

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

October 17, 2008
9:45 am – 4:15 pm
Hawaii Office of Planning, Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

MINUTES

ATTENDANCE

- Members Present: Donna Brown, James Coon, Michael Gleason, Makaala Kaaumoana, Robin Kaye, Henry Lau, Arnold Lum, Rhoda Libre, Susan Sakai, Donna Wong
- Members Absent: Walter Ritte, Kanoa Withington
- OP/CZM Staff Present: Susan Feeney, Melissa Iwamoto, Abbey Seth Mayer, Marnie Meyer, Douglas Tom
- Others Present: Brian Hunter (DOH), Jessica Stabile (MACZAC)

DISTRIBUTED MATERIAL

- Meeting Agenda for October 17, 2008
- Minutes from September 12, 2008 Meeting
- Marine and Coastal Zone Advocacy Council Members List
- “DLNR Holds Public Hearings on Proposed Civil Penalties Systems for Natural Resource Violations”
- “DLNR Dedication Marks Completion of Improvements to Manele Harbor Ferry Facility”
- U.S. Coral Reef Task Force: Framework for Action
- “Hawaii Tour-Boat Company to Pay Almost \$400,000 for Damaging Coral Reefs”
- S.B. No. 3225 S.D.2 Fish Replenishment Areas; Ornamental Fish
- Hawaii Marine Life Conservation Districts
- Marine Protected Areas in Hawaii
- “DLNR Holds Meeting to Form Advisory Ad Hoc Committee on Ala Wai Small Boat Harbor Parking Plan”
- “DLNR Holds Second Meeting to Firm Up Community Advisory Group on Ala Wai Harbor Parking Plan”
- “Carrying Capacity in Coastal Areas”
- “Carrying Capacity Analysis”
- “Visitor Carrying Capacity Guidelines”
- “Beach Carrying Capacity Assessment: How Important Is It?”
- “Tourism Carrying Capacity Assessment in the Mediterranean Coastal Tourist Destinations”
- “Fish Farm Plans Irk Lanai Anglers”

- “Good News Bad News: Hawaii’s Fish Farms Definitely Attract Sharks”
- “Bainbridge Firm’s Underwater Fish Cages Like Suspension Bridges”
- DLNR Sustainability Hotspot: Kaneohe Bay
- Activities of the Kaneohe Bay Regional Council for the Year 2007
- Department of Health’s Proposed Lower Water Quality Standards
- Proposed Closure of the Pacific Biosciences Research Center’s Kewalo Marine Laboratory
- RCUH for MACZAC Administrative Services
- Overview of Hawaii’s Ocean Resources Management Plan & CZM’s Community-Based Resource Management Project (PowerPoint Slides)
- ORMP Outreach Strategy, Key ORMP Topic Areas & MACZAC’s Key ORMP Priority Topic Areas

Call to Order

Chair Arnold Lum called the meeting to order at 10:15 a.m.

Announcements

New MACZAC member Michael Gleason (representing Hawaii-Hilo) was welcomed to the group. Mike gave a synopsis of his background and interest in marine and coastal issues. All other members introduced themselves.

Approval of the September 12, 2008 Meeting Minutes

Minutes were unanimously approved, as amended with two minor changes: the spelling of Robert Wintner’s name was corrected on page 3, and on page 4 it was clarified that Maui Fresh Fish LLC is operating on north Maui (not off north Maui).

MACZAC Investigative Working Groups’ Updates

Hui Kuleana Working Group:

Chairperson Makaala Kaaumoana noted that the ‘Aha Kiole Advisory Committee will submit their report to the Hawaii State Legislature in November with their recommendations. Because the ‘Aha Kiole Advisory Committee is only an interim entity that is helping to set up the actual ‘Aha Moku Council, the Hui Kuleana Working Group is not coordinating with them yet. The Hui Kuleana, and MACZAC as a whole, needs to define its outreach strategy and how it relates to CZM’s Community-Based Resource Management Project. Makaala emphasized that in terms of outreach, the vision is not for large public meetings but rather for interacting with constituent groups focusing on particular ORMP perspectives. An initial step would be to invite currently active grassroots groups, many of which have been already identified in the Hawaii Community Stewardship Directory and participated in the Hawaii Community Stewardship Workshop (January 23, 2008), to participate.

In a similar vein, member Rhoda Libre mentioned that many local watershed councils are eager to take action and are wondering what to do next. They see their efforts as part of their kuleana for the resources, and would like to partner with MACZAC.

Shoreline Access & Coastal Parking Working Group:

Chairperson Arnold Lum reported on critical parking points that provide public access to coastal areas. On Oahu, one of those critical parking points is the Ala Wai Small Boat Harbor. The Board of Land and Natural Resources (BLNR) is looking to issue a permit to a vendor to manage the Ala Wai's parking area. DLNR has formed an Ad Hoc Committee to advise DOBOR about its parking plans for the Ala Wai Small Boat Harbor. The Committee is supposed to represent perspectives from user groups and is controversial; Arnold is not on the Committee. As Arnold plans to retire from MACZAC upon the expiration of his term on 1/1/09, he hopes that another MACZAC member will take over as chair of the Working Group.

Boating Working Group:

Chairperson James Coon (Jim) noted that despite a federal prohibition on dumping waste within 3 nautical miles of the coast, vessels in Hawaii are regularly pumping waste in nearshore waters. How to resolve this situation is to build vessel sewage pump-out stations and holding tanks on boat ramps at harbor facilities. Jim noted that Maui County is now pretty well set up for dealing with sewage due to existing treatment facilities plus the new improvements at Manele Small Boat Harbor and Maalaea Small Boat Harbor. However, this is not the case at every DOBOR facility. Jim has written a letter to Governor Lingle expressing his concern. Overall, it's just better to not put anything in the ocean water. This is the right thing to do and would be possible if every facility was set up to deal with vessel sewage. Donna Wong asked Jim to draft an official policy letter on behalf of MACZAC stating as much.

Robin Kaye asked about cruise ships that travel between the Hawaiian Islands and leave huge sewage slicks. Their impact is vastly greater than that of recreational boats, yet federal legislation does not apply to them. MACZAC should weigh in on this issue and draft a policy statement. MACZAC could look as a model to Alaska's laws that strictly limit discharge of waste and sewage from cruise ships visiting their state waters.

Marine Managed Areas Working Group:

Chairperson Donna Brown indicated that fish surveys clearly reveal much larger fish within marine managed areas versus outside areas, but the issue is how to convincingly demonstrate this to the public. Fishing groups agree that marine managed areas are a good idea but don't want them in their local fishing areas. The key is to demonstrate how marine managed areas act as fish nurseries that serve to repopulate adjacent areas too. When it was suggested that MACZAC's official policy on marine managed areas be determined, Donna noted that MACZAC already produced a white paper on marine reserves, which is posted on MACZAC's website.

Legislative Working Group:

Member Makaala Kaaumoana noted how timing will be very important because MACZAC will need to act fast during the legislative session as relevant bills come up. MACZAC's Oahu members will be the ones to testify on MACZAC's behalf. CZM Program Manager Douglas Tom (Doug) indicated that he will help to keep MACZAC abreast of new bills. Doug already knows that public access will be a hot issue. Some private property owners are blocking access due to concerns over liability, maintenance, vandalism and drug use. The government has the power of eminent domain but no money by which to purchase property. Another related issue is that of shoreline vegetative overgrowth, whereby private property owners plant and irrigate vegetation to artificially extend their property lines further makai, thus encroaching on public beach. Arnold Lum noted that this is an issue which the Hawaii Supreme Court has already ruled on in *Diamond v. State of Hawaii*, where the shoreline (to which the public has access) was

defined as extending to the highest wash of the waves. According to Doug, however, enforcement remains a problem and coastal landowners continue to plant and irrigate vegetation.

In general, it was decided that when in doubt, MACZAC can always refer to the ORMP for policy guidance since MACZAC has already fully supported the ORMP and its principles.

Lua/Kauai Compost Toilet Facilities Working Group:

Chairperson Rhoda Libre mentioned that a problem on Kauai is the leaching of sewage into salt ponds, an issue that she has met with DOH and DHHL officials to discuss. Rhoda has also met with representatives from PRMP about the need for compost toilets at First Ditch, Kekaha, which is a cultural area and community park rather than a county park. Kauai County did not give any funding to the project but did give their blessings. Four different models of compost toilets have been examined thus far. Local community groups may want to take on the compost toilet installation as a demonstration project.

Wastewater Working Group:

Member Makaala Kaaumoana reported that the wastewater pilot project at Haena State Park, Kauai is of a constructed wetland and a tower with a holding tank. Rhoda Libre agreed to take over as new chair of the Wastewater Working Group, as it closely ties in with the Lua Working Group.

Regulatory Review Working Group:

Chairperson Sue Sakai noted that the DOH's Office of Environmental Quality Control (OEQC) will be hosting a workshop reviewing HRS § 343 (EIS Law) at the Ala Moana Hotel on December 1. Both Sue Sakai and Donna Wong will attend. During the 2008 legislative session, a bill passed to have the University of Hawaii form a group to conduct a comprehensive review of the HRS § 343 process, in an effort to modernize Hawaii's environmental review system. Group members included Karl Kim (UH-DURP), Denise Antolini (UH-WSRSL), and Peter Rappa (UH-Sea Grant). Their report is due out in 2010.

Coastal Carrying Capacity Working Group:

Chairperson Robin Kaye commented that coastal carrying capacity is becoming a hot issue. The newly formed Coastal Carrying Capacity Working Group is gathering research documents and is starting to collect a bibliography. How beach carrying capacity is defined is important. It's not just a matter of enabling increased capacity by having more parking. There is also the potential for public purchase of lands because open space is seen as a resource. The Coastal Carrying Capacity Working Group was established at MACZAC's last meeting and will have more of an update at future meetings.

Molokai Working Group:

No report was given as Chairperson Walter Ritte was absent from the meeting.

Office of Planning's Anticipated Budget Cuts for FY2009

Abbey Seth Mayer, Office of Planning (OP) director, discussed the anticipated budget cuts to be faced by OP in the next fiscal year. All total, DBEDT faces cuts of about \$20 million. Each state department was asked to submit budget scenarios with 10%, 15% and 20% reductions in funds to the Legislature. These cuts will be significant and all cuts would have to come out of operating funds (general funds) rather than personnel funds so as to avoid staff layoffs. It is still premature to know how these anticipated budget cuts will specifically impact MACZAC.

Abbey and Douglas Tom noted that MACZAC members are able to talk to their community representatives at the State Legislature about the anticipated cuts and how devastating they would be to OP and CZM. MACZAC members may even want to target particular legislators and submit comments. MACZAC was created by the Legislature and has the right to talk directly to the Legislature. Because most of Hawaii CZM's funding already comes from federal sources, rather than state sources, NOAA-OCRM has put pressure on the state administration. Indeed, there is federal concern about the low level of state moneys committed to CZM. If Hawaii CZM demonstrates inability to legitimately match the federal CZM funds, there is a danger that some federal funds earmarked for the state might be withheld or reallocated. MACZAC members were also asked to submit their volunteer hours to help with the match.

Hawaii Ocean Resources Management Plan (ORMP) & Community-Based Resource Management

Douglas Tom highlighted the fact that the ORMP is CZM's flagship project. While the plan is still far from what Doug wants, it is seen as a good start. The ORMP is a living document and will be periodically updated. It is a prescriptive document rather than descriptive, and it has a vision, and provides a purpose, place and direction. It serves as a guide to combine ocean use and land use policy.

Marnie Meyer, CZM planner, discussed the ORMP's three perspectives: connecting land and sea, preserving our ocean heritage, and promoting collaboration and stewardship. The ORMP is supported by the Hawaii Legislature and has been endorsed by the Governor. The ORMP is a statewide plan that identifies responsible agencies, with CZM mandated as the lead agency. The plan emphasizes interagency collaboration, along with community and private sector involvement. Thus far, lessons learned include the importance of strong leadership, long-term partnerships, cross-sector buy in, transparent roles, public participation, finding common ground, and adaptation and flexibility.

For ORMP implementation, there is a Working Group that meets monthly and a Policy Group that meets semiannually. MACZAC's chair sits on the ORMP Policy Group while MACZAC's vice-chair sits on the ORMP Working Group. At the last Policy Group meeting, held on 9/15/08, two new proposals from the Working Group were presented to the Policy Group for endorsement: a data integration project to be carried out through the Hawaii Ocean Observing System, and a comprehensive study of the impacts of global climate change on Hawaii. Both proposals were unanimously passed, but with the condition that non-state funding be sought.

Melissa Iwamoto, CZM planner, announced that both the Report on the Hawaii Community Stewardship Workshop and the Directory of Community Stewardship Groups in Hawaii have been finalized and are available on the CZM website. New community groups will soon be added to the Directory, and this will assist in networking. The Directory is seen as the starting point for outreach efforts.

Melissa noted that the ORMP contains an integrated planning framework for natural and cultural resource management. The ORMP builds upon native Hawaiian ecosystem management principles, and incorporates a place-based, community-based, culture-based, watershed/ahupuaa-based, and collaborative approach to resource management. The ORMP is huge, and while its size is advantageous in that the document is large enough to incorporate most people's concerns, it is too big to implement everything in one location. This means that CZM's Community-Based Resource Management project must be selective. The idea is to focus on locations where residents already have established goals but may not necessarily have enough capacity. The State wants to better support community stewardship efforts. CZM is looking to implement an ORMP pilot project in collaboration with a community stewardship group engaged in place-based coastal resource management efforts. The pilot project needs to not be so unique that it is not useful to other communities. CZM will document the process throughout.

MACZAC's Collective Vision and Priorities

MACZAC's vision is to become more proactive in enhancing its profile, and increasing public awareness of the group. In addition, part of MACZAC's kuleana is seen as increasing awareness of the ORMP, with the ultimate aim of better protecting coastal and marine resources. MACZAC's priority is to advocate to the public. Some ways to further these goals is to publish MACZAC business cards, a MACZAC brochure, and an ORMP handout. These would help to publicize MACZAC, CZM and the ORMP and can be distributed when MACZAC conducts public outreach and education activities. Another idea is to create a MACZAC recognition award program, whereby an individual or group doing good work on each island (or each county) is recognized in an annual press release.

Pursuant to HRS § 205A-3.5, MACZAC's charge is to support OP by providing advice regarding marine and coastal zone management planning, coordination, and facilitation of functions of CZM. More specifically, MACZAC is to evaluate CZM, including activity of the network agencies, and make recommendations for improvements; advocate for CZM to the public and the executive and legislative branches of government; and advocate, provide for, and act upon citizen input. Furthermore, MACZAC is charged to work toward the implementation of an integrated and comprehensive management system for marine and coastal zone resources. MACZAC chose to align its strategic planning efforts towards its statutory mandate. Because time was running short, MACZAC unanimously voted to sunset its investigative working groups for now, and reorganize itself at the next MACZAC meeting, when the strategic planning session can continue and specific actions plans can be decided.

New Business

Agenda Items for the Next MACZAC Meeting:

At the next MACZAC meeting, members would like to continue with their strategic planning efforts and create a budget proposal. Members would also like to follow-up on their discussion of MACZAC publicity ideas, including the production of a MACZAC brochure and business cards, and an annual recognition award. Donna Wong mentioned that she will need more time to present information on the proposed closure or relocation of the Kewalo Marine Laboratory and DOH's proposed lower water quality standards (using enterococcus as the marker organism).

Adjournment and Next Meeting Date

The next MACZAC meeting is scheduled for Tuesday, December 2, 2008 at the OP Conference Room in Honolulu. Jessica Stabile has already coordinated with Dr. Chip Fletcher about making a presentation on sea level rise in Hawaii at the December 2 meeting.

Chair Arnold Lum adjourned the meeting at 4:00 p.m.