

Pupukea Marine Life Conservation District
Task Force Meeting #4
December 1, 1999
Discussion Notes

I. Interim Activity Reports by Task Force Members:

- Recreational divers expressed concern regarding a lack of current data about the status of the area. They proposed the creation of an area, which would make possible the monitoring of impact of permitted activity over time. They requested a few minutes to outline their proposal. Their proposal is outlined below.
- Marlu raised the prospect of designing a poll to assess the community's position on all the recommendations made by the Task force members. Publication of an article and/or poll could gather additional community input if needed.
- DLNR pointed out that further opportunities for public input would be available through the rule making/public hearing process.
- The group acknowledged time constraints associated with meeting legislature-related timetables at this stage of the process. It was noted that other opportunities would occur that would make possible the incorporation of additional community input so community polls were not necessary.
- The group requested that time be set aside to discuss the manner in which the task force's recommendations would be communicated to the public.
- A task force member reported anecdotal comments that supported one pole per person, two hook options for pole and line fishing – a matter still pending with the task force.
- Corrections to the minutes of the previous meeting were offered re: Proliferation of signage. Discussion of the use of podiums or kiosks to consolidate sign information should have been noted.
- PADI Project Aware funding might be available to help with signage.

I.A. Pre Boundary Discussion

- Paul Feeney gave a brief presentation to the group about the proposal made by the recreational divers on an experimental fisheries area.
- A scenario involving the creation of an Experimental Restricted Fishery (ERF) area was described. The ERF would be bounded by obvious landmarks on one side and the MLCD on the other. The use of a line drawn from Sharks Cove to the buoy in front of Haleiwa Harbor Range line was cited as an example of obvious boundaries. The Highway was cited as another example of obvious boundaries verses the use of latitude and longitudinal references.
 - The creation of the Experimental Restricted Fishery would provide three areas to monitor for comparison purposes. (Drawing attached, Figure 1)
 - From the highway to the waterline – everyone has to be within the tackle and/or bag limits. Possession limits – if someone has too many fish in their possession - a violation is clear.

- A waterline boundary is harder to enforce. You have to be caught catching the fish. When asked, divers indicated they didn't want to set the limits – they preferred to defer to the expertise of the scientists and DLNR staff.
- A 5-year trial period was proposed to see what happens to various indicators of impact. Revisiting the decision in 5 years would allow for continuation of the plan – if it worked. If the new rules did not accomplish the desired objectives (to see the fish populations to improve) revisions could be made to the plan.
- DLNR and the scientific community could monitor designated species people cared about most.
- Opening an existing closed area would be another way to measure impact of various activities.
- Waikiki MLCD management practices were described where areas were opened and closed for two-year periods. Periodic observations compared population levels of certain species to pre and post closure conditions. Both DLNR and scientists are monitoring this area and have been assessing results for quite some time. Populations in the area that is opened and closed every other year decrease and increase with the cycle of opening and closure.

II. BOUNDARIES DISCUSSION POINTS:

- Historically there has been clear water in Pupukea/Waimea. It's still clear - there is little change in that area. The same fish are there in the same quantities. There are more turtles present now.
- Add Waimea Bay to the MLCD. Consider restricting fishing to the mouth of the cove as a means of reducing fishing line debris.
- Halalu present in Waimea, restricting access to these fish will be problem.
- The bigger the MLCD the better. A Big Island MLCD is two miles or more across. It includes sandy beaches at Keiiki. Boundaries are subdivided into subzones fronting sand – Could a similar approach work for Waimea? (DLNR NOTE: these are proposed areas for fisheries replenishment that are in the process of designation, there are not MLCDs.)
- Another boundary proposal was made by the conservation representative: Northern-most point at Sharks cove no longer in the MLDC, but boundaries within point head out 500 meters then parallel shore to Waimea Bay. Eliminate all fishing except at the River Mouth. Allow shore fishing where it is sandy and lines won't get snagged in the rocks. Consider 100-yard area on each side of the mouth of the stream for this activity.
This would enlarge the area and improve enforceability. (See attached conservation proposal.)
- Waimea Bay – sightings of dolphins entangled in fishing line reported. Filament line snags on the rocks reportedly plentiful at Sharks Cove.
- The available amount of accessible shoreline for public use is becoming more limited. As more shoreline properties become privately owned – the Pupukea area is one of the few places still easily accessible for public use.

- There is no one here talking about denying public access just limiting the types of activities that can occur. We need to ensure we are not sending the wrong messages.
- The Pupukea area already exists as a natural MLCD – closed 8 months per year due to high surf.
- Restrictions regarding access and use merely increase the amount of conflict over resources and turn more fishermen into “illegal” fishermen.
- Commercial diving proposal: Make commercial access contingent upon the collection of \$ which could be reinvested in the area.
- Keep the area as it is. Fix the existing problems before changing the boundaries.
- Commercial fishermen sometimes set up nets at the existing boundary line, then drive the fish into the nets just outside the boundary.
- This practice is discouraged and doesn’t work that well anyway.
- Other MLCDs are set up utilizing varying criteria regarding the # of yards out – the makai boundary could be expanded.
- The types of rotating kapu systems used by Hawaiians worked. They can’t be enforced effectively today.
- Conserving Vs not conserving – Evidence exists that conditions worsen without conservation efforts in place.
- Put an MLCD at Kaena Point where there is less opposition.
- We need to preserve access.
- Commercial fishermen have a “gentleman’s agreement” regarding practices.
- Commercial fishermen favor a strategy of “Co-existence” and try to stay away from conflict, unlike some other groups.
- Why designate the area as an MLCD if no increases in fish counts have been noted in MLCD’s?
- Finding of studies presented by scientists at meeting #3 were revisited to clarify MLCD impacts.
- “Co-exist,” from the Commercial fishing perspective, means that commercial fishing should be permitted if other commercial activities are permitted.
- In response to questions, commercial divers reported that diving at shark’s cove occurs for approximately 21 days during the summer due to adverse conditions the rest of the year.
- Education for line/pole and recreational fishermen (to incorporate the use of floaters, for example) would help reduce gear loss and lessen line debris.

BOUNDARIES RECOMMENDATIONS:

- A. Current rules and applicable areas remain as is?**
1 Task Force member favored status quo
- B. Expand?**
9 Task Force members favored expansion

EXPANSION OF BOUNDARIES DISCUSSION CONTINUED:

- Task Force members were reminded that this meant no netting or spearing within the expanded boundaries.

- Task Force members urged that consideration be given to the impact on commercial fishermen of expanded boundaries, especially if the boundaries were expanded to include other bays.
- Discussion of seasonal permits – such as those granted for crabbing far off Waimea – could be considered as a basis for carving out season or species based exceptions.
- Exceptions, however, were considered problematic from an enforcement perspective.
- Consideration was given to establishing a boundary as determined by fathoms associated with the presence of particular species. Determining a makai boundary consistent with a particular depth would work if the boundary line could later be defined by referencing obvious natural features.
- 10 fathoms depth was proposed as a means of preserving access to certain species. Participants speculated that this would result in a line approximately 300 feet out from shore.
- Divers offered to help establish a makai boundary line consistent with a specific depth to help preserve access to the species cited by fishermen

B. RECOMMENDATION: Create a boundary utilizing a line from the existing MLCD Northern most point to the Haleiwa side of Waimea Bay off the heiau – inclusive of the off shore rocks. Refine the lines to incorporate the makai boundary information resulting from the divers’ depth-related findings.

The vote in support of this recommendation was nine to one

III. BOATING DISCUSSION POINTS:

Task force members discussed the current regulations and other factors, which resulted in the creation of the current rules.

- At the invitation of Task Force Members, Ray Beaty – commercial boat operator described boat activities and resulting impacts. From his perspective and practices:
 - Negligible impact
 - Anchors only in the sandy areas
 - If moorings installed no damage would occur at all.
 - Anchor is the only prospective adverse impact
 - He visits the area 3-4 times per week for 1 1/2hrs with snorkelors
 - There have been some conflicts with scuba divers
 - There currently is no mooring available that can be used instead of an anchor
 - Not all divers consistently use diving flags
 - He generally goes to same area each time
 - (In front of fire station –drops anchor at the edge of the reef in the sand)
 - It’s his livelihood during the summer

- MLCD – could install mooring(s), possibly up to 2 moorings in Shark’s Cove
- A Task Force member suggested that if no commercial fishing is allowed, no other commercial activity should be allowed.
- Moorings have been installed in MLCD’s. DLNR’s Aquatic Resources Division can issue commercial permit(s) for mooring use. Outside of an MLCD, no permit required for use of moorings but will still need to get approvals to install the moorings.
- Installing a day-use mooring - creates a no anchor zone within 100 yards off the mooring and allows a 2 1/2 hour stay
- While obtaining the proper permits and installing the moorings –an interim clause would need to be crafted to permit anchoring.
- If moorings are put in – consider establishing a no wake, no anchor area.
- Consider making the expanded MLCD to a no boat zone.
- Current regulations speak to – Dive flags in the Pupukea and elsewhere, and specific Jet-ski restrictions exist now.
- Kayaks were discussed and it was determined that safe handling of kayaks in Three Tables was ok. Tourists need to be briefed on how to handle kayaks safely.
- This would eliminate the option for boats to anchor in Waimea in the summer which would be a problem
- Consider “reasonable mooring”
- Place moorings where there is reef and anchoring currently occurs. Leave everything else the same.

BOATING RECOMMENDATIONS:

7 votes favored presence of boats in Waimea

3 votes opposed presence of boats.

After additional discussion 9 Task Force Members present voted to affirm the following recommendations:

- **In the expanded MLCD area:**
 - Use of mooring pins to protect the reef from anchoring.
 - DNLR staff should determine the number and location of such pins.
 - It’s OK to anchor in the sand
 - Slow/no wake in the *entire/expanded* MLCD
 - Keep Waimea Bay regulations as is.
 - Designate Shark’s Cove as no vessel zone and Three Tables as no motorized vessel zone.

(See attached map for details of these recommendations, Figure 2)

Meeting adjourned at 9:30p.m.

Proposed Agenda
December 15, 1999:
Waimea Falls Park
6:30 – 9:00

- I. Interim Activities Reports
- II. Review of Task Force recommendations to date per earlier votes
- III. Pole & Line Fishing Discussion
 - A. Review previous discussion.
 - B. Vote on recommendations
- IV. Commercial Diving Discussion
 - A. Current Rules and applicable areas
 - B. Remain as is?
 - C. Restricted?
 - D. Eliminate?
 - E. Vote on recommendations
- V. Next Steps
 - A. Disposition of Task Force Recommendations