

Maunalua Bay Recreation Advisory Committee

Date: Wednesday, October 25, 2017
Time: 6:00 P.M.
Location: Kamiloiki Elementary School Cafeteria
7788 Hawaii Kai Drive
Honolulu, HI 96825

Members:

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

DLNR staff:

Meghan Statts: DOBOR Oahu District Manager
Todd Tashima: DOBOR Legal Fellow
Luna Kekoa: DOCARE Coordinator
Guy Chang: DOCARE Oahu Branch Chief

Luna Kekoa called the meeting to order at 6:18pm.

Discussion:

Luna: Discussion on enforcement efforts since the July MRAC meeting. The handout shows statistics from DOFAW, DAR, and DOBOR. Guy Chang is attending today's meeting to answer any DOCARE questions.

Attendee: Hawaii Kai Neighborhood Board asked for stats like theses but was told such stats could not be produced.

Luna: There is no capacity in DOCARE to produce the stats, and I created the stats specifically to show enforcement efforts. I.e., there is no one on DOCARE staff whose position exists to create such statistics.

Attendee: How many officers are patrolling out on the water as opposed to on land?

Guy: There is a 2-man marine patrol team for all waters islandwide.

Attendee: So does that mean the marine team doesn't see that many violations because it is a small group?

Guy: No, the marine patrol team actually just found a violation today - the blue boat outside of the Kaiser state was also cited. The boat was unpermitted and illegally moored. When officers followed up, there was no operator on board and the boat had dragged anchor on the reef. Our marine patrol team is very effective and does catch violators when patrolling.

SM: I know there were some sweeps in Maunalua Bay previously - what were the results of that?

Guy: One company was cited, with jet skis, some were operating without permits or outside of the designated area. There have been issues with jet skis. If the public sees violations, please call them in.

Discussion of compiled recommendations for Maunalua Bay (handout)

SM: How many violations in Maunalua Bay have we had?

SM: Would fine amounts increase for recreational & commercial users? A: Yes

SM: I agree we should limit the number of new permits in Maunalua Bay.

SM: I don't think DOBOR should restrict commercial activities on days of large regattas.

SM: I think the jet ski zone is fine where it is. Meghan: We are planning to move the recreational thrill craft area in response to a recommendation by DAR.

Attendee: What does it mean that justification is required?

Meghan: There needs to be some kind of rationale behind why a change should be made. It's good that we're getting comments, but the comments do not provide justification or suggested changes, or both.

Attendee: What does it mean when the handout says "came up often"?

Todd: There was more than one email containing similar language/topic/issue.

Attendee: How much weight was given to emails that were copy/pasted or from associations/board?

Todd: All comments were given equal weight because our aim this time around was to compile a listing of the comments and get an understanding of what is happening in the bay. No group/organization was given more weight than any other group or individual.

Attendee: What do the different categories mean?

Todd: There were comments that came up often, comments that involved a matter not within DOBOR's jurisdiction, and a DOBOR responsibility but not an admin rule change.

Attendee: What is a DOBOR non-rule change?

Todd: This would be something that does not need an administrative rule amendment to implement, such as posting signs or buoy markers. DOBOR would be able to go out and make those changes without having to amend HAR provisions.

Attendees suggested briefly covering issues that came up often.

Attendee: Should the community provide justification for suggestions?

Meghan: The community can provide justification in their emails including reports, scientific studies, professional witnesses, etc. We received some comments asking for a change but no rationale, no suggestion on how to address, or none of either.

Attendee: Why does DOBOR need justification?

Meghan: When there are two opposing comments arguing their side, we would like to have some sort of justification for each argument so that we can better evaluate the claims.

Attendee: How many comments were there in total?

Todd: Not sure because the commenting period was extended to November 26, 2017.

Attendee: Can the commenting period be extended to November 30th? The Hawaii Kai Neighborhood Board meets on the 28th, and a November 26 deadline is just before that.

A: Yes, deadline will be extended to November 30, 2017.

SM: I have 90 signatures supporting the status quo. What is the weight of that?

A: For now, we are only taking the substance of the comments but not factoring in the quantity of comments that came up often or the number of supporters behind a suggestion. That will be done in the future after the commenting period has closed. Staff will process comments and use them to come up with a draft rule amendment document.

Attendee: The process is only being driven by a few do-gooders. Where are the rest of the MRAC members?

Todd: 3 are absent today because of health reasons; the other 2 are no-shows. Typically there are 4 or more members in attendance.

Attendee: Many participants tonight are fine with the status quo. The MRAC members are too few to reach out. Do members understand what their roles are?

A: Members should have received an email sent by DOBOR staff – members were instructed to gather comments and suggestions from constituents for reporting at the July 2017 MRAC meeting. The email also informed members of their duties and responsibilities.

Attendee: How do we know which MRAC member to contact (what is the area of expertise that each member is assigned to)?

A: The DOBOR website MRAC page shows the members. Previous MRAC minutes also show which area of expertise each member is assigned to.

Attendee: Is there a recreational boating representative for MRAC?

Meghan: No because recreational boater concerns would go to the community representative, Ann-Marie Kirk.

Attendees commented that they did not receive emails from MRAC members asking for comment.

Attendee: Can the public provide science through a presentation? Bob Richmond is a scientist who has studied the bay. Could he come in as a guest lecturer?

A: The public is welcome to provide supplements when emailing comments, but the MRAC meetings are not the venue for a guest lecturer. If members of the public wish to have an expert come in to argue their side, those events must take place outside of MRAC meetings and on their own time. Guest speakers would be more appropriate as a smaller community meeting, such as the neighborhood board meeting.

SM: Is the NOAA process related to the MRAC process?

A: No, the DOBOR response is a different matter because it is state, not federal.

Attendee: What is the timeframe for creating rules when no MRAC members show up for the meeting?

Todd: There are 2 parts to the rulemaking process: informal and formal. We are in the informal portion right now and are gathering input and comments to formulate a draft rule amendment. After DOBOR drafts rule amendments and receives public feedback on the draft, we will move to the formal portion of rulemaking, which includes BLNR approval, public hearings, and governor's approval. The informal portion always varies and can sometimes take years. However, once the formal portion begins, we estimate that it will take about 12-18 months to see a rule change implemented. MRAC was created in response to community concerns, and the first MRAC meeting was held in April 2015 – it has been over 2 years since initiating the informal process.

Attendee: Is DOBOR satisfied with the response from the community for MRAC? It seems that everyone was fired up initially, then interest died out.

A: It is not whether DOBOR is satisfied but whether the community is satisfied with the results and involvement that MRAC and its members are providing.

Attendee: The residential representative for MRAC (Ann-Marie Kirk) was very involved and kept in contact with the Neighborhood Board. The process and communication was effective.

Attendee: What is DOBOR doing to gather comments?

A: We have a notification list of 270 emails, and all 270 people receive notice of MRAC meetings, commenting deadlines, and other supplementary information.

Attendee: Is the purpose of MRAC supposed to be to get rules written or are there other goals of forming MRAC?

A: The process is based on the community. DOBOR would not write rules just to make a change – the change must be reflective of community desires. Sometimes the administrative rules need to be changed to increase DOCARE's ability to enforce the rules, such as closing a loophole. MRAC is not the process for DLNR to obtain more funding for enforcement, but enforcement comes up often because it ties closely into administrative rules and writing the rules.

Meeting concluded at 8:00pm.

Next Steps:

- DOBOR will continue to collect comments until November 30, 2017.
- DOBOR will draft proposed amendments after the November 30 deadline and produce a document for the community to review. This will be emailed out to those on the MRAC notification list and will also be posted to the DOBOR website MRAC page.
- DOBOR will contact marina boaters to get feedback.