

Marine and Coastal Zone Advocacy Council (MACZAC) / Ke Kahu O Na Kumu Wai

DRAFT MINUTES

Thursday, December 11, 2014: 9:30 am - 2:30 pm
Office of Planning's Conference Room
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

ATTENDANCE

- Members Present: Rich Brunner, Jim Coon, Phil Fernandez, Sue Sakai, Craig Severance, Kimbal Thompson, Donna Brown, Robin Kaye, Lori Buchanan, Shaylyn Kimura
- Members Absent: Rhoda Makanani Libre, Dawn Hegger
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Leo Asuncion, Justine Nihipali, Lisa Webster
- Others Present: Charles Kaaiai (WPRFMC), Leimana Damate (AMAC-DLNR), Matt Won (Office of Representative Cindy Evans), Chris Meller (member of the public), Douglas Meller (member of the public), Dan Purcell (member of the public), Nancy McPherson (DHHL-Planning Office)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for December 11, 2014
- Minutes from September 4, 2014 MACZAC Meeting [Draft]
- CZM Report to MACZAC (December 11, 2014)
- East Hawaii Hotspots 12/2014 – Craig Severance
- West Hawaii Hotspots 12/2014 – Phil Fernandez
- Maui Hotspots 12/2014 – Jim Coon
- Molokai Hotspots 12/2014 – Lori Buchanan
- Thumbs Up Award Nominations 2014
- “Hāna Update Meeting to Discuss Little Fire Ants” – [<http://mauinow.com/2014/12/05/hana-update-meeting-to-discuss-little-fire-ants/>]
- “Kailua development near Kawainui Marsh raises questions” – [<http://www.hawaiinewsnow.com/story/27382158/kailua-development-near-kawainui-marsh-raises-questions>]
- “Kauai Pumped Storage Project Wins Preliminary Approval of Land Lease” – [http://www.environment-hawaii.org/archives_summary.php?id=2248_0_42_0_M]
- “Keeping an Eye on the Algae” – [<http://themolokaidispatch.com/keeping-an-eye-on-the-algae/>]
- “Lava 2.4 Miles from Highway 130” – [<http://westhawaii.com/news/volcano-update/lava-24-miles-highway-130>]
- “NMFS, Wespac Butt Heads Over MHI Bottomfish Stock Assessment” – [http://www.environment-hawaii.org/archives_summary.php?id=2251_0_42_0_C]
- “Officials Will Have to Wait on Plan to Restrict Hawaii’s Plentiful Cesspools” – [<http://www.civilbeat.com/2014/11/officials-wait-to-see-if-they-can-start-restricting-hawaiis-plentiful-cesspools/>]
- “Providing Protection” – [http://thegardenisland.com/news/local/providing-protection/article_c6398fdc-7ab5-11e4-bc7b-af258c5d4c9a.html]
- “Young Brothers reports double-digit increases for Kaumalapau” – [<http://albertadejetleylanaitoday.com/Issues/LanaiTodaySept2014-1.pdf>]

I. Call to Order

MACZAC Chair Sue Sakai called the meeting to order at 9:30 am and welcomed everyone. All those present briefly introduced themselves.

II. Approval of September 4, 2014 Meeting Minutes

The September 4, 2014 Meeting Minutes were unanimously approved by all members present.

III. Guest Presentation: Status Report on Aha Moku

Ms. Leimana DaMate, Executive Director, Aha Moku Advisory Committee (AMAC), Department of Land and Natural Resources (DLNR), gave a short presentation about the history and status of the Aha Moku Advisory Committee and the aha moku system.

- Native Hawaiian people were concerned that their resources were being depleted. In 2006, with assistance from the Western Pacific Regional Fishery Management Council (WPRFMC), kupuna and Hawaiian resource experts from the 43 traditional moku in the State of Hawaii got together to address the issue and to come up with some ways to protect the resources.
- 567 ahupua'a were initially identified based on an 1837 map created by Kalama for Lahainaluna at the time of the Great Mahele. After initial ahupua'a identification based on the map, the islands started to look at their own geographic boundaries, which didn't always match up with the map being used. Additional ahupua'a were identified, and there are currently almost 600 ahupua'a.
- The first aha moku bill was passed in 2007, signed by Governor Lingle, and became an act. It didn't go far enough according to the legislators, because it didn't describe the aha moku system.
- The bill was resubmitted in 2010. In the 2011 legislature, Governor Abercrombie vetoed the bill because he wanted it to come under the jurisdiction of the Office of Hawaiian Affairs (OHA). The kupuna didn't want to put it under OHA. Governor Abercrombie later agreed to pass the bill if all of his concerns were addressed.
- The 2012 bill was signed into law and established AMAC within DLNR, but it wasn't funded. OHA agreed to support AMAC, and has been funding it.
- The aha moku system is not defined in the 2012 bill, and this is because each island, and sometimes each moku, has different methods for sustaining resources.
- The AMAC advises Board of Land and Natural Resources (BLNR) on anything related to land and natural resources through the aha moku system.
 - Overall goal: Integrate native Hawaiian cultural traditional values into the fabric of State policy.
- 6 major mandates in the bill:
 - Integrate native Hawaiian resource management practices with western practices in each moku – difficult because Hawaiians often kept their practices to themselves.
 - Identify a comprehensive set of native Hawaiian practices for natural resource management.
 - Example: Maunaloa, Oahu – once held the largest fishpond on the island, fed almost everyone.
 - Example: Waikiki – used to be wetlands. The dredging and filling in of the wetlands altered the entire ecosystem. There were balls of Manini right off Waikiki as big as a house, people only took from the outside, never touched the core. There were seasons for fishing.
 - Foster understanding and practical use of native Hawaiian resource expertise.
 - Example: Learning native Hawaiian Ulua fishing techniques.
 - Sustaining the State's marine, land, cultural and agricultural resources.
 - This mandate ties in with what DLNR does, and is the main reason the kupunas wanted AMAC to come under the jurisdiction of DLNR, rather than OHA.
 - Providing community education and fostering cultural awareness on the benefits of the aha moku system.
 - This can only happen through the people themselves. AMAC tries to identify people with family ties to the land to help provide guidance.
 - Foster protection and conservation of the State's natural resources.

- In addition to the 6 major mandates in the bill, there is an additional mandate to develop an administrative structure that oversees the aha moku system:
 - outline a structure of the moku process
 - have a strategic plan
 - create a report form that allows people to bring their issues forward to DLNR
 - submit an annual report to the legislature in both English and Hawaiian prior to the beginning of the next legislature. Report must list all of the recommendations that AMAC has made to BLNR and to the legislature, and what the results/decisions were. AMAC is attached to DLNR, but does not answer to DLNR, which allows the people to be honest in support/opposition of issues brought up by DLNR
- Integrate proven native Hawaiian traditional practices with current contemporary science = best practices.

MACZAC member Phil Fernandez made a motion, and MACZAC member Craig Severance seconded the motion to have MACZAC support the Aha Moku budget line item of \$110,000 within the DLNR budget. The motion was unanimously approved by all members present.

IV. Hawaii Coastal Zone Management (CZM) Program Report

Ms. Justine Nihipali, Office of Planning, provided a summary of the December 11, 2014 CZM report highlighting the following:

National Initiatives

- No National initiatives to report.

Legislature 2015

- No bills related to Coastal Zone Management are being proposed by HCZMP in the upcoming Legislature.

Ocean Resources Management Plan (ORMP)

- ORMP continues to be implemented via the two Action Teams:
 - Appropriate Coastal Development/Coastal Hazards
 - Coral Reef
- Working on establishing baseline data to monitor the progress of ORMP implementation; including development of an on-line dashboard/report card.

National Estuarine Research Reserve in Hawaii

- Approval by NOAA of the Governor's nomination packet received first week of October 2014; in process of contracting professional services to develop a Site Management Plan, and support NOAA's effort to develop a National Environmental Protection Act (NEPA) document for the designation.
- Information on NERRS Site Selection/Designation Process can be found on-line at <http://planning.hawaii.gov/czm/initiatives/nerrs-site-proposal-process/>.

Coastal and Marine Spatial Planning (CMSP)

- CMSP Analysis Tool (web and GIS-based tool) continues to be developed by consultants SSFM International, Inc. / BEI Hawaii / i2Consulting.
- Project date of completion is March 2015.

Climate Change Adaptation

- Provisions of Act 83 (HB1714 HD1 SD2 CD1) will be carried out primarily by DLNR and OP:
 - Formation of an interagency climate adaptation committee (DLNR)
 - Development of a statewide climate adaptation plan (OP)

Other Initiatives

- CZM Program continues its involvement in a number of external groups and activities:

- Hawaii Invasive Species Council (HISC) and HISC Resource Committee
- NOAA Habitat Blueprint
- NOAA/State DOA Aquaculture Working Group
- Aloha+ Challenge (Sustainability and Hawaii Clean Energy Initiative)
- Coastal States Organization

Ms. Sue Sakai made an announcement that she's been asked to serve on the Weather Impacts Advisory Committee (WIAC) to the Emergency Management Services (formerly State Civil Defense) along with Ann Ogata-Deal of Office of Planning. First meeting will be the week of December 15, 2014, with quarterly meetings to follow.

V. Reports from MACZAC Working Groups

- Education and Website Working Group
 - The group discussed the MACZAC website and agreed that having all meeting handouts available on the website after completion of meetings would be helpful.
 - The group also discussed creation of a MACZAC Facebook page to help disseminate information to the public about MACZAC meetings and the ORMP.
 - Education and Website Working Group (MACZAC members Robin Kaye, Rich Brunner, Donna Brown, and Shaylyn Kimura) will discuss website updates and possible Facebook page development and report back at next MACZAC meeting. Ms. Lisa Webster, MACZAC Administrative Assistant, to make any requested changes to website and/or build Facebook page as needed.
- Ocean Resources Working Group
 - Dr. Severance is working on a White Paper based on both the outline Mr. Fernandez created as well as the paper MACZAC member James Coon sent him, which will serve as a model. Dr. Severance will share a draft of the White Paper at the next MACZAC meeting.
 - Mr. Coon shared a legal paper written by his nephew focused on updating the Hawaii Administrative Procedures Act (HAPA). Mr. Coon believes that if HAPA were modernized, many of the objectives of the ORMP could be moved forward more easily.
- Legislative Working Group
 - Regarding the modernization of HAPA, Mr. Kaye made a motion, and Mr. Coon seconded the motion, to have MACZAC send a letter to the appropriate committees in both houses of the legislature recommending a review of the rule-making procedures in other states as a way of improving ours. The motion was unanimously approved by all members present.
- Shoreline Access Working Group
 - Nothing to report at this time. Ms. Sakai noted that this group has been sunsetted.

VI. Discussion Highlighting Critical Marine and Coastal Hotspot Issues, By Island

- Maui – Ms. Brown and Mr. Coon brought up several issues currently facing Maui:
 - Erosion of Honoapiilani Highway (Highway 30)
 - The main road between Lahaina and the rest of Maui continues to be a problem. Ms. Brown noted that the repairs have made the road worse, and the road will likely fall into the ocean in the next few years.
 - Mr. Charles Kaaiai of WPRFMC commented that a couple of communities in Lahaina, including the organization Aha Moku 'O Maui, have contacted his organization and asked for guidance with the coastal marine spatial planning process, including getting all of the vendors and coming up with a marine spatial plan for use of Kaanapali and Lahaina. WPRFMC is still looking at possible ways to fund this project.

- Gorilla Ogo Seaweed
 - Ms. Brown also brought up the issue of the Gorilla Ogo seaweed on Molokai, which she fears will be brought to Maui in fishermen's nets.
- Day-use moorings
 - Mr. Coon revisited the issue of maintenance for day-use moorings, navigational markers and ingress/egress markers.
 - Several more buoys have been lost in the last few months in multiple Maui locations.
 - Lack of markers poses a threat to swimmers, who may be unaware that they are swimming in boat lanes.
 - Mr. Coon met with Ed Underwood of DLNR/DOBOR and offered to fix one of the buoys, and requested that DLNR provide the materials. According to Mr. Coon, Mr. Underwood seemed agreeable to the idea, but does not yet have the materials. There was talk of having an independent contractor do the work as well.
 - DLNR/DOBOR does not want to be responsible for day-use moorings, and doesn't have the resources to maintain them.
 - Malama Kai, a non-profit organization based on the Big Island with a focus on 'Stewardship of the Sea', may take over maintenance.
 - Boaters have been putting illegal subsurface moorings in to avoid anchoring in coral.
- East Hawaii (Big Island) – Dr. Severance shared information about two issues facing East Hawaii:
 - "Pepeekeo Palace"
 - This situation is a result of newcomers to Hawaii attempting to build whatever they want, without regard to local customs and permitting requirements. This project raises questions regarding setbacks and SMA permit application procedures. Dr. Severance believes this project will have a cultural impact on local communities and on access to traditional shoreline fishing areas. A number of older access points such as plantation loading platforms have already eroded away, reducing access. In order to allow for shoreline access, the property should put the coastal trail in front of the house.
 - Physical access to shoreline fishing areas is also being cut off in some areas by landowners. A group of fishermen have recently banded together and gotten access by way of padlock combinations.
 - Puna lava flow
 - Two hurricanes and fallen Albizia trees cut some families off from power for 2-3 weeks. Now there is threat of lava cutting them off. When the lava flow crosses Highway 130 the only way in and out will be by emergency access roads, which are going to be 1 lane with pullouts. Access to the whole Puna coastline will become much more expensive and much more difficult.
 - MACZAC member Lori Buchanan added that last week the Legacy Lands Conservation Commission awarded the County of Hawaii matching open space funds to purchase the parcel adjacent to Vacationland in Kapoho. Vacationland previously had the only shoreline access to the Marine Coastal Protected Area. Access will hopefully be moved away from Vacationland and put onto that parcel.

VII. Nominations/Selection for 2014 Douglas Tom "Thumbs-Up" Award

MACZAC members discussed each nominee for the 4th Annual Douglas Tom Thumbs-Up Award, and were then asked to vote for two of the nominated organizations:

- **Aha Moku ‘O Maui** (nominated by Mr. Fernandez) - This is the only organization within the aha moku system that has organized and become incorporated as a 501(c)(3). The group is headed by Keaumoku Kapu.
- **Marine Option Program (MOP) at University of Hawaii (UH)** (nominated by Ms. Brown, Ms. Sakai, Mr. Coon, and Dr. Severance) – MOP is a system-wide program at UH – offered at every UH campus - to provide experiential education in ocean research to undergraduates. There are people in every part of marine resource management in Hawaii who went through this program.
- **Conservation Council for Hawaii (CCH)** (nominated by Mr. Kaye) – Conservation Council for Hawaii is a non-profit environmental organization established in 1950. The purpose of CCH is to protect native Hawaiian plants, animals, and ecosystems for future generations through research, education, community outreach, organizing, service, and advocacy.
- **Hui Malama O Mo’omomi Community Based Subsistence Fishing Area** (nominated by MACZAC member Kimbal Thompson) - Hui Malama O Mo’omomi is submitting a proposal to designate Molokai’s northwest coast from Ilio Point to Kaholaiki Bay, as a community-based subsistence fishing area (CBSFA). Hui Malama O Mo’omomi hopes to bring management from the State of Hawaii and the Department of Land and Natural Resources to the community. Community-based resource management in partnership with State government can promote the sustainable use of fisheries resources more effectively and efficiently than government enforcement alone.
- **Maui Nui Marine Resource Council’s Coral Reef Recovery Team** (nominated by Rich Brunner) - The Maui Nui Marine Resource Council’s Coral Reef Recovery Team wrote a plan to restore fish, coral reefs, and water quality involving science and culture in the process. The Plan is now being pitched to the Maui County Council to be adopted into the Maui Island Plan. Sarah, former Executive Director, spoke about the Plan at the 2013 MACZAC Meeting on Maui.
- **Mo’omomi Preserve** (nominated by Mr. Thompson) - Mo’omomi Preserve is managed by The Nature Conservancy in partnership with the State Department of Land & Natural Resources through the Natural Area Partnership Program. By protecting the dunes and beaches of Mo’omomi, the Conservancy is safeguarding native plants found nowhere else on earth. They are also protecting habitat for the rare Hawaiian monk seal and seabirds like the Laysan albatross, in the hope that these species will once again colonize Mo’omomi’s pristine beaches.

The two nominees receiving the most votes were MOP and Hui Malama O Mo’omomi CBSFA. MACZAC members were then asked to vote for one of these two organizations, and MOP received the most votes. The group agreed that MOP was the winner of the 2014 Douglas Tom “Thumbs-Up” Award, and that an award should be given to a MOP representative at each campus.

Public Input

- Mr. Dan Purcell, member of the public, noted that there was an Aha Moku Advisory Council meeting held at the DLNR Boardroom which was held almost entirely in executive session. The agenda item being discussed stated only ‘personnel matter’, and Mr. Purcell did not feel there was enough transparency. Mr. Purcell added that a subsequent Aha Moku meeting held in Kona was not properly noticed through the Lieutenant Governor’s office.
- Mr. Kaye added that there have been several ‘statewide’ meetings that have not included Lanai or Molokai meeting sites although the issues affected all islands. Mr. Kaye doesn’t think this is fair to the residents of Lanai or Molokai. Mr. Kaye feels that a video call would be an acceptable alternative, but that this was not offered.

- Mr. Leo Asuncion of the Office of Planning discussed recent meetings held by OP to consider possible updates to the Land Use Process. There is no clear consensus on whether updates are necessary. Some groups like the process as it is, while others would like to see it expedited.
- Mr. Purcell added that he has been advocating for video conferencing in state meetings, and that Mr. William Aila of DLNR promised to turn it on for DLNR meetings.
- Ms. Brown noted that there are two video conferencing systems she is familiar with; Hawaii Interisland Television System (HITS) and Skybridge (originates in Kahului but will soon be able to originate in other places, and goes out to Hana, Lahaina, Lanai, and Molokai). Ms. Brown stated that both systems work well, and that Skybridge is designed to be interactive, with features including automatic zoom on speaker when microphone button is pushed.
- Mr. Asuncion noted that the State has limited funds, agencies cannot always fund travel and meeting costs to have neighbor island meetings.
- Mr. Kaaiai noted that his organization uses video conferencing and that there are some inherent issues, including difficulties making comments, and additional challenges to staff members organizing meetings.
- Mr. Asuncion added that the State OIMT is moving in the direction of using more technology to make meetings accessible to more people.
- Doug Meller, member of the public, brought up two issues:
 - Issue #1 concerns unauthorized commercial storage on public beaches. Despite agreements to the contrary, and despite DLNR rules stating that it is illegal, many of the hotels in Waikiki are storing chairs on the beaches between times when the chairs are rented. Mr. Meller has sent letters to DLNR, state legislators and others without receiving response. The group discussed this issue and concluded that it appears to be a DOBOR enforcement issue, and suggested that Mr. Meller reach out to the chairs of appropriate committees and to the Chairperson of DLNR. MACZAC member Lori Buchanan suggested that Mr. Meller call the DLNR hotline and file a report, and also suggested he take pictures.
 - Issue #2 involves illegal parking lot barriers put in place by State of Hawaii DOT at Laniakea Beach, Kawaiiloa, Oahu. The barriers have improved local traffic, but they make it much more difficult for both locals and tourists to access Laniakea Beach, which is a popular surf spot and turtle-viewing beach. Mr. Meller would like MACZAC to advocate for him by reaching out to the appropriate agencies, community leaders, and stakeholders and requesting that they meet to discuss this issue, and attempt to find an acceptable solution. Ms. Buchanan thanked Mr. Meller for bringing his concerns to MACZAC, and suggested that MACZAC list Mr. Meller's issue as part of the Oahu hotspot report. Mr. Coon suggested that MACZAC write a letter to the neighborhood board at Laniakea and state that this hot issue was brought in front of MACZAC, then lay out the information we know as an FYI to the neighborhood board, and offer to help solve the problem if needed. Mr. Meller offered to draft the letter and Ms. Sakai offered to edit and sign it. Mr. Kaye suggested that instead of writing the letter to the neighborhood board, it might be more effective to write the letter to the Governor, the Lieutenant Governor, and the Governor's Chief of Staff. Mr. Kaye then made a motion to send a letter out to all appropriate government officials encouraging them to solve the problem at Laniakea, with the letter addressed to Mike McCartney, Chief of Staff of the Governor's office. The motion was unanimously approved by all members present.

VIII. New Business

- Public Input –Eugene Dashiell, member of the public, submitted a suggestion by email that the following item be added to the next agenda: *Status of State Planning for Climate Change and Sea Level Rise*
- The next MACZAC Quarterly Meeting will be held Friday, March 6, 2015.

IX. Adjournment

MACZAC Chair, Sue Sakai, adjourned the meeting at 2:35 pm.