

Kāneʻohe Bay Regional Council Meeting

Agenda

October 15, 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 105

47-200 Waihee Rd, Kaneohe, HI 96744

1. Call to Order (Non-Action Item)

Brian Neilson – DLNR DAR, Chairperson (nonvoting member)

Clifford Loo – Kahaluʻu Neighborhood Board Representative (voting member)

Fred Reppun – Hawaiʻi Institute of Marine Biology Representative (voting member)

Joe Pickard – Kāneʻohe Bay Commercial Operators (voting member)

Cedric Bertelmann - Kāneʻohe Bay Fishing Panel (voting member)

Elena Bryant – Legislative Chair of KBRC and Kāneʻohe Neighborhood Board Representative (voting member)

Liko Kaluhiwa – Kāneʻohe Bay Recreational Boating Association (voting member)

Kendall Tucker – DLNR DAR

Kimberly Fuller – DLNR DAR

Josh Hekekia – Office of Planning

Casey Ching – Heʻeia NERR

Rocky Kaluhiwa

Kristi Kaluhiwa

Ron Tubbs

Pam H

Nick Foti

KC

Jerry Isham

Meeting called to order at 6:05pm.

2. Approval of October 15, 2024 Agenda (Action Item)

Member Bryant moved to approve. Member Loo seconded. All were in favor. Motion passed.

3. Approval of Council minutes of the August 13, 2024 meetings (Action Item)

Member Bryant moved to approve. Member Reppun seconded. All were in favor. Motion passed.

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

Chair Neilson introduced Kimberly Fuller to provide an update from DAR.

Kimberly Fuller presented the following updates:

- Concentrated damage area ~1300m²
- Field data was completed in March 2024
- Team looked at live rock and coral differences between impact and reference sites a) attached coral to substrate b) fragmented loose coral c) scraped coral
- Projected the number of damaged corals by species, size, and m² of damaged live rock
- Emergency restoration overturned 180 coral colonies including 6 large colonies
 - *Montipora capitata*, *Porites compressa*, *Pocillopora damicornis*
- Attached corals were higher at reference sites than impact sites
- Fragmented corals were higher at impact sites
- More scraped corals in the impact sites than in reference sites
- Damage to live rock is difficult to assess, but was quite minimal
- Emergency response of deploying two booms with anchors is not included in the damage assessment – only immediate impacts of the plane
- Letter, report, and raw data were sent to the Navy
 - Navy confirmed receipt of the letter and a meeting will be set to discuss next steps

Legislative Chair Bryant requested to review the letter sent to the Navy and asked if the meeting between BLNR and the Navy will be available for public attendance.

- Chair Neilson responded that a settlement with the Navy for coral damage and reimbursement of staff time and emergency restoration would require approval from BLNR at a public meeting allowing others to weigh in on the decision. He volunteered to reshare the letter with KBRC.

This continues to be a standing agenda item to ensure progress is made until a solution is reached.

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

Chair Neilson provided background on this standing agenda item update.

- KBRC signed a petition for BLNR to pursue Chapter 91 rulemaking to ban commercial AQ harvest statewide
- DAR has not moved forward with rulemaking as directed by the petition
- Chair Chang sent out a letter (also shared with KBRC) that DLNR would move forward with rulemaking in February
 - Rulemaking will not include banning aquarium fishing due to the AG office advisement that DAR does not have the authority to ban
 - DAR has the authority to develop regulations such as bag limits, size limits, seasonal restrictions, geographic restrictions, etc.

- The process entails proposed rules being presented to BLNR for approval to go to public hearing. If the request is granted, public hearings are held and testimony is received through publicly noticed meetings. Rules may be presented to the Small Business Review Board. Public testimony will be considered for any changes to the rules and BLNR will have final approval.
- West Hawai'i is the only area compliant with HEPA, the current requirement of the fishery

Jerry Isham shared his perspective as an O'ahu fisher from Waianae and acknowledged that he does not think Kāne'ohe is his kuleana, but that rulemaking will affect him. He shared that O'ahu aquarium fishers recently published the EIS and was not sure why KBRC was pushing for a statewide ban. The O'ahu aquarium fishers did not intend to fish Kāne'ohe Bay and through conversations with DLNR, decided to exclude it in their study to benefit to the fishery. They "gave up" Kāne'ohe Bay in their EIS, protecting it from aquarium fishing. He disagreed with KBRC attempting to regulate other places around the Island when their focus area should be managing Kāne'ohe Bay.

Chair Neilson asked Jerry Isham to clarify if Kāne'ohe Bay being "given up" or "closed" meant it was not included in the EIS.

- Jerry Isham clarified that they needed to analyze every part of the island by law, but they are trying to work with DLNR to close it to aquarium fishing in the EIS and make it kapu to commercial aquarium collection.

Nick Foti shared his perspective as another applicant on the EIS who is from Kahalu'u. Although he feels tied to the area, he is happy with the group's decision to close aquarium fishing in Kāne'ohe Bay. He voiced understanding of what KBRC is doing to protect Kāne'ohe Bay and shared that O'ahu fishers are trying to move forward responsibly and respectfully, taking into account the community opinions, cultural studies, and local elders. He shared that they felt it would be pono to move forward with keeping Kāne'ohe Bay protected from aquarium fishing in the future. They intend to establish catch limits and species lists regarding what they can and cannot collect and no-take zones to change the perspective of the fishery. A big document is soon coming out, but they came to the meeting to show the faces behind it.

Member Pickard acknowledged that it is a complicated issue, but voiced concern about folks outside of Kāne'ohe Bay talking about managing it. He stated that he did not support people coming and harvesting organisms to send off to the rest of the world to die, when these organisms could otherwise be seen in their natural environment. He did not think the broader community would support it and did not support "giving up Kāne'ohe Bay".

- Jerry Isham clarified that by "giving up Kāne'ohe Bay", he meant to the aquarium fishery, by convincing those who fished and took from the area for aquarium collection to no longer take from there.
- Jerry Isham also responded that they ship those fish to other places so they can live, which is why it is still an industry here. Hawai'i supplies the healthiest fish to salt water aquariums worldwide.

- Member Pickard replied that he wished nobody would buy fish from Hawai'i, but let them live their lives in nature the way they are supposed to. He does not advocate for any fish being taken out of Hawai'i for a glass tank elsewhere.

6. Kāne'ohe Bay Regional Council legislative priorities for the 2024/2025 Legislative session (Non-Action Item):

a. Legislation to restrict commercial fishing for aquarium purposes in Kāne'ohe Bay
Legislative Chair Bryant shared that KBRC has supported this effort with testimony, prior bills, and the passed resolution. She suggested communicating with legislators to collaborate on upcoming legislation and paying attention to how we can support efforts along these lines as KBRC.

- Member Reppun asked about the prior positions taken on this issue and whether they have been restricted to Kāne'ohe bay or covered numerous things.
- Legislative Chair Bryant offered to look for the resolution that was passed supporting a statewide ban. KBRC wrote testimony in support of a statewide ban with a focus on our interests in our community.

Member Reppun asked if legislation KBRC would draft would be restricted to ban aquarium fishing in Kāne'ohe Bay. He added that if other neighborhood boards organize around statewide ban legislation, KBRC could weigh in, but it might be an overreach for KBRC to lead.

- Legislative Chair Bryant agreed that if there's anything drafted by KBRC, it is within KBRC kuleana to address Kāne'ohe Bay. Community legislators would want to pursue a ban on aquarium collection in Kāne'ohe Bay as well.
- Legislative Chair Bryant also flagged that prior conversations discussed how a closure of Kāne'ohe bay may impact neighboring fisheries, which should be a consideration.
- Member Reppun volunteered to look into this further and tap somebody to HIMB to weigh in.
- Auntie Rocky Kaluhiwa added that 5 neighborhood boards (Waimānalo, Kailua, Kāne'ohe, Kahalu'u, and Ko'olauloa) voted to ban aquarium collection on the windward coast.

Jerry Isham suggested that KBRC works with the fishermen for this bill if they want to close Kāne'ohe Bay. He added that if bills are too broad, fishers will fight it, but if they want it to pass, they should work with the fishers and check the EIS that states how O'ahu aquarium fishers are willing to work with the state to help close Kāne'ohe Bay to aquarium fishing.

- Legislative Chair Bryant asked why the fishery would fight legislation if the O'ahu EIS closes Kāne'ohe Bay to aquarium collection.
- Jerry Isham replied that bills tend to morph into something they weren't originally created for and may turn into a total ban. A total ban would be fought by fishers, but working with fishers to create something that only includes Kāne'ohe Bay would not be fought.

Kristi Kaluhiwa asked if the sizes and species of the fish will be differentiated within the bill because aquarium-collected fish are typically smaller and not yet edible, whereas other fishers are taking larger sizes to eat.

- Chair Neilson responded that DAR uses “commercial harvest for aquarium purposes” to differentiate purpose for collection, but there is no size restriction to separate fisheries.

b. Legislation to reaffirm the Kāneʻohe Bay Master Plan in light of a need to protect marine resources against climate change, in fulfillment of establishing the Heʻeia NERR, to incorporate Indigenous and local knowledge, to address new rules and legislation, and to reflect the stewardship of community organizations in the area.

Member Reppun shared that DAR and the Heʻeia NERR have been working to get funding to hire a facilitator to reconvene the Permitted Interaction Groups started to reaffirm and update the Kāneʻohe Bay Master Plan. This agenda item was to address whether the PIGs are still allowed to convene or if new legislation is needed to restore ability to meet in the upcoming year.

- Chair Neilson responded that he did not think legislation was needed to reform the PIG, but it could be done as a KBRC action item on the next agenda. He asked if a resolution or a bill would be helpful to mandate the update of the Master Plan and support legislative funding.
- Member Reppun replied that it might not be needed with all the previous email lists and materials from the prior PIG meetings.

7. Update on Kāneʻohe Bay Makai Watch Program (Non-Action Item)

Casey Ching shared that makai watch is looking to hire a new Na Manu Elele Steward through Kupu to help gather observations, report them to DOBOR, and provide outreach that promotes compliance at Heʻeia Pier. Applications to fill this position are currently open for people who are available to work weekend days from roughly 9am – 2pm.

8. Update on the Kāneʻohe Bay Master Plan Update (Non-Action Item)

Member Reppun and Casey Ching shared that as mentioned in the previous agenda item, funding landed to hire a facilitator who will reconvene the PIGs to take this update to the finish line. The outcome of the PIGs will be to recommend updates to KBRC for the Master Plan. The Facilitation Contractor will be hired in early 2025.

9. Community concerns (Non-Action Item)

Member Loo shared that a neighbor is offering weddings and other special events outside of his house and the other neighbors have seen it for 2-3 years.

- Chair Neilson recommended contacting City and County of Honolulu for illegal event services. He suggested reaching out to DOBOR and DOCARE and checking in with them to see if this person has a permit to operate commercially.

- Kristi Kaluhiwa suggested also getting the neighborhood board involved to see if they have seen anything.

Member Loo shared that he's seen a new stone wall and a pier from the ocean side and requested DLNR investigate.

- Chair Neilson asked him to send a photo and/or location so DAR can check with OCCL if they issued a permit to build the stone wall.
- Aunty Rocky Kaluhiwa suggested DLNR do an inventory of the shoreline because of all the new walls and piers that are going up.

Pam H asked for guidance on where regulations can be found regarding what type of commercial activity is allowable, specifically, commercial activity on someone's home or yard. She added that shoreline inventory would be good to see folks that run businesses out of their homes. She mentioned sending an email to DLNR aquatics regarding the activity she has seen and is looking for help and support when she shows to neighborhood board meetings to share what she has observed.

- Chair Neilson responded that DAR legal staff can direct Pam to the natural resources rules and laws, but the City and County regulations are not their expertise. Chair Neilson referred her to the DLNR Tip App or the hotline 643-DLNR.

Member Bertelmann suggested putting restrictions in place for MCBH to follow the same rules as the other commercial operators. He elaborated that MCBH has more ability to put folks in the bay than any other commercial operators with the amount of boats they have and this should be considered in the updated Kāneʻohe Bay Master Plan.

- Chair Neilson suggested adding it to the next meeting as an agenda item.
- Chair Neilson asked Kristi Kaluhiwa to help him find the right contact for MCBH rental operations so they can be invited to the next KBRC meeting.
- Kristi Kaluhiwa responded that she would send the contact info for the GM at the marina.
- Aunty Rocky Kaluhiwa added that MCBH should not be operating on Sundays, but that it is good that it is not for profit, but for the folks fighting for our country.

Aunty Rocky Kaluhiwa shared that she sees illegal businesses on Moku o Loʻe over the weekends and that DLNR should start patrolling Kāneʻohe Bay regularly.

- Member Bertelmann agreed with Aunty Rocky about DLNR patrolling Kāneʻohe Bay. He added that KBRC should suggest to DLNR that they have jetskis to use and show their presence as a means of being proactive and not reactive.
- Chair Neilson responded that the DOCARE Academy has a bunch of new cadets and a portion will be dedicated to marine patrols. He suggested requesting from DOCARE that some be dedicated to Kāneʻohe Bay.

Member Loo asked when the Heʻeia Harbor Master, Tanya, will switch her work days to weekends.

- Chair Neilson volunteered to check with DOBOR.
- Member Bertelmann requested KBRC draft something in support of a change to the hours and work days of the He'eia Harbor Master.

10. Announcements (Non-Action Item)

Josh Hekekia shared that the Office of Planning filled their Program Manager position.

The next KBRC meeting will take place on December 10th.

11. Adjournment

Member Loo moved to adjourn. Member Reppun seconded. All were in favor. Meeting adjourned.