

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

December 2, 2008
8:30 am – 4:00 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, Walter Ritte, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: none
- OP/CZM Staff Present: Melissa Iwamoto, Debra Mendes, Marnie Meyer, Ann Ogata-Deal, Dawn Omoto, Kenny Roberts, Douglas Tom
- Others Present: Chip Fletcher (UH), Brian Hunter (DOH), Manuel Mejia (TNC), David Shak (public), Jean Shak (public), Jessica Stabile (MACZAC), Josh Strickler (DBEDT)

DISTRIBUTED MATERIAL

- Meeting Agenda for December 2, 2008
- Minutes from October 17, 2008 Meeting
- CZM Report for December 1, 2008
- DLNR to Implement Ala Wai Parking Plan on November 1, 2008
- “DLNR to Implement Ala Wai Parking Plan on Nov. 1”
- Rationale for Proposed Revisions to HAR Title 11 Department of Health Chapter 54 Water Quality Standards
- “Hawaii’s Drowned Coral Reefs – Victims of Sudden Climate Change?”
- “The Drowning of Hawaii”
- “Sea Level on the Rise Due to Global Warming”
- “Sea Level Rise to Slowly Swamp Coastal Zone”
- “Hawaii Ferry Adds Whale-Watch Tech”
- “Protect Our Oceans: Stop Cruise Ship Pollution”
- “More Ships > More Passengers > More Pollution”
- “Cruise Ship Water Discharges”
- “Cruise Ship Wastewater Discharges”

- “Draft Cruise Ship Discharge Assessment Report”
- “Our Ocean Is Not A Dump!”
- “Cruise Ships: Impacts on the Island of Molokai”
- My Hawaii: Story Project 2008

Call to Order

Chair Arnold Lum called the meeting to order at 8:50 a.m.

Announcements

Chair Arnold Lum was warmly thanked for his years of service on MACZAC. As Arnold’s term expires on December 31, 2008, this will be his last meeting as a MACZAC member.

Approval of the October 17, 2008 Meeting Minutes

Minutes were unanimously approved.

Presentation: Reducing the Risk to Life and Property from Coastal Hazards (Ann Ogata-Deal, CZM)

Ann Ogata-Deal, Hawaii CZM planner, gave a presentation on coastal hazard mitigation planning. The aftermath of Hurricane Ike (category 2) was severe devastation along parts of the Texas coastline in 2008. The disaster illustrated the need for natural hazard mitigation planning as well as adoption of and compliance with building codes. The Disaster Mitigation Act (2000 Stafford Act Amendments) is federal legislation designed to improve the hazard mitigation planning process. The Act reinforces the importance of mitigation planning at the state and county levels, and emphasizes planning for natural disasters before they occur. The Act establishes a pre-disaster hazard mitigation program and requirements for the post-disaster Hazard Mitigation Grant Program (HMGP).

Hazard mitigation planning in Hawaii is a collaborative process. Relevant groups include the State Hazard Mitigation Forum, Hawaii State Earthquake Advisory Committee, Tsunami Technical Review Committee, and the State Building Code Council. To meet FEMA’s planning guidelines, multi-hazard mitigation plans have been drafted for the State (2004, 2007) as well as each of the four counties. The plans are updated every three years and must be approved by FEMA to be eligible for federal funding. These plans build State and County capacity before a disaster. The plans evaluate existing natural hazards and the risks that they pose, and also identify beneficial hazard mitigations measures so as to reduce the ultimate impacts of disasters. In addition to being required by federal law in order to apply for FEMA post-disaster grants, these plans also help Hawaii move toward sustainability and resiliency.

FEMA provides funding directly after a major disaster declaration as well as in the form of its Hazard Mitigation Grant Program (HMGP) which is designated for implementation of long-term hazard mitigation measures during the immediate recovery from a disaster. The 2000 Stafford Act identified new requirements that allow HMGP funds to be used for planning activities, and increased the amount of HMGP funds available to states that developed a comprehensive, enhanced mitigation plan. States and communities must have an approved hazard mitigation plan in place prior to receiving post-disaster HMGP

funds. For example, Hurricane Iniki (category 4), which hit Kauai in 1992, caused extensive damage. To compensate, FEMA Public Assistance funding of \$160 million, plus HMGP funding of \$4 million, along with additional funding for individual assistance, was made available. Kiholo Bay Earthquake (magnitude 6.7), which rattled Kona in 2006, resulted in FEMA Public Assistance funding of \$18 million, HMGP funding of \$4.7 million, and additional funds for individual assistance. Funding is used for debris removal, assistance to residents, reconstruction of infrastructure, and hazard mitigation planning.

A collaborative undertaking, the Wind Speed & Building Code Project is a priority under the Hawaii State Multi-hazard Mitigation Plan. The Hawaii CZM Program was involved along with other agencies. The project incorporates technical studies (risk analysis) for each of the four counties. Building code standards for hurricane winds were subsequently established pursuant to the technical studies. It was also noted that the project incorporates Native Hawaiian cultural knowledge, such as specific names for specific types of winds. The City and County of Honolulu adopted the Oahu wind design standards in 2007. The State Building Code Council included wind design standards for all four counties in its Final Draft of the State Building Code. The American Society of Civil Engineers ASCE 7 Standards Committee designated the State of Hawaii as a 'Special Wind Region'.

Presentation: On the Shores of Paradise: Sea-level Rise in Hawaii (Chip Fletcher, UH)

UH Professor in SOEST's Department of Geology & Geophysics, Chip Fletcher, gave a presentation on how and why the sea level is rising in Hawaii. Although global accelerated sea level rise began around 1990, accelerated sea level rise has not yet reached the Hawaiian Islands. Nevertheless, a 1 meter rise in Hawaii's sea level is highly likely by the end of the century. This may even be a conservative estimate. The State therefore has decades to plan its response and this will be the major challenge for the next generation of planners in Hawaii.

Global weather patterns have been undergoing significant change. 2007 tied 1998 as the warmest year ever on record. The eight warmest years on record have all occurred since 1998, and the fourteen warmest years have all occurred since 1990. The global warming in the past decade has been the greatest in the past 1300 years. This warming trend correlates to global carbon emissions (carbon dioxide, methane and other greenhouse gases) that trap heat in the Earth's atmosphere and are linked to rising temperatures.

As atmospheric temperatures have increased, sea level rise has concomitantly occurred. This is because warmer weather has caused the ice associated with alpine glaciers, Greenland, and Antarctica to melt, and also warmer weather has caused ocean temperatures to likewise increase resulting in thermal expansion of the upper water columns. These problems are anthropogenic. Future sea level rise cannot be avoided at this point. In Hawaii, consequences already include extreme high tides/wave inundation, erosion and beach loss, increased vulnerability to all coastal hazards, flooding, and drainage problems on coastal plains. These are all multi-jurisdictional problems involving the State, counties, and federal government, who need to get together and collaborate in order to address them. The question is how to conserve Hawaii's shoreline and protect beach communities. Chip advocates for a slow retreat from the coast. This can be achieved via increasing the county set back rules, easements, utilizing place-based management plans, conservation tools, tax incentives and economic incentives, purchasing land (especially sandy areas), disallowing seawalls, prohibiting development on accreting lands, and other such measures.

Hawaii CZM Program Report

See attached.

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

Marnie Meyer, Hawaii CZM planner, gave an update on the recent ORMP Working Group meetings. The major new items are that the ORMP Working Group has developed operating protocols to govern its members (available on CZM's website), has formed four breakout caucus groups (climate change & coastal hazards, community outreach, policy & legislation, watersheds), and supports that there will be a ORMP demonstration project (most likely on Molokai or Lanai, although other islands are also under consideration).

Melissa Iwamoto, Hawaii CZM planner, discussed possible projects relating to ORMP implementation and community-based resource management. It is likely that the same community will be selected for both a demonstration pilot project and an implementation project. Because the State wants to better support community stewardship efforts, CZM intends to implement the projects in collaboration with a community stewardship group that has established goals, is already engaged in place-based coastal resource management efforts, and has the support of its local community. It is deemed important that the project is replicable in another place. This will serve as a model process that can be relevant for other communities to replicate. The projects must link to the ORMP's ideals and be within allowable expenditures for CZM funds. The funding must be extended through December 31, 2009, with possible extensions. The budget is approximately \$100,000 with a one-to-one match requirement, plus additional funds designated for workshops. There may be procedures necessary for CZM to comply with State procurement laws, such as doing a RFP. In addition, because it was originally NOAA funding, they too may have certain expectations to be met.

Melissa presented some of the proposed projects to MACZAC members for their insights and input. MACZAC members reviewed the abstracts of the ORMP implementation projects that had thus far been submitted to OP. Having reviewed the project abstracts, MACZAC members provided their insights to CZM staff about the relative strengths and weaknesses of each proposed project. MACZAC members ultimately selected the projects submitted from Molokai and Lanai as appearing to be the most promising. CZM staff received this input and told MACZAC members that they would convey their suggestions to OP.

MACZAC's Collective Vision, Priorities and Investigative Working Groups

MACZAC's priority is to advocate to the public. MACZAC needs to agree on its primary talking points. The White Papers previously drafted by MACZAC members (available on MACZAC's website) can serve as guidance on key topics. Moreover, the group needs some tangible ways to introduce themselves and MACZAC. Some ways to further these objectives include publishing MACZAC business cards, a MACZAC brochure, and an ORMP handout. Another strategy is to create a MACZAC recognition award program or agency report cards (evaluating their progress towards marine and coastal zone goals).

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 Hawaii 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. MACZAC members voted on the formation of four Investigative Working Groups around each of these four statutory mandates. Members indicated which working groups they each wished

to serve on, and working group chairs were selected. The working groups also outlined some next steps, and will subsequently work towards drafting action plan timelines and budgets.

New Business

Proposed Relocation of Kewalo Marine Laboratory

Donna Wong mentioned her dismay that the Kewalo Marine Laboratory may be relocated elsewhere to allow UH to build a career center on the site. MACZAC made a motion that if something is built in the coastal zone, it should be coastal-related development. The group supports keeping the Kewalo Laboratory where it is because it is a water-dependent research center. Donna Wong will draft the letter of inquiry to UH.

DOH's Proposed Revisions to the Water Quality Standards

Donna Wong presented to the group information regarding the DOH's proposed revisions to HAR Chapter 11-54, Water Quality Standards. DOH proposes to ease the standards of enterococcus (an indicator organism signifying sewage) presence when monitoring water quality. While the DOH's current standard is that enterococcus content shall not exceed a geometric mean of 7 CFU per 100 milliliters of marine recreational water (corresponding to 10 illnesses per 1000 swimmers), the DOH's new proposal is that enterococcus content shall not exceed a geometric mean of 35 CFU/100 ml (the current EPA federal guideline standard). Donna opined that because Hawaii is so economically dependant on its marine waters, DOH should stick to the higher standard. Meeting attendant, Brian Hunter of DOH, explained that enterococcus is just a marker organism rather than an actual pathogen, and that the link between illness and swimming in coastal waters is too hard to firmly demonstrate, regardless of the water quality standard used. That's just the reality of it. Makaala Kaaumoana concurred that illness is surprisingly difficult to prove.

Agenda Items for the Next MACZAC Meeting:

At the next MACZAC meeting, members would like to create a budget proposal. As the Hawaii Legislative session will have just opened, MACZAC members also plan to discuss newly introduced bills relevant to marine and coastal issues. In addition, Donna Wong mentioned that she would like to continue the discussion about the proposed closure or relocation of the Kewalo Marine Laboratory.

Adjournment and Next Meeting Date

The next MACZAC meeting is scheduled for Friday, February 6, 2009 at the OP Conference Room in Honolulu. Future meetings in 2009 may be held on the neighbor islands, once MACZAC is ready to engage in more public outreach activities.

Chair Arnold Lum adjourned the meeting at 3:30 p.m.

December 1, 2008

To: MACZAC Members

From: Doug Tom 

Subject: CZM Report

National CZM Act. In my report of September 3, 2008, I presented the insular perspective on the national CZM Act reauthorization initiative. The information was given to both OCRM and the Coastal States Organization (CSO). For the edification of the newer members, CSO is a state governor delegate organization whose purpose is to discuss and lobby for congressional action to support state CZM and related matters in national policies and programs. Hawaii is an active member. At present, CSO is in the forefront of developing a proposal for reauthorizing the national CZM Act while NOAA remains in the background on this pending inauguration of President-elect Barack Obama, the installation of his cabinet, and the setting of administrative policy. However, both factions seem preoccupied with a program that responds to expressed concerns from other federal government entities instead of promoting the concept of integrated resource management and educating others about what it is and the importance of its fundamental elements, such as prevention.

At its October, 2008 meeting in Alabama, the CSO deliberated over a reauthorization proposal and reached agreement on the thrust of the proposal. An insular perspective is that it is too continental with some elements that are too academic. The U.S. island jurisdictions should confide and argue its position at the forthcoming national CZM program managers' meeting in February to make the proposal more responsive to insular needs and values.

Federal Consistency. On November 12, 2008, the U.S. Supreme Court lifted restrictions on the Navy's use of sonar in training exercises off the California coast on the basis that national security interests outweigh the risks of harm to whales and other marine mammals. The restrictions were imposed by a U.S. District Court in a suit filed by the Natural Resources Defense Council and the California Coastal Commission. The Supreme Court deliberations did not address the merits of the environmental group's claims. Rather, it ruled that the lower court had essentially abused its discretion with the imposition of restrictions on sonar use.

It is unclear what effect the Supreme Court decision will have in Hawaii. In a lawsuit filed against the Navy by Earthjustice, U.S. District Court Judge David Ezra granted an injunction which imposed operational conditions and mitigation measures on the Navy's use of sonar in the water around Hawaii. Earthjustice attorney Paul Achitoff's opinion is that the Supreme Court ruling is about another district court and may not be applicable to Judge Ezra's ruling. However, he acknowledged that the Navy could argue the applicability of the Supreme Court ruling to the Hawaii injunction.

Ocean Resources Management Plan (ORMP). The ORMP Working Group met monthly to coordinate implementing activities and to develop legislative and administrative proposals to

improve the ORMP and its implementation. In the course of its September 15, 2008 meeting, the ORMP Policy Group convened and affirmed three motions:

1. Approval of the ORMP Working Group's proposal for a data integration project, however with the caveat that no state funds will be provided.
2. Approval of the ORMP Working Group's proposal to undertake a climate change study with the same caveat.
3. Directive to the ORMP Working Group to explore models for collaborative governance.

Progress on the climate change study will be important since its incorporation in the update of the ORMP scheduled for the following year would be a significant measure. However, without an identified funding source, its completion may not be timely. Nonetheless, there is agreement by the ORMP partners that the study would provide important planning and management information for the ORMP.

CZM continues to expend a substantial amount of time and effort collaborating on potential demonstration projects for the ORMP with a focus on Molokai. Unfortunately, community consensus has been elusive. In designing or selecting a project, federal requirements must be considered. In addition to being community-based, the project must have applicability to other geographic areas and result in a program change, either in terms of plan implementation or legal changes that improve the CZM program. Only planning and management activities are eligible.

Shoreline Vegetative Overgrowth. In response to House Concurrent Resolution No. 258, we submitted a brief report summarizing our coordinating efforts in dealing with the issue of vegetative overgrowth along beaches. Upon the Governor's submittal of the report to the Legislature, it will be available to the public on our CZM website. We have also coordinated with the City, DLNR, and the Kahala community on a legislative proposal to amend Chapters 115, 183C, and 205A to provide policy and legal provisions to help prevent or minimize the overgrowth of vegetation that would adversely impact the public's use and enjoyment of the public trust. Since the impacted areas are almost always conservation lands, legal provisions are proposed for Chapter 183C to assure implementation.

Public Access. In the previous report, the issue was characterized. There has not been any new information to suggest the need for legislative action nor what such action might be. DLNR's Deputy Attorney General concluded that Chapters 46 and 115 have adequate provisions to address the issue of public access.

Addressing the public access issue requires some research and the definition of the main points of contention. Mapping the areas of conflict and identifying the active groups involved in beach access issues can be helpful. Because the factors are varied – development, crime, safety, and liability, among others – the attached draft summary report represents a first step toward educating and obtaining agreement among government and communities about the issue to help collaboratively develop a planning and management strategy. The initial focus has been Oahu.

Global Climate Change. Locally, nationally, and internationally, the issue of global climate change is at the forefront. People and governments realize that there are serious concerns about ocean processes and the implications global climate changes will have on them. The ORMP Working Group will collaborate on a scope for a global climate change study to market for underwriting. If such a study can be funded and carried out expeditiously, the findings will be used in the update of the ORMP. In anticipation of this, CZM researched the level of activity on the phenomenon and prepared a list of involved agencies and entities and their directives. The document also identifies external initiatives, including those of Maryland, Delaware, and California to draw on their successes and experiences. The draft Global Climate Change Initiatives, a copy of which is attached, is a good starting point for the local collaborative effort. It will be expanded and shared to promote collaboration and partnerships in dealing with the phenomenon to minimize duplication and conflict in efforts.

Routine Program Changes. From time to time, changes to the CZM Program, because it is a network, are made by way of enactment of statutes and amendments to them, adoption and amendments to ordinances, and adoption and amendments to administrative rules which comprise the CZM legal network. In November, a list of changes was provided in newspapers statewide for public review and comment. Upon federal approval, they will become formal provisions of the Hawaii CZM Program to employ in administering the federal consistency review program. Federal activities will be required to conform with the new provisions to the extent applicable. The changes are considered routine since they do not relate to program boundaries or major new objectives or policies for the program.

Special Management Area (SMA) Permit System. Upon the Governor's formal approval, OP will conduct a public hearing on the proposed amendments to its SMA permit administrative rule, Chapter 15-150. The amendments are essentially housekeeping measures to conform with recent amendments to the authorizing statute.

In Kakaako, a seawater air conditioning project has been proposed. Public notice of the draft environmental impact statement appeared in the Office of Environmental Quality Control's November 8, 2008 issue of the Environmental Notice. Upon satisfaction of the Chapter 343 requirements, OP will administer the SMA major permit process for the project.

Coastal Nonpoint Pollution Control Program (CNPCP). CZM has been collaborating with DOH toward completing the management measures necessary for approval of the State CNPCP program. There are 12 remaining measures and two administrative requirements. A key activity for dealing with these measures is the preparation of a "watershed guidance," which will be a handbook to guide and assist various watershed groups in preparing and implementing watershed plans to protect and restore water quality. Groups that adhere to the guidance may be eligible for funds from EPA and/or NOAA that are available for projects that reduce the impacts of polluted runoff. A consultant will be solicited to help the effort. The product will be available to the public on the CZM and DOH websites.

In collaboration with DOH and with contractual help, a list of priority watersheds is being developed. The document will also describe the process and criteria for identifying and prioritizing the watersheds. Some of the criteria include the degree of water impairment, local

capacity and interest, funding opportunities, existing TMDL, threat from surrounding urbanization, and others. In 2009, a watershed summit for key stakeholders will be convened to discuss watershed planning for targeted priority watersheds.

CZM is also partnering with DOH and DOE on developing educational material for the younger students on storm water related matters. Since children often take home what they learn, parents are also the target of the educational initiative. Taking advantage of new technology, podcasting is the technology of choice. It is becoming increasingly popular in education. A podcast enables students and teachers to share information with anyone at any time. It can be a text message, an audio broadcast, a video broadcast, or a combination. A podcast can also be viewed on a variety of media devices, including cellular telephones. The idea is to have the students create their own podcast. As producers, there is a greater likelihood that they will share their creations extensively with family and friends, thereby expanding awareness and knowledge about environmentalism.

National Performance Measurement System. CZM is in the process of completing the third and final phase of the performance measurement system. A guidebook is being prepared, and it will be sent to the various agencies involved in the data collection project. In addition to satisfying federal data requirements, CZM and the counties are exploring how the project can be modified to provide and display data that will enhance planning and management decisions. Discussions on this are ongoing.

Annual Report. CZM's annual report is being finalized. Upon the Governor's submittal to the Legislature, it will be available for public review on the CZM website.