

WEST HAWAI'I FISHERY COUNCIL

<http://westhawaiiifisherycouncil.org>

**MISSION STATEMENT OF THE COUNCIL WEST HAWAI'I
FISHERY COUNCIL**

"To effectively manage fishery activities to ensure sustainability; enhance nearshore resources; develop and implement management plans for minimizing resource depletion and conflicts of use; per legislative mandate to the Department of Land and Natural Resources to provide for substantive involvement of the community in resource management decisions; and encourage scientific research and monitoring of the nearshore resources and environment from Upolu Point to Ka Lae."

Draft Minutes for Thursday, September 21, 2017

West Hawai'i Civic Center

Liquor Control Room (2nd floor of Building B)

5:30pm - 7:30pm

Presiding Chair: Chad Wiggins

Call to Order: 5:30pm

- Introductions
 - o Council Members: Donna Goodale, Charlie Young, Dale Sarver, Bill Walsh (Ex-Officio), Julia Rose (Ex-Officio), Malia Kipapa, Alohi Nakachi, Bob Hajeck, Chad Wiggins.
 - o Visitor: Amicus Wiggins, Keith Kamikawa (NOAA), Jeff Milisen, Chris Funada, Bruce Anderson, Jeff and Teri Leicher, Lindsey Kramer
- Reading and Interpretation of WHFC Mission Statement
 - o Donna Goodale
- Reiteration by the Chair of the meeting protocols from WHFC Policies and Operational
- Guidelines and posted at meeting.
 - o All questions from Council members must be recognized by the Chair
 - o All questions/statements will be limited to topic-oriented statements.
 - o Note that a short time has been added after each agenda item to discuss each item.
 - o Proxies: Each person asking someone to represent them by proxy will have to notify the administrator before the meeting as to who is going to represent them. There will be no call for proxies from the floor at the meeting.
- Approval of Agenda
 - o Add Approval of Minutes to the Agenda – motion made by Dale Sarver 2nd by Donna Goodale – Agenda approved with additions.
- Approval of Minutes from August meeting
 - o Motion to approve minutes made by Dale Sarver, 2nd by Donna Goodale

Presentation by Jeff Milisen on the environmental effects of the manta watching industry and proposed management actions

- Introduction by Dale
- Manta's, Day Mooring Buoys (DMB) update, DOBOR's suggestions of DMB
- June 2015 – Keauhou – Sam Kon has concluded that there will be an accident because there is a large amount of commercial boats at one site 20-30 boats one time;
 - o Manta's are injured from boats
- Proposal
 - o Set up ORMA's
 - o Rules
 - o Permits
 - o Mooring arrangements
 - Planning to install more
- Negative Impacts on the Coral Reef
 - o Need to install moors to avoid coral reef damage
- Private Day Mooring – need to try and install more to avoid this from being a problem
- Unsustainable Funding for buoys
- Did some work looking at buoys in Kona and on Oahu
 - o Kona Buoys & Oahu Buoys
 - o Koko Head buoy
 - o Hundred Foot Hole
- Summary
 - o Status quo unsatisfactory
- DOBOR's DMB Program
 - o Your responsibilities
 - o In return, DLNR will.....
- Finances
 - o Average Annual Expense = total \$400,00
 - o Estimated Revenue from permits – commercial and recreational use
 - ~ \$409,750
- Discussion
 - o Bob Hajeck – Army Corps of Engineer how are you addressing this?
 - Yes, we need to get a permit and work with them in order to install new moors.
 - o Alohi Nakachi – how do you plan to address the lack of enforcement here?
 - Day moorings may need more enforcement and in general but I think the manta ray problem is more important. Maybe use the fund to have an officer devoted to only Mantas (assigned enforcement officer); getting a prosecution will be hard but this is why we need to identify loopholes in the rules and sync it to the defense to avoid future loopholes.
 - o Dale Sarver – Bottom boat fishing?
 - It would help to have stickers with the “M” on it so we can identify Manta commercial boats

- Julia Rose – How are these fees planned to be issued? Afraid of anchoring problems
 - Yes, hoping that there will be a “will of the community”, so those that follow the rules can hopefully turn them in for violations
- Bill Walsh – what are some of the loopholes?
 - DM use zone if you anchor you have to show that your breaking live coral with your anchor in order to be charged of violation
- Charley Young – 19 unsanctioned buoys on your Kona Buoy slide what is that? Can you identify where they are?
 - I would hate to turn folks in that are not doing anything wrong but these are private buoys and violations should be addressed, especially like the chain around the rock style.
- Donna Goodale – were the buoys updated from the West HI rule package?
 - Have not been updated yet, only the 46 original are recognized so no has not been updated yet.
- Chad Wiggins – because of high density sites have you considered any other docking systems?
 - Besides platforms no we haven’t thought about other systems
- Dale Sarver – not too many folks want to have it in the water near where they live, so hopefully you’ll be able to put in the moorings, or just put it in?
 - Yes, I hope we don’t have too much problems, for example Makaha folks don’t want so much boats in front of their shoreline

Discussion:

- DAR Update by Bruce Anderson on Supreme Court Case on Aquarium Fish Collection Ban (15 minutes)
 - About to go through commercial marine fish license – increase from \$50 to \$150
 - We used to charge a differential fee for non-resident. Now there is a flat rate for both resident and non-resident, no extra fees.
 - A committee
 - Everyone on the vessel extracting fish will need to have a license – have not come up with a fee amount yet. With a vessel license, you cover all crewmembers on the vessel.
 - Supreme court ruling
 - Commercial aquarium fish collection business – an EIS will need to be conducted in order to determine impacts
 - Currently trying to see how they will organize this proposed ruling
 - AG advised that we should hold off on renewing and issuing of new permits for now; existing permits are good for a year still in the air on what to do with existing permits right now, waiting for guidance from circuit court and AG.
 - Very clear that someone will need to do an EIA or EIS

- The industry sounds like they are willing to support to help move this process forward.
 - These processes will take a while maybe about 6 months
 - Court was silent on the non-commercial catch but they did have an opinion on the commercial catch.
- Bob Hajeck – I am curious why the courts haven't looked at the decades of research by DAR; how do they plan to regulate?
 - The AG did not think that this would matter; the Governor did veto the bill and DAR has showed that this industry is sustainable. I'm not sure about the court but they did pay attention to testimony from islands like Maui that was talking about fish decrease when there is no industry there, chapter 343;
- Donna Goodale – can you explain the logic of Chapter 343?
 - Defines what requires an EIS; if it is on state lands and funds; exemptions can be requested – has to do more with a building or time limited project. Under the current language anything can be subject to Chapter 343
- Chad Wiggins – are there any other license the State administers that are not commercial fishing license?
 - Yes, there is hunting licenses but because this case all permit/license will be reviewed
- Jeff Millsen – may affect other industries
- Bill Walsh – hung up on discretionary permitting – other license are not affected yet but someone else can come up and bring it up as a case; unconstitutional taking of property rights and may be recycled again by someone else.
- Bill Walsh – who determines when you need to do a EIS & EIA
 - Good question the AG will need to decide
 - Dale Sarver – the EIS process is hard it takes so long people just give up. That being said could there be further rules to address impacts?
 - No decision making but rules can help to mitigate but the EIS needs to be done first.
- Planning our next outstation meeting
 - Chad – so we have a site – Honaunau Rodeo Grounds
 - Kaimi – working with Healani Cahill to plan next meeting hope that more people can come out
 - Chad – Dale will bring the projector and a screen; we do have a money for food can someone pick up and get reimbursed
 - Kaimi – will follow up with Aunty Healani for the food
 - Chad – presentation will work with Malia co-team
 - Charlie – I'll have the pamphlets ready
 - Dale – any inkling on what mind be concerns in that area
 - Alohi – water quality and dolphins

- Charlie – dolphins and enforcement; Jane Laford – I'll get in touch with her
 - Chad – what about DOCARE
 - Dale – I'll try and check with Suzanne if she can encourage them to come out.
 - Chad – I'll check with the folks in Waimea
 - Charlie – Hawaii Dolphin Initiative trying to get enforcement to get on watching dolphins, really active, might want to reach out to them. Might have strong opinions from both. Dan Mersbergh I'll contact him
 - Malia – I'll take care of flyer for the meeting and the press release with Evelyn; add in rsvp to invite
 - Chad – maybe Bill can do a presentation?
 - Malia – talk to Leinani Navas-Loa – check if she wants to present or has any ideas on protocol or agenda items.
- Discuss how the WHFC will interact with DLNR/DAR reef management plans, when they come out
 - Bill Walsh – there is a package still in the works no decision is made yet
- Discuss potential actions on Kahalu'u conflicts
 - Chad Wiggins – I have followed up with this matter; a successful Reef Teach Program in Kahalu'u has some concerns in Kahalu'u, I will follow up again
 - Dale Sarver – they need to be invited to a meeting and present their plans
 - Alohi Nakachi – I think we might be able to provide some guidelines as to what they can do
 - Chad Wiggins – perpetual conflict but I do not think they want rules; can I get your folks support to invite her to come to a meeting and share with us.
- Interview of potential new member Lisa Vollbrecht
 - Chad – we were supposed to have an interview but she was sick. After the interview is conducted, we usually have the council have the chance to talk to applicant in the meeting. I do not need to be in the interview with the applicant as long as there are at least 3 members interviewing the applicant.
 - Alohi – do we have a chart that explains the rule process? I'll try and make one;
 - Chad – will send Alohi Kaupulehu's process
- Update on recruitment efforts from TNC (Evelyn Wight) – Press Release, radio/newspaper

Announcements:

- Next meeting will be an outstation meeting on October 19, 2017 from 5:30-7:30pm at the Honaunau Rodeo Grounds.

Adjourn at 7:22pm Dale Sarver made a motion to adjourn the meeting and 2nd by Donna Goodale motion carried and meeting is adjourned.