

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

Thursday, October 8, 2003

4:00 p.m. – 6:00 p.m.

Harpoon Room
The Weston Maui
2365 Ka'anapali Parkway
Lahaina, Maui

MINUTES

Members Present: Don Thornburg, Roland D. Sagum III, Ron Terry, John Ray, Lawrence Aki, Susan Sakai, Scott Sullivan, Don Thornburg, Donna Brown

Members Absent: Mary Cabuslay, Anne E. Sturgis

CZM Staff: Christina Meller

OP Staff: Mary Lou Kobayashi, Susan Miller, and Chris Chung

Others Present: Caren Robertson, Judy Edwards, Cheryl King, Meghan Flynn, Adrienne Harris, Dan Davidson, Jerry Rothstein, Peggy Robertson, Caren Diamond

DISTRIBUTED MATERIAL

- Meeting Agenda
- July 10th, 2003 Meeting Minutes
- CZM Hawaii's Coastal Zone Management Program Report
- Memorandum on Ocean Resources Management Plan
- Correspondence from Gov. Linda Lingle regarding Shoreline Certification
- E-mail message to Christine Meller from Beau Blair
- Recruitment Ad and Application for Vacancy on the Island of Hawaii

Call to Order

Chair Susan Sakai called the meeting to order at 4:05 p.m. Council members and general public introduced themselves.

Announcements: CZM Representative, Christina Meller, indicated a MACZAC recruitment announcement will appear in the Sunday, October 12, 2003 classified section in *The Star Bulletin, Garden Isles, Honolulu Advertiser, Maui News, Hawaii Tribune* and the *Molokai Dispatch*.. Several MACZAC member terms will be expiring and if they wish to serve a second term they should reapply.

The DBEDT Director approved the MACZAC \$50,000 Request for Project Approval. The approval was e-mailed to the MACZAC members.

In 2004, all travel will be done by electronic ticket through the OP office and PANDA the company that was awarded the travel contract for the State of Hawaii. Members need to notify

the OP office of their flight plans because PANDA will not process applications until an approved Travel Order Form signed by the DBEDT director is received.

A Shoreline Certification Working Group Meeting is scheduled for Friday, October 10, 2003 from 1:00 p.m. to 4:00 p.m., in the Harpoon Room of The Westin Maui. The working group has already scheduled a follow up meeting by video conference for Thursday, December 4, 2003, 9:30 am to 11:30 am.

Approval of July 10th, 2003 Meeting Minutes

Motion was made to accept the minutes. The following amendments were suggested. Delete “such as waterslides” on page 3 since the reference could have been to skis or jetskis, under the *Ocean Resources Management Plan (ORMP)* heading and on page 5, third paragraph change “landslide” to “mud flow” through her property.

Minutes were accepted as amended.

CZM Hawaii Program Report

Christopher Chung presented the report to MACZAC.

Coastal Hazards: CZM Hawaii provided Kauai County with funds to prepare a Multi Hazard Risk & Vulnerability Assessment and Strategy. Kauai completed the assessment and strategy in September 2003. The Kauai documents can be viewed at the following website

www.mothernature-hawaii.com. State of Hawaii, Civil Defense Department will use the Kauai work to develop a statewide hazard mitigation strategy and submit to the Federal Emergency Management Agency (FEMA) to qualify for pre-disaster mitigation grant funds. City and County of Honolulu has completed their Assessment and Strategy. The deadline to submit this statewide strategy is November 2004. A similar contract with Hawaii County has been undertaken with additional funds for the county to purchase IKONOS satellite imagery.

Ocean and Coastal Resources Management: The Hawaii Summit to Sea 2003 conference has been postponed to October 2004 for a number of reasons. Conference announcement and call for papers occurred during the time when people were hesitant to travel due to the SARS outbreak, terrorism, Iraqi War, and dwindling travel budgets. The Conference Planning Committee will be meeting shortly to explore ways to maintain the conference momentum over the next year through event partnering and other outreach and educational opportunities. Jim Coon's will be there as the Chair for the Ocean Resources management committee and MACZAC representative. Discussions have been going on with DLNR as to the type of focus to take at the conference now that it is being rescheduled. It is also hoped that there will be more local and regional participation rather than an international focus.

Cumulative and Secondary Impacts (CSI): One of the projects of concentration is the Wai'anae Moku Watershed Management strategy. The proposals were just released to hire a consultant. The deadline for proposals is tomorrow, October 9, 2003. It is believed that there will be a good response and once this is complete we will enter into selection and contracting to bring on the consultant. In the meantime we are moving forward with other project, in particular is the Wai'anae Ecological Characterization (information was previously distributed to committee

members). Essentially the Wai'anae Ecological Characterization is a way of putting together cultural and social economic spatial information on to a product disk, which is a CD-ROM that can be used by the communities. In other communities around the nation, i.e., Alaska and Louisiana, communities that used this product didn't go after grants to advocate for that position in legislature or other levels. It is a beneficial tool and the information being gathered is very important for the strategy concerning Wai'anae. The community is very supportive and there have been had numerous meetings in the community and another one is planned for October 22, 2003, which has been advertised in the *Westside Stories* in Wai'anae. Additionally, another community meeting is planned as well as participation in a community event on October 24 and 25, 5th Annual Westside Youth Festival. At the festival we plan to collect more human dimension information for this product. A videographer and stenographer will be doing interviews of the community at the festival to capture the stories and flavor of Wai'anae to include on the disk.

Coastal and Estuarine Land Conservation Program (CELCP): A team is being put together for this new program which authorizes national CZMA, Coastal Zone Management Act and provides monies to Coastal Zone Management states to come in through a competitive process to obtain Federal money. This requires a 1-to-1 match but the monies can be used to acquire sensitive coastal lands. It must be a federally approved CZM program that applies for it. A core team is being put together to work on this and monies are set aside to bring on a consultant to help us with our proposal and identify the coastal lands that we want to go after.

A question by Don Thornburg as to whether *shoreline access land acquisition* could be included in this program. This was answered in the affirmative.

Federal Section 312 Evaluation: As a result of the 2001 Section 312 Evaluation, there was a necessary action that needed to be followed up on. This action deals with strengthening SMA compliance. CZM Hawaii is in the contracting process to bring on another consultant to help evaluate the SMA process for each of the counties of Hawaii and identify improvement or strengthening area for the County Planning Departments with a recommendation for compliance. Secondly, from the 312 evaluation meetings held on Maui and Kauai, concerns were brought up for more education and training with respect to our City Council's Planning Commission. Through some of the recommendations coming out of this evaluation we will be looking at training as an avenue to take.

The question by John Ray as to whether this would be a statewide training program. It was answered in the affirmative and training would also be for the public because the 312 evaluation determined that there was some misunderstanding as to exactly what the SMA process was about, the purpose and goals. It is not a land use tool, it is a resource management tool and how it works also, it differs between each county.

Caren Diamond asked there should be a clarification between the shoreline and vegetation line. This discussion was deferred to the Shoreline Certification Working Group meeting.

Public Participation – Open Discussion

Susan Sakai opened the discussion to the public and advised that MACZAC is an advocacy council as indicated in the name of the council but is also an advisory council to Coastal Management. Ms. Sakai indicated that the MACZAC members are advocates of the public to the Department on coastal issues. The council members represent each of the islands and that each is a citizen member and not associated to the

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State government. The meetings are scheduled on each of the islands and this was the second meeting to be held on Maui. Ms. Sakai then opened the floor to the public.

Peggy Robertson began the discussion with the Pump Station issue on Maui and indicated that she had spoken with then Governor Cayatano previously as well as having sent numerous letters to Patsy Mink's hearings on the coastal water pollution problems indicating Molokini was filled with feces due to boat dumping 3 miles out and the tide bringing it back to shore. Ms. Robertson indicated that she hasn't seen any improvement and doesn't believe that there are pump stations in all harbors. It was indicated that Oregon and California all have pump stations in their harbors and that the first thing that should be addressed during the current administration is the pump stations issue.

Next, Ms. Robertson brought up the lack of access to Black Rock and due to the removal of the sand and the sidewalk collapsing at the Sheraton beach access is greatly hindered. Ms. Robertson held up a hand-drawn picture of the cul-de-sac in the Black Rock area indicating where parking is needed so the residents can have access to the beach without paying high parking prices at the hotels. Ms. Robertson indicated that The Sheraton has made and continues to make it difficult for residents to access the beach. She also asked what the spacing shoreline access requirements were, i.e., every 3 miles or 5 miles and addressed the issue of parking being removed. She mentioned complaints being filed and parking spaces being removed.

Ms Robertson brought up Lahaina Shores and again raised the issue of the loss of shorelines as infringing on public lands and therefore citizens' rights, with statewide implications citing most the planting of Naupaka close to shorelines as a significant problem. She indicated that in certain areas when the tide is up people cannot walk along the shoreline because the plant has been allowed to grow. She has asked for enforcement and whether a ticket can be issued for removal of the plant. Also mentioned was a pathway to the beach is littered and the hotels do nothing more than hose down the area without any care for overall maintenance.

Then she indicated that if the council wanted citizens to attend their meeting that the notices needed to be put in the *Lahaina News*.

Dan Thornburg asked to address the issues regarding The Sheraton. The shoreline tour was mentioned and that Meghan Flynn, the host, apologetically stated that when the buildings were built 27 years ago "we" didn't understand the process. The response was negative to this statement. He stated that in the early '70s that shoreline recovery was federally, state and county funded to put sand back on the beaches. The citizens that were here at that time either didn't know the information was available or chose not to get involved and structures got built too close to the ocean. The newer developments are taking a newer more aggressive approach staying away from the ocean and maintaining the coastal shape and vegetation. Mr. Thornburg indicated that the only way to stay on top of the issue was to be involved as citizens as much as possible and make sure that the particular county doesn't give away the shoreline to the private owners.

Mr. Thornburg then addressed the issue of maintenance of the beach access or the overgrowth; he couldn't give an answer as to who was responsible for maintenance. He indicated that this was a citizens' complaint as well as the Malpaca encroaching on the beach. Roland Sagum stated that the county maintained beach access on Kauai and that they were all different. Previous beach accesses were a condition of permit, meaning that they were dedicated to the county. Mr. Sagum then addressed the issue on distance of beach accesses and stated that Kauai County's beach access is 1500 ft.

Mr. Thornburg explained that the purpose of the committee was to look at issues on a more general level and don't address real specific issues. The committee is not interested in micromanaging but they want to help people identify issues.

Dan Davidson indicated that DLNR has just enacted some new commercial activity requirements on people trying to use the beach for commercial activity. As part of this all the beach accesses were mapped and his

recollection there are three, i.e., by the Marriott – Hyatt, one by Whalers, unsure of third. The regulatory authority over beach access is with the county and documented with the subdivisions and/or zoning.

Ms. Sakai brought up the Brunch on the Beach in Waikiki and how the city worked with the Waikiki Improvement Association and when large events are held parking is available at the hotels at a more reasonable cost. It was suggested that a community group address the issue with the hotels.

Christina Meller urged Ms. Robertson to write the letter the county requesting to see the SMA permit for the Hotel properties to determine if a condition was made requiring the property owner to provide access to the shoreline.

Jerry Rothstein then addressed the committee regarding the Quotes From Transcripts Of State Surveyor Randall Hashimoto's Testimony and the discrepancy between the law and the rules pertaining to the “Definition of Shoreline” and the interpretation of the State Surveyor and how the other surveyors locate the shoreline. Part of the problem is the way the “shorelines” are being located and ultimately certified, the standard set by state surveyor are the standard implemented by the rest of the surveyors. The issue of naturally rooted vegetation was defined and indicated the survival term as stated by the State Surveyor.

He stated that he learned from someone in the County Council that the State mandated that there be shoreline access many years ago, it took Kauai 10 years to do it; there is still no “Shoreline Access Law.” The state makes it specific how the county is to provide for the shoreline access.

Mr. Rothstein then began addressing the many golf courses on Kauai Island, in particular one coming up for SMA permitting in an area called Kohana Iki, the PASH case was born here which established certain Hawaiian rights of land. He stated that the new owner of this property worked closely with the community and accrued certain benefits like 400 and 800 setbacks, only 500 residents instead of two hotels; a marina, and two golf courses and part of this agreement was the establishment of a 40 acre public park. Work is being conducted between the developer, the county and Audubon to have the Audubon Standards accepted as SMA permitting requirement.

Caren Diamond had a concern about naupaka being a salt water tolerant plant and should not be used in determining the vegetation line.

Working Group Reports

In lieu of time constraints, Susan Sakai asked members to limit their informational contributions and concentrate on ones that would require action.

- The Coastal Erosion Subcommittee- discussed shoreline certification at their last meeting.
- Shoreline Certification Group - Donna Brown advised that she doesn't have much of a report because the working group hadn't met since last meeting. They have been working on the meeting for this Friday, October 10, 2003 from 1 to 4 p.m. in The Harpoon Room. The goal is get close to finalizing recommendations. A second meeting is scheduled for December 4, 2003 from 9:30 to 11:30 a.m. The video conference centers are reserved on Hilo, Maui Justice Center, Kauai State Office Building and Keoni Ana Center on Oahu. Budget – able to pay money out of the budget to have a student intern, Meghan Flynn, who is drafting a report for the public on Shoreline Certification. The group has also been able to hire a facilitator, B.K Griesemer. The cost was \$1,000 for three meetings and has previously met with her as to how to run the meeting.
- Ocean Resources Management Plan - Meeting will be set in the near future.
- Water Quality Group- Ron Terry submitted a Questionnaire regarding water quality and how to address the various issues. The whole committee is to review the questionnaire make suggested edits and/or comments. When complete the questionnaire will be sent out on the Council's letterhead. John

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Ray reported that State DOT started preliminary EIS process for harbor improvements and to address pollution.

- Coastal Access Group --no report given however, indicated a report will be ready for the January meeting. Arnold Lum mapping the beach access parking for surfers, fishermen and beach goers on Oahu. Helen Felsing from the National Park Service, Rivers, Trails and Conservation Service was interested in this mapping project on Maui. Helen Felsing is also involved with the Maui Public Land Trust. The county directors were made aware of the project and have concerns.

Old Business

Council Budget – nothing to report

New Business

No new business to address

January Meeting Date

Tentatively scheduled for January 21, 2004 prior to the opening of the Legislative Session

Adjournment

Meeting adjourned at 5:55 p.m.