

Kāne‘ohe Bay Regional Council Meeting

Agenda

November 30, 2023

6:00 PM-8:00 PM

Online or call-in via ZOOM

(Zoom info listed below)

or

In-person at:

Kāne‘ohe Atrium Building

46-004 Kawa St., Ste. 104

Kāne‘ohe, HI 96744

1. Call to Order (Non-Action Item) - 6:02PM

David Sakoda – DLNR DAR, Acting Chairperson for Brian Neilson

Clifford Loo – Kahalu‘u Neighborhood Board Rep, Voting member

Cedric Bertelmann - Kāne‘ohe Bay fishing panel, Voting member

Joe Pickard – Kāne‘ohe Bay commercial operators, Voting member

Liko Kaluhiwa – Kāne‘ohe Bay recreational boating association, Voting member

Elena Bryant - Kāne‘ohe Neighborhood Board Rep, Voting member

Josh Hekeka – Office of Planning

Kendall Tucker – DLNR DAR

Spencer Davis – HIMB

Erik Franklin – HIMB

Kirk Deitschman – DLNR DOCARE Makai Watch

Damian Koval – Koval Foundation

Wayne Tanaka

Kristi Kaluhiwa

Ron Tubbs

2. Meeting ground rules (Non-Action Item)

Acting Chairperson Sakoda read the ground rules to all present.

3. Approval of November 30, 2023 Agenda (Action Item)

Member Bryant approved. Member Loo seconded. All were in favor. Motion carried.

4. Approval of Council minutes of the September 14, 2023 meetings (Action Item)

Member Bryant approved. Member Loo seconded. All were in favor. Motion carried.

5. Presentation on pāpio stock enhancement research, Spencer Davis (Non-Action Item)

Spencer Davis shared about his project on pāpio and its recent release of pāpio into Kāne‘ohe Bay.

- Past projects worked to increase stock enhancement for moi and mullet in fishponds and for yellow tang as an alternative source for ornamental aquaculture.

- Project is led by PhD student, Spencer Davis, and advised by Erik Franklin with HIMB to culture pāpio for stock enhancement.
- The project started with the Oceanic Institute in 2022 and was funded by the Center for Tropical and Subtropical Aquaculture (CTSA) to explore ways for aquariums to provide eggs to grow fish for the aquarium industry to reduce the need for wild caught fish.
- Egg collectors were set up in Waikiki Aquarium, Aulani Disney Resort, and Maui Ocean Center.
- In November 2022, Ulua (*Caranx ignobilis*, Giant Trevally) eggs collected from the Maui Ocean Center were used as a viable option to culture pāpio.
- More pāpio were produced than could be returned back to the aquariums due to space limitations.
- DLNR and UH created a project to make use of the pāpio through a tag and recapture study, receiving community support from groups such as Mālama Pūpūkea-Waimea, Waikalua Loko I‘a, Nanko Fishing Supply, Waikiki Aquarium, the Marine Science Learning Center of Waianae HS, SeaGrant and Kupu.
- The tags included instructions for fishers to report their fish, date, and size of fish captured to be entered into a raffle for Nanko Fishing Supply.
- With help from community partners, 152 tagged pāpio were released throughout October 17, 18, and 19.
- The areas chosen and number of fish released: Kāne‘ohe Bay outside of Waikalualoko Fishpond (41 fish), Waikiki MLCD (49 fish), Pokai Bay (40 fish), Pūpūkea MLCD at shark’s cove kiddie pool (22 fish). Mostly protected areas were chosen to allow for dispersal. Many community members showed up to help and talk story during these events.
- As of today, there have been 18 recaptures of the 152 released (12% recapture rate). From release at Pokai Bay, 7 were recaptured at Wai‘anae boat harbor with 1 making it to Mā‘ili. From Waikiki release, 9 were recaptured around the Waikiki area with 1 in Hawai‘i Kai area and 1 (...). Only one from the Kāne‘ohe Bay released was caught near the sand bar, and one from Pūpūkea release was recaptured at Pua‘ena point.
- All of the fishers that called in reports were very cooperative in giving location and size data and eager to enter their contact information for the raffle.
- Currently distributing project info, data shared and learned, and surveys to participating fishers and community members – received about 12 responses so far.
- The project was an opportunistic way to make use of fish from a different project, but they will be submitting a proposal to NOAA to do a larger scale project and release with more community input.
- Currently have another funded project to culture kumu at Oceanic Institute, but still working on rearing candidates for a tagging, release, and recapture project.

Member Loo asked if they are planning to release any more fish in the bay and requested that more be released. Spencer Davis responded that the recapture rate is likely higher, given that tags could have fallen off or gone unreported.

6. Presentation on the Koval Foundation, Damian Koval (Non-Action Item)

Damian Koval of the Koval Foundation shared that Ed Underwood recommended he attend this meeting to introduce himself. His foundation is in an early stage of establishing a 501C3, but is discussing with DLNR how to best be involved in Kāneʻohe Bay. Originally from Holland, he then moved to Chicago where he started and sold many businesses, then recently moved to Hawaiʻi. He spoke about feeling lucky and privileged to live in Hawaiʻi, but seeing detrimental impacts such as pollution, overcrowding, bleaching, and disrespect to coral reefs. He spoke of a desire to showcase the beauty of Kāneʻohe Bay through education and by being on the water through his several boats and sailboats. His foundation is still in the early stages and he anticipates that it will be shaped overtime with DLNR. He would like this foundation to work for generations to educate the public and protect the bay over time by listening and seeing what's needed, and working with community members and scientists and pull together resources to work together.

Kristi Kaluhiwa responded that he should let her know when he is ready to speak to the community. Member Bryant asked if they have a business plan to share. Damian Koval responded that he has a strategic plan that can be emailed to anyone interested, but it is not a business plan because they want to adjust and change over time as they listen and learn. The Foundation is currently researching different grants than can bring in money to Kāneʻohe Bay.

Member Bryant suggested to Damian Koval to review the Kāneʻohe Bay Master Plan outlining the community and research needs to inform what they plan to do. Damian Koval responded that he has reviewed the plan and came today to clarify their business operations and intentions, knowing that commercial activity is not allowed in Kāneʻohe Bay aside from current permit holders. He added that the boat activity for their nonprofit would allow them to teach on the water and money generated would only cover direct operating costs. He emphasized that he understands the limitations and policies of boat operations in Kāneʻohe Bay.

Aunty Rocky Kaluhiwa inquired about the mission statement of the foundation and asked if this Foundation would be another business added to Kāneʻohe Bay. She raised concerns about the Master Plan being created to protect the bay against businesses and that this organization would need its mission statement to align with this idea. Damian Koval responded with understanding of the concern regarding new businesses coming in and assured the group that he understands the cap on business. He added that his organization could play a role in research and stated that since UH is the only research operation in Kāneʻohe Bay, that this is where he can come in with his skills and connections.

Aunty Rocky Kaluhiwa asked about the intentions of this organization what the mission will be. She shared an example of another nonprofit organization who is making millions of dollars off of Kāneʻohe bay to the frustration of the community. Damian Koval responded that his organization will be small and catered to education about Kāneʻohe Bay in order to promote conservation, bring in grants and collaborate with scientists.

Aunty Rocky Kaluhiwa responded with concern that they may become a competitor with other education groups in Kāneʻohe Bay. Damian Koval responded that competition is a healthy thing to make businesses better.

7. Kāneʻohe Bay Makai Watch update, Kirk Deitschman and Casey Ching (Non-Action Item)

Casey Ching shared that Makai Watch is hiring 2 new part-time Kupu intern positions to work at Heʻeia Pier with the Heʻeia Harbor Master. She asked KBRC to let her know if there is anyone they can think of who may be interested in applying. Aunty Rocky Kaluhiwa asked if there is a position description. Casey Ching replied that if they contact her, she will share it.

Member Pickard brought up concern for the safety of the interns since they will be documenting and reporting illegal operations. He suggested the interns be encouraged not to engage, but to have cameras installed at the launch ramps for their documentation and reporting. He has talked with Tanya Borabora, the Harbor Master, and thinks it is a possibility, with support from community members and Kawika Winter from the Heʻeia NERR. Funding from Heʻeia NERR could be used to install cameras on telephones in front of launch ramps, where most of the illegal activity is occurring, to remotely document those instances.

Member Bertelmann agreed that cameras are helpful and were there before, but are no longer working. He suggested the state figure out how to get them working again. Aunty Rocky Kaluhiwa added that she has seen bullying at the pier and has also spoken with Kawika Winter to partner with the NERR to get the cameras fixed. Members were in support of finding a solution to get the cameras installed and/or working again.

Member Loo recommended that for safety purposes, both interns be working together on the job. Member Pickard supported that suggestion, and emphasized how cameras could be a big help to document activity without creating confrontation.

Casey Ching added that Makai Watch received funding from a Hawaii Community Foundation Grant to host a Makai Watch Open House for Kāneʻohe Bay this spring. KBRC will be kept updated with details and planning for this moves forward.

8. Approval of a Permitted Interaction Group (PIG) to identify and track Kāneʻohe Bay Master Plan related Bills and provide testimony to the State Legislature on behalf of the Kāneʻohe Bay Regional Council (Action Item)

Member Bryant reflected on last year's legislative session and how it was good to be able to gather a group in a timely manner to draft and submit testimony on behalf of KBRC. She recommended it continue into the next session. Chairperson Sakoda outlined the guidelines of a PIG that 2 or a maximum of 3 council members are needed. Member Bryant volunteered to continue as legislative chair and lead the PIG as needed for the upcoming legislative session. Kristi Kaluhiwa asked to be included if community members are able to participate. Member Bryant responded that as long as the council members are 3 or less, it is open to the public to participate.

Member Pickard announced that a significant piece of legislature was passed last year to address the illegal activity in Kāneʻohe Bay. He shared that it was a big accomplishment for KBRC and asked that DOCARE come to the next meeting to discuss how they plan to implement the new

law (HB1134, Act 232). He added that he would like to also be a part of the legislative PIG and that this legislative subcommittee should follow up on the new laws to learn how DOCARE is implementing them.

Chairperson Sakoda suggested it be added as an agenda item to the next meeting.

Aunty Rocky Kaluhiwa added that she had a conversation with Aha Moku about HB1134. The Ko‘olaupoko Hawaiian Civic Club met with legislators about the issue. She also added that a BLNR meeting is coming up on December 8th to talk about aquarium fish harvesting and she will be supporting the state ban and the Kāne‘ohe Bay ban.

Member Bryant moved to approve the motion of the PIG. Member Loo seconded. All were in favor. Motion carried.

8. Community concerns (Non-Action Item)

Wayne Tanaka brought up concerns about hearing that DAR will not be pursuing administrative fines for damage to the reef from the Navy plane accident that took place a few weeks ago. He cited HAR 13-95, that addresses forgiving damage but only when damage is less than .5 m² of coral and less than 1 m² of live rock, and explained how not seeking compensation would go against HAR. He expressed his urge to the department to consider public trust obligations and seek better compensation to manage our resources. He also volunteered to help DAR in advocating for this compensation.

Chairperson Sakoda responded by saying he did listen to that news report, but was unaware of that decision given that the investigative report is not complete. He said DAR is looking forward to the resource damage assessment and thanked Wayne Tanaka for his comments about this issue.

Member Bryant agreed with the concerns brought up by Wayne Tanaka. She suggested KBRC draft a letter to DLNR and the Governor’s office to ask that compensation for the damages is pursued, and request that other boards and commissions make a similar request. She suggested this be voted on during the next meeting.

Member Bryant shared that the Ko‘olaupoko Hawaiian Civic Club filed a rulemaking petition with DLNR asking BLNR to adopt rules that would ban commercial aquarium collection. It was spearheaded by many other organizations engaged in this issue. The hearing for the petition is set for December 8th at 9:00am at the next BLNR meeting. She requested KBRC come to testify in support in person as the council has taken a supporting position to this. Aunty Rocky Kaluhiwa added that the Ko‘olaupoko Hawaiian Civic Club aquarium fish harvesting bill was taken to a national convention of civic clubs where 67 wrote to support it.

Chairperson Sakoda added that the November 9th BLNR meeting was canceled, so the agenda items from November 9th will roll over to December 7th with some potentially carrying over to December 8th.

Member Pickard asked about the BLNR testimony process. Member Bryant responded that this hearing is a request to begin a rule-making process, not a decision on whether or not to ban aquarium fishing. This hearing asks the board to begin their process to draft and propose rules, but it is important for folks to testify so the board knows it is a community concern. Member Pickard asked if any KBRC members were aware of Dawn Chang's position as a member of our community. Member Bryant responded that KBRC sent a letter to Dawn, and she responded, but it is difficult to tell from her response where she stands on the issue. Member Bryant added that Dawn Chang is from our community and the community has made it clear with respect to Kāne'ōhe Bay, and she will take that into consideration.

Aunty Rocky Kaluhiwa expressed that some of the size restrictions are changing, but still allowing exceptions for commercial fishers, which is unfair to our local fishers.

9. Announcements (Non-Action Item)

Member Bryant requested to recap agenda items for the next meeting.

1. Member Pickard's suggestion to have someone from DOCARE to share how they are implementing the new law
2. Update on the Navy plane situation and drafting a letter to DLNR and Governor requesting compensation

Member Pickard asked if the new commander for MCBH or one of his folks can do a short presentation to give us an update on the plane and what the issues were. Kristi Kaluhiwa agreed with that suggestion and predicts that he would be willing to speak with the council. She shared that Colonel Beaven is doing a site visit with Senator Keohokalole, Hi'ilei Kawelo, and Aunty Rocky Kaluhiwa. He specifically requested someone to bless the area and the people involved in the removal so it is done the right way. Aunty Rocky Kaluhiwa will do the blessing. Kristi Kaluhiwa added that in regards to the plane, one investigation is still current but the entire investigation is running through the Navy.

The discussed conflicts with future meeting dates.

Member Reppun cannot do Wednesday or Thursday evenings.

Potential meetings for second Tuesday of the month, except for January where there is a conflict with Ko'olaupoko Civic club.

Set next meeting for **January 16**, then each month thereafter will be the second Tuesday of every month.

10. Adjournment (Action Item)

7:41 adjourned.