

Kāneʻohe Bay Regional Council Meeting

Agenda

May 14, 2024

6:00 PM-8:00 PM

Online or call-in via ZOOM
(Zoom info listed below)

or

In-person at:

The Key Project, RM 202

47-200 Waihee Rd, Kaneohe, HI 96744

1. Call to Order (Non-Action Item)

Brian Neilson – DLNR DAR, Chairperson
Clifford Loo – Kahaluʻu Neighborhood Board rep, voting member
Cedric Bertelmann – Kāneʻohe Bay Fishing Panel Rep, voting member
Fred Reppun – HIMB rep, voting member
Josh Hekeka – Office of planning
Kendall Tucker – DLNR DAR
Casey Ching – Heʻeia NERR
Ron Tubbs

Meeting called to order at 6:46pm due to zoom technical difficulties.

2. Meeting ground rules (Non-Action Item)

Chair Neilson reviewed ground rules.

3. Approval of May 14, 2024 Agenda (Action Item)

Quorum not present to vote on this agenda item.

4. Approval of Council minutes of the April 9, 2024 meetings (Action Item)

Quorum not present to vote on this agenda item.

5. Review of Hawaiʻi State Legislative Bills related Kāneʻohe Bay introduced in the 2024 Legislative Session: HB1546, SB2329, HB2626/SB513, HB2690, SB2296, SB3327, HB2703, HB1544, HB1900, SB2814, HB2695 (Non-Action Item)

Chair Neilson deferred to the KBRC Legislative Chair, Elena Bryant, to provide an update if she is able to sign on.

6. Update on reef damage of Navy P-8A aircraft grounding in Kāneʻohe Bay (Non-Action Item)

Chair Neilson shared that Kim Fuller, DAR Oʻahu aquatic biologist, is taking lead on the incident. Field surveys have been completed and now the data is being analyzed for the report. There were a total of 400 man hours invested into this assessment, which will be written up and shared with the Navy and KBRC. DLNR will meet with the Navy to discuss compensation for coral damage, live rock damage, and the man hours invested as a result of the grounding. Agreed upon compensation will be outlined in the report. Until the report is completed, DAR will continue to provide updates to the council.

7. Update from the Division of Aquatic Resources in pursuing Ch. 91 Rule Making to ban commercial aquarium harvest statewide (Non-Action Item)

Chair Neilson previously shared an update letter from Chair Dawn Chang to KBRC. DAR went to BLNR for a nonaction item on April 26th asking for clarification on BLNR's decision on regarding the aquarium collection petition. Previously, BLNR accepted the petition but gave guidance to modify the petition based on the Deputy AG's comments stating it was illegal to ban aquarium fishing and suggesting rules be proposed. In response, DAR is working on drafting rules now. Drafted rules will be taken to BLNR sometime in July as a preliminary step to holding public hearings. Public testimony can be provided during the BLNR meeting. The Chair's letter also stated that DAR will go to BLNR on May 26th to request authorization of aquarium harvest permits for West Hawai'i, but the submittal missed the deadline so the agenda item will be moved to the BLNR meeting on June 14th.

Member Reppun referred to the notes from the previous meeting and asked if BLNR will deny permits while potential rule-making is being considered. Chair Neilson responded that he did not receive clarification on that, but there is an option during the June 14th meeting to defer the permitting agenda item until the petition is settled.

Member Bertelmann asked if permitting rules pass, whether aquarium collection can be kept out of certain areas. Chair Neilson responded that regarding the West Hawai'i permit, it would be the only area in which they can aquarium fish and the area also contains many no-take areas within its boundary. Regarding the petition, bans on certain areas could be an option, as long as it is not statewide, which DAR does not have the statutory authority to carry out according to the AG. DAR does have the authority to use different management tools to regulate.

8. Community concerns (Non-Action Item)

Chair Neilson asked if any of the KBRC members heard about the sunken boat near Mokoli'i. Member Bertelmann responded that he heard about a sunken whaler a few days ago, but not another boat near Mokoli'i.

Chair Neilson brought up the successful enforcement action against the kayak rental company that was recently cited and inquired if it was a result of Makai Watch or community reports. Casey Ching replied that our community reporting goes through DLNR DOBOR to carry out with BLNR, so we are grateful for DLNR's role in pushing through enforcement action in this case. Member Reppun added that it would be good for DLNR to let us know what was beneficial about the reporting that contributed to this investigation so Makai Watch can continue to improve our reporting for similar situations in the future.

Member Loo inquired if the money from this citation was collected. Chair Neilson responded that for fines DAR has cited, sometimes the money is collected and sometimes not. If it is a yacht owner, they usually receive the collection. However, international folks are hard to collect from. The Deputy AG does have ways to track them down, but it may take a long time to collect. Member Loo replied that it would be nice if the state collected the money so a citation does not seem like just a slap on the wrist. Chair Neilson suggested the citations may be deterrents and inquired if less kayaks have been seen. Casey Ching responded that Makai Watch hasn't seen many kayaks lately. Other KBRC members discussed whether they have seen the illegal kayak operator lately.

9. Announcements (Non-Action Item)

Chair Neilson shared that DLNR DAR launched their ocean stewardship user fee. The Aloha I ke kai program collects \$1/person from visitors by commercial marine operators. The revenues will begin in January, with estimations of collection between \$1-\$1.5 million. Revenues collected in Kāne'ohe can be reinvested into projects in Kāne'ohe, so DAR is requesting to hear ideas about what types of projects or programs could help ocean conservation of the bay.

Casey Ching asked if this is in addition to the DOBOR fee that commercial operators currently pay. Chair Neilson responded that the percentage of revenues that go to DOBOR are for facilities, but this fee goes to ocean conservation projects.

Member Reppun asked if the money will be going out with one RFP, or island by island. Chair Neilson responded that the details are still being worked out, but they can track how much revenue comes from Kāne'ohe Bay and make that available for RFPs. Given the amount of tours, a decent amount would be collected from Kāne'ohe Bay. This user fee may also serve as a data source on how much ocean use is happening in the bay. <https://dlnr.hawaii.gov/alohaikekai/> Member Reppun replied that the Harbor Master collects numbers, but it might just go to her, so a better way of tracking would be helpful. Chair Neilson agreed that a digital record would be beneficial.

Casey Ching shared that Makai Watch plans to host an outreach event in July. She will send an announcement to Chair Neilson to send out to KBRC once the date is settled. She added that they would like tables for different organizations involved in the bay to be present, so perhaps KBRC could have a table. Member Reppun brought up the limitation of only having 3 members

of KBRC present at any point in time to abide by Sunshine law. Chair Neilson suggested the event be public noticed to not have to worry about it.

The next meeting is set for August 13th.

10. Adjournment (Action Item)

Meeting adjourned.