

Kāneʻohe Bay Regional Council Meeting

Agenda May 3, 2023

6:00 PM-8:00 PM

Online or call-in via ZOOM

(Zoom info listed below)

or

In-person at:

Kāneʻohe Atrium Building

46-004 Kawa St., Ste. 104

Kāneʻohe, HI 96744

6:00PM-8:00PM

1. Opening (Non-Action Item)

Brian Neilson –DLNR DAR, Chairperson

Clifford Loo – Kahaluʻu Neighborhood Board (voting member)

Liko Kaluhiwa – Kāneʻohe Boating Association (voting member)

Sylvia Hussey – OHA (voting member (voting member)

Cedric Bertelmann – Kāneʻohe Bay Fishing (voting member)

Fred Reppun – HIMB, Heʻeia NERR (voting member)

Joe Pickard – Commercial Boaters (voting member)

Elena Bryant – Kāneʻohe Neighborhood Board (voting member)

Jessica Jimenez - MCBH

Rocky Kaluhiwa – Koʻolaupoko Hawaiian Civic Club

Casey Ching – Heʻeia NERR

Trevor Johannsen – DLNR DAR

Josh Hekekie – Office of Planning

2. Meeting ground rules (Non-Action Item)

Chair Neilson reviewed the ground rules with the group.

3. Approval of May 3, 2023 Agenda (Action Item)

Member Hussey moved to approve the agenda. Member Loo seconded. All were in favor. Motion passed.

4. Approval of Council minutes of the March 1, 2023 meetings (Action Item)

Member Hussey moved to approve the minutes. Member Loo seconded. All were in favor. Motion passed.

5. Legislative Chair of the Kāneʻohe Bay Regional Council updates from the Legislative session (Non-Action Item)

Aunty Rocky Kaluhiwa shared that only two bills were left - Bill 1134 passed unanimously and HB848 passed with amendments. Member Hussey confirmed and added that 1134 went to conference, while HB848 passed the conference committee.

Chair Neilson asked about the HIMB positions associated with HB848 and Member Reppun replied that one is for an administrative/fiscal person, another is facilities, and he was unsure about the third.

Aunty Rocky Kaluhiwa addressed the bill regarding facilities on Moku o Lo'e, where HIMB is asking for \$10M to upgrade the sewage system and the pier. She spoke with Senators who said there is still hope the bill can be reintroduced again next year. Chair Neilson added that because it's a biennium, some of the bills that did not make it can be reintroduced next year. Aunty Rocky Kaluhiwa brought up that the aquarium bill should also be reintroduced next session.

Member Hussey thanked everyone who showed up during the hearings, online or in-person. Chair Neilson congratulated Member Hussey and Member Pickard for receiving their confirmations to KBRC as voting members. The HIMB nomination did not make it through the Governor's office, but Member Reppun's appointment will be extended through the next session where he will have his confirmation hearing.

Member Reppun congratulated everyone for their efforts to ensure the bill relating to commercial activity in Kāne'ohe Bay passed. Without the council and neighborhood boards, it wouldn't have made such good progress. Member Reppun asked the group if anyone had information on why the kayak-related bill did not pass. Aunty Rocky Kaluhiwa shared that she mainly followed HB1134, but that Senator Awa requested to give illegal commercial guys time to get their operations in order before the bill is passed.

Chair Neilson thanked Member Hussey and Member Bryant for helping to track Kāne'ohe-related legislation and keep track of all the updates as the bills move.

6. Update from the Permitted Interaction Group (PIG) to evaluate and make recommendations to the Council regarding commercial activity in Kāne'ohe Bay (Non-Action Item)

Member Bryant shared that no new information has been received since the last PIG meeting. She submitted testimony and testified at the hearing for HB1134 on behalf of KBRC, where it passed into conference committee and is expected to pass.

Member Bryant proposed that given SB505 did not pass, we join the handful of community groups requesting DLNR Chair, Dawn Chang, to establish administrative rules about aquarium trade and support legislative action. She proposed we draft a letter to DLNR Chair, Dawn Chang, asking her to consider rule processes banning the trade. O'ahu aquarium collectors are in the process - redoing their EIS, have a consultant working on a CIA, interviewing a handful of community members. She requested to circulate a letter for KBRC to jointly submit. Chair Neilson added that the letter can be shared, but can't be voted on until the next meeting.

Member Bryant asked Chair Neilson about BLNR considering a rule change on May 12, which would remove size restrictions on kole collected commercially but would keep the restriction for subsistence fishers.

Chair Neilson responded that back in December, DLNR DAR went before BLNR for approval to take proposed rules for public scoping – the first step in the process before establishing any administrative rules. The proposed rules are uhu and kala bag limits of 2/day for recreational and commercial fishing, a minimum size of 5 inches for kole (right now, there are none), increase in minimum size on manini, and allowing take of female kona crab. The proposed rules are supported by NOAA stock assessments which found uhu and kala populations are not doing well. The minimum size restrictions are based on science showing minimum size of maturity on kole and manini. Herbivorous fish are important for reef resilience, grazing algae to prevent overgrowth after bleaching events. Science shows kona crab populations are doing well and the rule prohibiting take of females is not based on science. In December, DLNR DAR received a lot of opposition from commercial fishers on the bag limits. Commercial fishers requested

exemptions from uhu and kala restrictions, saying that bag limits of 2 would put them out of business. DAR also received opposing testimony about a kole minimum size from an aquarium collector. The approval with BLNR on May 12 only allows DAR to go out for public comment and receive feedback. There will be many opportunities for people to provide testimonies, including public hearings statewide on zoom and in-person. The rules will also go before BLNR multiple times throughout the process, so there will be opportunities for people to testify in front of BLNR on the rules.

Member Bryant expressed concern for a commercial aquarium collector to be exempt from kole size limits, especially if subsistence fishers would still need to abide by the law. She added her appreciation for multiple points for people to testify, but asked the council to be conscious of these hearings as they come up so they can testify, if interested. Chair Neilson added that rules can be removed based on public testimony, so public testimony is very important to the process.

Aunty Rocky Kaluhiwa shared that May 12 is the graduation for many schools and suggested the meeting be rescheduled for a time when it is more convenient for others to attend. She added that she and Uncle Kawaikapuokalani Hewett were interviewed about the aquarium issue, but they will be participating in graduation on that day. Chair Neilson responded that there are always opportunities to provide written testimony and in-person testimony at follow-up hearings, as this is just the first step in the process.

Member Loo asked if it is illegal to fish for uhu at night. Chair Neilson responded that there are currently no restrictions on night fishing of uhu. Maui has a 2 uhu and no-take of blue uhu rule, but the rest of the state has no restrictions on night harvest. Member Loo shared that he was in the supermarket the other day and found a small uhu, only 6 inches long.

7. Announcements (Non-Action Item)

Chair Neilson shared that DAR in partnership with HIMB, TNC, NOAA, FWS, have been trying to control the invasive seaweed in Kāneʻohe Bay. DAR is starting to see invasive algae come back. In 2014, there was a crash of *Eucheuma* and *Kappaphycus*, and DAR stopped the super sucker and just did urchin outplanting. Seeing it come back, DAR is firing up the supersucker again in the next couple months. The removed algae has typically gone to farmers for fertilizer. DAR is open to providing a briefing about the operation to KBRC.

Member Reppun asked if it was coming back in particular parts of the bay. Chair Neilson responded that they noticed high levels on Reef 26 and Reef 19, but it seems to be scattered. Trevor Johannsen added that it was the worst in the central part of the bay on Reef 19 and Reef 20. Usually, the spring surveys show that the urchins are doing their job munching it down, but this was the worst they've ever seen it. *Eucheuma* and *Kappaphycus* is in the central part of the bay, with *Gracilaria* popping up, and *Acanthophora* on the edges. The *Eucheuma/Kappaphycus* covered central reefs are the worst.

Member Bertelmann shared that kite surfers across the sandbar on the windy days could be dangerous. He expressed concern for the high-speed vessels going through the shallows messing up the environment, with turtles feeding on seagrass at the sandbar, and as a safety issue for other recreators.

Aunty Rocky Kaluhiwa added that not everyone is following the slow wake zones. She shared that the barge being made looks like a big stage, and questioned if permits are required to have a barge that size in the ocean. She contacted the Harbor Master about it and doesn't think it's fair to the local fishermen to have a barge that big.

Chair Neilson volunteered to follow up with DOBOR on the barge and on the kite surfers at the sandbar. Member Bertelmann suggested signs or having DLNR present to enforce the rule.

Chair Neilson volunteered to ask DOBOR if the barges are permitted and if there are certain restrictions on number or size associated with the permits. He also shared that he is still waiting for a response from State Parks regarding Kama'āina kids rentals, their commercial operations status, and the number of kayaks they can rent out.

Member Reppun shared that he recently discovered an app to track exercise (running, biking, paddling, kayaking) with all the data being shared online. With the app, you can see routes that others have gone and follow them if you are new to an area. Looking at Kāne'ōhe Bay, you can see all the ocean activity people are logging. You can't tell what kind of activity it is, but you can see the hot spots, such as He'eia State Park with all the tracks coming from that, paddlers coming from He'eia Pier, and different launch points along the highway where illegal rentals are happening. For instance, Lulani Street, Paradise Bay, and Kualoa Beach Park. This could be helpful to inform enforcement actions and to include with testimony next year.

Aunty Rocky Kaluhiwa added that Kama'āina kids are only allowed 8 kayaks by their original lease, but there are pictures of 72 kayaks. Businesses are not allowed to run on Sundays, but Kama'āina kids are allowed to run. She reiterated the need to do something about the organization. She also added that signage for the slow/no wake zone needs to be replaced. Member Bertelmann added that MCBH should also be following the no commercial business operations on Sundays rule.

Aunty Rocky Kaluhiwa brought up the He'eia Kea pier sewage spill, expressing concern for Kāne'ōhe Bay with so many people using the inadequate bathroom facility. She suggested the bathroom facilities get upgraded, or they will continue to spill sewage into the water. The bathrooms are beyond their capacity and with the rains, they overflowed. There are two bathrooms, with only a small cesspool to them. Member Loo shared that he sees the maintenance men pump the system, but the tanks are too small. Member Bertelmann added that he sees it being pumped multiple times a week, and has seen it overflowing through the manhole covers near the deli – it is an issue. Chair Neilson volunteered to ask DOBOR about the system and planned improvements, and report back to KBRC.

Aunty Rocky Kaluhiwa shared that a few years ago, a commercial businessman asked to work with DOBOR to upgrade the facility, but Chair Suzanne Case turned it down. Aunty Rocky Kaluhiwa suggested bringing up the bathroom facility issue at the legislature.

Chair Neilson asked about pumpout services, and Member Bertelmann responded that there is a head near the deli where commercial boats pump their boats, but it's tied into the sewage system also. Member Reppun asked if it is tied to the sewer system, septic, or a cesspool, and Aunty Rocky Kaluhiwa shared that when the pier was built, it was a cesspool, then upgraded to a septic tank. Member Bertelmann added that he does not believe it is tied to sewer, because the system stops just a few houses past his, so it's likely a cesspool. Chair Neilson suggested requesting a CIP next legislative session to upgrade the system, if DOBOR does not have any current plans to upgrade it.

Member Reppun inquired if DOH gets involved for water quality violations. Chair Neilson agreed, and shared that EPA has been cracking down on large-capacity cesspools and issued DLNR violations for others at State Parks. They are working to convert cesspools at DLNR facilities, but it takes awhile and is not easy. Member Reppun added that Sea Grant launched a cesspool tool, so you can see a map of cesspools around O'ahu and which are prioritized for improvement. It looks like there is no cesspool at He'eia Pier, so it might be a septic system, but it should still be looked at. Aunty Rocky Kaluhiwa added that the whole pier needs to be looked at and upgraded.

Member Loo asked about the two canoes that are drifting around near the pier, which are starting to come close to the channel. Aunty Rocky Kaluhiwa responded that one of them could be owned by one of the commercial businesses no longer there.

Member Reppun requested a presentation from DAR about the invasive algae removal including the strategy, techniques, where it will happen, etc.

Member Bertelmann asked about requested info from MCBH at the last meeting on the agreement between the state and MCBH about the size of their operation and how many boats are in the bay, given that the number seems to have grown over the years. He also reiterated that they should not be allowed to go out on Sundays, like the other commercial entities.

Jessica Jimenez responded that boat licensing course consists of two different phases. Online instruction following by a test, then an inperson water course with 1 instructor to max of 9 students, where they go out and show them the ropes of where they're allowed to go - 90 minutes to complete that instruction. Rentals are for 4 hours at a time, 8:00am – 12pm and 12:30pm-4:30pm. No restrictions to days of the week or holidays, as long as you have the license. Pontoons are 10 person capacity. Licensing is in line with DLNR. There are guide boats and patrol boats at any point in time, so they are quick to get us back to where we're supposed to go if we wander out of bounds. There are strict rules in regard to what they can or cannot take on the boat. No alcohol, grills, and they do a thorough inspection.

Member Bertelmann asked if there is a cap on the number of boats. Jessica Jimenez responded that she will see if there is a cap, but there are no plans to get more boats in the near future. Chair Neilson asked if there are GPS on the boats to keep them on track. Jessica Jimenez responded that boats do not have GPS, and some run aground or into the reef, but it is the same as civilian yachts that get hung up on reefs. GPS is a good recommendation the base can use. Chair Neilson asked if KBRC could write a letter to advocate for GPS on the boats. Jessica Jimenez replied that it was worth a shot and that they want to work with the community to help with what they can.

Jessica Jimenez added that there was a press release, C40 alpha aircraft maintenance hanger, going out for public comment. The MCBH newsletter will be going out with QR code to scan. The Asst. Secretary visited in April and they showed her their efforts pertaining to environmental and cultural concerns. She was impressed about what the base is doing to safeguard the environment and the work they are doing with community. They are working on some issues in Ewa and will push info out to the community about that as well. Their Adopt a school program is up and running, and they are looking for schools to participate in the program. They are involved in the Reefense project, which will do survey work with long term hopes to do some work on artificial reefs off the coast. Nuupia ponds have an MOU, and are doing restoration of ponds in the final stages. MCBH are looking to have a final signing ceremony before the change of commanding officer. They will push out the bio for the new commanding officer.

Member Reppun asked about the boats and who owns the business side of the operation. Jessica Jimenez replied that all boats are owned by MCBH community services. Member Reppun asked if it is a commercial activity, and Jessica Jimenez replied that she would find out. Member Reppun added that MCBH wasn't part of the master plan, but in the spirit of the master plan to reduce commercial activity, the business end of the pontoon operation should be looked at. He requested more information on how much of the pontoon business resembles a commercial business, or how much more it is a service offered to the men and women on base. He added that Nuupia is exciting and asked if the MOU is publicly available and can be shared. Jessica Jimenez volunteered to look into if the MOU can be publicly released.

Aunty Rocky Kaluhiwa shared that MCBH security saved a couple of kayakers drifting out of Kāneʻohe Bay. She agreed with Member Reppun and Member Bertelman, that it might be time for MCBH to be in compliance with the Master Plan. Keeping commercial activities out on Sundays was to allow subsistence fishers to have a day of their own, but now they do not have a day at all. She suggested we collaborate and work on something together as a council.

Member Neilson added that the Reefense project with HIMB is not in the bay, but in the Heʻeia ahupuaʻa and asked if HIMB could provide a presentation on it. Jessica Jimenez volunteered to see if someone could put a brief together. Member Reppun volunteered to follow up with Rob Toonen from the HIMB side.

Chair Neilson recapped suggested agenda items:

- Reefense Project
- Letter to Dawn Chang regarding Aquarium Fishing
- Invasive algae removal briefing
- Comments to inform Oahu Aquarium Fishing CIA and EIS

Next meeting was scheduled for Thursday, June 8th.

Member Bryant asked Chair Neilson to follow up with DOBOR on their information request. Chair Neilson agreed along with the info from State Parks.

8. Adjournment (Action Item)

Member Bryant moved to adjourn. Member Reppun seconded. All were in favor. Motion passed.