and communities
- Connections and partnerships with other organizations ex. City and County
- Creating a key communications network, using social media such as facebook, Instagram, twitter

Shaggy asked if there could be a heavier presence of the 30% on one island than another. Luna Kekoa replied that the 30% will be per island, so no. However, if the community wants to go past 30%, they can. For example, Lānaʻi fishers are interested in creating a CBSFA for their entire island.

Member Reppun raised a concern that Oʻahu has the biggest population where a lot of fishers go over to places like Maui and Molokaʻi to fish. He asked if Holomua has thought about how fishers may respond to increased restrictions in certain places, such as moving effort to other fishing areas. Luna Kekoa responded that a similar circumstance was brought up in Moʻomomi, where establishing the CBSFA would push people around the corner to the next community's resources. He shared that when communities are thinking of proposing rules, they will typically reach out to surrounding communities to discuss it out of respect.

Shaggy asked how the impacts of longline boats are regulated and monitored with Holomua. Luna Kekoa replied that the initiative defines nearshore waters up to 50m depth which might not always include longline trollers, but that they have talked to pelagic fishers on Hawaiʻi Island about how they may be affected. Some CBSFAs extend beyond 50m depths, but those waters are not counted in the 30%.

Aunty Rocky Kaluhiwa expressed that Native Hawaiian practitioners will likely be opposing any new rules for Kāneʻohe Bay pertaining to fishing. She added that there should be no new rules for Kāneʻohe Bay until DLNR can address what is currently happening. Chair Neilson responded that the process will come to Oʻahu for comments like this to be shared by communities and received by DLNR.

Luna Kekoa shared the 5-phase process

- Step 1 (completed): Process design and preparation
 - o What information is needed and what information needs to be provided?
- Step 2: Community talk story
 - o 3 different in-person meetings (Wailuku, Hana, Lahaina) to collect community input and liaise with communities and stakeholders
- Step 3: Island Navigation Teams
 - o Assemble people from the area to drive the process – Collect different ideas and explore potential tools that would work for the area and community
 - o Representative members nominated by community members that can work together despite having different perspectives
- Step 4: Community info exchanges and draft MMAs
 - o DAR comes back to the communities to have navigation teams drive the direction, provide space to exchange information, and talk with the navigation team about what needs to be tweaked and/or changed
- Step 5: Public scoping to present each island plan

Shaggy asked why there is not a zoom option for these meetings. Luna Kekoa responded that two different Holomua outreach efforts are currently happening, with one in-person in Maui but another hosted by HFACT. Though its for the same process, the HFACT one is from the perspective of fishers and for other fishers.

Member Bertelmann asked if Holomua: Marine 30x30 is a complete shut down of an area or just regulations. Luna Kekoa replied that it is not a 30% shutdown, but to establish MMAs like Kahekili Herbivore Management Area on Maui, where you can still fish but there are herbivore regulations in place to encourage grazing and prevent algae growth.

Member Bryant inquired about enforcement capacity to address community-based regulations of MMAs. Luna Kekoa responded that DAR is only one piece of effective management and that DOCARE is brought to the table when discussing rules with communities to make sure there is an ability to enforce any proposed rules. Holomua is helping to build capacity in DOCARE.

Member Bryant followed up by asking about the role of Makai Watch within enforcement. Luna Kekoa shared that Makai Watch is another tool communities can use to achieve effective management. Makai Watch programs increase connections and encourage relationships between communities and DOCARE.

Member Reppun asked for more details regarding the nomination process for the island navigation teams, such as if the user groups are predetermined by DAR and how the nomination/voting process will work. Luna Kekoa shared that DAR has brainstormed certain groups, such as subsistence fishers, commercial fishers, recreational fishers, tour operators, education groups, etc. However, they will be listening to different folks to determine who will be involved depending on the area. For Maui, they proposed the list and asked what was missing. At these meetings, they will share the nomination process. Once names are submitted,

DAR will follow up to determine if they have the time to commit to the effort. Ultimately, DAR will select the people.

Zuri Aki asked why Maui was chosen to pilot the project. Luna Kekoa replied that there are a lot of different types of MMAs currently there, so there are already examples to work from. He added that there is a lot of community movement, with support for different solutions and many ideas. It has the potential to add a good amount to the percentage.

Aunty Rocky Kaluhiwa pointed out that the island navigation teams are similar to KBRC, where representatives are from neighborhood boards, boating, fishing, etc. She suggested the missing component is Native Hawaiian practitioners and suggested the Aha Moku system be involved. She spoke of the closure of turtles causing sharks to increase and limu to decrease, proving an example of Hawaiians knowing how to balance resources and the need for native Hawaiian practitioners. Luna Kekoa agreed that Aha Moku needs to be looped in and that those who represent their areas need to be invited to the table.

Chair Neilson inquired how KBRC can be of assistance to the process. Luna Kekoa suggested KBRC continue to add mana'o to the process, make sure comments and perspectives are heard when the time comes, and continue to stay involved.

6. Creation of a new Permitted Interaction Group (PIG) to evaluate and make recommendations to the Council regarding commercial activity in Kāne'ōhe Bay (Action Item)

To address the ongoing issue of illegal commercial activity, Member Bryant proposed to have a group look into the kinds of commercial activity on the bay including the status and scope of existing permits. It is a first step to come up with regulations and enforcement priorities to take to managers. The issue is continually brought up and something needs to be done.

Member Bryant asked for support from DLNR and recalled her request for the status of current permits during the last meeting. Chair Neilson replied that a request was submitted to DOBOR to pull the information. Bruce Swartz responded that he did not have any update, but shared that there are about 11-12 commercial permits out of He'eia Kea. Most are with vessels and likely with familiar names to this group. He volunteered to provide the list of names. Member Bryant requested the entities with the permits, the scope of the permits, and authorized activities of each permit also be provided. Member Reppun agreed that it is a good idea to delve into the specifics such as numbers, sites the vessels can use, etc. Bruce Swartz agreed to provide the requested information, given it is all public and/or on their permit.

Chair Neilson presented the proposal to create a new PIG to evaluate and make recommendations to the council regarding commercial activity of Kāne'ōhe Bay. Member Bryant moved to approve. Member Kaluhiwa seconded. All were in favor. PIG is approved.

Shaggy clarified with Bruce Swartz that there are 11-12 permit holders. Bruce Swartz agreed and that sometimes it will change, but the current list is 11 or perhaps 12. Shaggy pointed out the discrepancy with the Kāneʻohe Bay Master plan, which states 10 permits are allowed and that it eventually would go down, and proposed this be investigated. Bruce Swartz replied that some companies hold multiple permits and that permits are transferrable, they get bought and sold.

Joe Pickard suggested requesting the Parks department provide a list of park operators conducting business on Kāneʻohe bay, including who they are and under what authority. The increase in commercial activity goes against the Kāneʻohe Bay Master Plan. Chair Neilson volunteered to reach out to the Division of State Parks.

Joe Pickard also mentioned operations at Kualoa. Chair Neilson added that a commercial use permit should be required to operate commercially, but a Right of Entry should also be established to cross County property as a commercial entity. Bruce Swartz agreed. Joe Pickard recalled seeing a yellow whaler leave the property to assist kayaks being rented from the State Park. Bruce Swartz confirmed that no vessels have a permit out of Kualoa.

Joe Pickard suggested State Parks attend a meeting to explain what is happening. Chair Neilson volunteered to reach out to them.

Chair Neilson shared that to avoid violating sunshine law, you can't exceed 3 voting members. Krisi Kaluhiwa, Aunty rocky Kaluhiwa, Member Bryant, and Member Loo expressed interest in being involved.

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

Member Reppun suggested a short update on projects HIMB is involved in and current research taking place in Kāneʻohe Bay.

Aunty Rocky Kaluhiwa clarified that Heʻeia State Park is the only one on Kāneʻohe Bay and that the master plan says no commercial businesses. She would like to see clarification on this by the Attorney General's office. Shaggy agreed with Aunty Rocky Kaluhiwa, explaining that more permits are being sold and transferred against the master plan as well.

Joe Pickard requested his appointment to KBRC as a commercial operations association member be an action item.

Member Bryant added that the vacant OHA seat should be addressed as well. Chair Neilson volunteered to reach out to OHA.

Member Bertelmann shared that he heard someone was hired to build a big barge to do dredging near the yacht club side of Kāneʻohe Bay. He expressed concern and inquired if it is allowed and if so, what is the required process. Bruce Swartz shared that he had not heard of

any dredging projects proposed but the permitting process is involved with the Army Corps of Engineering and DOH.

Member Bryant requested an update on the revisions to the Kāneʻohe Bay Master Plan. Chair Neilson volunteered to reach out to Mo Radke.

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

Tuesday, November 15, 2022. Last meeting of the year.

9. Adjournment (Action Item)

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