

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

June 12, 2009
1:00 pm – 4:00 pm
Waioli Huiia Church
5-5363-A Kuhio Hwy
Hanalei, Hawaii 96714

MINUTES

ATTENDANCE

- Members Present: Donna Brown, Makaala Kaaumoana, Robin Kaye, Henry Lau, Rhoda Makanani Libre, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: James Coon, Michael Gleason, Walter Ritte
- OP/CZM Staff Present: Melissa Iwamoto, Abbey Seth Mayer, Marnie Meyer
- Others Present: Lynn Alapa (public), Jeff Chandler (Hui Hoomalu i ka Aina), Sean Combs (public), Caren Diamond (public), Steve Frano (NOAA), Wayne Harada (Hanalei Watershed Hui), Ua Hashimoto (Hanalei River Hui), Don Heacock (DLNR & Nawiliwili Bay Watershed Council), Carl Imperato (Hanalei to Ha'ena Community Association), Roland Sagum III (public), Michael Sheehan (Hanalei Kalihiwai River Fisheries), Lisa Ellen Smith (County of Kauai Planning), Jessica Stabile (MACZAC), Juliana Tampus (public)

DISTRIBUTED MATERIAL

- Meeting Agenda for June 12, 2009
- Minutes from April 17, 2009 Meeting [draft]
- Hawaii CZM Report for June 8, 2009
- RCUH Agreement for MACZAC Administrative Services (6/5/09 update)
- "Molokai's Reef is Choking to Death"
- "Kahala Residents Won't Trim Vegetation"
- "Hawaii Superferry Files for Bankruptcy"
- "Investing in Infrastructure, Strengthening Hawaii's Economy"
- "Updated Statewide Comprehensive Outdoor Recreation Plan Points to Evolving Community Needs, Funding Challenges"
- "NOAA's Hawaiian Islands Humpback Whale National Marine Sanctuary Celebrates Opening of New Sanctuary Learning Center"
- "Right From the Start: Ensuring a Responsible Future for Farming Fish in the United States"
- "Focus on Plastics at World Ocean Day"
- "Oahu Hurricane Losses Worry Disaster Officials"
- NOAA in Your State: Hawaii

Call to Order

Chair Donna Brown called the meeting to order at 1:58 p.m.

Introductions & Announcements

Chair Donna Brown welcomed everyone to the meeting, and acknowledged the many members of the public in attendance. Everyone introduced themselves. It was mentioned that MACZAC members Walter Ritte, Michael Gleason and James Coon were unable to travel to Kauai to attend the meeting due to prior commitments elsewhere.

Approval of the April 17, 2009 Meeting Minutes

Members noted that the meeting minutes should reflect the fact that the ORMP Implementation Project Evaluation Committee composition was “proposed” by OP rather than “decided” during the April 17 meeting, and that MACZAC had passed a motion to send a letter to OP Director Abbey Seth Mayer expressing their perspective about the importance of the Committee’s composition (with a balance between CZM staff, MACZAC members, and ORMP Working Group members). Another change needed to the minutes, under New Business, is that member Robin Kaye, with assistance from Jim Coon, was tasked with writing a letter from MACZAC to DLNR Chairperson Laura Thielen regarding the importance of DLNR having representation at the monthly ORMP Working Group meetings and asking that she take action to ensure DLNR’s active participation in the meetings. Minutes were unanimously approved, as amended.

Additionally, it was noted that in the future, the members would like all official MACZAC correspondence taking place between meetings to be attached to the next subsequent meeting’s minutes as amendments so that the letters become part of the formal public record.

Hawaii CZM Program Report

See attached. As Hawaii CZM Program Manager Douglas Tom was not in attendance, Hawaii CZM Planner Melissa Iwamoto gave the report in his absence. OP Director Abbey Seth Mayer noted that he does not edit the CZM Program Report, which is drafted by Doug from content supplied by CZM Program staff.

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 ORMP Working Group formed four caucus breakout groups (climate change, community outreach, policy/legislation, watersheds). Each caucus group presents their objectives, priority activities, and timelines for projects to the larger ORMP Working Group. The Climate Change Caucus completed its first draft of the climate change adaption framework and presented it to the larger ORMP Working Group; some amendments are still needed prior to the framework being presented to the ORMP Policy Group. The two cross-sectoral caucuses, Community Outreach and Policy/Legislation, continue with their efforts; MACZAC member Jim Coon serves on both of these caucuses and can give an update at the next MACZAC meeting. The Watershed Caucus has emphasized the importance of integrated watershed

coordination and plans to host quarterly meetings (watershed summits) with key watershed agencies and NGOs; the larger ORMP Working Group is supportive of this idea.

Hawaii CZM Planner Melissa Iwamoto announced that the Hawaii Community Stewardship Directory was updated in April and is available online on the Hawaii CZM website. There were an additional 90 stewardship groups that were added to the Directory, and even more continue to contact CZM staff wanting to be added to the list. Melissa asked everyone to help spread the word so that all community stewardship groups interested in being included in the Directory can be. Melissa also noted that there was another RFP solicitation for ORMP implementation and demonstration project proposals in addition to those already received, and that OP/CZM formed an Evaluation Committee which will be meeting on June 16 to review the proposals. Chair Donna Brown will participate in the Evaluation Committee on behalf of MACZAC. Melissa indicated that more information will be presented at the next MACZAC meeting since things are still preliminary until after the Evaluation Committee meets and makes its recommendation to OP. OP Director Abbey Seth Mayer noted that, depending upon the success of the ORMP projects in this cycle, there is the possibility of additional funding being made available in the future for more projects. This particular allotment of moneys does not necessarily represent the only chance for community projects to get funded, and OP/CZM welcomes submissions of additional project proposals for future consideration.

OP Director Abbey Seth Mayer also took the opportunity to remind everyone of the possibility that State furloughs might affect CZM staff, despite the fact that they are federally funded. MACZAC member Donna Wong asked Abbey to explain how that could be possible since it does not seem logical. Abbey said that the Hawaii State Constitution requires a balanced budget and so Governor Lingle has to act on the budget crisis. Abbey also noted that there are 9 federally funded staff within the Hawaii CZM Program (whereas only 2 staff are state funded) and so furloughs would affect the Program's level of expenditures and CZM might even have to return some moneys to NOAA. MACZAC members noted that should the proposed furlough plan hold and CZM staff work 3 less days per month, then their work productivity will obviously decrease and the marine and coastal zone environment will ultimately suffer. MACZAC members discussed who they could write letters to such as NOAA and Governor Lingle. Meeting attendee Steve Frano, from NOAA's Office of Ocean and Coastal Resource Management (OCRM) in Honolulu, indicated that NOAA is already aware of the situation but MACZAC could address a letter to his supervisor John King, OCRM Coastal Program Division Manager in Maryland. Donna Wong stated that MACZAC would like to find out NOAA's expectations on the use of their federal funds in the context of Hawaii's furlough plan. It was decided that MACZAC member Sue Sakai would draft the letter to John King at NOAA, copied to Governor Lingle, DBEDT Director Ted Liu and OP Director Abbey Seth Mayer. See attached.

Discussion of Kauai Watershed Community Organizations

MACZAC member Makaala Kaaumoana, who also serves as the Executive Director of the Hanalei Watershed Hui, showed everyone the map of Hanalei Bay that was produced with the technical assistance of OP. The map lists contact information for all relevant agencies and will help facilitate a makai watch. Several members of the public in attendance, associated with various watershed community organizations on Kauai, subsequently presented to MACZAC information on pertinent issues in their respective areas.

Public attendee Jeff Chandler, of Hui Maka'ainana o Makana, is also involved in the makai watch program. His group oversees a subsistence fishing area and was involved in the reestablishment of a taro loi. Jeff explained that he and other local folks were brought up with the understanding that it is their kuleana to manage the area's natural resources and that is a way to pass on cultural traditions. Native Hawaiians have to take care of themselves and their place. The government agencies can assist but it's the local people who are the ones on the ground and who have the greatest responsibility.

Public attendee Carl Imparato, of Hanalei to Ha'ena Community Association, stated that issues in the Ha'ena to Hanalei region include shoreline setbacks, seawalls, and induced vegetation (moving increasingly makai). Carl also highlighted the 20+ year struggle dealing with the regulation of commercial boating and other commercial activities in Hanalei Bay. Kauai County needs to develop rules to regulate activities like beach weddings, surf lessons and boat rentals. Reasonable regulations would allow somewhere between zero tolerance and the current level. On Kauai, four major issues are: (1) Exploring how a shoreline retreat adaptation strategy for climate change will affect public access; (2) Providing support for DOBOR to clarify appropriate use of boats in Hanalei Bay; (3) Providing support for strengthened enforcement of violations within the shoreline area (e.g. DOCARE, makai watch, etc); and (4) Providing support for Kauai County to develop SMA rules that manage cumulative impacts and also clarify rules to address activities that transit the SMA zones. MACZAC member Robin Kaye agreed with Carl that these are important points and stated that all these issues likewise are pertinent for Lanai as well, and that regulation of the commercial boating industry is inadequate since DLNR simply reissues the same boat permits year after year. MACZAC member Donna Wong also noted that beach weddings are a major issue in the Kailua area of Oahu, where wedding tents and chairs are being set up on the beach which effectively limits public use, and DLNR is doing absolutely nothing about it.

MACZAC member Rhoda Makanani Libre, who also serves as the Executive Director of the Kauai Westside Watershed Council, reported on comments received in her communications with various other Kauai watershed organizations. Issues for the South Shore include those related to historic preservation, land development, and the theft of stones and sand from beaches; issues in the Kaumaka-Hanapepe area include those related to ensuring gathering rights, native fisheries and nurseries, and protection of the salt ponds; while issues from Nawiliwili Bay include the problem of emissions from boats which is so bad that there are concerns about localized air quality, non-point source polluted runoff, land zoning, harbors, protecting the honey bee industry from mites, and developing an emergency disaster plan for the area.

Public attendee Don Heacock, of DLNR-DAR and also Nawiliwili Bay Watershed Council, followed up on these comments, emphasizing the severe air quality problems resulting from the cruise ships burning sulfur-laden bunker fuel (heavy grade oil) which is causing respiratory problems for some residents. Other issues for the Nawiliwili Bay area include the stream inflow standards into Huleia River, as well as protecting watersheds and restoring nearshore fisheries resources and taro loi. Fisheries resources are finite so they need to be treated that way. There should be bag limits, minimum size limits, and a lower number of permits issued. The first priority should be subsistence and cultural resource use, second is recreational use, and last is commercial use. The overarching major concern for Kauai is the commercialization of the marine and coastal zone. A relatively new issue is that of standup paddle-boarding, especially when used by inexperienced tourists, who are endangering the safety of local ocean users.

Public attendee Lynn Alapa, of Hawaiian Surfing Adventures in Hanalei, mentioned that she feels that it is important to realize that there exists a diversity of opinions within the community. While it is true that things are changing in Hawaii, even on rural Kauai, things are not ruined yet. Many people in the community want to get more involved, especially the youth, but they do not necessarily know about public meetings and groups like MACZAC. The community should not be divided and separated because there is room enough for everyone.

Public attendee Caren Diamond broached the subject of the Kauai County Planning Department's efforts to amend shoreline setbacks in the SMA. Caren is concerned about the list of permitted structures and activities within the SMA, especially the numerous seawalls, and all those that do not require a public hearing under the minor permit system and are simply granted by the Kauai County Planning Director. Caren also said that the Planning Director will now have the authority of a waiver. Meeting attendee, Lisa Ellen Smith, of Kauai County Planning Department, expressed the opinion that issues were being confused and that several unrelated things were being discussed simultaneously. Abbey Seth Mayer noted that

OP/CZM did make a comment on the County's proposed amendment, but that as he recalls, Kauai only wanted an insignificant change to the permit process with the objective of streamlining it, and that shoreline certification and setback determination procedures were not being done away with. Thus, the changes would still be in compliance with HRS §205A and so OP/CZM was okay with the proposed amendment.

MACZAC's Investigative Working Group Updates

MACZAC has formed four Investigative Working Groups, each focusing on a particular section of MACZAC's mandate pursuant to HRS §205A-3.5: 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).

CZM Evaluation Group

Robin Kaye reported that the CZM Evaluation Group had made some progress on the interviews, although their timeline was a bit behind schedule. Interviews should be completed by late July and so the Group can have a more in-depth discussion at the next MACZAC meeting. Robin Kaye interviewed OP Director Abbey Seth Mayer, Jim Coon interviewed OP Planning Program Administrator Mary Lou Kobayashi, Donna Wong would interview CZM Program Manager Douglas Tom, and Sue Sakai would try to get interviews with Honolulu Mayor Mufi Hannemann as well as the Director of the Honolulu Department of Planning and Permitting. In addition, Planning Directors on each of the neighbor island counties should be interviewed. Makaala Kaaumoana already conducted the interview for Kauai County, while Kanoa Withington will do the interview for Hawaii County, and Henry Lau will do the interview for Maui County. Another idea is to interview key legislators with direct relevance to CZM. During Robin's interview of Abbey Seth Mayer, Abbey also raised the important question of what MACZAC was intending to use the collected evaluation information for. A major agenda item at the next MACZAC meeting should be the discussion about what will become of the interview content results.

Advocacy Group

Makaala Kaaumoana reported that the Advocacy Group had been working on the MACZAC brochure, which was now nearly complete. The final stage would be to have the Hawaiian diacritical marks added, and then the brochure would be ready for printing.

Community Input Group

Kanoa Withington reported that the only comment from the Community Input Group is that they decided that each MACZAC member should give a regional report on recent activities from their respective island at every MACZAC meeting.

ORMP Implementation Group

As Jim Coon was unable to make the MACZAC meeting, Marnie Meyer (CZM) gave the update for the ORMP Implementation Group, noting that the statewide ORMP Working Group has continued to meet monthly, the ORMP Working Group's Watershed Caucus is organizing a watershed summit to meet quarterly, and the ORMP Policy Group will next meet sometime later this summer. Jim Coon, as MACZAC's vice-chair, attends the ORMP Working Group meetings, while Donna Brown, as MACZAC's chair, attends the ORMP Policy Group meetings.

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 the Hawaii CZM Program to use them as a match for federal grant funding purposes. Jessica provided each member with a personalized volunteer timesheet form, which the members should complete and resubmit back to her.

MACZAC Budget

The MACZAC members still need to draft a comprehensive budget proposal. Due to time constraints, this issue will be deferred to the next MACZAC meeting. It will be a major agenda item.

HCPO 2009 Conference

The Hawaii Congress of Planning Officials (HCPO) 2009 Conference, in conjunction with HIGICC, will be held at the Sheraton Waikiki Hotel from September 23-25. MACZAC members plan to attend the conference, would like to host an exhibitor booth, and will hold a public meeting on the afternoon of September 25. The MACZAC meeting will immediately follow the conclusion of the conference and will have a limited agenda.

Next Meeting Date

Agreeing that they would like to try to hold meetings approximately every two months, MACZAC members decided that they should hold another meeting prior to that which will be attached to the HCPO Conference. The next meeting should take place sometime in early August in Honolulu, however, members were unable to schedule the exact date. Meeting date will have to be determined later.

Adjournment and Closing Remarks

OP Director Abbey Seth Mayer thanked MACZAC for their meeting and indicated that he was glad he was able to join them. Abbey noted that it is beneficial to have public meetings out in the community, especially on the neighbor islands, so that representatives from OP, CZM, and MACZAC can meet the people and find out what issues are important to them in their local area. Member Robin Kaye mentioned that when MACZAC holds meetings out in the community, there are a lot of issues that come up and so MACZAC needs to plan longer meetings so as to have sufficient time to effectively engage the public.

Thanking everyone for their attendance, Chair Donna Brown adjourned the meeting at 4:10 p.m.

June 8, 2009

To: MACZAC

From: Doug Tom 

Subject: CZM Report

National CZM Act. There has not been much activity on this matter. The two major vehicles for CZM Act authorization are the Senate and House prepared bills. Although the Coastal States Organization offered its proposal, it will not be heard. The key feature in both congressional versions is the provision for state CZM programs to take on the challenge of planning for and adapting to the impacts of climate change.

Special Management Area (SMA) Permit System. At long last, after more than a year, the process to amend Chapter 15-150, Hawaii Administrative Rules, governing SMAs and shoreline setback areas in community development districts to comply with statutory amendments has been completed. The official adoption date was June 1, 2009. The updated rule is available on the CZM website (<http://www.hawaii.gov/dbedt/czm/>).

On May 12, presentations to the Kauai Planning Commission on the CZM Program and the SMA permit system and on sea level rise were made. Not surprisingly, the Commission demonstrated a keen interest in sea level rise especially since Kauai adopted the most aggressive shoreline setback program in the state.

Legislation. In the end, most of the bills relating to CZM failed. Only S.B. 266 succeeded and was sent to the Governor for consideration. As of this date, we do not know what its fate is. However, the measure is grossly inadequate in financial support and has requirements difficult to impossible to satisfy within the prescribed deadlines. The bill proposes the establishment of a climate change task force chaired by the director of OP. For all practical purposes, its success will likely depend on the work of the ORMP Working Group and CZM.

Ocean Resources Management Plan (ORMP). The ORMP Working Group continues to meet monthly. A draft framework for climate change adaptation was prepared with the help of the UH Center for Island Climate Adaptation and Policy. The draft is undergoing Working Group review and comment following a preliminary discussion on it at its June 4, 2009 meeting. The revised draft will be offered to the ORMP Policy Group for consideration at its next meeting. Related to this topic, the CZM Program has been asked to talk about climate change during the July Hawaii Conservation Alliance conference.

In response to the solicitation of proposals to implement the ORMP, six proposals were received. They will be reviewed and evaluated by the CZM-ORMP Working Group-MACZAC committee.

Unfortunately, the formal work for the community based resource management effort has been at a standstill. Although the individual evaluations of the submittals responding to the RFP

were submitted more than six weeks ago, we have not been able to learn its outcome or the reasons for the delay. This is adversely affecting the CZM staff work scheduling to help carry out the effort. Further delay will generate federal legal concerns given the limited time frame for expending the funds and may also engender contractor budgeting and work scheduling that could result in a retraction of the proposal even in this time of economic decay.

MACZAC member Jim Coon has been active in outreach. In addition to participating in the ORMP outreach caucus, he wrote an article on the ORMP for the "Dock Talk" section of the **Hawaii Boaters & Yachts** magazine that is subscribed by about 15,000 boaters in the islands. The article describes the history and importance of the ORMP, outlines its guiding messages and perspectives, encourages people to get involved, and explains how they can get a copy of the ORMP via the CZM website. The CZM folks appreciate his actions in advocating for the ORMP.

The ORMP Working Group's watershed caucus has been deliberating about how to promote the watershed approach. One suggestion is to conduct quarterly watershed meetings with agencies of the three levels of government, NGOs, community groups, and others. The details have yet to be fleshed out and budgeted. The final proposal will be sent to the ORMP Policy Group for consideration.

Finally, the Hawaii Community Stewardship Directory has been expanded. As of April 31, 2009, there are 90 entries, and increase of 32 from the previous year. As more groups learn about it, requests for inclusion continue. This speaks well to the value of the directory by the various community groups.

Coastal Nonpoint Pollution Control Program (CNPCP). CZM and DOH continue to collaborate on completing the management measures necessary for approval of the State's CNPCP. At present, the emphases are on prioritizing targeted watersheds and preparing a watershed planning guidance document. Agency collaboration via a watershed summit was held on June 8. There was broad participation from a variety of government agencies. Several common themes were identified, including the need for community involvement and the need to distinguish between watersheds needing restoration and those worthy of protection.

In the targeted watershed project, a methodology to prioritize the more than 550 watersheds in the state was developed by the consultant with input from a number of sources. Scoring is based on a range of factors including stressors such as urban development, agricultural lands, highly erodible soils, sensitive resources, wetlands, riparian areas, and others that drain into Class AA marine waters. In some instances, the highest scoring watersheds will be given serious consideration for watershed restoration planning while in others, planning for protection. In either case, DOH plans to direct its Section 319 federal funding to support these priority watersheds.

The objective of the watershed planning guidance is to educate community watershed groups and others about the requirements necessary to obtain federal funding for watershed planning that emphasizes restoration and/or protection of water quality. The process to receive Clean Water Act Section 319 funds is extremely complicated and could be overwhelming to a

community person. A main objective of the guidance document is to characterize the process as simply as possible and to educate the public on the different aspects of watershed planning relative to the Section 319 program. A consultant will be tasked to produce the document. The project is in the contract review phase, and the completion date is anticipated for June, 2010..

Performance Measurement System. Although OCRM's final guidance incorporates many of the suggestions Hawaii offered, there are still concerns about relevancy, which is characteristic of standardized approaches. However, overall we appreciate OCRM's willingness and efforts in addressing our concerns. With the county partners, we are examining how the data collection and analyses may be changed to conform with the revised guidance.

Section 309 Assessment and Strategy. The present five year assessment and strategy will conclude on June 30, 2010. In order to maintain eligibility to receive and expend non-matching federal Section 209 funds, a new assessment and strategy must be conducted and prepared. Hence, a major task in the grant work program beginning in July is the fulfillment of this requirement. In conjunction with community involvement, the task will determine the problems and opportunities we should consider relative to enhancement areas specified in the national CZM act, including the kinds of program improvements and implementation activities we should pursue. MACZAC will likely be interviewed in the course of the project.

Coastal Hazards. The update of the information for the natural hazards wheel has recently been completed, and printing is being scheduled. This outreach product has been highly commended, receiving national and international attention. In fact, Thailand's national outreach mechanism imitated Hawaii's version, and federal and international agencies have asked to join in with us on the update.

The Hawaii Association of County Building Officials annual conference on Kauai in May was co-sponsored by CZM. An important purpose of CZM's involvement was training government and industry professionals on the interpretation and application of the new code provisions. The conference featured numerous training sessions, break out sessions, and a field trip. It was attended by county engineers, building plan examiners, building code enforcement officers, electrical and plumbing inspectors, building permit clerks, construction and maintenance supervisors, fire chiefs, fire prevention inspectors, planners, and others related to the building industry statewide. On behalf of MACZAC, member Makaala Kaaumoana participated in the conference.

In order to assure that the International Building Code is properly interpreted and applied, code books were provided as part of our Section 309 coastal hazards strategy to build resilient communities through the adoption and applications of the latest building codes based on Hawaii specific coastal hazard mitigation standards. Copies were distributed to those in the field, including agencies involved in planning, design, construction, and leasing services for their staff architects, engineers, leasing specialists, plan reviewers, and code enforcers.

HCPO. As a reminder, the HCPO will be held in Honolulu September 23-25. Accommodations for the MACZAC at the conclusion of the conference on September 25 have been made.