

Ike Kai Workshop Agenda Questions

1) Where are the jurisdictional overlap?

- Need to follow-up with Marvin Micasa and Andy Bolinger (officers would like to participate on site visit)
- Certification surveys are conducted 2x/year; usually needed for building boundaries
- Need to distinguish agency jurisdiction
- Produce maps with attributes

2) Where and what are county areas of responsibility?

- East side of pier; includes parking issues

3) Where and what are the State areas of responsibility?

- West side of pier; includes Weke Ramp road.
- Need to include EO of accreted lands on river side

4) Is there a protocol for responding/enforcing?

- DOCARE - Service complaints on normal basis; once boundaries are set, community should refer to that specific agency,
- County receives calls from general public, assess situation, if county kuleana they deal with it, if not, they contact DLNR, wait for officer and discuss situation.

5) Communication protocol (revoked permits)

- Apply for DOBOR permit. Once approved, take permit to county
- Official letter would allow DOBOR to begin the process to revoke permit
- County would serve a letter, with reasons of revocation, a copy to Joe and permittee, and county attorney office
 - Include DOCARE in the loop,
 - Revocation could be challenged, so if troublesome to deal with and revoke, also have ability to not renew permit.
- Notification of stay on-boards - DOBOR enforces temporary permits themselves administratively, no call DOCARE.
- DOBOR promote safe boating, only if flat, DOCARE goes when needed, any conditions if safe...
- Could there be a list of who is permitted to be operating, permitted for DOCARE?
- DOBOR vs Coastguard (pumping sewage) could call either one

Ike Kai Workshop Notes

Clarification that a documented vessel will also have a Boat # somewhere on their vessel, if not, it will be in the documents

Tow-in practice area permits need to have names of all participants, practice area is only on the West side for Kauai.

Would be helpful to have an example of an ALFA dive flag

Double-check on cow calf no approach zones

Mooring Buoys are good, counts are tallied by MW volunteers

What is the difference between a live-aboard and a stay-aboard?

Permit for mooring season is \$2 per person

Summertime buoys are set for influx of keiki.

Mooring permits; questions raised by county about thrash; DOBOR permit includes all trash generated shall be disposed of properly

Swim with Dolphins is a concern of the community; education is provided by lifeguards and volunteers, but no regulation with dolphins

County survey w/ Andy Bolinger and Marvin Micasa (Kauai land agent) updated every 2 years; requirements include regulatory review board

Weke Ramp Rd is a DOT/DLNR jurisdiction

Question about how far up into the Hanalei River rules apply. DOBOR clarified includes banks of all navigable streams to the upper limit of tidal influence. But need to use common sense. If salinity is there but not navigable, rules should not apply there.

If Hanalei is not a launching point where is?...suggestion was Manini Holo bay

Community would like to address zodiacs that come up on the beach not using the ingress/egress zones; a suggestion was made that dinghy/zodiacs could be near the lifeguard area so that there are eyes watching the equipment.

Ingress/egress zones and swim zones are set by county lifeguards based upon public safety and common sense. Usually will use flags to set boundaries.

Sometimes DOCARE is responding to a call from community, but operator claims DOBOR has given approval. DOCARE calls Joe, and Joe lets them know that those operators are authorized to conduct use/activity. Officer would like to be notified of changes in regulations, or any "special" authorizations when made.

What is the definition of other recreation device?

Question about communication between state and county. Who issues permit first? If permittee violates county permit, will DOBOR also revoke state permit?

Question on enforcing permit; DOCARE can provide a report to DOBOR with listed violations of permittee, and let DOBOR terminate permit, allowing DOCARE to cite for operating with no permit

Clarification that DOBOR feels that violators should have a warning before revoking permits.

County has Boating, Kayaking, and Surfschool permits. Only surf school permits need both the ORMA permit and County permit

Question about rented kayaks...are those regulated like commercial tour operations?

Question raised about the Kayak time (7a – 7p) in county rules? How were those decided?

Question about threshold for DOBOR to revoke permits? DOBOR not a 1 time deal breaker, these commercial operators provide revenue of 3% of their total monthly income (sometimes \$300k). DOCARE asked if a document with list of warnings provided would be sufficient?

County intent was to not let the public parking area become a commercial parking lot. Clarification made that parking is a county responsibility since parking lots fall within the county jurisdiction.

DOCARE officer commented needs to be a substantial violation to get a response. Not just to document what is happening.

Clarification on the time for surf schools in relation to SMA (7a – 2:30p). Made so that there is no conflict with school kids.

Discussion about the revocation and not re-applying for 2 years. DOBOR has a 1yr limit that works because the waiting list is already very long. Another clarification made was that DOBOR looks at the permittee and not the individual

DOBOR reported that they are looking to fund 7 harbor agents

Curriculum Comments

- Good basic overview for volunteers, nice slides and info with enough detail to be meaningful
- DOCARE has a co-op agreement w/ NOAA office of Law Enforcement to enforce NOAA regs. For this reason I think some of those NOAA regs should be included in the curriculum
- The curriculum is outstanding. It brought all the pertinent agencies together. Knowledge and information was shared and goals can be set.
- Curriculum needs to be specific to place and needs accurate jurisdictional maps
- Good presentation, good format, made question/response possible
- Need clarification of jurisdiction: County vs DLNR

- Very informative
- Include boundary line between state and county
- Boundaries need to be clarified. A map would help a lot both for enforcement and civilians alike. I think the boundaries will help resolve a lot of the issues we have in this area.
- Need a clear delineation of jurisdictional boundary whether it be private, federal, state, and county areas.
- Curriculum generated dialogue that is critical to gain cohesiveness between agencies
- Maybe include more island specifics, how things are decided, local examples. Add in contact numbers and federal rules that apply in state waters. More info on day-use moorings (where are permitted ones? Process for getting a DUM). Definitely better maps
- Need a clear explanation on how far up the Hanalei River state water is (up to first rapids?)

Overall Workshop Comments

- Training was great, liked the incentives to get group participation.
- Good workshop but hard because lots of factors decided by branch head DOBOR.
- More communication between county and state re: enforcement actions out in the field. There should be a tighter collaboration between County and State to finalize permits
- Need better communication of all parties involved. Need an update of the outcomes
- Good to be with everyone for communication and familiarity. Learned about DOCARE frustrations.
- I'd like to see more input from each official agency. Get land agent Marvin Mikasa involved into discussion.
- Workshop was very informative. It opened up communication line between the county and State.
- More information is always good again more refresher meetings/training would help. Greatly appreciate this chance for everyone to meet.
- Informative meeting. At least we have a better understanding of the issues different agencies are facing. Understanding the importance of boundaries/jurisdiction.
- Highest priority is boundaries and accountability of management
- We were missing some key players who like land management to clarify boundaries.
- Good job getting everyone together! More meetings like this.
- Need better communication between County/DLNR (all divisions)
- Workshop was as advertised- opportunity to promote good communication and clarification on jurisdictions.

- The confusion is regarding the boundaries and who issues first? Boating or county?
- Well planned and executed. Good attendance and participation. Good prep handouts and input on agenda. Good in-class handouts.
- Highly beneficial to get Parks and DOCARE together. Been trying to do this for a while.

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