

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

May 16, 2007
12:00 p.m. to 3:00 p.m.
Hawaii Office of Planning, Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

MINUTES

Members Present: Arnold Lum, James Coon, Roberto Hera, Herbert Pua Ishibashi, Henry Lau, Rhoda Libre, Susan Sakai, Ron Terry, Donna Wong

Members Absent: Justin Kanoa Withington

OP Staff Present: Susan Feeney, Connie Hoong, Laura LaFrance, Debra Mendes, Marnie Meyer, Susan Miller, Dawn Omoto, Laura Thielen, Doug Tom, Jessica Stabile (MACZAC)

Others Present: Alice Kawaha (Hawaii County Planning Department)

DISTRIBUTED MATERIAL

- Meeting Agenda
- Minutes of the October 3, 2006 Meeting
- RCUH Budget and Expenditures for MACZAC
- Application for Assistance Under the Coastal Zone Management Act (draft)
- CZM Hawaii Program Report
- Summary of Conference Committee Report No. 101 (April 27, 2007) SB1853, SD2, HD2, CD1
- Conference Committee Report No. 101 (April 27, 2007) SB1853, SD2, HD2, CD1
- Ocean Resources Management Plan (ORMP) Implementation
- Summary of Moku Management Initiatives of the CZM Program, Office of Planning
- DLNR to Host Harbor Advisory Group Meeting to Discuss Ala Wai Parking Plans
- DLNR to Host Second Harbor Advisory Group Meeting to Discuss Ala Wai Parking Plans
- 2007 Hawaii Congress of Planning Officials Conference
- Coastal Zone '07 Conference

Call to Order

Chair Arnold Lum called the meeting to order at 12:12 p.m. Everyone at the meeting introduced themselves and briefly presented their background and interest in marine and coastal zone issues.

Approval of the October 3, 2006 Meeting Minutes

On the fourth page, under New Business, Item #3, the word “motion” was deleted and changed to “budget”. Minutes were unanimously approved, as amended.

Report and Discussion of RCUH Existing Budget and Expenditures

Grants specialist, Susan Feeney, gave a report on the RCUH Budget and Expenditures for MACZAC. MACZAC Administrative Assistant, Jessica Stabile, is currently slated for 50% full-time. Her salary, along with members’ travel reimbursements, is paid through RCUH, rather than the State, because RCUH has a streamlined procurement process. The RCUH Agreement for MACZAC encompasses the period March 17, 2006 to December 31, 2008 and began with a funding allocation of \$50,000 to cover administrative and research activities, including associated travel costs. To date, \$13,340 has been spent, leaving a remaining account balance of \$36,660.

Anticipated upcoming travel expenses will nearly deplete the remaining balance. However, there exists an additional \$25,000 allocated for MACZAC projects and research. There are plans to move \$15,000 to supplement the RCUH account, leaving \$10,000 in the general account to be used for the Working Groups’ meeting activities and research. In keeping with its mandate, the role of MACZAC is broad policy focused and its Working Groups are issue-specific rather than project-specific and so do not advocate for or against particular project proposals.

There are another \$3,000 working funds in an upcoming grant (effective July 1, 2007) that are allocated for MACZAC’s role in moku management activities associated with the ORMP implementation. Furthermore, if MACZAC feels that it needs more money, it can advocate for that and seek additional funds from various sources.

CZM Hawaii Program Report and Legislative Update

See attached report for May 16, 2007 prepared by Douglas Tom, CZM Program Manager.

Hawaii Ocean Resources Management Plan (ORMP) Overview

New CZM employee, Marnie Meyer, reported on the ORMP. The updated ORMP, having received wide public input from diverse stakeholders, was submitted to the 2007 State Legislature and provides for a new way to manage Hawaii’s ocean resources, recommending integrated and place-based management and recognizing the relationship between land and sea. It is now time to implement the ORMP and further develop it. To this end, the CZM Program is coordinating the establishment of an ORMP Policy Group and an ORMP Working Group, as well as starting to develop a framework and principles for moku management. The ORMP utilizes 5-year phases to accomplish its tangible goals such as reduced soil erosion and water pollution levels. It should be noted, however, that there are really two tracks to the ORMP: 5-year phases (short-term goals) and the parallel 20-year moku management principles (long-term goals).

The CZM Program was statutorily mandated to update the ORMP, but it is now undertaking the expanded role of coordinating ORMP implementation. We are entering our first 5-year phase. This will entail securing a consultant (Tetra Tech) to create a plan for moku management framework and principles, obtaining wider public review on moku management, and generating ideas for a moku management demonstration project (whether geographically-based or resource-based).

Because the Legislature did not statutorily formalize the multi-agency Hawaii Ocean and Coastal Council (HOCC) in the HRS, new ORMP Policy and Working Groups now need to be established. The Policy Group will be comprised of State and County agency directors, along with the Chair of MACZAC. The ORMP Policy Group will meet twice yearly (more often if needed), and will oversee and guide the activities of the Working Group, endorse legislative and budget proposals, endorse moku management principles for ORMP implementation, and help do an annual report on ORMP implementation.

The ORMP Working Group will be comprised of staff representatives from State and County agencies, other groups who will implement the ORMP, and MACZAC. The Working Group will prepare for implementation of the ORMP and set priorities, oversee and document work plans within their agencies, identify agency budget requirements for implementation, assist with development of the moku management framework and principles, develop legislative proposals to support implementation of the ORMP, and help do an annual report on ORMP implementation.

MACZAC had played a significant role in developing the updated ORMP, and now it has the opportunity to assist with implementation, monitoring and reporting activities. The Office of Planning reported that there has been a lot of positive feedback on the ORMP, and that MACZAC's contribution is greatly appreciated. Tetra Tech's work on the ORMP report was also complimented.

Working Group Reports

Shoreline Parking Working Group:

Arnold Lum gave an update on the Ala Wai Small Boat Harbor Parking situation. Thus far, DLNR/DOBOR has hosted two public meetings (on January 17, 2007 and March 28, 2007) to discuss its parking plans for the Ala Wai Small Boat Harbor, and there is another meeting that is planned for late-May or early-June. It was decided that a MACZAC member should attend the next meeting and present to DLNR its critical parking map, with the accompanying letter. MACZAC's position is that it does not want a net loss of shoreline parking (a public access issue) and feels that DLNR needs to do an EIS before it can take such an action because the parking area is on State land and involves expenditure of State funds. Arnold Lum, Susan Sakai or Donna Wong will try to attend the public meeting. Moreover, Michael Jones of DOBOR has agreed, schedule permitting, to come to a MACZAC meeting to discuss their parking plans for the Ala Wai Small Boat Harbor.

Boating Working Group:

Boating Working Group Chair James Coon gave an update on the Working Group's activities. He discussed the recent proposed Resolution calling for a prohibition on the dumping of boat vessel sewage within the humpback whale marine sanctuary, and thinks that it may pass and become effective within the next few years. The normal discharge fine is increased 5 times for violators who discharge within a sanctuary, so this will be a big deterrent. However, DLNR/DOBOR's role

should be to help boaters comply with the law. He wants to see the development of a sewage pump-out facility so that it would actually be possible to comply with the new law.

In addition, the Boating Working Group would like to have some research done on dry dock facilities. Since the regulation of a land-based facility dry dock would be different from a water-based dock facility, there needs to be a legal analysis done on the permit requirements at the federal, state and county for a dry dock facility on Maui. MACZAC may contract through RCUH to have the legal analysis done or may just utilize Jessica Stabile (a licensed attorney) to do the research.

Kauai Compost Toilet Facilities Working Group:

It was decided to form a Working Group that can identify on GIS maps the particular coastal areas needing compost toilet facilities to be installed by the County on Kauai so as to protect ocean water. Rhoda Libre volunteered to spearhead these efforts for MACZAC, and will coordinate with new Office of Planning employee Connie Hoong (GIS specialist) as well as Michael Sheehan on Kauai. The first step is to survey locals on Kauai to find out where toilets are needed, identify these areas using GPS or by their TMK, then input the spatial information onto GIS maps, and lastly try to get the County install the compost toilet facilities. MACZAC aims to initiate the process and raise awareness. It was further suggested that if these efforts are successful, then MACZAC may want to later expand its efforts to other islands, with Kauai serving as a demonstration project.

ORMP Working Group:

Discussion was deferred until the upcoming MACZAC Retreat.

It was noted that additional Working Groups would likely be formed at the MACZAC Retreat.

MACZAC Composition

MACZAC Vice-Chair:

MACZAC needed someone to fill the vacant Vice-Chair position so as to provide backup for the chair. James Coon volunteered for the position. It was moved and seconded that James be appointed Vice-Chair, concurrent with Chair Arnold Lum's term, which ends December 31, 2008. The motion was unanimously approved.

MACZAC Recruitment:

MACZAC currently has two vacant seats. Pursuant to the HRS, MACZAC is to be comprised of up to twelve members who provide both broad subject matter representation as well as geographic representation amongst the islands. It would therefore be preferable to find someone from Molokai and someone from east Kauai to join MACZAC. Terms are typically for three years. If anyone has any suggestions as to possible members, they can pass those on to the Office of Planning.

MACZAC Communication:

MACZAC activities are governed by the State's Sunshine Law. All MACZAC meetings must be open to the public, and must follow the publicly noticed agenda. Decision-making or policy discussions cannot be held privately in person or via email. Members' communications should be coordinated through the MACZAC Administrative Assistant, Jessica Stabile, for dissemination. Working Groups, smaller than the total membership, can be established, however. Deputy Attorney General, Bryan Yee, advises MACZAC on such issues and so should be consulted with questions.

The upcoming Retreat will be the time to address how MACZAC can develop a communication system for better communication with the Office of Planning and CZM Program, and how they can work in concert together over the next few years.

MACZAC Meetings and Site Visits:

MACZAC holds meetings quarterly. Generally, three meetings are held on Oahu, while one meeting is held in another county. Site visits are often incorporated into the neighbor island meetings. It was noted that these meetings are frequently more heavily attended by the public.

New Business

NOAA-CSO Visioning Meeting:

NOAA and CSO had just announced that they would be hosting a Visioning Meeting, open to the public but with a limited registration, in Honolulu on June 7. The Meeting is part of a series of five hosted around the country to address the possible Congressional reauthorization of the Coastal Zone Management Act. The Meeting is to be held at the UH-Manoa School of Architecture Auditorium. Several MACZAC members indicated their desire to register and attend the NOAA-CSO Meeting.

MACZAC Retreat:

The MACZAC Retreat should be held before June 30, due to budget considerations at the end of the fiscal year. It was decided that the Retreat would be held on June 8, the day after the NOAA-CSO Visioning Meeting since several neighbor island members would already be in Honolulu and so this would save on travel expenses.

It was suggested that the Retreat would consist of presentations by Office of Planning and CZM Program staff, as well as perhaps a presentation on the ORMP by a Tetra Tech consultant. It was also suggested that the portion of the Retreat pertaining to MACZAC's strategic planning utilize an outside facilitator to help focus the group and organize their discussion. Possible agenda items may include MACZAC's priorities and vision for the next two years, formation of Working Groups, and logistics like communication.

The Willows Restaurant in Honolulu was suggested as a possible venue. A private room could be rented out from 10:00 a.m. until 4:00 p.m., and the group could partake in a buffet lunch.

HCPO Conference:

The 2007 Hawaii Congress of Planning Officials (HCPO) Conference will be held from September 26-28 at the Hapuna Prince Hotel in South Kohala on the Big Island. Several MACZAC members indicated their intention to attend, although Chair Arnold Lum would not be able to make it due to a conflict with another conference to be held on the mainland. Members agreed that one of the quarterly MACZAC meetings could be tacked onto the HCPO Conference, and tentatively planned for a date of September 28. This MACZAC Meeting would simultaneously qualify as a site visit.

Adjournment and Next Meeting Date

Chair Arnold Lum adjourned the meeting at 2:45 p.m. Next meeting (MACZAC Retreat) is scheduled for Friday, June 8, 2007 at 10:00 a.m. at The Willows Restaurant in Honolulu.

May 16, 2007

To: MACZAC Members
From: Doug Tom *DL Tom*
Subject: CZM Report

Personnel. We are filling our vacancies, and by summer we should be fully staffed. Marnie Meyer joined us in March. She has a Masters in Marine Affairs from the University of Washington. Her main responsibility is coordinating the implementation and further development of the Ocean Resources Management Plan (ORMP).

Laura LaFrance is presently a part time planner. She has two undergraduate degrees, one in fisheries from the University of Washington, and is completing her thesis for a Masters in Urban and Regional Planning at the University of Hawaii. She will begin a full time schedule next month.

Connie Hoong has strong geographic information systems, web, and analytical skills. She has 8 years experience with the federal government in applying them in resource management programs. She graduated from the California State University at Northridge where she studied Earth Sciences, Mathematics, and Geology. She will work with us for about a year and apply her technical and analytical skills to support our CZM operations.

Legislative. Although there were a number of CZM-related bills, few survived.

S.B. 1853, S.D. 2, H.D. 2, C.D. 1, relating to native Hawaiians, initiates the process for developing a system of best practices based on indigenous resource management practices in moku. It establishes an 'aha moku commission to assist in forming advisory 'aha moku councils for all matters relating to managing state natural resources, requires the Department of Land and Natural Resources to seek advice from the councils in developing best practices for natural resource management, and provides for the 'aha moku council system to incorporate and represent all 37 moku in the state to enable the best practices to reflect and sustain traditional native Hawaiian practices. In addition, the bill provides that the council system be an inclusive process in that it not be limited to participation of native Hawaiians.

An eight member 'aha kiole advisory committee appointed by the governor from a list of nominations from the Association of Hawaiian Civic Clubs, and supported by the Department of Land and Natural Resources, is charged to undertake the following duties and report on them to the legislature:

- explore, examine, and derive best practice models for an 'aha moku council system;
- engage in discussion with and participate in meetings and events held by the various moku statewide to gain perspective and develop a consensus on

establishing an 'aha moku council system with an 'aha moku council commission;

- establish an administrative structure for the commission to oversee the council system consisting of eight 'aha kiolo members representing each island;
- establish standard eligibility criteria and a selection process for each 'aha kiolo member and an executive director;
- establish goals and objectives for the 'aha moku council commission to accomplish; and
- establish a feasible operational budget.

We are unsure how this measure will specifically impact our moku management framework project for the ORMP until we discuss it thoroughly with the Department of Land and Natural Resources and other partners.

H.B. 226, H.D. 2, S.D. 2, C.D. 1, relating to greenhouse gas emissions, establishes as state policy greenhouse gas emission limits at or below the 1990 level to be achieved by January 1, 2020. It also establishes a Greenhouse Gas Emissions Reduction Task Force to prepare a work plan and regulatory scheme for implementation to achieve the state policy.

The Department of Health is the key state agency under this measure. It will have to determine the 1990 emission level, establish emission limits and reduction measures, and establish a statewide monitoring and enforcement reporting and verification system.

CZM is particularly interested in this work in anticipation that the Congress will require state CZM programs to deal with global climate change effects and their prevention and responses in reauthorizing the national CZM Act within the next year or two.

H.B.1270, H.D. 2, S.D. 2, C.D. 2, relating to state planning, updates the enabling statute, Chapter 225M, to better reflect the current activities undertaken by the Geographic Information System (GIS) Program and to better share data among government agencies. The language that was changed focused on planning and implementing the GIS system, the planning of which had already been completed. The measure also authorizes a special fund to support GIS operations to enhance the program's ability to manage and coordinate the existing statewide geospatial information and data integration program. Funds will be pooled to facilitate the acquisition of big ticket items such as statewide databases and an enterprise license agreement for GIS software.

In addition, there were a number of resolutions of interest to CZM.

HCR 83 proclaims April 30 of each year as **Hawaiian Restoration Day**, to recognize and acknowledge the historic and educational contributions of President Cleveland's work for the people of Hawaii and America.

HCR 127 proclaims the last week of July as **Conservation Week** to promote effective, long-term management of Hawaii's natural resources through collaborative meetings, training, and outreach among land managers, scientists, educators, and the general public.

HCR 265 encourages and supports the nomination and designation of the Northwestern Hawaiian Islands Marine Monument, Papahānaumokuākea, as a world heritage site.

HR 39 requests all branches of the U.S. government to prohibit the dumping of vessel sewage in federal waters in the vicinity of the Hawaiian Islands Humpback Whale National Marine Sanctuary by establishing a no-discharge zone pursuant to the Clean Water Act and by adopting and enforcing regulations.

HR 60 urges the governor, mayors, county councils, and the Hawaii 2050 Sustainability Task Force to adopt and use the Earth Charter as part of a framework for sustainable planning.

SR 61 requests the Department of Land and Natural Resources to report to the legislature about certain aquatic surf resources including the cost of a study on the feasibility of artificial reefs. It appears that the area of interest is the Waianae coast of Oahu.

CZM Funds. Our grant application for federal CZM funds for the year beginning July 1, 2007 is pending final approval. The basic Section 306 grant was reduced by 5.5%, or \$122,000, and the Section 310 grant was zeroed out. In summary, Hawaii's federal fund allocation for the new grant period is as follows:

* Section 306	\$ 1,847,000	1 to 1 match
* Section 309	174,000	no match
* Section 310	<u>0</u>	1 to 1 match
total federal funds	\$ 2,021,000	

CZMA Visioning Meeting. The Congress will be considering reauthorization of the CZM Act. In preparation for that deliberation, NOAA and the Coastal States Organization have combined forces to develop a proposal for congressional consideration. States have participated in the effort since the outset. At this juncture, five visioning sessions for stakeholders are being held around the country. One will be held in Honolulu for Hawaii and the Pacific islands.

The one day event will be held on Thursday, June 7, 2007, at the University of Hawaii's Architecture Building to solicit ideas to help shape legislation to reauthorize the CZM Act. The session will solicit comments and suggestions about what the most important challenges are now and will be in the future; what is working well, and what can be improved; and what new, innovative approaches can move coastal management forward, how we can improve the CZM Act, and what tools are needed to build strong

coastal communities and healthy coasts. People interested in attending are required to register. Attendance will be on a first-come, first-served basis until capacity is reached. It is unclear what the capacity is, but preliminary discussions indicate that it may be about 80 people. MACZAC participation is encouraged.

Coastal Hazards. In my last report, I mentioned that in partnership with the State Civil Defense and the building industry, we sponsored training in Honolulu and Hilo on post earthquake evaluation of buildings. More than 100 people, mainly architects and professionals in the business, learned how to evaluate the structural integrity of buildings in the aftermath of earthquakes.

We also underwrote the costs for wind speed studies for Hawaii and Maui to complete statewide coverage. Those studies are ongoing. The intent of this coastal hazard project is to mitigate wind damage to all new construction statewide. In addition, it appears that the International Building Code and International Residential Codes relative to the City and County of Honolulu will be adopted this summer. The City's code was amended to include customized wind speed building standards for Oahu. Training for the application of the codes begins later this month and is cosponsored by CZM. As the codes for the other counties are adopted similar training will be offered.

Coastal Nonpoint Pollution Control Program. The management measures submitted to EPA/NOAA were not approved. In a conference telephone discussion, questions were raised about what constituted acceptable parameters for state proposals to obtain federal approval. With the help of a consultant, we are developing a strategy aimed at refining our submittals, taking into consideration what have been approved in other jurisdictions. The strategy will describe how the state will address all of the remaining thirteen management measures and administrative elements and will be completed before June 30, after which we intend to aggressively pursue the preparation of revised measures for submittal. In addition, the County of Hawaii Council's recently adopted ordinances to deal with new development obtained federal approval.

As part of this program, we have coordinated with the Departments of Agriculture, Land and Natural Resources, and Health, the University of Hawaii, and the Natural Resources Conservation Service on customizing a GIS application developed for Idaho to assist agricultural operators by providing information about best management practices and environmental management plans, especially erosion and sediment control plans and livestock waste management plans. Phase I, which is about building the data and metadata infrastructure for the conversion of the Idaho application to Hawaii will be completed by June 30. The second phase will create the basic GIS application and the erosion and sediment control elements.

Ocean Resources Management Plan. In December, 2006, the Ocean Resources Management Plan (ORMP) was submitted to the governor and legislature. It represents a "sea change" in the way we view our ocean resources and best practices to manage them. It sets long term goals and objectives as well as short term five-year priority actions. The

ORMP was the product of extensive collaboration with government, MACZAC, nonprofit groups, the business community, local communities, and private citizens.

The ORMP recommends an integrated approach to managing activities affecting natural and cultural resources, building on traditional Hawaiian management principles. It acknowledges that the present sector approach cannot adequately address the complex challenges we face now and will face in the future, despite the ongoing substantive efforts of government, nongovernment organizations, the private sector, communities, and individuals. Management efforts are fragmented with gaps and overlaps in implementation. In this regard, the ORMP provides a new perspective about our relationships with the land, sea, and each other in guiding ocean resource management in Hawaii. Resource management in Hawaii began with traditional Hawaiian ahupua'a management. It evolved to the present sector approach, which is based on specific resources such as agriculture, fisheries, forests, water, and land being managed by different agencies. It is returning to an integrated, holistic approach of ahupua'a/moku coastal zone management, a collaborative management system that includes local community involvement.

Our dual ORMP tasks are to coordinate its implementation and to further develop the plan, with particular emphasis on developing and institutionalizing a moku management framework. We will be establishing a policy group, comprising director level people from affected agencies and interested groups, including MACZAC, to oversee and guide the overall activities and the designation of priorities, selection of results indicators, and the preparation of work plans; endorse legislative and budget proposals; endorse the moku management findings and recommendations, including the principles; and endorsing the report to the legislature on ORMP implementation.

A working group comprising staff level individuals to carry out the implementation of the ORMP and to assist us in further developing it will also be established. Among a host of responsibilities, this group will prepare agency work plans, prioritize implementation actions for the first 2 years, coordinate activities within individual agencies, prepare budgets, develop legislative proposals, prepare reports to the policy group, participate in developing the moku management framework, and prepare the annual report on ORMP implementation.

In addition, we are reassessing our federal grant program for possible reprogramming opportunities to support implementation of the ORMP. In anticipation of that possibility, we are preparing eligibility and substantive guidelines for funding proposals.

Retreat. Finally, we would like to participate with MACZAC in an important one-day retreat during or about June of this year. The intent is to better orient MACZAC on the ORMP with the help of our consultant and to discuss the Office of Planning's strategic and operational plans to help MACZAC develop its strategy or operational plan for the forthcoming year.