

REPORT TO THE TWENTY-FIFTH LEGISLATURE
STATE OF HAWAII
2009 REGULAR SESSION

ACTIVITIES OF THE KANEHOE BAY REGIONAL COUNCIL
FOR THE YEAR 2008



SUBMITTED ON BEHALF OF THE
KĀNE'ŌHE BAY REGIONAL COUNCIL
BY THE
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAI'I

IN RESPONSE TO
SECTION 200D-5, HAWAI'I REVISED STATUTES

DECEMBER 2008

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FOR THE YEAR 2008

INTRODUCTION

The Kāne‘ohe Bay Regional Council (Council) was established by Chapter 200D, Hawaii Revised Statutes (HRS) to:

- (1) Facilitate the implementation of the Kāne‘ohe Bay Master Plan (Master Plan) as it relates to ocean use activities;
- (2) Review and periodically amend the Master Plan as it relates to ocean use activities;
- (3) Serve as a central coordinative clearinghouse of public and private activities in Kāne‘ohe Bay, and as a repository and disseminator of information on the bay;
- (4) Facilitate productive interaction between users of Kāne‘ohe Bay and the general public in order to develop a common vision and make recommendations for public policy related to Kāne‘ohe Bay;
- (5) Recommend research, studies, data collection, and planning activities designed to provide additional information on Kāne‘ohe Bay, with particular reference to specific needs of the bay, and to publicize the results thereof, to the extent that these functions do not duplicate or supplant activities provided by other state or county agencies;
- (6) Advise and make recommendations to the State and the County on matters regarding the use of Kāne‘ohe Bay by the general public, marine research programs, and commercial ocean use activities, including legislative matters;
- (7) Develop short-term and long-term goals based on the Master Plan, resources, and programs for Kāne‘ohe Bay;
- (8) Educate the public and users of Kāne‘ohe Bay on the problems and needs of the bay through public education programs;
- (9) Serve as the public advocate for Kāne‘ohe Bay;
- (10) Initiate and maintain contact with public, private, county, and state organizations, agencies, and individuals engaging in activities in Kāne‘ohe Bay;
- (11) Establish a Kāne‘ohe Bay fishing panel to monitor fishing activities in the bay, as recommended in the master plan as it relates to ocean use activities; and,
- (12) Hold annual public hearings until 1999 on the status of the implementation of the master plan as it relates to ocean use activities and research being conducted by the University of Hawaii/Hawai‘i Institute of Marine Biology (HIMB).

This report is prepared in accordance with Section 200D-5, HRS, which requests the Council to report to the Governor and the Legislature on its activities.

MEETINGS

As required by law, the Council held public meetings during the year, on January 2, 2008, April 2, 2008, and July 16, 2008. The meeting scheduled for October 1, 2008, was cancelled because the Council failed to have a quorum present. Matters of business discussed during these meetings are reflected in the meetings’ agendas and minutes, copies of which are available through the Department of Land and Natural Resources (DLNR).

The Council has seven members, including representatives from the Kāne‘ohe Neighborhood Board, the Kahalu‘u Neighborhood Board, the Fishing Community, the Recreational Boating

Community, the Commercial Recreation Operators on Kāneʻohe Bay, the Office of Hawaiian Affairs and HIMB.

SUPPORT TO THE COUNCIL

As in prior years, DLNR's Division of Boating and Ocean Recreation provided the Council with administrative support for the January and April meetings. In February 2008, DLNR Chairperson, Laura H. Thielen, directed the DLNR Division of Aquatic Resources (DAR) to assume support responsibilities for the Council for two years effective July 1, 2008. In response, DAR began providing Council support for the remaining two quarterly meetings for 2008.

SUMMARY OF DISCUSSIONS AND ACTIONS

During 2008, the Council was guided by Section 200D-3, HRS, which sets forth the powers, duties and functions of the Council. The following are the significant presentations, discussions and actions taken by the Council in 2008. Some of the most significant issues discussed during year included the proposed amendments to Chapters 13-231 and 13-256 Hawai'i Administrative Rules (HAR), rule-making for Ahu o Laka (the "Sandbar"), commercial ornamental fish collection, and the need for visible reef markers on patch reefs in Kāneʻohe Bay.

1. Informational Presentations:

The following presentations were made at Council meetings:

- a. **January 3, 2008 - Presentation by Acting Haleiwa Harbormaster Paul Sensano on Dry Dock Activities and Trash at Heʻeia Kea Small Boat Harbor (SBH).** This presentation was prompted by previous complaints regarding dry dock maintenance activities and trash accumulation at Heʻeia Kea SBH. Mr. Sensano explained efforts were being made to clean trash and employ best practices for boat maintenance activities.
- b. **April 2, 2008 - Presentation by Kanekoa Kukea-Shultz on Nature Conservancy Marine Program.** This presentation focused on the Nature Conservancy's initiative to study, manage and improve the Kāneʻohe Bay environment. This initiative involves participation of a number of community partners.
- c. **April 2, 2008 - Presentation Regarding Proposed Expansion of the Hawaiian Memorial Park (HMP).** A consultant for HMP presented an overview of a proposed expansion of HMP. This expansion would increase the number of burial sites and would include the development of a 20-unit residential subunit. To implement the plan, the owners would ask to change the state land use designation from conservation to urban on about 56 acres. The primary concerns relevant for the Council were twofold: (1) water quality impacts on Kawa Stream since Kawa Stream drains into Kāneʻohe Bay; and (2) the rezoning request because the Master Plan includes recommendations to increase conservation zones in the Kāneʻohe Bay watershed rather the reverse.
- d. **July 16, 2008 – Presentation by Hawai'i Institute of Marine Biology Researchers Dr. Florence Thomas and Dr. Kyle Aveni-Deforge on Proposed Ahu O Laka Study.** This presentation outlined a possible research project (not yet funded) to study the

impacts of human activities on the biology and ecology of Ahu O Laka (the “Sandbar”). These researchers were also seeking input from the community regarding the study.

- e. **July 16, 2008 – Presentation by Debbie Gowensmith on the Community Conservation Network (CCN)** This presentation was an overview of CCN, a Honolulu-based 501(c)3 non-profit that assists local communities in Hawai‘i and across the Indo-Pacific with tools they need to achieve natural and cultural resource management goals.

2. **Concerns and Issues:**

The following concerns and issues were brought up at Council meetings:

- a. **Proposed Amendments to Chapters 13-231 and 13-256 HRA.** The draft rules incorporating elements of the 1992 Master Plan were reviewed and discussed by the Council which made some recommendations (see minutes from the January 3 meeting).
- b. **Ahu o Laka, the “Sandbar.”** During 2007, a brawl on Ahu o Laka led to concerns over alcohol-related disorderly conduct at Ahu o Laka. Discussions were conducted to determine whether or not rules regulating activities there should be implemented. The general consensus of both the community and the Council was that new rules do not need to be adopted and that enforcement of existing rules should be sufficient to deal with these problems. The Council also expressed the opinion that there needs to be a greater DLNR Division of Conservation and Resources Enforcement (DOCARE) presence at Ahu o Laka. Responding to this request, DLNR implemented a plan to exhibit a greater DOCARE presence in the Bay during the summer of 2008, especially on holidays.
- c. **Commercial Ornamental Fish Collection.** Because of legislative initiatives (House Concurrent Resolution No. 347, Senate Draft 1 - 2008) to adopt rules regarding the collection of marine aquarium specimens and because these initiatives mentioned seeking input from the Council, discussions began about this issue. The issue was to be brought up at the October meeting which was cancelled because the Council failed to achieve a quorum.
- d. **Reef Markers in Kāne‘ohe Bay.** At several meetings, concern was raised that some of the patch reefs in Kāne‘ohe Bay have received damage from boat collisions because these reefs are sometimes difficult to see. Apparently, some of the informally-installed reef markers had disappeared. Consequently, there was considerable interest in replacing the defunct markers.

3. **Resolutions Adopted**

January 3, 2008 – Proposed Amendments to Chapters 13-231 and 13-256 HAR. The Council adopted a resolution supporting adoption of the proposed amendments to these administrative rules with an additional recommendation that wording would be included to permit down-sizing of specific commercial operations at the request of the operator.

Respectfully submitted,
David Krupp, Chairman
Kāne‘ohe Bay Regional Council