

## Maunalua Bay Recreation Advisory Committee

Date: Wednesday, July 19, 2017  
Time: 6:00 P.M.  
Location: Kamiloiki Elementary School Cafeteria  
7788 Hawaii Kai Drive  
Honolulu, HI 96825

### **Members:**

Makani Christensen (MC): Present  
Linda Kaiser: Absent  
Ann-Marie Kirk (AK): Present  
Jeffery Krantz (JK): Present  
Linda Krieger: Absent  
Sam Montgomery (SM): Present

### **DLNR staff:**

Meghan Statts: DOBOR Oahu District Manager  
Luna Kekoa: DOCARE coordinator

Luna Kekoa called the meeting to order at 6:15pm.

Luna: The purpose of tonight's meeting is to gather feedback for proposed administrative rule amendments.

### **Discussion:**

#### Luna for DOCARE:

Enforcement was a big issue last meeting. To address this, a chart has been created to document all the cases that DOCARE received for Maunalua Bay from February 2017 to July 2017. The highest amount of violations came from violations of boating rules. Members brought up recreational jet skis - there were 2 cases. These statistics are to show that DOCARE is out there enforcing the rules, and the issue should now shift to what changes can be made to administrative rules.

Question: Can you go over the categories in the chart and explain what types of activities would be included in the categories?

Luna: Cannot provide specifics because reports only state the category of violation but do not provide other details that can be made public.

JK: Are these citations that have been issued?

Luna: No, only investigations or cases. There is not necessarily a citation; DOCARE may follow up on a call or other complaint. The details will not become public until there is action against a violator in court. This is the first time DOCARE has released information like this, so the details are limited right now. If citizens tell DOCARE to provide more information, there may be reports with more detail in the future.

AK: There are multiple jet skis that sit in the moor in front of the beach park - recreational. Neighborhood board would like information shown in the DOCARE charts Luna prepared.

Question: There do not necessarily need to be rule changes. Is there a deadline for DLNR to look at meeting minutes & notes then move forward on rule changes?

Luna: August 30, 2017.

JK: When will DLNR provide a rule change summary?

Luna: October 25, 2017, the next MRAC meeting.

Meghan: Anyone can provide suggestions for rule changes. People can send their comments/suggestions to the MRAC email provided in the agenda for today's meeting.

Question: Will there be any changes to having more personnel available for enforcement?

Luna: There are only 5 officers for the area spanning Maunalua to Pearl Harbor.

Follow up: What can we do to get more funding for enforcement?

Luna: Tell legislators to provide funding for DOCARE. Also, we have a hard time recruiting because HPD starting salary out of the academy is ~\$50K, but DOCARE starting salary is ~\$30K. DOCARE is working on an academy so that people who want to go into DOCARE can go that route. There are volunteer Conservation officers, but that training program stopped a while back. Right now, the only way to become a DOCARE officer is to complete the HPD or sheriff training through those academies.

AK: How many positions will the academy provide when set up?

Luna: About 20 positions.

Meghan for DOBOR:

A major issue raised was limiting the type of activity in Maunalua Bay. DOBOR has different types of permits that are explained in the handout.

We have not offered out the 3<sup>rd</sup> thrill craft permit for about 10 years and are proposing to remove the 3<sup>rd</sup> permit in the administrative rule amendments.

We are proposing to take out Kewalo Basin language regarding Maunalua Bay in our definitions package - public hearing for the definitions package public hearing is July 29, 2017.

Anyone coming out of the marina would operate under an ORMA permit. People who come from areas other than Maunalua Bay will not be able to run ORMA or thrill craft activities in Maunalua Bay.

Operators must now show a letter from a property owner stating that the operator has permission to access the property to gain access to the water to conduct commercial activity - if the operator does not provide this letter, they cannot obtain a permit.

There is an issue of DOBOR not cutting off permits, but DOBOR doesn't have any mechanism to refuse permits and is legally obligated to issue permits in absence of such language. However, if there are comments/suggestions that raise this issue, we would be able to propose amendments to set permit refusal based on a maximum number of permits.

Question: Are commercial use permits location specific?

Meghan: Yes, permits are specific to sites, but there are some permits that have a broad range of operation locations.

Question: Is there a difference between the zones in Maunalua Bay depending on commercial vs recreational use?

Meghan: Luna will be discussing the map.

Question: Why remove Kewalo Basin?

Meghan: We wanted to avoid taxing people 2x.

Luna discussing ArcGIS map tool:

There were questions about the map from the last meeting, so we are providing a discussion on the map tool. We got a GIS team to change maps from black & white to color and interactive. Luna provided explanation and demonstration of DOBOR Maunalua Bay interactive GIS map.

Attendee: How will operators know where the zones are and if they are outside of the zone?

Luna: At this point, there is no way to tell if a person is in a zone, but DOCARE is more concerned with people who are obviously outside of the zone e.g., far away from the zones.

Attendee: Thrill craft users are riding around close to shore - this is likely outside of the designated area.

Attendee: I've seen thrill craft operators outside of the zone, but those seem to be tourists who know nothing about the zones and don't seem to know what they are doing.

AK: There are people launching from shore, but people aren't supposed to launch from shore unless they are the owner of the house on the water and are launching from their house.

JK: There could be concerns about how we will justify the number of permits we will issue if we limit the number of permits that can be issued.

Luna discussing questions received since the April 2017 meeting:

Q1: Is there a way to make paddleboards more visible?

A: There does not seem to be an easy way to make this possible.

Q2: Should the marina be represented here?

A: DOBOR does not think so because their rules do not apply in the water.

JK: The marina should be represented on the basis that the marina rules apply to homeowners. My opinion is that a marina representative should be invited.

Attendee: Marina rules do affect operators outside of the water because the rules will "push operators into the water."

Attendee:

SM: It does not seem that there is enough publication about MRAC meetings.

Meghan: We will ask the marina to send a representative for the next meeting.

AK: Also add Hui Nalu and Neighborhood boards of Hawaii Kai & Aina Haina if we will be inviting more people to meetings.

Q3: Beaching vessels to clean - what is the legality of this?

Meghan: Access to and from launching should be from a boat ramp, but there is nothing specific that prevents beaching to clean.

Attendee: How is a paddleboarder classified? Vessel? Swimmer?

Meghan: A paddleboard would be considered a vessel under our rules.

Q4: Can DOBOR invite scientists to the meetings?

A: DOBOR encourages this, but DOBOR does not have scientists in its staff; that would be DAR and DOFAW's responsibility.

Comment: A member of the public was not able to get in touch with their respective MRAC member. Reminder to MRAC members to keep in touch with their constituents and to gather feedback from all viewpoints.

MC: There is a new process under chapter 91 that is under review and could change chapter 91 procedures. This process seems that DLNR can do what they want, change the rules, say that they took public input, and just force rule changes on the public. Are there other rules in the process?

Meghan: There are about 3 other rule amendment packages in the works.

MC: Is there any way to change the chapter 91 process to provide members of the public with more ways to better influence rule changes?

Meghan: That would require a statutory amendment.

MC: It takes a lot of public pressure on a department to make a change.

Attendee: When does the public actually get engaged? It seems like we just got an understanding of the MRAC rules, and we are already late in the MRAC timeline.

Meghan: We aren't at the last meeting yet, but we want to get the rule amendment process moving so that we aren't just in planning for a long time.

SM: Public meetings should be in the evening and maybe have more than one meeting.

JK: The HRS is not something that is easy to change. The only thing we can change is the HAR - should try to give feedback on HAR amendments unless can get legislators to amend HRS.

JK: If there is a statutory change, would having DLNR's backing help?

Meghan: Yes, but that depends on the chair's perspective.

MC: Fisherman are getting harassed by a person on a zodiac. It's really hard fishing out in Maunalua, and when someone comes out and does things like that, it just makes things even harder.

Also, people met about banning sturgeonfish & uhu from being caught, and the fishermen were never contacted.

Luna: If get a HA number of the zodiac, DOCARE can investigate.

Meeting concluded at 7:36pm.

**Matters for next agenda:**

-Next meeting is October 25, 2017 at Kamiloiki Elementary School, 6:00pm-8:00pm.

-DOBOR to discuss summary of proposed rule changes for Maunalua Bay.