

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

February 6, 2009
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, Makaala Kaaumoana, Robin Kaye, Henry Lau, Rhoda Libre, Walter Ritte, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: Michael Gleason
- OP/CZM Staff Present: Melissa Iwamoto, Marnie Meyer, Ann Ogata-Deal, Douglas Tom
- Others Present: Josua DeMello (Western Pacific Fishery Management Council), Isabel Figel (Beach Access Hawaii), Rich Figel (Beach Access Hawaii), Mark Martindale (Kewalo Marine Laboratory), Dana Okano (County of Hawaii Planning), Jessica Stabile (MACZAC), Marti Townsend (Kahea)

DISTRIBUTED MATERIAL

- Meeting Agenda for February 6, 2009
- Minutes from December 2, 2008 Meeting (draft)
- Hawaii CZM Report for February 3, 2009
- Hawaii CZM Program's 2008 Annual Report
- Island of Hawaii: Shoreline Public Access Ways
- HB 1808: Relating to Coastal Areas
- Hawaii Land Use Regulatory System
- Ocean & Coastal Resource Management
- DLNR Reminds Ocean Users to Share Responsibility for Protecting the Kohola (Whales) in Hawaii's Waters
- Hawaii Community Stewardship Directory (March 2009)
- Organizational Profile Form for the Hawaii Community Stewardship Directory
- State of Hawaii, USDA Partner on Conservation Program to Improve Water Quality, Wildlife Habitat, Restore Wetlands, and Native Forests
- Hawaii Coastal Erosion Website
- "Erosion of Waikiki Beach Would Cut Hawaii Tourism by \$2 Billion"

- “Kailua Beach: Going ... Gone?”
- “Protecting Maui’s Endangered Reefs Requires an Ongoing Commitment”
- “Mayor’s Commitment to Saving Maui’s Reefs Gratifying to Group”
- “Fifth of World’s Corals Already Dead, Say Experts”
- DLNR Recreational Renaissance
- “Hawaii Plans \$240M Upgrade of Trails, Parks, Beaches”
- “DLNR Seeks \$240M in Loans to Upgrade State Parks, Harbors”
- “Hawaii Groups Get Federal Money to Protect Reefs”
- “Ocean Fish Farming Harms Wild Fish, SOEST Study Says”
- “Weddings on Hawaii Beaches Face Regulation”
- “First Flight of Algae-Fuelled Jet”
- NOAA letter to UH regarding the Kewalo Marine Laboratory
- Pacific Institute for Marine Research, Education, Management and Conservation

Call to Order

Chair Donna Brown called the meeting to order at 10:04 a.m.

Introductions & Announcements

Donna Brown was welcomed as the new MACZAC chair. All other meeting attendees introduced themselves. It was noted that MACZAC member Walter Ritte would be arriving late to the meeting due to his delayed airplane departure on Molokai, and that member Michael Gleason was unable to attend the meeting due to a prior work engagement on the mainland.

Approval of the December 2, 2008 Meeting Minutes

Member Walter Ritte left a message that he requests that the December 2 meeting minutes be amended to reflect that, having reviewed the list of proposed ORMP implementation demonstration projects, MACZAC members had selected projects from Molokai and Lanai as being the most promising, and had provided Hawaii CZM staff with that input. Minutes were unanimously approved, as amended.

Presentation: Shoreline Access Issues in Hawaii (Rich Figel, Beach Access Hawaii & Marti Townsend, Kahea)

Rich Figel and Marti Townsend gave a presentation on how some shoreline landowners are attempting to restrict public access by putting up locked gates along beach paths, posting no trespass signs, and/or by planting and irrigating naupaka and other coastal vegetation in the makai direction. Rich hosts a website, Beach Access Hawaii, at <http://www.beachaccesshawaii.org/>, which helps to document some of these offending landowners. Rich discussed the City & County of Honolulu’s suggested guideline which states that in Oahu’s urban areas, there should be a public beach access every quarter mile. However, this is not necessarily the case everywhere. A particularly problematic area is Kailua, where public access may only be every half mile or so. While not only inconvenient to beach goers, such restricted access could potentially prove fatal as rescuer workers may not be able to quickly reach patients in an emergency.

Rich and Marti provided an overview and status update on several bills currently before the Hawaii State Legislature that they have been involved with, including SB1088 (Relating to Public Access), HB971 (Relating to Public Access), HB1808 (Relating to Coastal Areas), and HB1447 (Relating to Shoreline Management). Rich and Marti highlighted the problem regarding the piecemeal fashion in which shoreline access issues in Hawaii are addressed, with little coordination between the counties and relevant state agencies. They therefore aim to create a new shoreline management task force to bring lots of interested people together to develop uniform and integrated shoreline management standards statewide. They envision this new task force as an interim step towards getting a state coastal commission. Rich and Marti noted, however, that the task force, proposed in HB1447, was deferred by the House Committee on Water, Land & Ocean Resources earlier that morning. Rich and Marti asked MACZAC members to help support these efforts by providing testimony before the Legislature. Member Donna Wong noted that shoreline access is specifically mentioned in the ORMP and is therefore an appropriate issue for the group to address.

Presentation: Kewalo Marine Laboratory: Present and Future (Dr. Mark Martindale, Kewalo Marine Laboratory, Pacific Biosciences Research Center, UH Manoa)

Professor Mark Martindale, director of Kewalo Marine Laboratory, gave a presentation on the Pacific Biosciences Research Center, which is the third largest research institute at the University of Hawaii. One of the Center's key facilities is the Kewalo Marine Laboratory. The laboratory, located at Kewalo Basin in the Kakaako area of Honolulu, houses state-of-the-art scientific equipment and hosts scientists engaged in various subspecialties of biological research such as cellular, molecular, developmental, evolutionary, reproductive ecology, and marine conservation biology. "The mission of the Kewalo Marine Laboratory is to support the investigation of fundamental questions in biology using the rich diversity of animals, plants and microorganisms present in the Hawaiian near-shore marine environment." Their shoreline setting is vital because it enables the laboratory facilities to maintain seawater tanks supplied with open ocean waters piped in from 1000 feet offshore, and this unique feature is not only utilized by resident scientists but also draw visiting researchers from all over the world. The laboratory engages training through research and hosts numerous undergraduate, graduate and postdoctoral students at UH Manoa, and also has special grants to mentor students from US-affiliated Pacific Islands in marine and environmental science. In addition, the laboratory is involved in community outreach and education activities, as well as community service through providing various non-profits and government agencies with scientific support, and is taking steps to bridge science with resource management efforts and policy development. Despite all this good work, however, the laboratory's future is uncertain because UH is considering moving the laboratory to a different location (possibly to Coconut Island) or even closing it altogether. This may occur as either UH could use the location to build additional parking for the Cancer Research Center or could bow to pressures from the HCDA who want to put the site to alternate use. However, Dr. Martindale noted that Coconut Island research focuses on Windward Oahu, whereas Kewalo Laboratory research focuses mostly on Leeward Oahu. MACZAC member Walter Ritte relayed the concern that folks in the community have that scientists are trying to patent limu or create genetically modified organisms such as taro. Dr. Martindale explained that Kewalo research deals primarily with coral reef organisms. MACZAC member Donna Wong made a motion that MACZAC advocate for Kewalo Marine Laboratory to remain in the same location because theirs is a water-dependent use for the site. Members discussed options of how to advocate for that, be it by writing a letter to the UH Board of Regents or to Governor Lingle, lobbying their respective senators and representatives, or by linking the measure to a bill already before the Legislature. Donna will report back to the members with any updates at the next MACZAC meeting.

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. In late 2008, the ORMP Working Group made two proposals to the ORMP Policy Group for their endorsement: (1) Data integration for the purpose of improved ocean resource management in Hawaii (carried out within the Hawaii Ocean Observing System); and (2) Studying the impacts of global climate change in Hawaii. The ORMP Policy Group unanimously voted to accept both of these proposals, but with the caveat condition that non-state funding would be sought. Since then, the ORMP Working Group has been active in trying to get the State to be more proactive about planning for the impacts of climate change in Hawaii. As a first step, they would like to see that a comprehensive, statewide study on the place-based impacts of global climate change be conducted. Concerned about the potentially high environmental, social, and economic costs associated with climate change impacts in Hawaii, and conscious of the need for greater self-sufficiency and sustainability in Hawaii, the Working Group identified climate change adaptation and ocean energy as priorities for the future. The Working Group also supported a proposal to introduce new legislation requiring State agencies to plan for climate change, via the sea level rise bill. Currently under consideration, HB570 would require certain government agencies to account for sea level rise and annual shoreline erosion rates as well as minimize risk from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis.

Marnie Meyer reported on another recent development, whereby the ORMP Working Group, in the hopes of increasing efficiency, formed four cross-sector caucus breakout groups (climate change & coastal hazards, community outreach, policy & legislation, watersheds). Each caucus group will be presenting their objectives, priority activities, and timelines for projects to the larger Working Group. The Working Group members had realized that because the ORMP document is so broad, it would be most useful to condense the major issues into a handful of primary subtopics with specific talking points that could be easily shared with the public. Once these are complete, Marnie will show them to MACZAC members as well, who might want to use them when engaging in outreach activities of their own. Donna Brown, MACZAC's newly elected chair, will attend the ORMP Policy Group's biannual meetings, while Jim Coon, re-elected as MACZAC's vice-chair, will continue to attend the ORMP Working Group's meetings held monthly in Honolulu. Jim serves on both the ORMP Working Group's policy & legislation caucus group and the community outreach caucus group.

MACZAC members queried Melissa Iwamoto, Hawaii CZM Planner, and Doug Tom, Hawaii CZM Program Manager, about what happened regarding the selection of the ORMP implementation demonstration project. Some members had heard that the project was likely to be from Kauai rather than Molokai or Lanai, as they had previously thought. Doug Tom explained that, while input was sought from various groups such as MACZAC, the ORMP Working Group and others, the final decision as to which project proposal is selected ultimately rests with OP (not even CZM itself). And while the decision was still not yet finalized, it did look likely that the project would be on Kauai. MACZAC members expressed their dissatisfaction not with the project proposals themselves, as most were indeed good, but rather with the decision-making process and the lack of transparency. Doug further mentioned that this particular allotment of moneys did not represent the only chance for community projects to get funded by Hawaii CZM, and that the Program welcomed submissions of additional project proposals for future consideration.

MACZAC's Investigative Working Group Updates

Members decided on names for their four new investigative working groups: CZM Evaluation Group (chaired by Robin Kaye), Advocacy Group (chaired by Makaala Kaaumoana), Community Input Group (chaired by Kanoa Withington), and ORMP Implementation Group (chaired by Jim Coon). Each group will focus on their particular section of MACZAC's mandate pursuant to HRS §205A-3.5(f, g).

Robin Kaye discussed with the members how the CZM Evaluation Group plans to proceed with their evaluations and their associated timeline for doing so. MACZAC products which will help members when interacting with the public include MACZAC business cards, a brochure, email addresses and website resources. Makaala Kaaumoana and Kanoa Withington gave updates on what the Advocacy Group and the Community Input Group have been developing on these fronts. Where appropriate, CZM staff will assist MACZAC members in further developing and producing these products. The group's discussion will continue at the next MACZAC meeting after more progress has been made.

RCUH Budget Status Report

Jessica Stabile, MACZAC Project Assistant, informed the group that MACZAC's agreement with RCUH had been successfully extended in time and with an input of additional funds from Hawaii CZM. Doug Tom, Hawaii CZM Program Manager, explained to the members that should they need more funds, they would have to prepare a comprehensive budget proposal. Furthermore, as MACZAC was statutorily created, it would also be possible for MACZAC to go to the Legislature and request additional funding.

New Business

MACZAC Members' Volunteer Hours

Jessica Stabile, MACZAC Project Assistant, mentioned to the members that they should start recording their volunteer hours to allow Hawaii CZM to use them as a match for grant funding purposes. The compensation rate used will be that of the federal volunteer rate. Jessica will provide each member with a personalized volunteer timesheet form, which the members can then resubmit back to her semi-annually.

Agenda Items for the Next MACZAC Meeting

At the next MACZAC meeting, members will continue their discussion about the MACZAC email addresses, business cards, and brochure. An agenda item for the meeting after next will be MACZAC's website updates, which will feature more resource links and document downloads, categorized according to the primary topics listed in the ORMP. Jessica Stabile will work on collating these links and downloads and then will coordinate with CZM webmaster Connie Hoong to update the website. Additional topics for the next meeting include the creation of a comprehensive budget proposal, and the development of policies and procedures to govern the group, its meeting agendas, and its relationship to OP/CZM. MACZAC members again expressed confusion about the decision-making process regarding the selection of the ORMP implementation demonstration project, as well as frustration with their misunderstanding the contribution that their input was to play. MACZAC would like some clarification of their role, because by definition they are to be advocates and advocates need to be informed. MACZAC voted to write a letter to OP Director, Abbey Seth Mayer, to discuss the decision-making process and their role therein in the hopes of improving the lines of communication and thereby avoiding such misunderstandings in the future.

Molokai

Member Walter Ritte provided members with two pieces of information relating to Molokai: (1) the Molokai Island Sustainability Stimulus Proposal, and (2) HB670 which aims to designate certain state waters surrounding the island as the Molokai Community-Based Subsistence Fishing Area. The first initiative addresses the dual problems of vulnerable natural resources along with high unemployment in Molokai, by proposing to develop sustainable economic and educational infrastructure tailored to Molokai such as diversified farming and other green jobs. The second initiative was deemed important because besides the degradation associated with the sedimentation of Molokai's coral reefs, local subsistence fishermen are having a hard time as there are plenty of Oahu and Maui commercial fishermen coming over to their island, and this has also contributed to the severe decline in Molokai's near-shore fishery.

Adjournment and Next Meeting Date

The next MACZAC meeting is scheduled for Friday, April 17, 2009 at the OP Conference Room in Honolulu, to begin at 9:45am. MACZAC aspires to meet every two months if possible, rather than merely quarterly. It is anticipated that at least one meeting a year will be held on a neighbor island, and one meeting a year will be an overnight meeting covering two days. Investigative Working Groups may meet more frequently, as needed.

Chair Donna Brown adjourned the meeting at 3:37 p.m.

February 3, 2009

To: MACZAC

From: Doug Tom 

Subject: CZM Report

Personnel. At the federal level, OCRM hired Steve Frano to replace John Parks. Mr. Frano's new assignment began on February 1, 2009 and he is housed in NOAA's Pacific Services Center in Honolulu. He was formerly employed in the American Samoa CZM Program and NOAA's Coastal Services Center in Charleston, South Carolina, so he has some knowledge and experience in CZM. His present assignment is to work with Hawaii and American Samoa. As OCRM reorganizes some of its functions and offices, his duties and responsibilities may expand. We look forward to conferring with him on perspectives about the CZM concept, the federal-state partnership arrangement, and the coastal challenges we face nationally and in the Pacific.

National CZM Act. In late February at the national CZM program managers' meeting, the latest CZM Act reauthorization proposal will be discussed. Concurrent with this, there will be a small group meeting in Washington, D.C. to discuss the national measure with the Assistant Secretary of Commerce, the head of NOAA, and other high level federal policy makers. Hawaii was fortunate invitee to this important meeting. It is Hawaii's first opportunity to represent the insular perspective of the national CZM program to high level policy makers. In an earlier report to MACZAC, we elaborated on the perspective.

Federal Consistency. On January 8, 2009, NOAA's National Marine Fisheries Service issued a Letter of Authorization under the Marine Mammal Protection Act to the U.S. Navy Pacific Fleet to take marine mammals incident to its exercises in the Hawaii Range Complex, the umbrella initiative that includes among others the biennial Rim of the Pacific, or RIMPAC, international naval exercise and the Undersea Warfare Exercises (USWEX), which involves the use of mid-frequency and high frequency sonar and the detonation of underwater explosives.

In related events, the California Coastal Commission received a letter in January, 2009 from the NOAA General Counsel which informed it of the federal pre-emption of Hawaii's enforceable policies protecting endangered marine mammals in the U.S. Navy's USWEX project and that the pre-emption also applied to California. The California Coastal Commission staff has continually consulted us on the matter and is contemplating its next step in response to the federal pre-emption. As for Hawaii, we are awaiting to learn whether the U.S. Navy will stand firmly on the federal pre-emption in its future USWEX activities.

Ocean Resources Management Plan (ORMP). The ORMP Working Group continues to meet monthly. Caucuses were established to promote collaboration and expedite work on watersheds, global climate change, policy and legislative matters, and an outreach strategy. On the subject of climate change, Alaska, Washington, Oregon, California, and Hawaii are collaborating on the substance and a strategy to drive national initiatives that will respect the West Coast and Hawaii perspectives.

An updated version of the Community Stewardship Directory is near completion. Forms to add to the directory are available on the website, and they are due by February 28 to be included in the March, 2009 directory. MACZAC is encouraged to promote the directory and help expand its coverage.

A lot of time and effort have been devoted to the process of developing a demonstration project in concert with Perspective 3 – promoting collaboration and stewardship. The list of proposals reviewed and supported by both MACZAC and the ORMP Working Group was considered, with some emerging as candidates for selection. At this time, we are considering as the leading candidate a proposal on Kauai to help develop a resource management plan framework for the Hanapepe Salt Ponds. The Mayor's Office has agreed to confer with us on a possible partnership. There are several reasons we favor this project. In the ORMP, we asserted that the ancient salt ponds of Hanapepe are valuable cultural resources whose restoration and protection would provide multiple benefits. The potential project would carry out the ORMP strategic action to "Establish and institutionalize approaches for restoring, operating, and preserving ancient Hawaiian coastal fishponds and salt ponds for the benefit of coastal communities around the State." A successful undertaking would also require the active participation of a number of state agencies – the Office of Hawaiian Affairs, Department of Land and Natural Resources, Department of Health, Department of Agriculture, and the Department of Transportation who have functional responsibilities directly affecting the welfare of the ponds as well as the community. Given this composition, the project would stand out in its ability to function as a demonstration project for government-community resource planning and management programs statewide.

On Molokai, we are exploring CZM support for two projects, neither of which is viewed as a demonstration project. We are in discussions with DOT and the U.S. Army Corps of Engineers around the possibility of DOT acting as the local sponsor for the redesign of the Kaunakakai wharf to improve water circulation and quality, and minimize the effects of sedimentation on the barrier reef. On the land side, we are exploring the feasibility of a sedimentation basin project.

Shoreline Vegetative Overgrowth. Using our report to the Legislature in response to House Concurrent Resolution No. 258, several legislative bills to implement the recommendation were drafted and introduced for legislative deliberation. We assisted in the drafting of a bill which proposes to amend Chapters 115, 183C, and 205A. The amendment to Chapter 205A provides the broader policy, while the amendments to the other two statutes establish the functional requirements. Since the area affected by the overgrowth is the conservation district, emphasis on using and improving the provisions of Chapter 183C is appropriate insofar as this approach is consistent with the policy umbrella concept the Legislature envisioned when enacting Chapter 205A.

Routine Program Changes. We are awaiting response from the federal Office of Ocean and Coastal Resource Management (OCRM) on our routine program change submittal. OCRM formally requested a review time exceeding what is prescribed in the federal rules. Nonetheless, we accommodated the request. We are expecting its written response by the end of February,

2009. In addition, at the latest quarterly Department of Defense/Federal and State Agency coordination meeting, CZM made a presentation on the routine program changes to promote understanding of the CZM Program and the program changes themselves. CZM routinely participates in these and other events to promote understanding of the federal consistency review program and a positive federal-state working relationship.

Special Management Area (SMA) Permit System. CZM conducted a series of meetings with the county planning directors to collaborate on improving the CZM Program and more specifically the SMA permit system. The bill submitted to the Legislature in the Governor's portfolio clarifies what development is and is not, improves the SMA permit system by assuring there is a rational nexus between permit conditions and the CZM objectives and policies and SMA guidelines, and encourages the use of shoreline change rates to reduce the vulnerability to loss of life, property, and beaches from coastal hazards in establishing shoreline setbacks. Other housekeeping changes are also offered. They are identified as HB 1049 and SB 867.

We recently received all approvals to conduct a public hearing for our proposed amendments to Chapter 15-150, Hawaii Administrative Rules, the SMA rules. The proposed amendments are essentially housekeeping measures to comply with changes to the enabling statute. After a 30 day public notice of the hearing in the newspaper, a March public hearing on the proposal will be held.

As a prerequisite to accepting an application for a SMA major permit, we are administering the environmental impacts statement (EIS) provisions of Chapter 343, HRS, for a seawater air conditioning system proposed in the Kakaako community development district. The EIS requirement is predicated on the use of state submerged lands.

Coastal Nonpoint Pollution Control Program (CNPCP). In the last report, information about the watershed planning guidance project was provided. Unfortunately, there has been a delay beyond our control in the processing of the contract to the engage the services of a contractor. In addition, the list of priority watersheds we earlier reported on is being reviewed and revised. The final list is expected to be completed shortly.

The project referred to in previous reports as the Idaho OnePlan is now being labeled as the Hawaii Conservation Planner. It is presently at the outreach and education stage, and the final two public meetings will be held in Kahului, Maui on February 10 and in Molokai February 11 by the Onyx Group. It is near completion, and we expect the final contract report by March 31, 2009. The project steering committee consisting of the Departments of Agriculture, Health, and Land and Natural Resources and the University of Hawaii is responsible for deciding where the system will be housed, how it will be operationalized, and how it will be financed.

National Performance Measurement System. We have completed all federal requirements for this program and are now in the implementation stage. Post data collection meetings with the participating counties were held in which discussions about how to assure consistent implementation were productive. As a result, a Hawaii guidebook is now in the final editing stage. The completed guide will be a helpful tool for staff training especially when personnel

changes in the participating agencies occur. There has also been ongoing dialogue for ideas about how to make the system more valuable to the county agencies.

Coastal Hazards. Our collaboration with the State Civil Defense is ongoing. As part of the training component of our Section 309 wind speed and building code project, work on designing a guide for Hawaii has commenced. Upon completion, training sessions will be held. In addition, in 2002, CZM developed a natural hazards wheel that provides public safety information on coastal hazards such as tsunamis, earthquakes, and lava flows. Our supply has been exhausted, but we continue to receive requests for the wheel from elementary to university level educators, medical facilities, military facilities, international organizations, and federal, state, and county agencies. This is a good sign that the product has public value. We were also flattered by Thailand's imitation of our wheel for its national use. For a reproduction, we are collaborating with NOAA agencies on updating the information on the wheel.

OP Contact Database. To improve and promote understanding and collaboration, an OP contact database was developed and is available at <http://opcontacts.webexone.com/>. Centralizing the various contact information used by OP staff will help efficiency and effectiveness by sharing, eliminating redundancies, and improving data quality.

CZM Annual Report. CZM's annual report to the Legislature for the period July 1, 2007 to June 30, 2008 is on CZM's website <http://www.hawaii.gov/dbedt/czm/>. Printed copies are also available upon request.

Procurement Training. Act 194, Session Laws of Hawaii 2008, mandates training in state procurement practices. These and other subjects that enhance staff capabilities are high CZM priorities, and they are also strongly supported by NOAA.