

Pupukea MLCD Task Force Meeting

April 19, 2000

Waimea Falls Park, O'ahu

- I. Welcome:
 - II. Interim Group Reports
 - III. Commercial Dive Operators Group Presentation
 - IV. Division of Boating and Ocean Recreation
 - V. Recreational Fishing Group Presentation
 - VI. Time Frame For Next Steps
- I. The meeting began at 6:45 with 8 members present. Commercial fishing and boating representative not present.
- II. **Interim Group Reports:**
Marlu (Community): Reference was made to a petition to the State Department of Land and Natural Resources containing signatures of community members. The need for improved enforcement of rules, proposing the use of volunteers similar to the Civil Defense model was proposed. She urged task force members to make sure their deliberations resulted in rules and an enforcement strategy that resulted in "...something with teeth in it."
- III. **Commercial Dive Operator group presentation:**
Carl (Commercial Divers): Boating Division attended HIRSA (Hawaiian Islands Recreational Scuba Association) meeting last week. DLNR Boating Division comments followed per presentation by Howard B. Gehring (acting administrator) who provided the group with a recap of issues discussed. A comprehensive Commercial Dive Operator presentation will be made at next task force meeting 5/3/00.
- IV. **Division of Boating and Ocean Recreation Points:**
- The state is continuing in its effort to consider community input.
 - Boating Division personnel met with dive industry representatives. DLNR subsequently issued a letter on 4/11/00, which described the state's perspectives.
 - Boating Division staff met with HIRSA representatives to discuss their requests for consideration of a "self-regulation" strategy.
 - Parties agreed that the Dive industry would present its case for a meaningful self-regulation scheme at the next meeting of the Task Force scheduled for 5/3/00.
 - There may be an opportunity to try the self-regulation approach for an interim period as a precursor to a more permanent solution to issues.
 - A permanent fix to the issues would incorporate input from the community and Boating Division staff.
 - Gehring described the process of formal public hearings, stakeholder consultation,

as well as review by the Attorney General, the regulatory review board, DLNR's Land Board and the Governor.

- He noted that City and County jurisdictional issues were a separate matter.
- Aquatic Resources and the Boating Division of DLNR would coordinate efforts.
- Parties acknowledged that the rule-making timetable would benefit from the Task Force's efforts.
- The Task Force needs to put "meat on the bones" of its recommendations. The recommendations need to be submitted to DLNR in a timely manner after the last Task Force Meeting on May 3, 2000.
- Absent Task Force recommendations, Boating Division would rely on existing indicators and data to determine next steps.

Marlu (Community) asked about the US Coral Reef task force referenced in Senator Bunda's recent mailing. She raised concerns about proposing rules rather than have rules dictated by this new federally established initiative.

Athline from the Aquatic Resources Division agreed to get copies of the executive order and/or provide address for web access (www.coralreef.noaa.gov) to the national action plan for coral reef protection as well as the executive order. She indicated that there are several initiatives regarding the national coral reef action plan that are underway in Hawai'i but this is a federal initiative and not directly applicable to what we are discussion here

Gehring summarized that the Boating Division wanted to know the following from the Task Force:

- Are rules needed? Yes/No
- If yes – what numbers are appropriate?
- See the 4/14/00 letter from the Boating division for a comprehensive listing of concerns.
- Recommendations for rules should be responsive to the public access conflicts:
- Meter the #'s at certain times, note geographic areas for restrictions, times of day, days of week and seasonal considerations.

Task force member Carl (Scientists) expressed the need for quantitative data regarding current conditions to understand what quantities constituted "too many."

- Carol Shé from the Boating Division described examples referencing Kauai 1988 use levels and their relationship to rules established.
- Gehring elaborated that the Boating Division had data regarding Pupukea that had come from numerous sources and they did not need an additional study or quantitative data to make recommendations on regulations or to show what they already know.

- Country representatives present were asked about future trash, restroom maintenance, and parking expansion plans.
 - County representatives acknowledged that there were ongoing problems with maintenance.
 - They lacked sufficient staff to keep up with public use.
 - They cited plans to improve the conditions of the public restrooms by revisiting the frequency of cleaning and trash pickup.
 - The City has undeveloped land mauka of the beach for overflow parking that could be considered as potential relief site.
 - They acknowledged that the park's design was dated and that traffic congestion problems were a challenge. They noted the pending addition of a traffic light near Foodland to ease congestion at the intersection.
 - A community member observed that the parking area was sometimes utilized very heavily on weekends – 3 lanes thick. It was suggested that only certified divers be allowed to park there to preserve more community parking spaces. The need for a shared use strategy was emphasized.

Bob (Neighborhood Board) expressed concern that the task force focus seemed to be changing... moving to focus outside of the water on ancillary impacts instead of impacts on the resource.

Bob (recreational diver) expressed concern that there are other sides to some of the Boating Division comments that were not reflected in their discussion or correspondence. The data regarding divers' impact needed to be considered separate from the collective impact of various users on the area.

Ken (Conservationist) stated that the group's emphasis should be focused on environmental elements.

Moani (Native Hawaiian) raised concerns about Native Hawaiian practices in the area that predated rules.

Because the commercial fishing group representative could not be present at this meeting, his presentation will be deferred to the 5/3/00 meeting when representatives could be present. In his place, the recreational fishing representative was able to move his presentation from the 5/3/00 meeting to tonight's meeting.

Pole and Line Discussion:

In a general recap of earlier decisions the following points were offered:

- Boundaries approved at previous meetings were approved with the understanding

- that all previous recommendations of the Task Force would stand.
- Original north side boundary – off shore 100’ extended to point off shore islands line of site – inclusive in that boundary all previous recommendations remain in effect.
 - Task force members discussed the need to revisit the pole and line discussion at 3 Tables and Waimea. It was felt that not all issues regarding the use of pole and line fishing had been thoroughly discussed, therefore there was a need to revisit this issue.

Task force members voted 7 yes, 1 opposed, 2 members were absent to continue the discussion regarding pole and line fishing.

David (recreational fishing) proposed:

- 2 pole limit per person, 2 hooks per pole
- Allow pole and line fishing in both 3 Tables and Waimea
- Akule seasonal – consider bag limits – 1-2 fish depending on species for home consumption only.
- During winter months natural conservation occurs.
- Ban dunking (lead sinker to drop bait to bottom) to avoid snagging coral at 3 Tables and Sharks Cove.

Discussion continued on other recreational fishing points

- Displacing fishing in one area would increase numbers and types of uses at Waimea Bay aggravating turtle, swimmer, other user conflicts.
- Separating beach use from fishing used during certain seasons was proposed.
- Parties reiterated the importance of extending common courtesies. Divers shouldn’t enter the water where people are fishing. They scare off the fish. Those fishing should avoid casting lines near swimmers.
- Waimea is busiest mid morning from 10:00 a.m. to 4:00 p.m.
- Gathering rights need to be considered.
- Divide the beach? (half for fishing and half for swimming)
- More complex rules are more difficult to enforce.
- Ken (conservation) moved that the task force **recommend “Eliminate pole and line in shark’s cove and 3 tables. Move pole and line to the Waimea Bay area with 2 poles and 2 hooks per person”.**

Task Force members voted:

5 yes, 2 no, 1 abstention 2 members were absent.

- Lifeguards present noted an objection: Increasing fishing at Waimea would increase the conflicts with swimmers in the sandy areas.
- The City and County has the responsibility to warn individuals of hazards. They

are not on site to take sides or enforce rules.

- **A vote was taken to prohibit Pole & Line fishing from kayaks (muscle/human powered) in Waimea Bay.**
- **Task force members present voted 4 yes 4 no. DLNR staff indicated that the tie vote would not trigger promulgation of rules reflective of a tied task force position. Therefore pole and line fishing from human powered vessels will be allowed.**
- **Additional discussion regarding kayaks prompted a repeat vote on the matter. The outcome remained the same 4 yes 4 no.**

Task Force members agreed that the next agenda (5/3/00) would address:

- The Commercial Diving Presentation
- Commercial Fishing proposal
- Time Frame/Next steps