



HAWAII KAI NEIGHBORHOOD BOARD NO. 1

NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
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REGULAR MEETING MINUTES TUESDAY, APRIL 28, 2009 HAHAIONE ELEMENTARY SCHOOL CAFETERIA

CALL TO ORDER: Chair Greg Knudsen called the meeting to order at 7:05 p.m. with a **quorum of 12 members present**. Note - This 15-member Board requires eight members for a quorum and to take official Board action.

MEMBERS PRESENT: Robert Clark, Matt Dirks, René Garvin, Steve Geimer, Marian Grey, Jeanette Hanson, Aaron Isgar, Greg Knudsen, Wayne Levy, Carl Makino, Elizabeth Reilly, David Tanabe, and Gary Weller.

MEMBERS ABSENT: Norma Kehrberg (notified) and Amy Monk (notified).

VACANCIES: None.

GUESTS: Russ Saito (Governor Linda Lingle's Office, State Department of Accounting and General Services, Comptroller), Senator Sam Slom, Representative Lyla Berg, Representative Gene Ward and Francisco Figueiredo (Representative Ward's Office), Gordon Bruce (Mayor Mufi Hannemann's Office, Department of Information Technology, Director), Councilmember Charles Djou, Lt. Arthur Kurosu and Sgt. Maurice Asato (Honolulu Police Department); Capt. Craig Roberts (Honolulu Fire Department), Carl Mito, Adrienne King, Liz Mautteus, Rich Smylie, Lori Arizumi (East Oahu Sun), John Browning, Natalie Iwasa, Robert Spray, Wesley Yoshihiro, L. M., Richard Hawkins, Cindy Newburg and Linda Vannatta (Citizens for Safe Hiking), Inga Gibson (Humane Society for the United States), Thomas Yamabe (farmer), Sue Jennings, Charley Clark, Steven Lazzerini, Wayne Thiessen, Stanley Chang, Glen Uyeshiro, Steve and Gayle Carr, Derek Tamura, Daniel Verbeck, Adam Tike, Shaun Veda, Bob Farrell and Ivonne Cardenas (videographers, Makakilo.com), and K. Russell Ho (Neighborhood Commission Office).

APPROVAL OF JANUARY 27, 2009 REGULAR MEETING MINUTES: **As there were no objections, the January 27, 2009 regular meeting minutes were APPROVED as circulated by UNANIMOUS CONSENT, 12-0-0. (AYE:** Clark, Dirks, Garvin, Geimer, Grey, Hanson, Isgar, Knudsen, Makino, Reilly, Tanabe, and Weller).

APPROVAL OF FEBRUARY 24, 2009 REGULAR MEETING MINUTES: No minutes were available.

APPROVAL OF MARCH 31, 2009 REGULAR MEETING MINUTES: **As there were no objections, the March 31, 2009 regular meeting minutes were APPROVED as corrected by UNANIMOUS CONSENT, 12-0-0. (AYE:** Clark, Dirks, Garvin, Geimer, Grey, Hanson, Isgar, Knudsen, Makino, Reilly, Tanabe, and Weller).

- Page 2, under Bicycling Announcements, it should read, "May is Bike Month. Hawaii currently has about \$3.5 million of federal funds available under the Safe Routes to School (SRTS) program. Hawaii will have its first-ever Bike to School Day May 12. This would be a good time to do an initial evaluation of routes to school and apply for SRTS funds.
- Page 5, under Mayor Mufi Hannemann's representative, it should read, "5) Regarding the sensor loops response from the previous month, Natalie Iwasa asked if the City can paint over where the sensor loops are."

Levy entered the meeting at 7:10 p.m., **13 members present**.

SECRETARY/TREASURER'S REPORT: Jeanette Hanson reported: 1) As of January 31, 2009, the Operating balance was \$1,056.76; \$62.35 was expended for printing and postage of agenda and minutes, leaving a closing balance of \$994.41. The Publicity balance remained at \$1,540.50 and the Refreshment balance remained at \$113.25. 2) As of February 28, 2009, the Operating balance was \$994.41; \$41.66 was expended for printing and postage of agenda and minutes, leaving a closing balance of \$952.75. The Publicity balance was \$1,540.50; \$250.00 was expended for videotaping, leaving a closing balance of \$1,290.50. The Refreshment balance remained at \$113.25. The Treasurer's reports were filed.



STATUS REPORTS:

Honolulu Fire Department (HFD) - Capt. Craig Roberts reported: 1) March 2009 statistics - 2 rubbish, 56 medical emergencies, 3 search/rescues and 24 miscellaneous calls for service. 2) Fire Safety Tip - Fire, building, and U.S. postal codes and City ordinances state that property owners shall place their house numbers in such a manner so it is legible and readily visible from the street. This will assist the Honolulu Fire Department and other first responders in locating the house quickly in the event of an emergency.

Honolulu Police Department (HPD) - Sgt. Maurice Asato reported: 1) The monthly report included safety tips about driving in the rain and the HPD e-mail address at www.honolulupd.org/patrol/d7.

Comments followed: 1) A Board member acknowledged the HPD for responding to the killing of a pig on his private property. 2) For illegal fireworks complaints, call 911 and give address of violators. 3) HPD had no follow up report on noise citations from the noise resolution, passed by the Board last month. 4) Regarding speeders, HPD may use a speed trailer if one is available. They will monitor the Lunalilo Home Road/Portlock area.

Board of Water Supply (BWS) - No representative or report present.

A Board member inquired about sewers or water main construction on Kalaniana'ole Highway

PUBLIC GENERATED ISSUES:

1) Carl Mito expressed his concern about public access to the shoreline and pier at the old Henry J. Kaiser estate in Portlock. By previous agreement, the public is allowed shoreline access across a footbridge at the site, but the new owners are trying to stop public access and have erected a chain link fence blocking the pier. Mito distributed pictures of the site. This item was referred to the Governor's representative for the Department of Land and Natural Resources. Vice Chair Reilly offered to work with Mito on this issue.

2) Natalie Iwasa announced that May is Bike Month. There will be "Bike to Work 2009" activities from May 11-15, including Safe Routes to School Day (May 12), a "Dump the Pump" joint press conference (May 13), free safety inspections at bike shops (May 14), and a "Bike Celebration" (May 15). For more information, visit www.hawaiipedalpower.com.

3) Linda Vannatta and Cindy Newburg, from Citizens for Safe Hiking, updated the board on House Concurrent Resolution 60, which proposed a working group to explore the safe use of hunting dogs on public hiking trails. The State Senate amended HCR 60 to designate Na Ala Hele Advisory Council as the working group convener. Vannatta and Newburg offered condolences to Board member Weller for the loss of his pig, which was killed by a hunter who was arrested for illegal hunting on private property.

4) Bob Rushila supported the Shark resolution, which is listed later on the agenda and asked that the Department of Land and Natural Resources investigate alleged illegal shark baiting during the last few years.

5) Inga Gibson from the Humane Society for the United States also commented on HCR 60.

PRESENTATIONS: There were none.

NEW BUSINESS:

Discussion/Action on Hawaii Kai Neighborhood Board Resolution to Support a Ban on Commercial Shark Tours in Waters Off Hawaii Kai and Statewide - Chair Knudsen passed the gavel to Vice Chair Reilly and offered the following amended resolution:

Resolution to Support a Ban on Commercial Shark Tours
In Maunalua Bay and Statewide

Whereas, Maunalua Bay and Hawaii's coastal waters statewide are used by Hawaii residents and visitors for numerous aquatic activities, including fishing, boating, swimming, canoe paddling, kayaking, jet skiing, parasailing, surfing, paddle boarding, windsailing, kite surfing, snorkeling, and scuba diving; and,

Whereas, artificial methods to attract predatory sharks into or near Maunalua Bay and other coastal waters obviously increase safety risks to human activities in those waters; and,

Whereas, state law currently prohibits chumming and “any activity related to the feeding of sharks in state waters” within three nautical miles from shore (HRS 188-40.6); and,

Whereas, federal law also prohibits chumming and shark feeding (except for shark fishing) in the 200-nautical-mile exclusive economic zones of Hawaii and all U.S. Pacific territories (Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006); and,

Whereas, more than 300 East Oahu and other island residents at a community meeting on April 16, 2009, overwhelmingly expressed opposition to a proposed commercial shark tour that would operate three miles offshore in Maunalua Bay; and,

Whereas, the assembly was sponsored by area legislators and community groups, including Ka Iwi Coalition, Malama Maunalua, Livable Hawaii Kai Hui, Hui Nalu Canoe Club, Hawaii Kai Boat Club, and Hawaii Kai Neighborhood Board, and was attended by dozens of individual users of the bay; and,

Whereas, the person who had proposed the shark tour off Maunalua Bay admitted at the meeting that such tours, as currently operating on the North Shore, do, in fact, chum by scattering small amounts of food in the water for the purpose of attracting sharks; and,

Whereas, ocean users have reported evidence of chumming and illegal shark feeding activities over the past two years within waters off Maunalua Bay; and,

Whereas, knowledgeable individuals report that sharks learn to identify the sound of vessels that have chummed the water, that chumming causes sharks to associate feeding with humans, and that sharks have been observed by aerial pilots to follow shark tour boats back toward shore; and,

Whereas, the Hawaii Kai Marina Community Association, which must approve any commercial activities operating from within the marina, declared that it would not approve any business that the community does not support; and,

Whereas, Koko Marina Center requirements of commercial operations were not fulfilled by the operator of the proposed Maunalua Bay shark tours, causing cancellation of the operator’s boat slip lease; now, therefore,

Be It Resolved, that the Hawaii Kai Neighborhood Board urges passage of city and state legislation to effectively ban all commercial shark tours in Maunalua Bay and throughout the state. Such prohibited tours should include those that rely on any type of feeding or response conditioning that has the purpose of attracting sharks for commercial viewing and interacting with sharks, including operations that offer tourist and residents opportunities to “dive with sharks” and experience “shark encounters” and “shark adventures;” and,

Be It Further Resolved, that the Hawaii Kai Neighborhood Board urges passage of city and state legislation to: (1) prohibit use of public facilities such as parks, piers, ramps, and harbors by shark tour operations; (2) prohibit advertising of commercial shark tours in any print and electronic media; and, (3) prohibit commercial use of shark cages or other devices designed to place humans in close proximity to sharks or within shark habitats; and,

Be It Further Resolved, that the Hawaii Kai Neighborhood Board urges the Department of Land & Natural Resources, with its authority over state waters, and the Coast Guard and other federal enforcement agencies, with their authority over the state’s exclusive economic zone, to vigorously enforce current state and federal laws that prohibit the feeding of sharks in the waters of Hawaii; and,

Be It Further Resolved, that copies of this resolution be sent to the City & County of Honolulu’s Mayor, Managing Director, City Council chair, Council member Charles Djou, Neighborhood Commission chair and executive secretary, and all Neighborhood Board chairs; State of Hawaii’s Governor, Board of Land & Natural Resources chair, Senate president, House speaker, Senators Sam Slom and Fred Hemmings, and Representatives Gene Ward and Lyla Berg; and federal offices of the U.S. Coast Guard’s District 14 commander and the National Marine Fisheries Service.

Discussion followed: 1) On April 16, 2009, over 300 people attended a community meeting and many favored a total ban of shark tours statewide. The tour operators were "conditioning" the sharks by "chumming" the water with fish bait and blood. It is difficult to have a legal operation without chumming. Other comments included enforce existing laws and ban the shark tours for public safety.

Knudsen moved, and Grey seconded that the Hawaii Kai Neighborhood Board No. 1 support the Resolution to Support a Ban on Commercial Shark Tours Maunalua Bay and Statewide. The motion was ADOPTED, 11-2-0 (AYE: Dirks, Garvin, Geimer, Grey, Hanson, Knudsen, Levy, Makino, Reilly, Tanabe, and Weller; NO: Clark and Isgar).

Discussion/Action on Current Status of Ka Iwi Mauka Private Properties, including Possibility of a Golf Academy - There was an article in the newspaper about a proposed Golf Academy for resort zoning like for Ko Olina and Waikiki. If the project would have cabins, then it must have a Conditional Use Permit (CUP) - major and public hearings. This item may be expanded on the next agenda.

ELECTED OFFICIALS' REPORTS:

Mayor's representative - Gordon Bruce reported: 1) Update on the parking situation on Lunalilo Home Road. 2) His observations of the chickens and cats at the Hawaii Kai Park and Ride and "neighbors" leaving large bags of cat food.

Comments followed: 1) The cat feeders were not neighbors, but "outside" people driving in. Residents wanted to know the number of chickens caught since January 2009 and the number of traps. A resident suggested that Aloha Pest Control go at nights and offered to trap chickens at nights in the trees. 2) The Board wanted updates from last month's concerns - the "boulder report" request, the painting of the center line on Kamilo Street, various complaints against Paul's Electric Company for damaging sewer lines and curbs, parking both sides of the street and street usage, and glass on the roadways. Bruce will try to get the answers by next month.

Councilmember Charles Djou reported: 1) Ikaika Anderson won Barbara Marshall's Council seat and will be sworn in as a new member. 2) There will be a community meeting on the Ahukini Street boulder on Koko Head Crater at Kamiloiki Elementary School on Thursday, April 30. 3) Councilmember Djou supports the City Council's resolution on sharks. 4) He still favors a ban on roosters in residential areas. 5) Regarding the proposed Golf Academy, a public hearing is required for a CUP - major. 6) The Legislature is wrapping up and it will affect the City budget. There may be a 30% increase in fees.

Comments followed: 1) Regarding the rocks, a second opinion may be needed by City engineers to determine the cost to remove boulder. 2) Councilmember Dela Cruz also opposes shark tours. 3) Reilly talked to Councilmember Djou about the Star-Bulletin article and the CUP - major's public hearing.

Governor Linda Lingle's representative - Russ Saito reported: 1) The Governor is working on the budget and two other issues to stimulate Hawaii's economy with construction projects and to address the public's nervousness with a Swine flu advisory. The Governor's newsletter pointed out that tax increases would hurt businesses and families and the State unemployment rate triggers additional Federal benefits.

Comments followed: 1) The roadwork on Kalaniana'ole Highway may be for the City sewers. 2) Residents inquired of the DLNR about illegal buoys, chumming at buoys, and barracudas in Hanauma Bay. 3) Residents were concerned that the bike rack at the Makapuu Lighthouse Trail should be moved to the other end of the parking lot. Saito will look into it.

Senator Sam Slom distributed his newsletter and reported: 1) Conference committees have no public input and no transparency. The Legislature passed 249 bills so far and will end May 7. There may be a House extension, as the budget is not done yet. 2) Regarding HCR 60, the change in the resolution was done by the majority party (Democrats). 3) The issue of ceded lands was deferred to tomorrow. 4) Office of Hawaiian Affairs (OHA) and Department of Business, Economic Development and Tourism (DBEDT) have not followed the procurement process. 5) Senate Bill 971 (SB 971) would have taxed pensions, but the provision was removed from the bill.

Comments followed: 1) Decisions are made before the Conference Committee meetings. Ethics and conflict of interest issues should be sent to the Ethics Commission.

Senator Fred Hemmings - Charlotte Farmer came last month, but not present tonight.

Representative Gene Ward reported: 1) The Federal "no shark feeding" rule extends to a 200-mile limit, not three miles (State law). The "Shark Resolution" was sent to other Neighborhood Boards, including Kailua and Waimanalo. Since the April 16 meeting, a committee was formed. 2) House Concurrent Resolution 65 would monitor Hawaii American Water Company's odor mitigation and would require monthly written reports. 3) There are three taxes being discussed - the Transient Accommodations Tax, the taxing of legal fireworks vendors and users and increasing the General Excise Tax. 4) 70% of budget goes to labor costs. It was pointed out that DLNR needs staffing, not a State pay cut. The Legislature will probably end May 11.

Representative Lyla Berg reported: 1) For birth control information for chickens and feral cats, the Board could contact the Humane Society. 2) Niu Valley is also concerned about boulders. 3) Regarding Wailupe Valley Elementary School, the Department of Education will vote to close on Friday May 1 at 3:00 p.m. 77 students will be transferred to Aina Haina Elementary. The land belongs to the City & County of Honolulu, but the State used it. 3) For Swine flu information, call 767-5044, ext. 3. 4) Regarding HCR 60, Representative Berg had introduced it, but the Senate amended it drastically. 5) The Federal violation of the shark-feeding laws is only a petty misdemeanor and enforced by the U.S. Coast Guard.

Comments - Any shark report is due 20 days before the 2010 Legislature.

COMMITTEE REPORTS:

Education - Garvin reported: 1) The Hawaii Kai Public Library will be on next month's agenda and Library hours and governance will be discussed. 2) May Day is coming up and school will be out soon. Watch out for the children.

Oahu Metropolitan Planning Organization (OMPO) - There was nothing relating to Hawaii Kai.

OTHER BOARD ANNOUNCEMENTS:

Board Member Announcements - Vice Chair Reilly announced that Donna Wong of Independence Day at Maunalua Bay reported double the amount of vendors from last year.

Board Chair Announcements - 1) Chair Knudsen updated HCR65 (Sewer Plant odor resolution), HCR60 (Safe Hiking Trails resolution), and HB980/SB636 (Recreational Renaissance bill). He said the House gutted the original SB636 and replaced its contents with HB 980 (Recreational Renaissance Bill, which will go to a Conference Committee without a Senate hearing. 2) He provided an update on Neighborhood Commission's action to impose a set agenda template on Neighborhood Boards. Hawaii Kai Neighborhood Board No. 1 is not following the agenda template, but the minutes are okay to streamline. He could shorten the meeting time by cutting the time allowed to speak. 3) He warned about scam artists posing as census takers. 4) There will be Neighborhood Board vacancies in July in Subdistricts 4 (Hahaione condos) and 8 (Koko Head Terrace).

Hanson left at 9:25 p.m., **12 members present.**

Correspondence - There was none.

Discussion/Action Relating to Hawaii Kai Neighborhood Board Expenditure for Publicity - Geimer proposed the expenditure of up to \$400 to purchase signs to publicize the Neighborhood Board meetings. This was referred back to the communications committee for details.

Discussion/Action on Neighborhood Board Absence Policy - Robert Clark, a 16-year Board member missed a few meetings, but attended 250 other meetings. He said the "three absences letter" sent by the Neighborhood Commission was not well received, and that he had notified the Chair of his absences. Also, David Tanabe noted that he had good reasons for his absences, and that the Board is comprised of community volunteers. No action was taken.

CLOSING ANNOUNCEMENTS:

- The next regular Board meeting is scheduled for Tuesday, May 26, 2009, at the Hahaione Elementary School Cafeteria, 7:00 p.m.

- Hawaii Kai Neighborhood Board regular meetings are broadcast every Tuesday of the month at 9:00 p.m. on Olelo Channel 54. Check TV listings to confirm schedule.

ADJOURNMENT: The meeting adjourned at 9:57 p.m.

Submitted by K. Russell Ho, Neighborhood Assistant

Reviewed by Greg Knudsen, Chair