

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

Wednesday, September 11, 2002
10:00 a.m. – 12:30 a.m
State Office Tower, 6th Floor, Large Conference Room
235 South Beretania Street, Honolulu, Hawaii 96813

MINUTES

Members Present: Donna Brown, Merry Cabuslay, James E. Coon, Arnold Lum, John Ray, Susan Sakai, Ron Terry, Ph.D., Donald Thornburg, Kevin Seiter

Members Absent: Roland Sagum III, Lawrence Aki, Scott Sullivan

CZM Staff: Christopher Chung, Christina Meller, Susan Feeney, Susan Miller

Others Present: June Harrigan, Department of Health/EPO; Norman Hayashi, City of Honolulu Planning; John Chang, Deputy Attorney General; Mark Mitsuyasu, WESPAC; Janet Ashman, HARC; Eileen Mark, DPP; Ardis Shaw, DPP; Leonard Young, ADP/DOA; Dennis Tulang, Chief of Wastewater Branch, Department of Health.

DISTRIBUTED MATERIALS

Meeting Agenda

June 12, 2002 Meeting Minutes

Brochure “Hawaii Ocean Resources Management Plan Update, CZM Hawaii”

Ocean Resources Management packet, containing brochures (listed above) and pins saying “Hawaii Ocean Resources Management”

“Notice of Public Hearings on Proposed Amendments to Chapters 13-5 & 13-222 Hawaii Administrative Rules, Regarding Identified Uses in the Limited Subzone of the Conservation District (13-5), and the State’s Shoreline Certification Rules (13-222),” State of Hawaii, Department of Land and Natural Resources

Schedule of Focus Group Meetings

Call to Order

Chair Sakai called the meeting to order at 10:05 a.m. A moment of silence in observance of the September 11, 2001 attacks on the World Trade Center and the Pentagon was observed, followed by recitation of the Pledge of Allegiance. Advocacy Council members and audience introduce themselves. There were no public announcements.

Approval of June 12, 2002 Minutes

James Coon moved that the minutes of the June 12, 2002 meeting be approved as written. The motion was seconded and the minutes were approved unanimously.

CZM Hawaii Program Report

Christopher Chung's report was tabled for later in the meeting. The content of his report included the following items:

- Cumulative and Secondary Impacts. Waianae Ahupua'a community leaders are ready to report on watershed management and continue developing the ahupua'a model for resources management. Community meetings will begin again.
- Coastal Hazards. CZM Hawaii and the counties are collecting resources and estimates data so the counties can draft their mitigation plans and risk and vulnerability assessments. The focus has changed to include the assistance of the State of Hawaii Civil Defense agency in drafting the mitigation plan. This is a federal requirement of the states in the wake of September 11, 2002.
- Ocean Resources Management Plan. CZM Hawaii met with DOT, DLNR, DOH, OHA and DBEDT, and points of contact were assigned. Statewide meetings are underway. The Molokai meeting attendance was 15 residents, Lanai meeting 5 residents and the Hilo meeting by more than 30 residents. The Hilo meeting garnered media coverage. (See the discussion under Ocean Resources Management Plan, following.)
- Non-Point Source Pollution – 6217. Christopher Chung turned this over to Susan Miller. CZM Hawaii contracted out several projects to deal with areas for specific findings:
 1. Roads, Highways and Bridges. The consultant recommended that the counties address deficiencies the way that Maui County did and that all the counties look at applying the 1994 state standards to work done at the county level. These standards are being updated. The project is basically complete and the report is due soon. MACZAC will be notified when it is available.
 2. Protection of critical water quality areas and wetlands. CZM Hawaii is looking statewide at these projects at all levels. The goal is to identify who is doing what and gaps then recommend who should deal with the gaps. CZM Hawaii is taking the recommendations to the agencies and discussing budgeting to find out how much the recommendations might cost. The draft report is circulating now and the final report is due by the end of October.
 3. Comprehensive Nutrient Management Measures – Agriculture. This project proposes alternate nutrients measures to the federal government. Hawaii found existing measures do not apply to the state. EPA gave Hawaii approval

to propose alternate measures; if these can be proven to work as well as the federal measures, Hawaii can use the alternate measures. The completed report is due to EPA by June 30, 2003. CZM Hawaii hopes to submit the package by the end of January.

4. Marina Operations and Recreational Boating Measures. Amendments to these rules were proposed to require marina owners to use EPA's non-point source regulations in marina operations. Public meetings will be announced soon.
- CZMA Reauthorization. The CZMA appropriations bill is pending before the Judiciary Committee of the House of Representatives. The Senate has proposed a massive funding cut for the CNPS program, from \$10 million to \$1 million. The CSO is asking for an increase to \$80 million for section 306/306A/309 state grants. The CSO is also asking the House to agree to the Senate's proposed appropriation of \$60 million for acquisition of coastal and estuarine lands. MACZAC authorized Christopher Chung to write to our congressional delegation in support of these funding requests.

Working Group Reports

Coastal Erosion

- Don Thornburg reported on the working group meeting. A manual about shoreline processes is being prepared and should be useful for public education. A series of speakers is being assembled for evening meetings on Oahu, perhaps for a technical panel discussion.
- Susan Miller informed members of the availability of videotaped presentations by Tom Schuler. There is also a 30-minute beach nourishment video by Dennis Hwang. Ms. Miller will make copies of the nourishment video for interested MACZAC members by the next meeting.
- Susan Sakai attended a NOAA workshop on public involvement in coastal management. An opportunity to hold a panel discussion at the American Planning Association meetings was offered to her during the workshop. The Association meetings are held monthly in Honolulu at the YWCA. MACZAC would need to publicize the panel and coordinate with the Association.
- DLNR will hold statewide public hearings from September 26 through October 23 regarding proposed rule revisions to the shoreline certification rules and removing the building of single family residences in the limited subzone. The proposed revisions are available on the web and from Susan Miller.

Ocean Resources Management Plan Implementation

- James Coon distributed the working group brochure and packets (listed above). At the August 7, 2002 Hawaiian Humpback Whale Sanctuary Management meeting a partnership with CZM was proposed because the Sanctuary was planning a similar program around the same time as the CZM Hawaii Summit-to-Sea Conference. Both groups CZM and the Sanctuary conceptually agreed to this arrangement.
- On August 29th, the ORMP committee met. The packet materials were presented at the meeting. The committee requested that members distribute the materials to promote the conference. Currently pre-summit public education and focus group meetings are being conducted around the state. There are plans for a legislative briefing before the Legislature convenes. The Summit-to-Sea Conference planned for May 2003 will be three days or longer. The next step will be a series of post-summit focus group meetings to produce a updated draft of the 1991 ORMP. Mr. Coon indicated that legislative approval for the update may not be needed since the ORMP is a “living document” and the last approval took four years to gain. He asks that members ensure that stakeholders in their communities be gathered to provide input to the implementation plan update. For the next meeting, members are asked to think of other outreach materials that might be needed at the Summit conference.
- Mr. Chung reported on the pre summit Hilo meeting that was featured on the front page of the Tribune-Herald on September 10, 2002 titled, “Sea life is tonight’s topic.” A lot of the same issues heard in the Molokai and Lanai meetings were raised in Hilo, as well. The fisheries, public access, watershed management, and the “need to change the whole resource management framework” issues were consistently raised at the public meetings.
- CZM is requesting from various agencies that they commit a person as a point of contacts to coordinate actions and recommendations for a realistic plan for the final update, and to coordinate issues and priorities of the community.
- The members discussed the need for a new model for resource management, to improve how agencies and government deal with jurisdiction and functions related to resource management issues. The ORMP needs to strongly encourage change in government’s response to these issues.
- Private sponsor funding is still being sought. Members may send letters to interested sponsors. CZM is working on sponsorship packages.
- The Planning Committee for the Summit-to-Sea Conference is co-chaired by Jim Coon and Donna Brown. MACZAC members are encouraged to attend meetings. Christopher, Ann and Leah are the “workhorses” getting the work done.

Water Quality

June Harrigan made this report on behalf of the committee.

- The Department of Health issued a public notice regarding the 2002 Clean Water Act Section 303d list of polluted or dead surface waters in the State of Hawaii. The state was forced by lawsuit to expand its list to 111 sites. The current draft lists 7 more streams and 16 more coastal waters. There are few water quality repair projects planned or underway in the state, the list will not get shorter. It will continue to get longer. The criteria for placing and removing streams and coastal waters on the list are in Appendix A to the Clean Water Act. The report is available from the Environmental Planning Office or on its website, www.hawaii.gov/health/eh/epo/. The deadline for comments is 30 September 2002. The draft list package will then be sent to the EPA for approval. Once approved, the new waters will be officially listed for TMDL development. “Total maximum daily loads” or polluting budgets are being developed now for three streams draining into Wiliwili Bay on Kauai, seven streams into Pearl Harbor, and, in 2003, some of the listed streams into Hilo Bay. This is primarily done by contractors.
- The TMDL implementation plan is nearly complete for Kawa Stream in Kaneohe. It should be ready for distribution by the end of the month. Notify CZM staff if you would like to receive a copy of this report. These plans are used by communities when deciding on watershed management and stream repair activities in their area.
- Restoration of ecosystems may occur on geological time scales, according to experience, so it seems that what is gone is gone. This is why Ms. Harrigan refers to “repair” rather than “restoration” when discussing projects in improving water quality.
- The Water Quality subcommittee met in late June. Its second meeting will be October 15 from 2:00 p.m. to 4:00 p.m. and will be conducted by videoconference. The first meeting was to set the scope of the committee’s work; the next meeting will set priorities and decide projects.
- The members discussed the effort by the Environmental Management Commission to amend code on the Big Island to end many sewer exemptions. The revision was blocked from being introduced to the Council by two Council members. The EMC would like letters of support.
- The DHHL is going ahead with its subdivision lot development in the Keo Kaha area. There is currently no plan to have sewers installed. There are serious sewage problems developing on the Big Island; development of smaller regional wastewater treatment plants versus waiting for development of one large central plant is one proposal to deal with this issue. The county is responsible for resolving wastewater and water quality problems; the committee will be encouraging the county to be more proactive in dealing with these issues, doing wastewater planning, and preventing epidemics.

- State water quality standards are still being developed
- The state is now drafting rules to comply with Chapter 342E, non-point source pollution, for which state implementation rules have never been written, although the statute is almost 20 years old. There will be public information meetings statewide regarding the proposed draft of these rules. The first is scheduled for October 14. Formal comment meetings will be held later. Information will be available soon on the web.
- The videotaped presentations of Tom Schuler, mentioned earlier in the meeting, concern watershed protection, watershed management planning, and impervious cover. Ms. Harrigan plans to make these, and copies of Mr. Schuler's Powerpoint slides, available.
- Ms. Harrigan has money for a contract to bring either NEMO or Mr. Schuler's group out to do watershed management awareness training for officials. The contract may be modified to add one county and the State Land Use Commission as focus groups for this education. NEMO's program can eventually be adapted to statewide use, while Mr. Schuler's program tends to focus on individual watersheds.
- The members discussed developing a comprehensive approach to addressing resource issues and regulations and developing overall goals and strategy - as well as keeping track of all the notices, meetings, the agencies involved - the possibility of setting up a matrix to organize information to better inform the public, a sort of "mega-calendar" and/or a centralized place for noticing. The timing of rule-making and revisions tends to be driven by federal deadlines; distribution of notices is strongly affected by budget pressures; however, there is no coordination on the state and local level between the land use and water use groups in regard to rule changes, goals, and concerns.

Old Business

Coastal Water Quality. This issue was discussed after Public Access to Ocean Resources to accommodate Dennis Tulang, Chief of the Wastewater Branch, Department of Health. He came to answer questions.

- Ron Terry asked whether there was money available for building sewer systems. His specific concern was with a Hawaiian Homelands project on the Big Island, in which subdivision of lots for beneficiaries has been approved without a corresponding sewer project. The result will be cesspools very near the shoreline, with high probability of pollution of coastal waters. It is possible to appeal this decision to the County, but there is no regulatory action to force the County to fund the sewer system that is needed. Department of Homelands regulations only require beneficiaries to connect to sewer systems if the lot is a reasonable distance from the nearest system. It might be possible for DHHL and the County to share the cost of the sewer system, someone would need to begin the dialog.

- Sewer system requirements are a statewide issue affecting health, ecosystems, and water quality. DOH is trying to discourage installation of new cesspools and encourage use of alternatives to municipal sewer systems. Current rules require only the elimination of pathogens, nutrients removal is not addressed. The Land Use Commission has required the removal of nutrients.
- James Coon moved that the MACZAC authorize a subcommittee to address the sewer issue. The motion was seconded and unanimously approved.

New Business

Public Access to Ocean Resources

- The City hired a planning firm to modify facilities at Ku'ulei Beach Park to add a bike lane. The original plan called for deletion of 46 parking spaces makai of Diamond Head Road, without exploring the effect on public access to the surf break. At the last meeting, the MACZAC voted to send a letter to the City requesting no further action on the project until the City can send a representative to MACZAC to answer questions. This letter was sent to the City. The current status of the decision is that the parking spaces will remain and the bike lane area will be taken from the roadway instead. MACZAC is asking the City to explain their policies regarding beach parks. The reason for understanding City policies is to ensure that projects affecting shoreline access obtain good public input before plans and policies are final. The public input to the original plan was worked out with residents of the local community, a method which did not adequately collect the concerns of surfers, who come to the park from all over the state. It was suggested that one of the best ways to obtain good public input is to collect it onsite from the people who are using the facility.
- The members discussed the agency jurisdiction of the planning process. On Oahu, planning and construction are now consolidated (more or less) in the Department of Design and Construction, as well as the Community Visioning projects. The DDC also contracts for environmental assessments, for which it is the accepting agency. The SMA permit process is handled by the Department of Planning and Permitting which may or may not review the project. The planning and construction functions are done by different agencies in the other counties.
- On Maui, guard rails were put up near a surf area that forced surfers to park on makai the side of the road, creating a hazard to pedestrians crossing the road to get to the water. Signs put up in the wake of recent shark attacks – to address the county's liability – have had the unintended result of restricting access to snorkeling spots.
- There needs to be a coordinated process of addressing the issues of safety, cost, liability, and mitigating the effects of actions taken for these reasons on ease of public access. This was suggested to be a role for MACZAC, to bring everyone together to address access and planning issues.

- The Council resolved to ask the DDC to ensure that public access to the shoreline is considered in the planning process of all future projects.
- Arnold Lum moved that Donna Brown and James Coon be authorized to look into the issue of moving the coastal highway in Maui between Lahaina and Maalaea inland, on behalf of MACZAC. The motion was seconded and unanimously approved.
- The Council also decided, by consensus, to draft a letter to all the highways departments regarding MACZAC's interest in participating in projects possibly affecting access issues for the next meeting, with Ron Terry to do the first draft.
- Helen Felsing, who works for the National Park Service on Maui, is able to facilitate projects that require bringing together many agencies and other groups.

Satellite Imagery – Monitoring Coastal Erosion.

This was discussed immediately after the Coastal Water Quality item, in the context of a Kauai coastal construction project that residents objected to for adding to erosion into the bay and reef after rains.

- Don Thornburg asked if it was possible to use satellite imagery to monitor land use and permit compliance to determine how construction activities are affecting coastal erosion. It is now technically possible; however, Hawaii is under cloud cover 70% of the time, so it would be impractical if one needed images taken at specific times and dates. It is possible to order archive images, as well but this is very expensive. Hawaii is lagging behind other states in using remote imaging technology to monitor resources. There are grants available to the counties to pay for imaging, but the counties have been too busy to apply for them.
- Another possibility is aerial surveys, which are available from NOAA on the web.
- The State GIS office has been trying to acquire funding for imagery; it needs around \$2.2 million. A one-time view of the entire state is around \$20,000.

October Meeting Agenda

The next meeting will be in Kona, Hawaii on 30 October 2002, probably at the King Kamehameha Hotel. CZM Staff was urged to publicize the meeting in the "West Hawaii Today" paper. Members are to email agenda items to Christina Meller by next Wednesday. The Public Access and Sewer issue will remain on the agenda, under "Old Business." The Hawaii representatives are to contact Christina Meller regarding a site visit during the October meeting.

Adjournment

With no further business, the meeting was adjourned at 12:33 p.m.