

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

May 9, 2008
10:15 am to 2:15 pm
Hawaii Office of Planning, Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

MINUTES

ATTENDANCE

- Members Present: Donna Brown, James Coon, Makaala Kaaumoana, Arnold Lum, Walter Ritte, Susan Sakai, Ron Terry, Kanoa Withington, Donna Wong
- Members Absent: Henry Lau, Rhoda Libre
- OP/CZM Staff Present: Susan Feeney, Melissa Iwamoto, Mary Lou Kobayashi, Shichao Li, Marnie Meyer, Douglas Tom
- Others Present: Russell Amimoto (TNC), Marion Ano (TNC) Leimana DaMate ('Aha Kiole), Noelani Goodyear-Kaopua (UH), Charles Kaaiai (NOAA), Manuel Mejia (TNC), Jessica Stabile (MACZAC)

DISTRIBUTED MATERIAL

- Meeting Agenda
- Minutes of the March 7, 2008 Meeting
- CZM Report
- Hawaii Ocean Resources Management Plan Policy Group: April 9, 2008 Meeting Summary
- Aha Moku Systems
- 'Aha Kiole Advisory Committee: The Aha Council System
- "DLNR to Hold Public Information Meeting on Ala Wai Small Boat Harbor Parking Plans"
- "Iroquois Point Beach Reopens to the Public"
- "DLNR to Hold Public Meeting on Jet Ski Use Around Molokai"
- "DLNR Holds Public Hearing on Rule Changes for Fishing in Kahului Harbor"
- "Six Million Pounds of Trash Piled on Shores"
- "Hawaii International Year of the Reef"
- The Hanalei Watershed Hui presents He Puko'a kani 'aina: A coral reef that grows in to an island
- 2008 Hawaii Conservation Conference (Hawaii Convention Center, Honolulu, July 29- August 1, 2008)
- HCPO: Hawaii Congress of Planning Officials (Grand Wailea Resort, Maui, September 10-12, 2008)

Call to Order

Chair Arnold Lum called the meeting to order at 10:35 a.m. Everyone introduced themselves.

Announcements

Donna Wong requested that members of MACZAC participate in the federal evaluation of the Hawaii CZM Program, scheduled to take place in late July-early August. Which islands the federal evaluation team holds interviews on will impact which members represent MACZAC.

Arnold Lum reported on the 5 public meetings he attended about the parking at Ala Wai Small Boat Harbor. Arnold attended the DOBOR meetings in his capacity as the chair of MACZAC's Shoreline Access & Coastal Parking Working Group. At the Ala Wai Small Boat Harbor, DOBOR proposes to start charging commercial rates to park. BLNR voted that DOBOR can raise parking rates to the maximum charged by the City & County of Honolulu in its municipal lots (\$1.50 per hour). It looks like 300 of the 550 total parking spaces will be open for a limited time (approx. 4 hours) for ocean recreation users only, and the remaining 250 parking spaces will charge \$1.50 per hour.

The 2008 International Year of the Reef (IYOR) was discussed. Donna Brown publicized the IYOR Reef Night event to be held at the Maui Ocean Center on June 22. Makaala Kaumoana noted that in honor of the IYOR as well as the 10th anniversary of the American Heritage Rivers Initiative, the Hanalei Watershed Hui will present the He Puko`a kani `aina event in Hanalei's Blackpot Park on August 30.

Approval of the March 7, 2008 Meeting Minutes

Minutes were unanimously approved.

CZM Hawaii Program Report

See attached report for May 9, 2008 prepared by Douglas Tom, Hawaii CZM Program Manager.

Hawaii Ocean Resources Management Plan (ORMP) & Moku Management Project Overview

Marnie Meyer, Hawaii CZM Program employee, reported that the ORMP Policy Group had its biannual meeting on April 9. In addition, the ORMP Working Group has been meeting monthly. Arnold Lum is MACZAC's representative to the ORMP Policy Group and Jim Coon is MACZAC's representative to the ORMP Working Group. All meeting agendas and summaries are available online on the CZM website.

Marnie noted that there is a requirement to update the ORMP every 5 years. Issues that the ORMP Working and Policy Groups have been focusing on include public outreach, rule and legislative changes, budget assessment, cross-sector collaboration, government-community collaboration, networking, climate change, clean and renewable energy, future priorities, and strengthening participation in the Working Group and Policy Group. Marnie reported that MACZAC's assistance will be sought with the ORMP outreach strategy to get public input from across the islands statewide. MACZAC members suggested that it was important for communities to be able to clarify 'what the ORMP means to them.' MACZAC

members suggested identifying the communities and local groups that are already actively involved with these issues and then bringing them into partnerships with government through outreach efforts.

Sue Sakai opined that the public wants less planning and more implementation. Jim Coon responded that it really depends on the issue – some are ready to go right away and others are still emerging and need more community involvement. Donna Wong objected that there are not enough community groups present on the ORMP Policy Group, only MACZAC; thus policies are actually already set by the time the public gets involved and is supposed to help with implementation. If something is a fait accompli then it's not genuine collaboration and there will be community opposition.

Melissa Iwamoto, Hawaii CZM Program employee, reported that the Hawaii Community Stewardship Report and Directory have been completed and are now available online on the CZM website. Melissa informed MACZAC that CZM is currently discussing how to proceed with this project – to gather additional input on the framework within the Report and to begin implementation through demonstration projects. CZM is specifically looking to Molokai for a possible demonstration project. MACZAC members provided Melissa with suggestions on many levels, including implementing pilots in a couple of communities and working with local groups that are already familiar with this process and the issues. MACZAC members noted that several local community groups are already involved in partnership projects with government agencies and provided examples. Basically, MACZAC suggested that CZM start this work with focused communities, go through the entire process with them, and then build up from there.

‘Aha Kiole Advisory Committee Presentation

Leimana DaMate, Community Coordinator for the ‘Aha Kiole Advisory Committee, gave a presentation on the Committee's schedule of meetings, work to date, and future plans. The Committee is going out to the communities to inform them about ACT 212, which went into effect on July 1, 2007. It is estimated that there are 864 ahupuaa and 40 moku statewide. The Committee will also be going into the communities to document specifics by location, including the area's resources, geography, topography, traditional practitioners, and genealogical experts.

Leimana reported that the Committee has still not yet received any government funding and so looks forward to the release of the appropriated funds. The Committee is based in DLNR rather than OHA because its kuleana is to help sustain Hawaii's resources. Their vision is: "To incorporate appropriate Native Hawaiian knowledge and protocols for the preservation, cultivation and management of all Native Hawaiian natural and cultural resources for future generations." Leimana explained that the ‘Aha Kiole Advisory Committee is an interim entity only and its role is to kick-start the process and both inform the public and advise the State Legislature on the creation of an ‘Aha Moku Council which will, in turn, then advise the State on Native Hawaiian resource management practices. The ‘Aha Kiole Advisory Committee is working with communities to develop consensus on establishing the ‘Aha Moku Council Commission and selecting their island's representative.

‘Aha Moku Research Group Update

Walter Ritte gave an update on his meetings with UH-Manoa faculty and students regarding moku management issues. The group envisions that MACZAC and DLNR could collaborate on connecting traditional Native Hawaiian resource management practices to the existing State and County government apparatuses. Professor Noelani Goodyear-Kaopua gave a presentation on the group's pilot project proposal that focuses on that connection interfacing at the level of the Special Management Area (SMA) permitting

procedures and the County decision-making processes. The pilot project would document just how such an interface could actually work, and could serve as a model which could be extended statewide. Walter and Noe then submitted a draft ‘Aha Moku Research Group/Hui Kuleana budget proposal. It was decided that Walter would contact the CZM Program and Vanda Hanakahi (‘Aha Kiole Advisory Committee) to discuss initiating the pilot project.

New Business

Agenda Items for the Next MACZAC Meeting:

At the next MACZAC meeting, members would like to discuss coastal hazards, global warming and sea level rise, open-ocean marine aquaculture, and how to determine coastal carrying capacities.

Hawaii Conservation Conference:

The Hawaii Conservation Conference will be held from July 29-August 1, 2008 at the Hawaii Convention Center. The theme is “Island Ecosystems” in honor of the International Year of the Reef.

Hawaii Congress of Planning Officials (HCPO) Conference:

The Hawaii Congress of Planning Officials Conference will be held from September 10-12, 2008 at the Grand Wailea Resort on Maui. The theme is “Planning Island Style”.

Adjournment and Next Meeting Date

Chair Arnold Lum adjourned the meeting at 2:25 p.m.

The next MACZAC meeting is scheduled for September 12, 2008 at the Grand Wailea Resort on Maui. The MACZAC meeting will immediately follow the conclusion of the Hawaii Congress of Planning Officials Conference.

May 9, 2008

To: MACZAC Members

From: Doug Tom 

Subject: CZM Report

Personnel. In March, Dr. Shichao Li, Ph.D., joined the CZM team. In addition to a doctorate degree in Geography from the University of Hawaii, he also earned a planning certificate. At present, he is administering the SMA permit in community development districts, completing the assessment of the statewide SMA permit system, overseeing the Idaho OnePlan project, undertaking projects dealing with the shoreline vegetative growth issue and public access, and working with the National Marine Fisheries Service on its pilot computerized mapping of public accesses to the shoreline.

Two vacancies remain. Priority is being given to recruitment of a planning and policy analyst whose major work assignment will be completion of the work necessary to receive federal approval of the Coastal Nonpoint Pollution Control Program and its implementation.

National CZM Act. There has been little or no movement on the CZMA reauthorization. We have not seen a new proposal emerge from the Coastal States Organization since its last one failed state endorsement. At the administration level, NOAA has essentially tabled the matter considering this being an election year. Many states support this stance since they considered some of the federal initiatives to be contentious. Competition for grant funds, standardized measurement reporting that may not be relevant to state programs, and other proposed requirements were subjects of intense and adverse deliberations.

Ocean Resources Management Plan (ORMP). On April 9, the ORMP Policy Group met to consider a consolidated implementation plan developed by the Working Group. To help put things into perspective, an overview of the CZM Program and ORMP was presented.

The evolution of the Working Group was part of the presentation to the Policy Group. When the Working Group first convened, members struggled to find common ground and agreement on how to move forward with implementation as a group. Theory and practice were not on the same path, and the experience was frustrating. With the able guidance of a facilitator, the members learned to understand and accept the need for interagency dynamics. The attitudinal shift is a good sign that the group can transcend their individual agencies' perspectives in favor of the broader ORMP management goals.

While they do not reflect ideal collaborative governance, the work tasks in the work plan support ORMP implementation to the extent allowed by available human and fiscal resources. With the encouraging maturation of the Working Group, more extensive collaboration is likely, and there is optimism that multi-agency tasks will be optimally pursued. However, fiscal support for ORMP implementation is a critical prerequisite to sustain and build on the progress

evidenced to date. While collaboration can mitigate the lack of resources to some extent, meaningful implementation is clearly resource dependent.

The Policy Group approved the following as the next steps for the Working Group:

- Streamlining implementation activities should be explored and carried out to maximally leverage available resources of engaged parties.
- A public outreach program to support the ORMP needs to be prepared and carried out. This will help participating agencies and the MACZAC reach out about why the public should be involved. The message should be that the ORMP is about changing the way we plan and manage ocean and coastal resources by partnering with communities.
- Agency resources and capabilities need to be reassessed.
- Legislative and administrative measures that can help strengthen cross sector collaboration need to be explored and developed.
- Budgets need to be addressed.
- It would be strategic to develop mechanisms or protocols for easing cross sector collaborations or constructively resolving conflicts.
- The ORMP should be updated every five years.
- There needs to be discussions about how to address and incorporate global climate change and other emerging interests in the updates.
- Strengthening participation in the Working Group for additional momentum and comprehensiveness in efforts should be explored and implemented.

At the same time, the Working Group is seeking Policy Group support to maintain the ongoing efforts, help in securing financial and human resources, support of streamlined cross sector collaborations, and encouragement for more proactive community education and engagement efforts.

The final edits for the Community Stewardship Report (from the survey and workshop) and Community Stewardship directory were submitted to the contractor. The final product will be posted on the CZM website shortly. We are presently framing options for demonstration projects that may involve different types of projects to demonstrate concepts that make up the new vision within the ORMP – *a government that collaborates with communities as partners, accounts for place-based needs and values, and recognizes the integral connections between land, sea, and people.*

Coastal America. Coastal America is a partnership of federal agencies whose purposes are to (1) protect, preserve, and restore the Nation's coastal ecosystems through existing federal capabilities and authorities, (2) collaborate and cooperate in the stewardship of coastal living resources by working together and in partnership with other federal programs, and by integrating federal actions with state and local governments and non-government efforts, and (3) provide a framework for action that effectively focuses expertise and resources on jointly identified problems to produce demonstrable environmental and programmatic results that may serve as models for effective management of coastal living resources. At present, CZM is the only state program participating on Coastal America's Pacific Islands Regional Implementation Team.

At its April quarterly meeting, the team focused on options on how federal, state, and county governments and the private sector can partner on programs and projects supporting the purposes enumerated above. A workshop on traditional ecological knowledge is being considered in August in conjunction with the U.S. Coral Reef Task Force meeting in Kona, Hawaii. An art contest among grade schools, a fishermen's festival, a Honolulu harborfest, calendar project, and other activities to promote the importance of the coast are also being planned.

Federal Consistency. Under the federal consistency review program, we are reviewing the U.S. Navy's Hawaii Range Complex and Undersea Warfare Exercises projects. A decision of consistency has not yet been made. Public notice of the Hawaii Range Complex project appeared in the March 8, 2008 issue of the Environmental Bulletin with the public comment period extending to April 7, 2008. The public notice for the undersea warfare exercise project appeared in the April 8 issue of the Environmental Bulletin, and the public comment period extended to April 22, 2008. The primary concern is the Navy's use of mid-frequency sonar and its impacts on marine mammals, such as the whales and monk seals. We are also evaluating the projects' land based activities at the Pacific Missile Range Facility, Kauai; Kaula islet offshore of Kauai; the Marine Corps Training Area at Bellows, Waimanalo, Oahu; and the Pohakuloa Training Area, Hawaii. For the Hawaii Range Complex project, we are hoping to complete our review by late June and for the undersea warfare exercise mid-May.

Special Management Area (SMA) Permit System. In community development districts, the OP administers the SMA permit system under Chapter 15-150, Hawaii Administrative Rules. Amendments have been proposed for compliance with enacted legal provisions and for consistency with county practices. Specifically, they amend the definition of development, prohibit artificial lighting on the shoreline and ocean waters, increase the thresholds for fines for violations in compliance with statutory amendments to Chapter 205A, and propose to waive the requirement of a shoreline certification in specific instances where the shoreline has been hardened and fixed by a manmade structure or structures. The latter amendment will provide for statewide consistency since the counties already exercise this option.

There has been ongoing consultation provided to potential applicants of SMA permits, an important service that guides developers toward project designs that comply with the statutory provisions. This prevention service is an effective deterrent to possible violations.

We are also coordinating with the counties a county planning directors meeting tentatively scheduled for late June, 2008 to discuss SMA issues, concerns, and opportunities toward a comprehensive and unified position for legislation in the forthcoming session. We have preliminarily identified for discussion induced vegetative growth in shoreline areas, public access, and time requirements for applicant performance. We will also collaborate with the counties on other related items they might wish to discuss. The Department of Land and Natural Resources has also expressed an interest in participating in the meeting.

In a previous report, we described the induced vegetative growth issue. There is also growing adverse public reaction to the closing of private accessways to the shoreline to the

public for privacy and safety reasons. Gates, fences, and other structures are being erected, or at least proposed to be. Some of the closures are permanent while others are in effect during specific hours. While not to the public liking, these actions are on private lands and private property rights are at issue. Clarification about whether the legal concepts of prescriptive easement or adverse possession are applicable is being sought. Since the communities or subdivisions where the issues are predate the passage of Chapter 205A, it is unlikely that any requirement to provide public access to the beach was imposed and recorded. Vandalism and drug use are escalating private property owners' fears and driving them to seek privacy measures.

In addition, in follow up with training sessions for the county authorities on CZM and the SMA permit system, we assessed the counties' compliance with the requirements of Chapter 205A and county rule or ordinance by a review of SMA permit decisions. A report of findings, including recommendations for improving the system, is being prepared. Amendments to Chapter 205A will likely be prepared and coordinated with the counties.

Coastal Hazards. In partnership with the Hawaii Association of County Building Officials CZM will hold 6 training sessions on different aspects of the 2006 International Building Code (IBC) and International Residential Code during May 12-14, 2008. More than 150 public and private building and design professionals have registered. Last year, we co-sponsored training for more than 860 registrants on the 2003 international code. This is an important event since state law requires the State Building Code Council to adopt the latest version of the IBC within 18 months of its publication. Under the state building code law (Act 82, SLH 2007), the counties are required to use the state building code within two years after publication. Last year, consensus of the attendees was that the training was essential to a highly qualified public/private building industry, without which the value of the code would not be realized. In effect, the training is a capacity building project for public and private sectors.

CZM is assisting the Kauai Civil Defense Agency update its Kauai multi-hazard mitigation plan by integrating the Office of Planning's programs. The update must be in full compliance with requirements of the federal Disaster Mitigation Act of 2000 by December 31, 2008, to continue the county's eligibility for pre- and post-disaster mitigation grant funding and the flood mitigation assistance, fire management assistance, and public assistance funding programs. CZM is also collaborating with the Federal Emergency Management Administration on this project.

Coastal and Estuarine Land Conservation Program (CELCP). CELCP was established to protect important coastal and estuarine areas having significant ecological, conservation, recreation, historic, or aesthetic values, or are threatened by conversion from their natural or recreational state to other uses. The program provides grants with matching requirements to purchase significant coastal and estuarine lands within a state's CZM area consistent with CELCP guidelines. Lands or conservation easements purchased with CELCP funds must be protected in perpetuity. Priority is given to ecologically valuable lands that can be effectively managed and protected.

Annually, the federal government solicits proposals to the amount of the congressional appropriation. The state may submit a maximum of three applications for \$3 million each. Instructions to participate in the program are being prepared and will be available shortly for distribution. The CELCP plan is presently available on the CZM website, and the instructions will be posted on it when available. The address is <http://hawaii.gov/dbedt/czm/initiative/celcp/index.html>.

National Performance Measurement System. The final phase III, which focuses on coastal hazards and coastal dependent uses and community development has been initiated. The counties have been extremely helpful partners in the effort. After completing the preparatory work and collecting the data, the system will be routinely processing and analyzing data for the following six substantive and two other categories:

- Government coordination and decision making
- Public access
- Coastal habitat
- Coastal water quality
- Coastal hazards
- Coastal dependent uses and community development
- Financial measures
- State-reported contextual measures

The purpose of the financial measure category is to quantify the financial contribution of the CZM program and the additional or leveraged money that CZM activities generate in accomplishing the goals of the CZMA. The state-reported contextual measures will provide information on environmental and socio-economic factors influencing CZM actions every five years.

Other. Capacity building is an important management objective for CZM. In addition to providing training opportunities to CZM staff, we also explore opportunities to extend to our state and county partners. On May 12-13, 2008, CZM arranged for NOAA's Coastal Services Center to conduct a workshop on project design and evaluation. About 28 state and county professionals whose work is CZM related will be engaged. The workshop will build their capacities by arming them with knowledge, skills, and tools to design and implement projects that have measurable impacts on their audiences. Upon completion of the workshop program, the participants will be able to:

- Describe the context of the assigned project and evaluation within the scope of his/her agency's mission, strategic plan, or assigned program.
- Apply appropriate instructional design theory and practices to project development.
- Explain the role of logic models in project design and evaluation, and create logic models for their projects.
- Use performance measurement as part of project evaluation.
- Describe three types and four levels of evaluation that can be applied to extension and education projects.

The federal evaluation of Hawaii's CZM Program is slated for August 18-22, 2008.

The 2008 Hawaii Congress of Planning Officials is scheduled for September 10-12, 2008 and will be at the Grand Wailea on Maui.