



PŌKA'Ī BUOY RELOCATION PROPOSAL



A BRIEF HISTORY INTO PŌKA'Ī BAY

In 1950s, Pōka'ī Bay was the main harbor serving the community. However, over 200 community members raised concerns about mixing boaters and swimmers in the bay. The extension of the breakwater wall and the accumulation of sand piles in 1956 raised concerns and required dredging. The community were warned from the Army Corps of Engineers regarding the extension of the breakwater, as it could potentially lead to sand piling and subsequent damage to the area.

In the late 1970s, a consensus was reached that a new location was required for the Small Boat Harbor. This decision was made after a storm caused significant damage to the bay, highlighting the need for a breakwater wall. Consequently, the Territory of Hawai'i established in the 1980's the Wai'anae Small Boat Harbor.

Prepared For:

Division of Boating and Ocean
Recreation

Presented To:

DOBOR and Wai'anae Hui

Presented By:

Carmen Guzman-Simpliciano

Kingdom Pathways

Director

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Statement of Proposal

Carmen Guzman-Simpliciano

Director of Kingdom Pathways

The Wai'anae Community has expressed the need to change the outdated rules for mooring and coastal concerns in our District, and this draft proposal helps effect those changes.

We would appreciate your help with the amendment of HAR 13-244-33 to ensure it is appropriate for our environment and users of our coastal areas, including boaters using moorings. This draft includes provisions to enable the Harbormaster to allocate an emergency space, issue, vary, and review the conditions.



Mission

Your involvement in gathering community feedback, and responding to and addressing the petitioner's concerns is crucial to moving the community forward in revising HAR 13-244-33.



Vision

This initiative aims to regulate mooring areas and improve water cleanliness, as we currently lack effective measures in this regard.

Water Quality Issues and Safety Concerns in Pōkaī Bay

Kingdom Pathways [petition](#) is urging DOBOR to take action and address the concerns of the Wai'anae Community regarding the persistent issues with vessels mooring at Pōkaī Bay. The petition also calls for changes to be made to HAR §13-244-33. Over time, the dumping of hazardous chemicals, bilge pumps, and human waste from boats has continued to pollute the ocean and swimming areas, causing significant environmental problems.

Additionally, there are serious safety concerns, as reckless boaters have driven their vessels too close to the shoreline while children were swimming, and failed to slow down or stop. The vessels also impede the view of lifeguards, which has resulted in a tragic incident where a young girl drowned near the breakwater. Addressing these issues is long overdue, and amendments to the law are a necessary step toward improving water quality and ensuring the safety of beachgoers.

Zone B, at one point in time, there were launching ramps and service docks that were used to measure the buoy's correct azimuth. The measurements can't be effectively managed, and if it no longer complies with the rules, they should be removed and relocated. Reference: {[HAR §13-244-33](#) section (1) (A) Beginning at a point sixty feet in a northerly direction measured along the mean high water mark from the northern edge of the launching ramp}

*February 4th , 2021. WNB #24 passed the Resolution Urging the City and County of Honolulu and the State of Hawaii to resolve multiple Community concerns at Malaea Bay/Pokai Bay. 7) **The Department of Boating and Ocean Recreation will remove the 72 hour mooring zone from Pokai Bay and relocate it to another location, somewhere that is not within a Conservation Area and highly populated swimming area.** Bilge pumps automatically pumps out water and could potentially pump hazardous chemicals from a vessels hull and into the ocean. Boaters have been seen dumping buckets of human waste over the side and into the ocean.



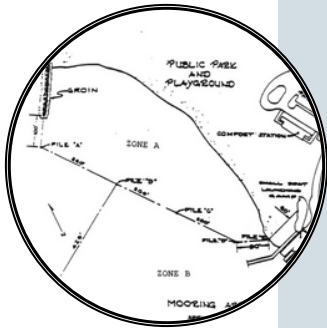
Developing a Strategy

In the past, launching ramps and service docks were present in Zone B to determine the buoy's proper azimuth. However, managing these measurements is currently ineffective, and if they no longer adhere to regulations, they must be relocated and removed.

Pōkaī Bay Ocean Water Rule's

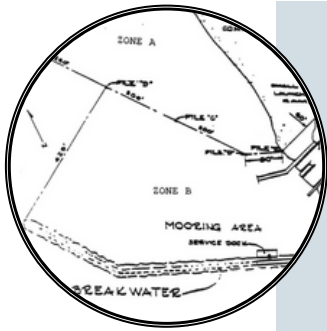
HAR §13-244-33

System Rule No. 209. [Eff 2/24/94, comp] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24) §13-244-33 Pokai Bay ocean waters. (a) Definition. "Pokai Bay ocean waters" consists of Zone A and Zone B shown on Exhibit "D", attached hereto and made a part hereof. Zone A and Zone B are more particularly described as follows:



1) Zone A.

(1) Zone A. (A) Beginning at a point sixty feet in a northerly direction measured along the mean high water mark from the northern edge of the launching ramp; (B) Along the mean high water mark in a northerly direction to a point where the groin intersects the shore; (C) In a seaward direction along a straight line connecting such point described in paragraph (2) to Pile "A"; (D) Along a straight line connecting Pile "A" to Pile "D"; and (E) Along a straight line to, and ending at, the point of beginning.



2) Zone B

(2) Zone B. (A) Beginning at the northern tip of the breakwater; (B) Along a straight line connecting to Pile "B"; (C) Along the seaward Boundary of Zone A to a point where this line intersects the mean high water mark at the beginning point of Zone A; (D) In a southerly direction along the mean high water mark to the breakwater; and (E) Along the breakwater to and ending at the point of beginning.

B) Restrictions

(1) Zone A of the Pokai Bay ocean waters is reserved for bathing and swimming. No person shall operate, anchor or moor any vessel within the boundaries of Zone A, 244-27 described in this section. This subsection shall not apply in the case of an emergency or to patrol or rescue craft. (2) Zone B is reserved primarily for outrigger canoe activity. No person shall operate, anchor or moor any other vessel within the boundaries of Zone B, described in this section provided that a vessel may temporarily anchor within Zone B for a period not to exceed seventy-two hours on a not to interfere basis with scheduled outrigger canoe activities. No person shall swim within the boundaries of Zone B when outrigger canoes are operating within Zone B. This subsection shall not apply in the case of an emergency or to patrol or rescue craft.

Proposal Request

The Wai'anae Community is currently reviewing options as part of the moorings review conducted by the Division of Boating and Ocean Recreation.

The following options are being considered:

Option 1

To remove the 72-hour mooring in Zone B and relocate to Electric/Kahe Point Beach Park 92-201 Farrington Hwy, Kapolei, HI 96707; and or of DOBOR's own location of choosing relocated to open waters that the Mooring Areas will have conditions regarding the location, safety, and management of the Mooring.

"Zone (B) in section (B) Restrictions. (2) described in this section provided that a vessel may temporarily anchor within Zone B for a period not to exceed seventy-two hours on a not to interfere basis with scheduled outrigger canoe activities."

Option 2

Relocate the mooring to Zone C which would begin at the northern tip of the breakwater; along a straight line connecting to Pile "A"; and the amendment shall provide Mooring in an emergency case designated by the Harbormaster within the Wai'anae Small Boat Harbor. That Mooring Areas be permitted only to the suggested relocation of buoys, once-a-year permit, special permitting, i.e., for the Hokulea or E Ala, and or no more than three times a year or something along those lines.

DOBOR Meeting Highlight

June 8, 2023 Attendee's.

Carmen Guzman-Simpliciano Director of Kingdom Pathways, Jenna Kawasugi DOBOR O'ahu District Manager, Joseph Simpliciano Wai'anae Harbormaster, Ka Mō'i Canoe Club members Danon Kaaekuahiwi and Roy Silva, Wai'anae High School Marine Science teacher Katie Kealoha and ohana, Patrice Tana who serves as a community liaison for Senator Shimubukuro's office, Keka Tapeni who serves as a community liaison for Councilwoman Tupola's office, Cross Crabbe who serves as community liaison for Rep Gate's office, Samantha Decorte Nānākuli Neighborhood Board member, and the Aha Moku o O'ahu Moku Representatives Lemana Demate, Rocky Kaluhiwa, and Mākua Ahapua'a Representative Micah Doane.

Lynette Cruz, the representative of the Wai'anae Kupuna Council, provided a letter of support for the no-mooring initiative.

Informed via email no attendance Na Kama Kai representative Maile Desoto, Ho'oulu Wai'anae member Momilani Te'o and Alike Garcia founder of Kuleana Corals offered notes on corals and mooring effects,

Meeting started 10:25

Carmen gave a concise account of the history of Pōka'i Bay. It was utilized as a trading port for sandalwood during the reign of Kamehameha and the Kingdom of Hawai'i. In later years of the Territory of Hawai'i, it also served military purposes and acted as a harbor. However, the construction of a jetty wall created problems for the community, as swimmers and boaters needed to find a new location.

During the presentation, Carmen briefly summarized the relocation of the harbor to its current location in Wai'anae. While construction was carried out to remove the docks and catwalk at Pōka'i, the mooring rules remained. Carmen explained the Army Corps of Engineers had warned the Territory of Hawai'i and the community in advance that the breakwater would be problematic due to sand piling. The effects of climate change and seasonal pattern changes are now evident as the landscape and water have significantly receded.

Carmen then provided an overview of the Hawaii Administrative Rules regarding 72-hour mooring rules and discussed Zone A, B, and the addition of proposed C.

In Zone A, is exclusively reserved for swimming and bathing activities. There is a need to review and specify city and county boundaries; the main concern is whether or not non-powered watercraft, such as canoes and stand-up paddle boards, should be allowed to traverse near the Harvey House by installing a marked entry lane.

In Zone B, boaters can moor for up to 72 hours. However, the lack of knowledge and adherence to the rules by some boaters (not non-commercial) is becoming concerning as it poses a risk to canoe paddlers and recreational swimmers. Commercial boaters are also not adhering to current rules by allowing their guest to swim in mooring areas which is illegal and dangerous. Moreover, the absence of accurate azimuth measurements and ramp markers is causing difficulty in navigation between swimmers, recreational users, and boaters.

There is concern about relocation to Kahe Point. It is unclear if it is within the day-use mooring and if it is already designated and authorized. Jenna would need to inquire further for more information.

Both recreational use and cultural practices, like paddling, have been agreed upon as acceptable. However, regulations must be put in place to define rules around the use of E-Foils and other watercraft that may pose a risk to swimmers. To enable cultural use permits for E Ala, Hōkūle'a, and other groups, adjustments need to be made to the language.

Zones C was discussed and was not considered a desirable choice.

A vote was held to decide between Option 1, which suggested no mooring, and Option 2, which proposed relocating buoys further out and establishing a new designated area. The verdict was unanimous in favor of no mooring, but the language regarding non-powered crafts, e-foil boards, and potential risks needs to be refined.

DOBOR Meeting Highlight

October 12, 2023 Attendee's.

Carmen Guzman-Simpliciano Director of Kingdom Pathways, Jenna Kawasugi DOBOR O'ahu District Manager, Joseph Simpliciano Wai'anae Harbormaster, Ka Mō'i Canoe Club members Danon Kaaekuahiwi, Cross Crabbe who serves as community liaison for Rep Gate's office, Samantha Decorte Nānākuli Neighborhood Board member, Tiana Wilbur Wai'anae Coast Neighborhood Board #24 , Kapua and Kai Kamaki, Joesy Balai and Aha Moku/Mākua Ahapua'a Representative Micah Doane.

Lynette Cruz, the representative of the Wai'anae Kupuna Council, provided a letter of support for the no-mooring initiative.

Informed via email no attendance Na Kama Kai representative Maile Desoto, and Hanai Kaiulu, Liasons for Shimbukuro's and Tupola's Office will forward meeting notes to each of them.

Meeting started 9:37

During the meeting, Carmen shared informational documents related to the WNHB resolution that passed on February 4th, 2021. The resolution aimed to remove a mooring, was reviewed with care, and approved by the community in the same year. Unfortunately, no action has been taken despite the Neighborhood Board commission submitting the resolution to all parties involved, including DLNR. The DLNR/DOBOR process and "Ka Pa'akai Analysis" must be initiated to address the community's concerns and move forward with this proposal.

It's important to note that the Neighborhood Board is a City and County function, while the rule change is a State regulatory processes going to the Neighborhood Board when theirs a passed resolution would not be going forward. DLNR has its own process, and it will be their responsibility to conduct an open comment session and initiate the analysis process. Carmen also informed the group that the petition received 415 signatures in support of the mooring's removal from Pōka'i.

Our meeting covered a wide range of topics, including the different zoning options available for the area. We reviewed Zone A, which is designated for swimming and bathing, and discussed adding a regulation to allow only non-motorized watercraft to pass through. Zone B is reserved for recreational activities and outrigger canoes, and we also discussed prohibiting all motorized crafts, including E-foils, from the entirety of the Bay Area.

In addition to the zoning discussion, we talked about the importance of conservation efforts. The outer portions of the Jetty wall are a conservation area, marking from Kane'ilio Point to Mount Lahilahi, and Carmen discussed partnering with Kuleana Corals and Department of Aquatics Resources to build up our coral reefs and support our fish population growth.

Carmen inquired about the next steps and how our legislators and neighborhood board members can assist in expediting the process? Jenna would have to get back to us but the Pa'akai Analysis would be the ones with the process format.

During our site visit at Pōka'i a few things were brought up:

- Less swimming area in Zone A due to more sand piling due to the jetty wall, seasonal change.
- Pōka'i Bay needs to be dredged, shoreline extending reducing the water area – should be Army Corps of Engineers, and does it require state initiated funding?
- Pōka'i Bay jetty wall needs restoration/repair. With the jetty wall repair suggest to have pipes installed through the jetty into Pōka'i Bay to allow for waters to enter/exit the bay which is also requested in petition to also pave the top to allow access for gathers and kupuna with wheelchairs.
- Request to have a notification sign up Jenna said it's mostly likely not going to due to Jurisdiction, I have already request DPR to have a mou drafted just like the Department of Health "Warning Signs" I requested.

Petition: Repair Pōka'i Bay's dilapidated jetty wall and overall improve the water quality.

To: Gov David Ige, Lt Governor Josh Green, Mayor Rick Blangiardi, BLNR: Suzanne Case, DOBOR: Edward R. Underwood, District Ad: Bruce Shwartz, EPA, Senator Maile Shimabukuro, City Council Tupola, Representative Gates, University of Hawai'i

This petition is to urge Governor David Ige, Lieutenant Governor Josh Green, Mayor Rick Blangiardi, BLNR Chairperson: Suzanne Case, DOBOR Administrator: Edward R. Underwood, District Administrator: Bruce Shwartz, Senator Maile Shimabukuro, City Councilwoman Andria Tupola, Representative Cedric Gates, and the University of Hawai'i to repair the jetty wall so that the recreational fishermen and woman can safely utilize the wall that would also allow for the practice of native gatherings rights. To include the addition of a circulation device to improve the overall water quality making it safe for everyone and marine life.

August 2021 email correspondences on the need to change the mooring rules were submitted to the Department of Boating and Ocean Recreation and the Department of Land and Natural Resources. The suggestion was to allow special permitting, i.e.: Hokulea, and or no more than three times a year because it does not have any maintained jetty walls. Nor does it have piers to measure the correct azimuth for the buoys to take lawful action. §13-244-33 PG 26

We, the undersigned, are requesting an official response from the following: Governor David Ige, Lieutenant Governor Josh Green, Mayor Rick Blangiardi, BLNR Chairperson: Suzanne Case, DOBOR Administrator: Edward R. Underwood, District Administrator: Bruce Shwartz, Senator Maile Shimabukuro, City Councilwoman Andria Tupola, Representative Cedric Gates, and the University of Hawai'i, all agencies of the State of Hawaii, the City and County of Honolulu, the Department of Land and Natural Resources, the Department of Boating and Recreation to take immediate action on the procurement of funding in order to develop the plan, and expedite construction to improve water quality and mitigate the environmental and health hazards caused by pollution and contaminants.

To address the health hazards, and environmental concerns, social and environmental injustice to the Wai'anae community. To make right what has been wrong for so long for our Kupunas and future generations to come.

Signed by 415 people...

Rezoning to prohibit mooring.

(b) Restrictions.

- (1) Zone A of the Pokai Bay ocean waters is reserved for bathing and swimming. No person shall operate, anchor or moor any vessel or (motorized watercraft) within the boundaries of Zone A, described in this section. This subsection shall not apply in the case of an emergency or to patrol or rescue craft (Or if a person is traversing Zone A via a non-motorized watercraft.)
- (2) Zone B is reserved primarily for outrigger canoe activity. No person shall operate, anchor or moor any other vessel or (motorized watercraft) within the boundaries of Zone B ~~described in this section provided that a vessel may temporarily anchor within Zone B for a period not to exceed seventy-two hours on a not to interfere basis with scheduled outrigger canoe activities.~~ No person shall swim within the boundaries of Zone B when outrigger canoes are operating within Zone B. This subsection shall not apply in the case of an emergency or to patrol or rescue craft.

Adding to Rule

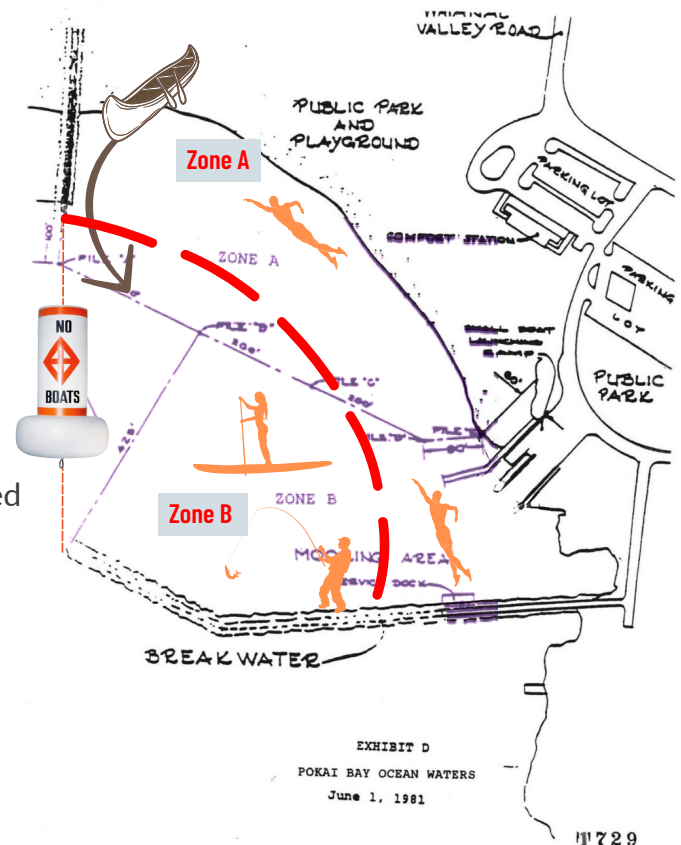
~~Striking out current rule of 72hr mooring~~

Zone A

primarily for swimming and bathing.

Zone B

primarily for outrigger canoes and non-motorized recreational activity, swimming allowed when outriggers are not in operation.



During our meeting, we explored the following options:

Here are some questions to consider regarding water activity restrictions:

1. What is the recommended distance for the buoy in **Zone A** from the high water mark line?

The second buoy marker currently in place is a good distance.

2. What are the restrictions for power craft? Are all motor-propelled crafts prohibited?

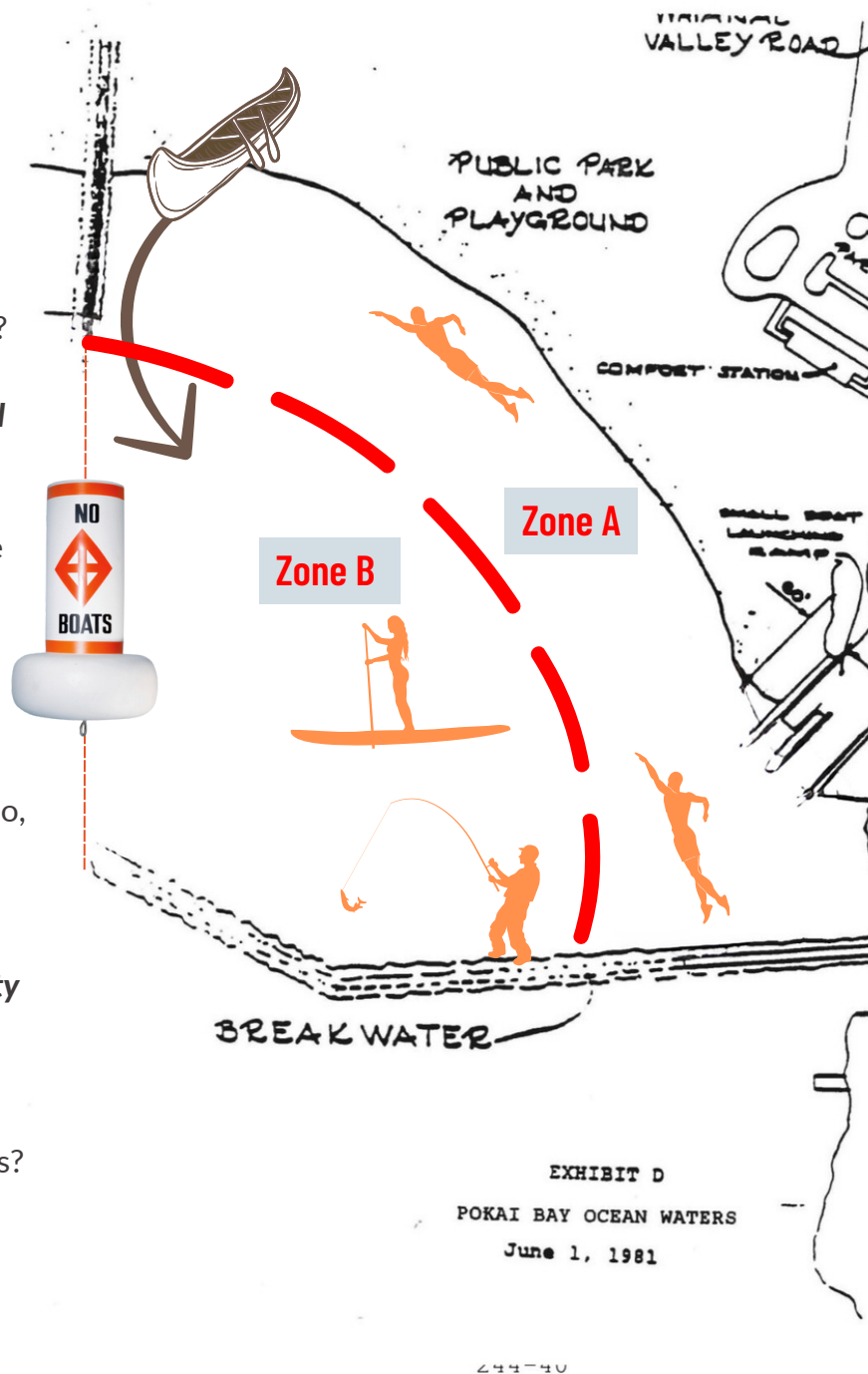
Yes, all motorized-propelled water crafts are prohibited.

3. Do we need a designated lane for canoes? If so, where should it be located and what are the guidelines?

No, we will just add in to the rules Recreation activity can traverse through Zone A to Zone B.

4. Can a “No Boating” buoy be installed to alert boaters to reduce the number of DLNR complaints?

Yes, DOBOR can look into that.



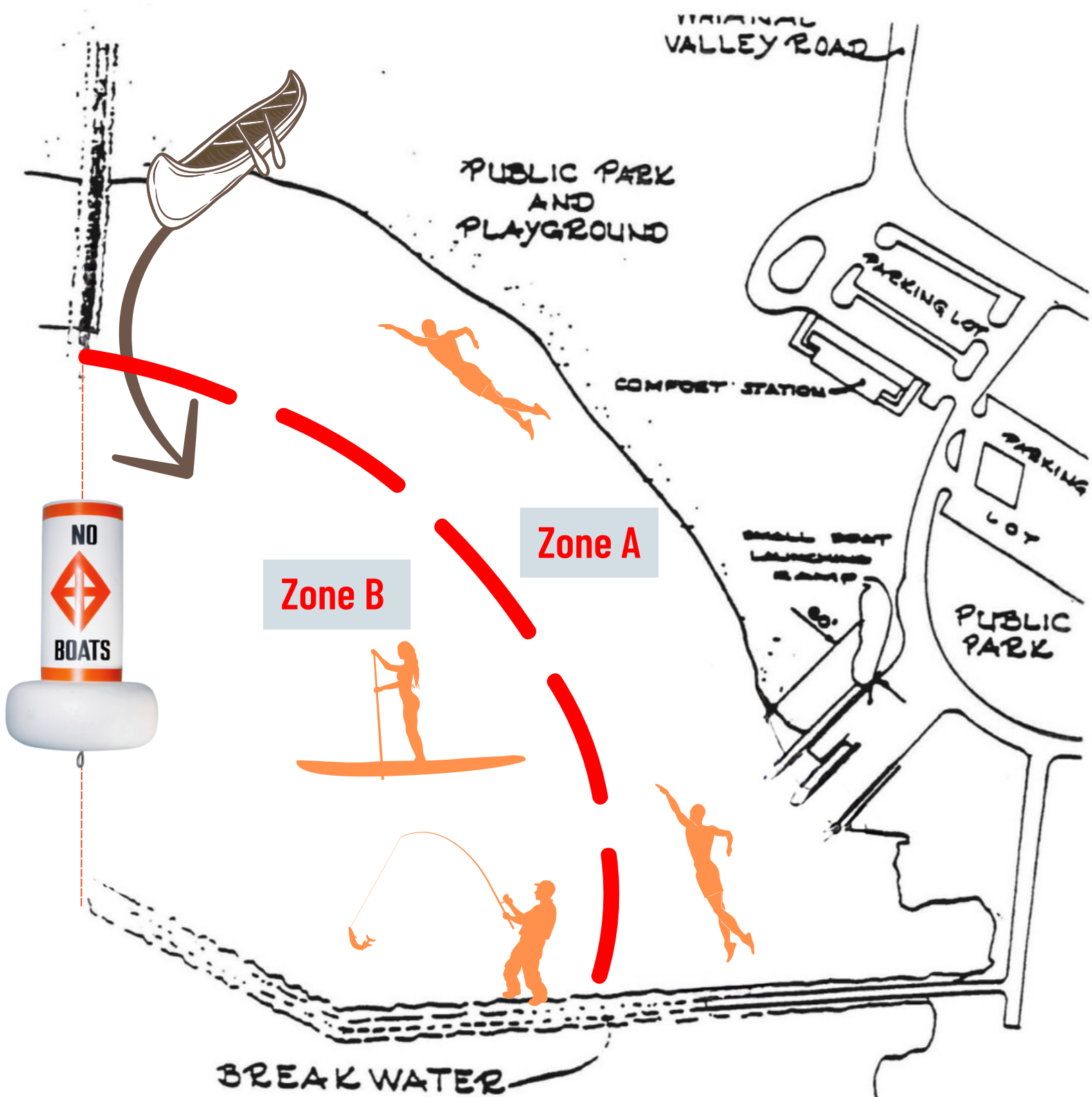


EXHIBIT D
 POKAI BAY OCEAN WATERS
 June 1, 1981

11729

Project Timeline



Petition

Repair Pōka'i Bay's dilapidated jetty wall and overall improve the water quality.



Communications

Carmen has taken the initiative and reached out to DOBOR, our senator, city council, and representative via email. She presented the petition, explained the necessity, and even drafted the proposal in 2022.



DOBOR Meeting

On June 8, 2023, Mrs. Guzman-Simpliciano successfully brought together a coalition of stakeholders, non-profits, canoe clubs, local schools, Aha Moku and all state and city liasons. Our second meeting on October 12 was held to discuss Pōka'i Bay's restrictions and rule changes.



Proposal Redraft

Following the first community outreach, the group held a vote and unanimously decided against allowing mooring. During the second meeting, the group discussed rezoning the buoys to be parallel with the bay, prohibiting all motorized watercraft within the area and protecting the live coral from anchoring outside of the Jetty Wall near Kane'ilio Point.

Contact

Carmen Guzman-Simpliciano

Project Manager

Request for Feedback on Proposal

If you would like to share your thoughts, please feel free to email them.

Email: Kingdompathways.info@gmail.com

Website: www.kingdompathways.info

Phone: (808) 291-9231

Jenna Kawasugi

Assistant District Manager

Department of Boating and Ocean Recreation.

Please share your thoughts, and suggestion through email and use the heading in Subject Line: (Poka'i Bay)

Email: Jenna.m.kawasugi@hawaii.gov and CC: Bruce.l.swartz@hawaii.gov