

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

Wednesday, April 9, 2003

1:10 p.m. - 4:00 p.m.

State office Tower, 2nd Floor, Conference Room 203
235 South Beretania Street, Honolulu, Hawaii 96813

MINUTES

Members Present: Donna Brown, Mary Cabuslay, James E. Coon, Arnold Lum, John Ray, Donald Thornburg, Lawrence Aki, Ron Terry, Susan Saki

Members Absent: Roland Sagum III

CZM Staff: Christina Meller, Christopher Chung

Others Present: June Harrigan-Lum, Alice Kawaha, Susan Gagorik, John Ray, Josh Stanbro, Jerry Rothstein, Susan Miller, James E. Taylor and Terry McHugh

DISTRIBUTED MATERIAL

- Meeting Agenda
- January 15, 2002 Meeting Minutes
- Coastal Zone Management Water Quality Working Group, Meeting No. 3 Notes
- Copy of House Resolution No. 78: Encouraging the Preservation of Our State Beaches and Shorelines
- Cities on Volcanoes 3 conference material.
- Summit-to-Sea conference material.
- The Trust for Public Land Hawaiian Islands Program material.

Call to Order

Chair Susan Sakai called the meeting to order at 1:10 p.m. Council members and the general public introduced themselves.

Announcements: MACZAC meeting Thursday, April 10, 2003, from 8:30 a.m. – 1 p.m. at the Willows Restaurant. Agenda includes discussion of MACZAC roles expiring terms and those willing to serve again, and the Big Island vacancy despite the fact that there is no acting head of the Office of Planning.

During Public Forum, Jerry Rothstein of Public Access Shoreline Hawaii (PASH) addressed the Council. He advised that a contested case in Kauai highlights the problems with state surveying shoreline certification interpretation and the core issue in using the vegetation line as the definitive mark of shoreline boundary and exposes the loss of public shoreline to the process of “administrative erosion.” Four suggestions were noted to improve the process of shoreline certification:

1. Request MACZAC review Senate Bill 1556 that was heard but deferred and support the bill next legislative session.
2. Review the State Surveyor’s certification requirements and survey assessments pertaining to shoreline issues that emanate from this office.
3. Encourage another round of opportunity for public input regarding Chapter 13-222 rules and shoreline certification. Rules for shoreline certification that were proposed 13 years ago have now been signed into law and are operational, however, a request for current reviews to address shortcomings, improvements and new concerns is felt to be in order.
4. Shoreline marks for public references during two-week inspection periods are frequently not in place. A request was made to review the process for installing and maintaining these markers.

Approval of Wednesday, January 15, 2003, Minutes

Motion was made, moved and passed to note that Scott Sullivan was absent from the meeting of January 15, 2003. Minutes were accepted as corrected.

CZM Hawaii Program Report – Legislation

Christopher Chung presented report on activities.

Cumulative & Secondary Impacts: CZM is moving forward with the Waianae community to develop an Ahupua'a/Watershed model. A meeting scheduled for June, 2003, to introduce and development strategy for proceeding with Ahupua'a/Watershed management and to recap past and present efforts of the Waianae community.

The Waianae Ecological Characterization project in coordination with NOAA Coastal Service Center was reviewed. A \$162,000 grant was received from NOAA Coastal Service Center. Much of the information to be gathered for this project will ultimately contribute to developing strategy for the Ahupua'a/Watershed management project. Facilitators to assist with local community discussions and other services have been brought to the project to assist in ecological materials. Also introduced to the project are graphic services to aid in the development of an interactive CD ROM for the Waianae land use patterns and other ecological information pertaining to this coastal area.

A Water quality assessment tool is being developed primarily with NOAA Coastal Services and Pacific Services Center relating to ground cover, water run-off pollution and erosion. The resulting information will be used in predicting the impact of management decisions on water quality and aquatic health.

Coastal Hazards: An announcement was made for the Cities on Volcanoes 3 Conference to be held July 14-18, 2003, in Hilo, Hi. The conference theme is based on the impact of volcanic activity on society. A brochure was made available to attendees.

A second conference announcement included the Summit-to-Sea Conference scheduled for October 26-29, 2003 at the Sheraton Waikiki. Brochures were distributed.

Last year a presentation was made in San Diego at the Solutions to Coastal Disasters Conference at the invitation of the American Society of Civil Engineers (ASCE) relating to lava mitigation. ASCE has approached with an invitation to host this Solution to Coastal Disasters Conference in Hawaii for 2005 to which a positive response was made.

Coastal Hazards public education efforts now includes the production of a "hazard bookmark" with information relating to hazards in Hawaii. A cooperative effort is sought with the Department of Education to get this bookmark distributed in the schools and efforts are being made to distribute the bookmark at other events throughout the year.

Funds in the sum of \$26,000 have been allocated in the County of Hawaii hazard litigation strategy and an additional sum of \$15,000 is to be used by the County of Hawaii to acquire Kona's imagery that will aid in their listing of vulnerability assessments in their area.

Funds from the Section 309 grant have been allocated to the State Civil Defense who is involved in developing an earthquake loss estimation tool. The intent is to apply lost estimation model on existing building inventory data to determine any potential impact and develop from this mitigation measures surrounding building retrofit and changes in land use zoning where high loss is expected.

On July 24 and 25, 2003, CZM is co-hosting and co-sponsoring a hazard mitigation workshop with the State Civil Defense. This will be a general workshop focusing on identifying elements of hazard mitigation, how to assess hazards, how to develop mitigation strategies for hazards and what resources are

available on a County, State and Federal level for such concerns. It is desirable to arrange for representatives of Pacific Island partners from Guam, Saipan, and American Samoa to attend as they are interested also in hazard mitigation strategies. \$50,000 was allocated to CZM Hawaii from NOAA Coastal Services Center to fund this workshop.

Ocean Resources Management Plan Implementation: Our main focus at this time is on these conferences, doing outreach work in educating the public and government agencies and legislative decision-makers on the Ocean Resources Management Plan. There is active participation in various meetings and presentations with targeted agencies.

The Harbor Village Project was introduced. Discussion ensued surrounding the issue of proactive vs. reactive approach to long-term coastal management. A second topic was introduced involving Maui County procedures and environmental assessments.

Steering committees meet weekly on Tuesdays at 1:30 p.m. In attendance are representatives from many organizations and agencies including, but not limited to, the Coast Guard, the Nature Conservancy, the Office of Hawaiian Affairs and the Department of Education.

A further announcement of the Mid-Pacific Regional Conference scheduled for April 26 and 27, 2003, was made. Conference material was distributed. Christopher Chung will be speaking at this conference.

Primary efforts are in finalizing program elements and submitting abstracts to meet the stated deadline in May and recruiting for panel sessions from various levels and on various relevant topics. An important focus is on media exposure and promotional efforts. National partners are including Hawaii material in their newsletters. One example is that of Coastal Services Center's newsletter that is distributed nationwide to parties interested in coastal resource management.

Other events include Earth Day on Moloka'i this month, continued public education and promoting the October conference. Questions pertaining to conference specifics ensued. A draft of the conference schedule and various sessions was made available for information purposes. An educational steering committee was formed to develop curriculum material, involve the school community, and prepare activities around the time of the conference. An example of education material was presented. Additional educational events include a forthcoming City and County watershed contest, an artwork contest that Patty Miller is endeavoring to organize with public and private schools, and an awards program. It is hoped to include student made films in the documentary film session of forthcoming conferences. A question involving military participation was entertained. It was noted that the military is required to submit Integrated Natural Resource Management Plans and Integrated Culture Resource Management Plans. An exchange of contact information was proposed and welcomed.

The legislation to transfer OP to DLNR was mentioned and there has been no movement on the transfer bill.

Questions pertaining to CZM federal funds were entertained. Currently there is a executive budget request for FY 2004 in sum of \$68.9 Million for the National CZM Program.

Working Group Reports.

Coastal Erosion. \$400,000 was appropriated to the Army Corp of Engineers to do a study in Waikiki. Most of the money is still not spendable. There is some effort to determine what would be involved in a storm damage prevention assessment. The Keeki, Maui project is another project where there is some basis for hazard damage mitigation. The problem with the next step is a feasibility study that requires a 50/50 matching fund from the County that is not in the County budget. DLNR is looking at the possibility of circumventing certain restrictive requirements via "light line legislation" from Congress. This has been done by Army Corp of Engineers in other projects. Presenter felt this was probably the best hope for beach projects. Local matching funds are still required. Studies can be done without the state monies but once it

goes to construction the state must invest matching funds. The federal government can put a lot of money up front without any state input to complete the studies. Another item coming to fruition is a State Programmatic General Permit for small-scale beach restoration projects. Small scale means less than 10,000 cubic yards of sand placement, just sand nourishment. Only one permit must be submitted to DLNR. State Department of Health has issued a “sort of blanket 401 water quality certification” which means that if certain criteria are met, a separate water quality certification process is not required. The Army Corp of Engineers have almost got final signature on the process that allows their approval if DLNR says its okay, its okay with them without a separate application process. No restriction on sand source exist other than quality of sand. The permit appears to allow mining sand offshore. It’s a statewide Hawaii program. The first application is anticipated by June 1, 2003. Discussion ensued regarding restrictions on the homeowner’s involved in this 90-day application approval process and the approval process in general. It was noted that the Guidebook for Coastal Planning is in final review. Final item presented in this portion of the meeting involved House Resolution Numbers 78 and 80. Motion was made to endorse House Resolution 78 and concurrent House Resolution 80 which encourages support for beach preservation. Motion seconded and carried.

New Business (Taken out of Order)

Trust for Public Lands – Terry McHugh, Director, and Joshua Stanbro, Senior Project Associate. The Trust for Public Land Hawaiian Islands Project was introduced as a non-profit organization. It’s mission statement was reviewed and current project proposal intends to present field guide data in the form of a user friendly “coffee table book”. The field guide data are designed to help you get out on the land and experience how special these sites are to the natural and cultural history of Hawaii. The Trust for Public Lands is interested in any research information you might have regarding special and cultural coastal sites in Hawaii.

Working Group Reports

Ocean Resources management Plan Implementation. Please refer to the CZM Program report. The conference is set for October 2003

Water Quality. The new deputy director has established a goal of increasing public involvement opportunities in matters involving water quality. In order to handle data collection and analysis and the biological project assessment in streams, federal funding will be used to hire a data manager and aquatic biologist. Coastal Zone Management Water Quality Working Group Meeting No. 3 notes introduced. Intent of the meeting was to narrow focus of water quality working group efforts. Videoconferencing has proved to be an aid in securing input.

Coastal Access. Oahu area data where shoreline parking was involved has been misplaced so data is being reconstructed. Ewa Beach and South Shore data is available. West Side data source, Maile Shimabakuro, is involved with the legislative session and attempts to secure this data are being considered. Neighbor island folks are encouraged to think about what kind of database they want to use. Regression to discuss item numbering of the Meeting Number 3 introduced in previous presentation. Item numbering of this report was clarified.

Shoreline Certification – Donna Brown. Three statewide teleconferences have been held thus far. The interpretation of the rules of shoreline definition were examined and questioned, in particular the definition of shoreline. The definition was read and discussion ensued. It was accepted by this working group that vegetation does not necessarily “usually” mark the upper shoreline as currently interpreted by state surveyors. The question is whether or not to change the wording or to educate the public with regard to this clarification of which really marks the shoreline, vegetation or upper washes of the waves during certain seasons. Some reservations expressed about efficiency of teleconferencing to determine a course of action and face-to-face meetings were requested to pursue this issue. Comments were made regarding a survey manual that surveyors rely on for information to establish the evidence line and the possibility of changing the wording for clarification. A suggestion to videotape and document wave action was considered generally unfeasible. An additional comment regarding videotaping was made to establish purpose for

videotaping as one to document learning process that vegetation line does not necessarily mark the shoreline and open up possibilities for review of present process. No recommendations by this working group were made at this time. The meeting was more of a brainstorming effort at this point in time. Coastal Erosion and Shoreline Certification working groups seem to have overlapping interests. The question was raised as to whether or not to combine the two groups. The Coastal Erosion group meets regularly, the dates and times were presented. Details to make this a joint effort are to be addressed in a coordinated effort between the two groups and CZM staff members.

New Business – continued

Council Budget – Donna Brown. Discussion regarding MACZAC budget of \$25,000 allocated for FY 2002-2003 ensured. Item was put on agenda to establish the possibility of making monies available to distribute according to priority established among the working groups rather than a strict item distribution. Such priorities might include travel expenses to various conferences and/or meetings.

July Meeting Agenda

Next tentative meeting time and place are set for Kauai on Thursday, July 10, 2003. Details of meeting venue and agenda will be established via e-mail communication. Discussion of possible venues ensued. The October meeting is tentatively set for Wednesday, October 29, 2003, at the Summit-to-Sea conference. The intent to make the October meeting a public meeting was introduced.

Motion presented to require an invitation be extended to all MACZAC members to be present at the Summit-to-Sea meeting with airfare and housing provided for those that can accommodate the schedule. Motion seconded and carried. A point regarding the inclusion of “tuition waiver” was raised.

Adjournment

Meeting adjourned at 3:45 p.m.

MACZAC Meeting April 10, 2003

Role of the Advocacy Group

The Public advisory body shall support the lead agency by *providing advice* regarding marine and coastal zone management planning, coordination, and facilitation functions of the coastal zone management program. It shall:

1. *Evaluate* the state CZM program, including activity of the network agencies, and make recommendations for improvements;
2. *Advocate* the program to the public and the executive and legislative branches of government;
3. Advocate for, act upon *citizen input*, and foster *public participation* in the CZM process; and
4. Facilitate and disseminate *CZM information and knowledge* to the public.

Short-term Goals (2002)

- Ocean Summit (priority)
- Establish a legislative committee.
- Submit a report to the Legislature.
- Have a representation in each working group.

Long-term Goals (5 years) **Section 309 Priority Enhancement Areas**

- Cumulative and secondary impacts: Water Quality Working Group

- Ocean resources: Ocean Summit and ORMP
- Coastal hazards: Coastal Erosion Working Group

Ground Rules

- Everyone's input is valued
- One person talks at a time
- Listen as an ally
- Everyone shares responsibility to keep on track
- Turn off sound of phones/pagers
- End on time (11:00 am, 12:15 pm)
- Public comment during scheduled time on agenda (end of each item)
- Decisions by members (majority)

Agenda

9:10 am Review role and mission of the Council MACZAC
(specific vs. general)
(public concerns)

9:45 am Review:

- Long-term goals
- Short-term goals

10:15 am Determine continuation/revision/add to:

- Long term goals
- Short-term goals

11:00 am Case Study:

- Activities/resources
(How we work.)

12:15 pm Summary = decisions/work product

- Public input

Role of Advocacy Group

- **R** Legal obligation - based on statute
- **R** Good general role
- **R** Broad - also a handful

- **N** (Need move formal training on how agencies function - to carry out role)
Knowledge of CZM Program
- **N** (Mtgs. are too short to accomplish tasks.)
What will it take ... obtain \$
- **N** Committees do work - MACZAC makes decision (?)
- **R** Members do contribute - move in some areas - in total, cover the areas
- **O** Don't advocate for individual projects
- **O** Set policy vs. specific cases
- **O** Public input important to ID general issues
- **O** Work on process vs. outcomes

- N Need for local knowledge of MACZAC
- N (Business card) - Public awareness of role and responsibilities of MACZAC members
(Letters/CZM staff meeting on neighbor islands - invite members)
- O Should do evaluation of CZM Program?
When does CZM advocate? - MACZAC advocates policy process/concept
Let public on neighbor island know who representative is - email address, website,
facilitate public input

Review of Current Long-term/Short-term Goals:

- Three working groups fit with 309 program
- Added working groups for other topics
- How working groups fit with goals
- Sub-group as part Coastal Erosion Working Group
- Shoreline Certification Working Group within of Coastal Erosion Working Group
- CZM groups not under MACZAC
- Goal to revise ORMP for 2005 Legislature
- Annual Report by Fall, for Legislature
Get issues before Legislators
- Face to face meeting with Legislators
- Legislative coordination regarding coastal marine issues
Report/face-to-face/pictures
- Broaden - not just Legislature.: add Counties, Gov, and Executive Branch Departments
- Add as #4 Long-term goal: Government presentations
Issue presentation to Legislature (Fed., State, County) &
Executive Branch

Target key people and key issues

Activity: Meeting with Planning Directors in October

- Short-term goal: All short-term in wks: to be held Ocean Summit in October
Legislative Committee active
- Report to Legislature - continue
- Representatives in each working group - on going
- Develop clearer process for MACZAC
For decision-making and how it works
- Council Membership - fill vacancy and review expiration terms
- recognize training investment in current members
- open recruitment process to public
- Director of Office of Planning makes selection
- Expectations for MACZAC members
i.e., attendance, participate in working groups
- Web site link - (DBEDT person)
- Short-term goal: Tools - stationery/cards/comp/computer-use computer program to create
Chris to follow-up
- Minutes posted on CZM web
- Issue of extent of contact i.e., home phone number, personal email
- Short-term goal: Ocean Summit - October 2003

**Issue: Meeting time too short. i.e., start 10:00 am with public input at noon.
10-3 or 11-4, or other combination - work on later
Neighbor island longer**

- Short-term goals: Dropped 3 short-term goals from 2002 - Replace with additional ones,

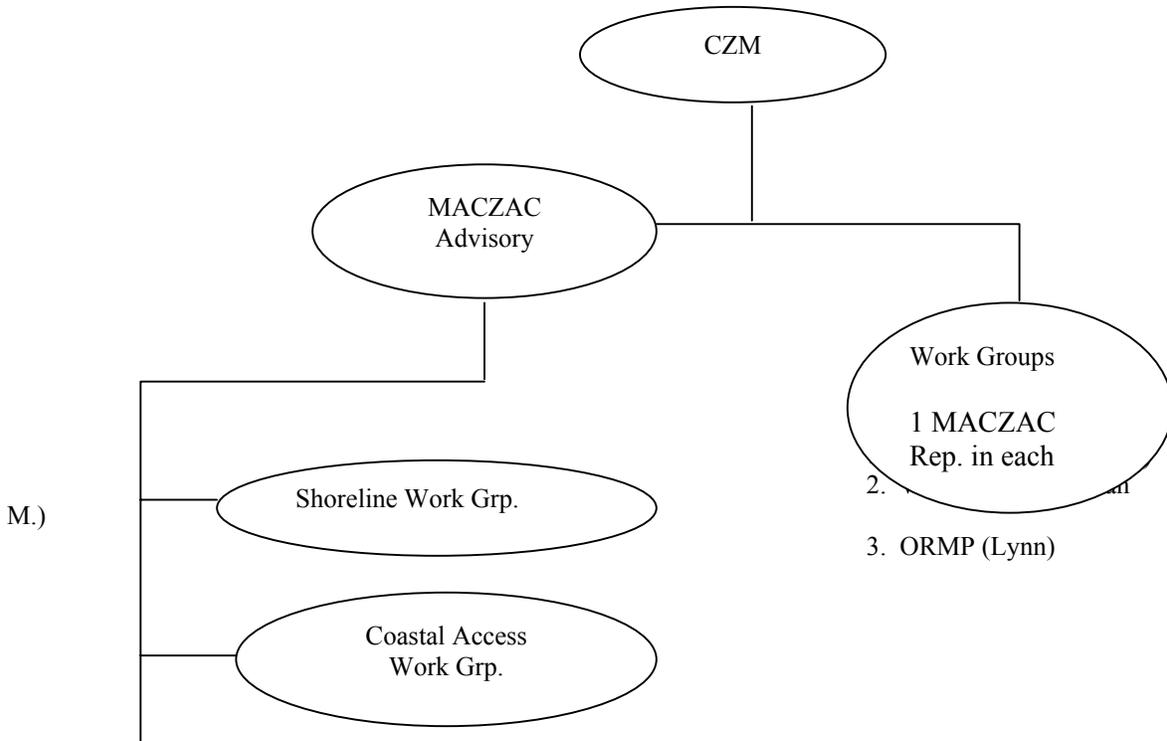
ID's

How we work together

- Identify how there is a need for working group
- Work through working groups

Diagram:

Structure b/w MACZAC, committees, CZM Program



Procedures by staff due to Sunshine requirements:

If 1 MACZAC attends either groups, staff need to:

- (1) publish next agenda
- (2) send out 200+ minutes

How We Work

SUNSHINE LAW

- Compliance with Sunshine Law creates impediments
- Is there a benefit for public? (under sunshine law)
- Placing working group under CZM an option?
Although: Less representation of MACZAC under CZM working groups since 1 rep.
- Request Chris C. to ask OIP opinion if sunshine applies (place on next agenda for update)
- Request sunshine law not apply to MACZAC via annual report to Legislature

How are Actions Decided

- Issues can be brought to MACZAC or working committee

- Generally, complex issues be assigned to subcommittee
There are sufficient members on each subcommittee (supplemented by non-members)

Decision Making:

Voting by majority of MACZAC (Roberts Rules if needed)

Frequency of meetings:

MACZAC = minimum quarterly meetings

Time to be determined next meeting.

Supports to MACZAC

\$25,000 subject to State procurement

Staff time limited for additional assignment

How does MACZAC want to budget \$25,000?

i.e., staff support, projects

Attendance policy needed?

3 unexcused absences? Trigger letter from Council

No need treasurer/sgt.-at-arms

Next Steps

Topics:

- Reefs haven't been addressed
- Marine reserve been addressed
Catch and release
- Public access - discussion
- State and County beach parks

Follow up:

- Chris to type
- Finalize today's discussion in writing