

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

Monday, July 10, 2006

9:30 a.m. to 2:30 p.m.

State Office Tower, 6th Floor, Large Conference Room
235 S. Beretania Street, Honolulu, HI 96813

MINUTES

Members Present: Roberto Hera, Ron Terry, Susan Sakai, Donna Brown, Justin Withington, Scott Sullivan, Jim Coon, Roland Sagum III, and Arnold Lum,

Members Absent: Don Thornburg, Ann Sturgis

OP Staff: Douglas Tom, Laura H. Thielen, Debra Tom, Susan Miller, Christina Meller, and Dawn Omoto

Others present: Leonard Young, DOA (Aquaculture); Leslie P. Milnes, Kauai County Planning Department; Alice Kawaha, Hawaii Planning Department; Gladys Quinto, LURF; Athline Clark, DLNR/DAR; Michael G. Sheehan

DISTRIBUTED MATERIAL

- Meeting Agenda
- CZM Hawaii Program Report
- Minutes of the April 18, 2006 Meeting
- Hawaii Ocean Resources Management Plan 5/25/2006 Partial Draft

CORRESPONDENCE

- Earthjustice May 1, 2006 Correspondence: Clarification re Council's Description of Public Access Shoreline Hawaii v. Board of Land and Natural Resources, Civ. No. 05-1-1332-07 VSM 1995 and a copy of the settlement.

Call to Order

Chair Arnold Lum called the meeting to order at 9:32 a.m. Everyone at the meeting introduced themselves.

Public Announcements

None

Approval of the April 18, 2006 Meeting Minutes

Changes to the minutes include Jim Coon attended the April meeting. The meeting time was 9:30 am to 2:30 pm. Minutes were adopted as amended.

RCUH Budget Agreement

\$2,500 of the \$50,000 was spent. In a week or two, the administrative assistant Eric Dobbs will be on board. An additional \$25,000 MACZAC allocation is in the new fiscal year budget.

CZM Hawaii Program Report – Douglas Tom

See Attached Report for July 10, 2006.

CZM Funds - Discussion on OMB's recommendation to convert 50% of federal CZM Sections 306 and 309 grant funds to a competitive program and reduction in funds. Arnold asked if Office of Planning could lose CZM Program. The focus would change.

Coastal Hazard – Wind Speed Studies: Jim asked if any component of the wind speed studies deal with wind farms. Doug indicated the study is mostly the wind tunnel effect during high winds. Jim asked if MACZAC can weigh in on wind energy under new business regarding proposed bill to move away from fossil fuels. Arnold stated, "How would MACZAC endorse alternative energy sources? Is it something to pursue?" Sue added there is wave energy technology. Ron stated, "It should be case by case basis analysis instead of just endorsing." Jim: Maui wind farm on State land funded by a European Consortium from Belgium.

Pacific Disaster Center: Athline indicated DLNR will contribute some mapping data and DLNR is able to use the information gathered by the center.

All Islands: The next meeting is in late October in the Virgin Islands. Arnold asked who's attending. Doug and Laura may go. Arnold wondered if it was appropriate to send a MAZAC member. Justin indicated if there are policy issues, should MACZAC go?

Public Forum

Ron asked about CZM issues or trends with County Planning Departments. Kapoho Vacation Lands Project: Alice indicated consultants Dennis Hwang and Ben Brooks are looking at the subsidence in 1975 and where was the shoreline inundated. Puna Community Development Plan just started outreach and facilitation, some concerns are drainage, ocean access. Five meetings are scheduled in Puna.

Gladys indicated there will be an All County Planning Director panel sometime later in September.

Susan Announced that Kawainui Marsh BLNR would be considering a Memorandum to transfer city lands to State for management. They feel that this is going to happen.

Les: Kauai hired a new County planner. Mike Laureta will be taking over for George Kalisik. County contracted for a Shoreline Erosion study with Chip Fletcher. Kauai is seeing an intensification of SMA use for vacation rentals.

Leonard indicated Kona Blue Water wants a second site off the Big Island for open ocean farming. Started discussions with Maui – need to pin down sites and hold public hearings. A second company wants to pursue moi, the largest facility will be built on Oahu at Barbers Point. There may be another one trying on Lanai. Open farms are in the three mile limit. Aquaculture needs to collect marine mapping data but lags equipment and data information. Arnold asked how much money is needed and could Leonard partner with OP for data and maybe develop a website so the public can see what is going on.

Working Group Reports

Ocean Resources Management Plan Implementation: - Jim: Draft ORMP prepared and circulated to government agencies and MACZAC for review. The plan may be ready by the next legislative session and used as a living document. The plan with an ahupua'a format is cutting edge and would begin to redefine how other States will look at the ORMP.

Followed up with a five-year monitoring program with scientific and cultural resource documentation everyone can use. CZM is working with Tetra Tech. Arnold indicated plan focuses more on watershed based management. Jim remarked that with all the cruise ships and other vessels in the three mile limit, it would take 300 years to accumulate the same amount of waste as the one incident (Ala Wai spill) of pollution of near shore waters in March. Laura: How to structure the ORMP and applauds OP effort to concentrate on an implementation strategy with the Planning Departments, DOH, DLNR, DOA, and DOT. We need another session with the government agencies then out for public comment with an ORMP draft.

Rural Working Group: - Hera: Public meeting well presented, materials were good, lots of participation, many players, and good attendance. The challenge is how to make everybody happy with tools like transfer development rights and runoff standards different from urban. There were questions about County standards that we need to explore. Maui Land Trust has been very active.

Justin: Lots of questions especially on what it really means to be rural. Hilo meeting well attended. OP took lots of notes.

Arnold: How do you create a rural community that doesn't have a negative impact on agriculture? i.e., Waimanalo It is not about the transportation need to focus on the economic vitality.

Laura: The presentations were a snap shot of present agricultural trends and the need for low impact design changes. We need to poll the Counties on where they want to go, technical assistance in mapping out resource areas regionally, design cluster development, and bring in the experts to work with the County and the public. The next step is attending a National Urban Institute meeting in Washington, D.C. to research how others have done it. None of the Counties want large rural areas, if so rural may encourage sprawl. Recommendations to the Legislature. Tony Ching from LUC will be following up with a one day summit to see where we are in October or November. There are thoughts on forming a Hawaii Rural Development Council.

Arnold: How does LUC come into this?

Laura: They will follow up on OP's workshops and inform the public and maybe tasked with doing a reclassification by the Legislature.

Arnold wanted to know if this was the early stage.

Laura: Workshops to introduce tools to manage growth at the County level.

Marine Protected Area: Brown: We haven't worked on this yet but hope to know more after Athline's presentation.

Boating Working Group: - Jim described the vessel pump out problem. In south Maui, seventy five percent of vessels utilize pump out facilities part of the time. By years end, we hope to have one hundred percent compliance. Vessels who endorse pump out fly green flags, those without flags don't. Down side is the need to retrofit the vessels, can't continue to have overboard discharges.

Arnold: Should there be a boating rule change?

Jim: A fixed pump-out system would cost \$3 million at Maalaea. In future harbor developments, there should be a system in place. The boating community shouldn't be the only sector subsidizing this and there are other things that the boating community subsidizes.

Arnold: Should we draft a letter to Peter Young about pump out. Athline also suggested sending letter to DOT.

Jim: S. Maui is getting all the attention but it is a statewide problem and there are low tech solutions. Jim will work with Eric on low tech solutions by next meeting.

Mike Sheehan cited a problem on Kona at Honokohai Harbor that docks 130 boats. Last year, the State restrooms were locked. Mike, along with Roland, volunteered to look at the problem of restroom accommodations on Kauai.

Coastal Process Working Group: Scott, working with DLNR, they have made some progress and interest on beach restoration. Waikiki Improvement Association and Kaanapali Beach Association held separate workshops on what to do about sand replenishment at Waikiki beach and Kaanapali. There is no source for quality beach sand and even private projects are looking for sand. DLNR is putting together a working group on the sand source problem. The meeting will be held tomorrow at 10:00 am, in the DLNR board room, and have representatives from Ameron, Fish and Wildlife, NOAA and private companies. Direction on how to proceed on the problem work on off shore sand sources, local silica sand, and ground up limestone?

Old Business

None

New Business

Marine Protected Area Presentation (MPA) by Athline: Power point presentation covering how ancient Hawaiians knew the (breeding and birth) cycles and place kapu on certain areas to protect resources. Issue of growing population and increase demands on the resource, threats from development, pollution, over fishing, human overuse results in decline of fish population. Underwater surveys document land based pollution resources and the increase of alien species. The designation process of MPA – look at site, community meetings to work on a viable management strategy, community recommendation taken to BLNR for approval, AG and Gov approval for public hearings, final rules for adoption by BLNR, then to AG and Gov. It takes a minimum of three years to establish an MPA. Discussion on the types of MPAs we have in Hawaii. Why manage because of safe haven for fish especially bigger fish that produce more eggs, abundance, and diversity? Goals: Department working on a more comprehensive framework for MPAs over the last four years. Public involvement scientific, cultural, and historical data for decision making in new area proposed for designation. Community outreach, statewide public meetings with Legislature, brochures, newspaper inserts, community-based management initiatives, and training.

Supporting Joint Outreach and Educational Materials between MACZAC and OP/CZM: Laura asked MACZAC to allow the Chair and Vice-Chair to review and approve request for MACZAC funds, including those that will lapse to help OP. OP wants to bring specific budget request to MACZAC but the problem is that they meet only 4 times a year. There was some discussion on

leaving the decision only with the Chair and Vice-Chair. Jim motioned to create a Budget Working Group to assist OP in outreach and education by expending MACZAC funds. Budget group members include Lum, Sullivan, and Withington. Sue seconded the motion and all were in favor.

Brainstorming Potential Projects for MACZAC

1. OP use GIS for mapping existing aquaculture leased sites – would be willing to work on this. (Arnold)
2. Letters on honey wagons and haul outs. (Jim)
3. Lua map of biodigestion self contained toilets. Work with the community to identify and map where toilets should be. Roland and Mike will start the project on Kauai.
4. Alternative energy siting project. (Jim)

Big Island Air Photo Link – Alice: It took a year-and-a-half to map Big Island. Purchasing the photos on a DVD cost \$3,645. The images show the shoreline from an angle instead of satellite images which is straight down.

The meeting was adjourned at 12:35 p.m. Next meeting scheduled for first week of October at HCPO.

July 19, 2006

To: MACZAC Members

From: Doug Tom *Al. Tom*

Personnel. The CZM civil service planner position will be filled this month by Karen Shishido. She will begin work on July 17, 2006. Among her responsibilities will be the Ocean Resources Management Plan update and implementation. Karen received her Master of Arts in Urban Affairs and Public Policy with a concentration in energy and environmental policy from the University of Delaware.

Shayna Higa recently resigned to return to school for graduate studies in public policy at the University of Washington.

Special Management Area (SMA). The Kakaako SMA boundary was contracted effective July 1, 2006 with the passage of Act 165. The measure removed piers 1 and 2, primarily the foreign trade zone area, which is now under the administrative control of the Department of Transportation.

The SMA permit application for an expansion of the Discovery Center is still on hold. A six month extension was granted for a study of the potential hazardous materials on site and to allow time to obtain a clearance from the Department of Health.

Legislative. In my previous report, I indicated that SB 1884, which proposed to assure continuous access along the shoreline area, unless precluded by geographic conditions, as a condition to final approval of a subdivision was alive. The correct information is the bill at the time was tabled in the Committee on Judiciary and Hawaiian Affairs since HB 1442, a similar bill, was under active consideration. That bill, however, also failed passage out of committee.

CZM Funds. Our CZM grant application for the year beginning July 1, 2006 received federal approval. Tasks on performance measures, coastal hazards, cumulative and secondary impacts, and others will consume the fiscal and human resources. A general description of the work program is being prepared and will be available to MACZAC via e-mail this week.

In response to OMB's recommendation to convert 50% of federal CZM Sections 306 and 309 grant funds to a competitive program, the U.S. islands collaborated and agreed to a position similar to the continental states. The Coastal States Organization will present the position before the Senate Appropriations Committee when the measure is heard this Thursday, July 13, 2006. The islands would support the concept of CZM competitive grants only for monies above and beyond the present grant fund level to assure that local initiatives aimed at meeting national objectives are not compromised. Senator Daniel Inouye is expected to support the island position.

The U.S. House of Representatives recently passed an appropriations bill for the federal fiscal year beginning October 1, 2006 that would reduce NOAA's budget by \$500 million, however protecting the budgets of the National Weather Service and climate satellite programs. This action is inconsistent with the recommendations of the U.S. Commission on Ocean Policy chaired by Admiral James D. Watkins and the Pew Oceans Commission chaired by Leon E. Panetta. The National Ocean Service, which houses CZM, is slated for a \$277 million reduction, mainly to reduce funding for basic mapping and charting activities. Under the House version, Hawaii's allocation of Sections 306 and 309 grant funds would be reduced by \$479, 817. Interestingly, the President's budget proposed an increase of \$1.15 million for these sections which would result in Hawaii receiving a higher allocation than the present year. The coastal states and CSO are directing their attention to the Senate in the hope of defeating the House proposal.

Section 309 assessment and strategy. The document has been completed and filed with the OCRM. After federal approval and some format changes, copies will be printed. For the next 5 years, the emphases will be on coastal hazards and cumulative and secondary impacts. The former will complete the series of wind speed studies on Maui. Upon statewide coverage, an evaluation of the building codes will be completed and appropriate amendments to them will be prepared for adoption. The latter will further develop the ORMP. As mentioned earlier, the initial work will focus on developing the principles upon which an ahupua'a or moku management framework might be considered to help carry out the ORMP at the community level.

Coastal hazards. In June, in conjunction with the State Civil Defense and building industry, training on post earthquake evaluation of buildings was held in Honolulu and Hilo. More than 100 people, mainly architects and professionals in the business, participated in learning how to evaluate the structural integrity of buildings in the aftermath of an earthquake.

CZM is underwriting the costs for wind speed studies for Hawaii and Maui to complete statewide coverage. This is part of the cooperative effort with the State Civil Defense and Federal Emergency Management Administration to provide the basic information upon which the adequacy of building codes can be evaluated and updated. The four counties have formally endorsed the project purpose and effort.

Coastal Nonpoint Pollution Control Program. We are still awaiting EPA/NOAA response to the management measures, including the draft ordinance amendments for Hawaii and rule amendments for Maui for new developments, submitted for final approval of the state's program. Upon satisfaction of the federal requirements, the final approval document and required strategy and implementation plan can be initiated.

Rural project. In June, low impact design workshops were conducted around the state. The technical meetings were mainly for engineers and permit administration people. A continuum of applications appropriate to Hawaii based on local information and experiences was presented.

Pacific Disaster Center. CZM is collaborating with the Pacific Disaster Center (PDC) on a Hawaii resource information system for coastal hazards (HI RISC). This is referred to as a platform for integrating, applying, and disseminating risk management-related data and products via web-based mapping. CZM is working with them to incorporate CZM resource management work on the SMA system, ORMP, cumulative and secondary impacts, and others. PDC is funding this cooperative project.

The development of various maps is being explored. Maps that can support the SMA permit approval process by layering multi-hazards over the SMA boundaries, zoning and land use designations, and historical and archaeological sites, for example, could help the counties decide appropriate setbacks and design conditions for permit approval. CZM is particularly interested in maps that provide information on ocean tides and currents, marine debris, coral reef spawning times, polluted runoff and sedimentation, differentiating El Nino and La Nina characteristics and their effects, and other tasks, especially those relevant to the further development and implementation of the ORMP.

All Islands. The next all islands meeting will be hosted by the Virgin Islands in late October. The agenda for the meeting has not yet been developed by the host island.