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

Monday, April 15, 2013
9:30 am - 2:30 pm
Hawai‘i State Office of Planning (OP), Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

MINUTES

ATTENDANCE

- Members Present: Rhoda Makanani Libre, Robin Kaye, Donna Brown, Jim Coon, Dawn Hegger, Susan Sakai, Kimbal Thompson, Dr. Craig Severance, Rich Brunner, Phil Fernandez

- Members Absent: Mike Sabas, Shaylyn Kimura

- OP-CZM Staff Present: Debra Mendes, Dawn Omoto, Lynn Sumida

- Others Present: April Coloretti (SSFM International), Brian Hunter (DOH), Vlad Anastasescu (Rep. Evans), Makena Coffman (UHERO)

DISTRIBUTED MATERIAL

- Meeting Agenda
- Draft Minutes of the January 28, 2013 Meeting
- Coastal Zone Management (CZM) Program Report
- Ocean Resources Management Plan (ORMP) Agency Executive Interviews, Phase 2 Summary Sheet
- University of Hawaii Economic Research Organization (UHERO) Presentation Handout: “Methodologies to Assess the Value of the Coastal Zone Management (CZM) Special Management Area (SMA) Program.”
- “Volunteer Storm Team Elevates Water Quality Issues in Washington (Coastal Services March/April 2013)
- “Why Big Development Is So Difficult in Hawaii” [http://www.hawaiibusiness.com/Hawaii-Business/April-2013/Why-big-development-is-so-difficult-in-Hawaii/]
- “Adaptation Policy Helps Prepare Hawaii for the Future” [http://www.csc.noaa.gov/magazine/2013/02/article2.html]
- Kauai Westside Watershed Council Report, photos.

I. Call to Order

Chair Sue Sakai called the meeting to order at 9:40 am. All those present briefly introduced themselves.

II. Presentation by University of Hawaii Economic Research Organization (UHERO): “Scoping the Value of the Special Management Area (SMA) and Shoreline Setback Variance (SSV) Program for the Hawaii CZM Program”

Makena Coffman, UHERO Research Fellow and Associate Professor, Department of Urban Regional Planning.

Dr. Coffman provided a presentation of the Office of Planning (OP) project, to develop a set of methodologies and processes to value the benefits of the SMA permitting program. The potential application of these environmental valuation techniques is demonstrated through several case studies

selected for each of the counties. The key to developing a methodology for valuating benefits of the SMA permit program is linking actions resulting from the program to value changes in coastal and ocean ecosystem services (ES) of interest. Because the focus is on the value of the permit itself, and not the wider project or development, this UHERO project evaluated the mitigations and conditions attached to the SMA permit (and not an assessment of the project itself).

III. Public Input

- Brian Hunter, Department of Health (DOH), noted that the DOH has one person to staff Maui County. Typically and foremost, staff monitors the near shore ocean waters for bacteria, and the nutrient which is feeding the bacteria. Also, monitoring tells you what happened yesterday, so we cannot tell you what is happening today because of the length of time needed to analyze and receive the results. Generally speaking, every time the results are posted on a sunny day, then whatever that was in the ocean is probably cleaned up the following day.

IV. Approval of January 28, 2013 Meeting Minutes

The January 28, 2013 Meeting Minutes were unanimously approved by all present members.

V. Hawaii CZM Program Report

Debra Mendes of the Coastal Zone Management Program, provided the members and those present with a summary of the CZM Program report highlighting the following National Initiatives:

- Funding Allocation
- Regional Ocean Partnerships Grants
- Project of Special Merit Grant
- NOAA's Habitat Blueprint

Upcoming Projects

- Ocean Resources Management Plan (ORMP) Update
- Scoping the Value of the SMA Permit and Shoreline Setback Variance
- Stormwater Impact Assessment Project, Phase III
- National Estuarine Research Reserve in Hawaii

Miscellaneous

- The 27th Legislature is set to adjourn on May 2, 2013.
- CZM Program will soon be fully staffed:
    - The latest addition to the CZM Program staff is Ms. Rebecka Arbin. Ms. Arbin is a recent DURP graduate and has worked at the East-West Center, the Natural Disaster Preparedness Training Center (NDPTC), and R.M. Towill. She will be assigned to the areas of Coastal Non-Point Pollution Control Program (CNPCP), Coastal Public Access, and the NEER Site Determination Process.
    - Lynn Sumida is now the permanent MACZAC Administrative Assistant.
    - Two Planning and Policy Analyst positions will be filled shortly.

VI. Hawaii Ocean Resources Management Plan (ORMP) Draft Update

- April Coloretti, from SSFM International, Inc. and consultant to OP on the ORMP Update provided an overview of the latest Administrative Review Draft and the Executive Interviews. All of the executive

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interviews of the agencies responsible for carrying out the ORMP mandates have been completed. Only the lead agencies were interviewed in this last and final phase. Any additional comments will be heard in the upcoming Policy Group meeting to be held on May 15, 2013.

VII. Highlighting Critical Marine and Coastal Hotspot Issues, By Island

- Oahu
  - Dawn Hegger, MACZAC Oahu representative, noted that a catamaran user is upset at Division of Boating and Ocean Recreation (DOBOR) who are not enforcing the commercial uses that occur on the beach. Boaters are upset that the Ala Wai Fuel Dock was closed and boaters have to go to Sand Island to refuel their boats.

  - Jim Coon, MACZAC Maui representative, added that Act 195 gave disenfranchised catamaran operators the ability to return to small boating facilities when there was high surf on Kaanapali Beach and DOBOR said can't do it until rules are made and that may take years. It ruins the intent of the law so Mr. Coon thinks doing a pilot program, under certain metrics when NOAA forecasts high surf advisories or small craft advisories, would allow boaters access at those points.

  - Kimbal Thompson, MACZAC Oahu representative noted that he had contacted and or attempted to contact some of the recommended organizations to gain support for an Ala Wai Canal Improvement initiative, with limited results, to date.

- Lanai
  - Robin Kaye, MACZAC's Lanai representative, noted that an old site is now a hotspot again with Mr. Larry Ellison announcing a proposal to put a Kona Village-type development at Club Lanai; creating a luxury area with residences. Mr. Kaye added that residents like what is happening on the island, but is now beginning to see that there is also a sense of entitlement when the landowner owns 98% of the island. There is also talk of bringing in a new road from the Manele side down towards a native Hawaiian trail. Lastly, Mr. Kaye mentioned that Mr. David Murdock, who kept the rights to build a wind farm, is apparently moving ahead with archeological surveys in the area where the wind farm is proposed to be built. However, protestors and residents were not willing to let the workers from the surveying companies stay at their homes.
- Hawaii
  - Craig Severance, MACZAC's East Hawaii Island representative, noted a possible SMA violation, historical site, and maybe a shoreline setback violation when a Big Island landowner, Scott Watson, of Ninole built his home at Pepeekeo Point. The second hotspot is a safety concern that fisherman who launch their boats at dusk and return at dawn, are running into an increased number of canoe and paddle board users. A question came up whether life preservers are required to be used by the ocean paddlers. Dr. Severance commented that newcomers, who are culturally insensitive to local customs and law, are known to set the stage for conflict between locals and newcomers. Limiting access also has an impact on food security and sustainability.

    Dr. Severance noted that there is a broader issue when it comes to marine resources. There is an effort to revamp the marine recreational information program to get a better estimate of the relative amount of the so-called recreational or non-commercial which includes subsistence catch and uses a bulk-base registry that goes beyond 3 miles to get that estimate. This estimate excludes kayakers who are now catching big pelagic fish and shore fish; excluding canoes and sailing canoes that troll for fish. There are issues that move over into the National Ocean and Atmospheric Administration (NOAA) fisheries management science. But the safety issue is the biggest and most concerning. There is a zone around every cruise ship that comes into Hilo harbor this time of year and they arrive every other day but nobody knows about it. Public outreach and education is needed.

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Dr. Severance urged everyone to pay a little more attention to the following statutes and the differences between them, as they offer great scientific information:

- Pacific Islands Regional Office (PIRO) of the National Marine Fisheries Service (NMFS)
- Marine Mammal Protection Act (MMPA) was enacted on October 21, 1972.

Dr. Severance added that PIRO has regional offices in place for only a decade so they are overwhelmed by all of these petitions and cannot keep up with them. NOAA's National Marine Fisheries Service (NMFS) have a 90-day finding period. This is where non-governmental agencies receive income from filed lawsuits for not meeting these deadlines. As for coral, there is almost no data on coral. When there is no data, it becomes risk adverse for them in terms of getting sued.

The coral issue will have profound impacts, not just here in Hawaii and other American jurisdictions; but especially American Samoa. It is a very important cultural issue for them on a daily and yearly basis.

In the list for ranking threats to coral reefs, there are citations such as runoff and fishing, but the primary ones are:

- Global Change (Ocean Warming)
- Sea Level Rise
- Ocean Acidification

- Phil Fernandez, MACZAC's West Hawaii Island representative, shared the following summary:

A petition to de-list the North Pacific Population of the Humpback whale, under the Endangered Species Act, is to be filed on April 16, 2013. The science behind the petition will be evaluated by protected resources staff at the National Marine Fisheries Service during the next 90 days to determine whether the petition has sufficient scientific evidence to warrant the full process to de-list. If the determination is made that the petition is warranted, then a scientific team will be formed to study the species recovery and long-term prospects. This second step of the de-list process could take another year beyond the 90-day initial evaluation.

The reasons why the petition was filed include significant evidence that the population is healthy (i.e. the population recovery has been achieved and the growth trend is good), threats to population decline have successfully been mitigated (primary threat being industrialized whaling), and that sufficient state, federal, and international management of whales have been put in place (Hawaii statutes, federal Marine Mammal Protection Act, and International Whaling Commission ban on hunting of large whales, among others). Finally, the petition was filed to maintain the integrity of the Endangered Species Act – that when species survival is threatened, it should be listed, and when a species has successfully recovered it should be de-listed. This would allow the government to put more money and effort on species that truly need protection and extraordinary management.

Mr. Fernandez noted the following issues:

- DLNR closed Kealakekua Bay State Historical Park January 1, 2013 with the idea of opening it up in February. Now, these kayakers are moving over to other non-regulated bays.
- Other user conflict issue: kayak companies were issued permits over local residents.
- A new aquaculture company, Kampachi Farms LLC, applied for a permit to anchor spheres to the bottom of the ocean in front of Keauhou, south end of Kailua-Kona.
- Beachgoers, surfers, and campers are concerned about gaining traditional access to surfing and camping areas when the developer, Kohanaiki Shores LLC, closes the shoreline gate access at night due to road construction from Queen Kaahumanu Hwy to these shorelines.
- A new proposal for a marine protected area at the Mauna Lani Resort is creating conflict due to the locals feeling that the resort is cutting off public access.

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        - A spaceport proposal at Kau has been revived again. Rep. Cindy Evans, D-North Kona, Kohala, revealed this latest proposal at a March community meeting.
        - Revival of a University of Hawaii Marine Science Center by Puako boat ramp.
        - The West Hawaii Fisheries Management 71-page packet is pending and going through the HRS Chapter 91 (Hawaii Administrative Rule Revision process). The rule amendments are generating a lot of controversy as it may create increased user conflicts between swimmers, snorkelers, divers, aquarium fish collectors, and fisherman. This could lead to a possible ban on scuba diving spear fishing in West Hawaii.
        - This rule packet may also affect the "white list" of fish that aquarium fish collectors would be able to collect. Thus, conflict may arise between subsistence fisherman and aquarium fish collectors.
        - Sen. Brian Schatz is supporting the assessment studies needed to develop sections of the Kau Coast into more national park lands. There is a lot of concern by Kau folks who say they already have Volcano National Parks and another park will bring in more tourists and traffic. Mr. Fernandez added that the Kau region, known for "South Point," the southernmost point in the United States is believed to be the spot where the first Polynesians arrived and disembarked. There are many cultural sites in Kau.

- Kauai
    - Rhoda Makanani Libre, MACZAC Kauai representative, noted that she will be meeting with Mr. William Aila (Chair, Department of Land and Natural Resources) with hopes to achieve lateral consistency and to implement rules on West Kauai to be in compliance to the kapu system.

      Ms. Libre noted the following concerns by the cultural people:
        - There are a lot of unpermitted and undesignated areas that are being visited by scuba and spear fishing tour companies. Commercial usage should not be allowed and need to be enforced.
        - Sewage is spilling into salt ponds and killing coral and marine animals.
        - False opihi are falling off.
        - Ms. Libre assisted the Kamehameha Schools with a research project tour. Ms. Libre stated that one of the participants did not follow her instructions on where to walk, in order to avoid damaging the cultural grounds. Consequently, a konohiki (overseer for the ahupuaa, land division running from mountains to the sea), at that point, told them all to leave.
        - The Kauai Department of Water is doing lateral drilling which would be in direct violation to the ocean. The ocean needs 50% of the water to flow down. Otherwise, this will kill the habitat; the salt ponds have 5 separate habitats within that area. Now, they do not have that because water is being shut off from the top at Waimea and Hanapepe.

      Ms. Libre closed by reporting that there are sightings of helicopters and airplanes landing at night, bringing in illegal substances.
- Maui
    - Donna Brown, MACZAC Maui representative reported that the Hawaii Department of Transportation (HDOT) is fixing the highway too close to the water's edge, with asphalt breaking apart due to the wave surges. Ms. Brown noted that this is a traditional and high recreational area where residents go camping, fishing, scuba diving, snorkeling, and surfing. Now, this area will be cut-off from any access when the ocean surges goes all the way up to this road. Ms. Brown also noticed increased number of big trucks driving right up on the beach to areas where they are not supposed to be fishing.

VIII. Reports from MACZAC Working Groups

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- Chair Sakai read the following overview of the National Estuarine Research Reserve System (NERRS). Written by Rebecka Arbin, OP/CZM Planner who was not able to attend:

    - The nationwide system covers 28 reserves, which represent different biogeographic regions of the United States. Currently, the Pacific region is not represented and NOAA is eager to include a site in Hawaii. The reserve would bring NOAA's funding, guidance and technical assistance to support research in an estuarine area in the state. The reserve is managed on a daily basis by a state agency or university with input from local partners. Establishing a NERR site will not affect local land uses or change any regulations. The NERRS will help to support local knowledge and management decisions for coastal areas. Each site has a core area, where research and measurements would be taken, and a buffer area where more of the educational or training activities would take place.

    - A Public Access Project is also under way. Prompted by declining traditional sources of funds, CZM is conducting research into developing alternative funding mechanisms for acquisition and maintenance of shoreline public access. The goal is to identify innovative funding sources to acquire land for public access. Traditionally, this has been funded by taxes, and only recently by conveyance fees in Hawaii.

IX. New Business

- The next MACZAC meeting is scheduled for Monday, August 19, 2013 on Maui. Location to be advised.

- At the next MACZAC meeting, members will discuss the following alignment of newly formed working groups:
    - Education/Website: Rich Brunner (Chair), Donna Brown, Robin Kaye
    - Ocean Resource Users: Phil Fernandez (Chair), Craig Severance, Jim Coon
    - Legislative: Ad hoc
    - Habitat: to be advised

- *Letters from MACZAC*
  Member Donna Brown will write a draft letter to the Governor and HDOT emphasizing the need to avoid using band-aid fixes when addressing highway erosion problems.

  Member Rhoda Makanani Libre will write a draft access letter.

X. Adjournment

Chair Sue Sakai adjourned the meeting at 1:43 pm.

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