

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

Monday, January 28, 2013
9:30 am - 12:30 pm
Hawai'i State Office of Planning (OP), Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawai'i 96813

MINUTES

ATTENDANCE

- Members Present: Rhoda Makanani Libre, Robin Kaye, Donna Brown, Jim Coon, Mike Sabas, Dawn Hegger, Susan Sakai, Kimbal Thompson
- Members Absent: Phil Fernandez
- OP-CZM Staff Present: Leo Asuncion, Dawn Omoto, Lynn Sumida
- Others Present: April Coloretti (SSFM International), Brian Hunter (DOH), Doug Tom, Edward Enos

DISTRIBUTED MATERIAL

- Meeting Agenda
- Draft Minutes of the October 26, 2012 Meeting
- CZM Program Report
- Ocean Resources Management Plan (ORMP) and Update Flowchart
- Kaua'i Westside Watershed Council: Kona Hema Moku Makai Pu'u honua Shoreline and Fisheries Management, Annual Evaluation Report 2012-2013, photos
- Tabasco® Leader Lauded for Coastal Commitment [<http://www.myneworleans.com/New-Orleans-Magazine/August-2012/Tabasco-Leader-Lauded-for-Coastal-Commitment/>]
- "Coast States Get Up to \$50K for Tsunami Debris Aid" [<http://juneauempire.com/state/2012-07-30/coast-states-get-50k-tsunami-debris-aid>]
- "Opponents of Coastal Zone Initiative Lead in Fundraising" [<http://www.adn.com/2012/07/31/2564793/opponents-of-coastal-zone-initiative.html>]
- "Perdue Does Not Sign or Veto Sea-Rise Level Bill" [<http://www.starnewsonline.com/article/20120801/ARTICLES/120809970/-1/business?Title=Perdue-does-not-sign-or-veto-sea-rise-level-bill>]
- "Yosemite Trout a Reminder of Ocean's Stirring of Life" [http://www.staradvertiser.com/newspremium/20120806_Yosemite_trout_a_reminder_of_oceans_stirring_of_life.html?id=165109426]
- "Man Wants to Farm Shellfish in Federal Waters" [http://www.mercurynews.com/breaking-news/ci_21246327/man-wants-farm-shellfish-federal-waters]
- "Fast Rising Seas Demand New Flood Plans and Smart Zoning" [<http://www.bloomberg.com/news/print/2012-08-06/fast-rising-seas-demand-new-flood-plans-and-smart-zoning.html>]
- "Do Fake Reefs Offer Real Solutions for Hawai'i?" [<http://www.civilbeat.com/articles/2012/08/06/16747-do-fake-reefs-offer-real-solutions-for-Hawai'i/>]
- "Oceanic Quirk Shielded Hawai'i from Majority of Tsunami Debris " [http://www.staradvertiser.com/newspremium/20120810_Oceanic_quirk_shielded_Hawai'i_from_majority_of_tsunami_debris_.html?id=165697396]

- "Fisheries Service Pressed to Protect False Killer Whales" [http://www.staradvertiser.com/newspremium/20120813_Fisheries_Service_pressed_to_protect_false_killer_whales.html]
- "Beach Barriers" - [<http://honoluluweekly.com/cover/2012/07/beach-barriers/>]
- "Last Remaining Undersea Habitat on Chopping Block" - [Honolulu Advertiser, 8/12/2012]
- "New EPA Regulations Leave Shippers in Unchartered Waters" - [PBN, 7/27/2012]
- "Maui Coastal Parkway Project Revived" - [PBN, 6/15/2012]
- "Shoot the Messenger: Carolina's Costly Mistake on Sea Level Rise" - [<http://e360.yale.edu/content/print.msp?id=2543>]
- "Sustainable Feed Supply Tops To-do List" - [East Oahu Islander, 8/8/2012]
- "Sea Turtles Threatened Status Under Review" - [http://www.staradvertiser.com/newspremium/20120802_Sea_turtles_threatened_status_under_review.html?id=164709876]
- "Seal Turns Up on Sunset Beach, Thousands of Miles Away From Home" - [<http://www.staradvertiser.com/news/breaking/164687636.html?id=164687636>]
- "Coastal Mapping Project Completed" - [http://www.hydro-international.com/news/id5640-Coastal_Mapping_Project_Completed.html]

I. Call to Order

Chair Sue Sakai called the meeting to order at 9:47 a.m. All those present briefly introduced themselves.

II. Approval of October 26, 2012 Meeting Minutes

The October 26, 2012 Meeting Minutes were unanimously approved by all present members.

III. Hawai'i CZM Program Report

Leo Asuncion, CZM Program Manager, provided the members and those present with a summary of the attached CZM report highlighting the following National Initiatives:

- Hawai'i CZM Program funding levels for fiscal year 2013 (FY13) is unknown at this time. Currently, NOAA has asked the coastal programs nationwide to plan for a ten percent (10%) reduction from FY12 levels.
- The Semi-Annual Performance Reports for our open grants (NA10, NA11, NA12) were filed with NOAA on January 31, 2013.
- The Sub-Regional Ocean Partnership (Sub-ROP) project has hired Ms. Miranda Smith as the Project Coordinator who will be supporting the existing Ocean Resource Management Plan (ORMP) by formalizing partnerships among government agencies and with coastal communities, cultural practitioners, economic interests, and other stakeholders to work together and to ensure consistency with national ocean objectives. Project staff will build upon existing ocean partnerships relative to the National Ocean Policy created when President Obama signed an Executive Order on July 19, 2010.
- The University of Hawaii's Social Science Research Institute (SSRI) continues to develop the Pacific Regional Ocean Partnership (PROP) on behalf of the U.S. Pacific Islands (including Hawai'i). The PROP continues to discuss specific action items that the partnership would like to tackle in the coming year in the areas of climate change adaption, and coastal and marine spatial planning (CMSP).

Mr. Asuncion highlighted the following upcoming activities involving the MACZAC Working Groups:

- Stormwater Impact Assessment Project, Phase III. A guidance manual and training sessions will be offered to MACZAC members in April-May on each island.
- National Estuarine Research Reserve (NERR) in Hawai‘i . OP-CZM will be initiating a NERR site selection process soon. CZM staff, with assistance from NOAA, will be supporting this effort for the next two years. Mr. Doug Tom, public observer, strongly suggested that the purpose and a clear set of criteria be developed during the site selection process.
- Alternate Financing for Shoreline Public Access and Coastal Lands Acquisition. A Draft RFP for this project is currently circulating for review and is anticipated that the project may start by April/May 2013. MACZAC’s Public Access Working Group will be a key group for collaboration in this project, which is scheduled to be completed by June 2014.

Miscellaneous

- The 27th Legislature has begun.
- MACZAC Member Recruitment for Kaua‘i and Hawai‘i (East) will run for about two weeks as an insufficient amount of applications were received.
- MACZAC Member Recruitment for Maui - sufficient number of applications were received, and a new Maui member will be selected by the OP Director. New CZM Staff – Ms. Rebecka Arbin will be assigned to the areas of Coastal Non-Point Pollution Control Program, Coastal Public Access, and the NERR Site Determination Process.
- CZM is recruiting to fill two Planning and Policy Analyst positions.
- Mr. Tom closed by sharing with members that successful tourism is the draw to quality beaches and to clean coastal waters. Mr. Tom stated that legislators think that the appeal is the weather or aloha spirit. Coastal Zone Management shares a big part of this role to protect and preserve the quality beaches and clean coastal waters. This is a global foundation.

IV. ORMP Draft Update Plan

- April Coloretti, from SSFM International, Inc. and consultant to OP on the ORMP Update provided a flow chart outlining the planned phases of the ORMP. Using the flow chart, Ms. Coloretti showed how the current phase of the Second Draft will be completed with face-to-face feedback with state and county agencies being incorporated into the revised second draft which is slated to be completed by mid-April. The revised second draft will be presented to the working group, stakeholders, MACZAC, and the ORMP Policy Group Members by the end of May. The Final ORMP is targeted to be completed by the end of June.

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

- Lanai
 - Robin Kaye, MACZAC’s Lana‘i representative, shared the vision of Mr. Larry Ellison. Mr. Kaye shared that the community outreach the past 6 weeks surpassed the number of conversations held over the past 20 years. One of the first completed projects include the restoration of the community pool which was closed for the past 7 years.
 - Future visionary projects include: a new road, researching feasibility of desalinization project on land, education ideas including charter schools, partnering the Lodge at Koele with the University of Hawai‘i School of Travel Industry Management, health care for Kupunas with assisted living, hospice, and a 24-hour hospital.

- The ultimate goal is to make Lana‘i a sustainable island and a world-class model for sustainability.
 - Additional information on the desalinization process was requested; Mr. Asuncion will inquire with others and provide the information to Mr. Kaye.
- Molokai
 - Mr. Mike Sabas, MACZAC’s Moloka‘i representative shared the public’s concern with corn pesticide entering the reef, ocean, and maybe even the water tables. There are reports by the community being affected due to possible runoff into the ocean reefs and maybe entering the water tables as well.
 - The question was posed if DOH is able to test waters for pesticides and what the request process would be. As Mr. Brian Hunter from DOH had left the meeting, Mr. Asuncion noted that he will pass the question on to Mr. Hunter.
 - Ms. Rhoda Libre, Kauai's MACZAC member, noted that on her island, UH is called and someone from water quality comes out to test it. The only thing is that it takes too long for them to come out to do the testing or they don’t want people to go over there immediately to go get the sample. So they are trying to deal with that situation. The Kaua‘i Westside Watershed Council found a third party to send our testing samples to, but it is costly. Rhoda has been turning it over to Mr. William Aila and Mr. Neal.
- Kauai
 - Ms. Libre noted that one of the hotspots on Kaua‘i: Kupunas along with residents are complaining about the boats (showed pictures) that they race and come too close to the shores. The Kupuna council identified that the boats are killing a lot of the kupe‘e as the boats run into the reefs, all along the coastline. Ms. Libre questioned if the commercial ventures are permitted correctly. Even with permitting by the Army Corps of Engineers, there is not enough compliance for talking to the cultural people with which they are entered into an agreement with.
 - Ms. Libre is working with Mr. William Aila (Chair, Department of Land and Natural Resources on their watershed plan entitled Marine Estuarine Coastal Zone Management Plan initiated in 2000; phase one was completed in 2005. We, the Kauai Westside Watershed group, are in the second phase.
 - Ms. Libre noted her frustration with regard to the decimation of their submerged historic sites and caves, which are now dead zones. Their very healthy fishing area is now decimated. Endemic and unique species that cannot be found anywhere else are gone. Coral disease that was in the north shore of Kauai can now be found on the west side. It’s pretty disheartening. Now there are tourists driving on the coral coast. There are more invasive species now and so the coral is pretty dead on our side. Kupunas will be protesting at the pier this weekend.
 - Ms. Libre added that Walter Ritte visited last year and he witnessed pesticides in the waters and and most baby fishes being killed. Andy Kimbal, an attorney who defends pesticide victims, is on Kauai. Dow (Corporation) has taken over her town of Kaunakani.
 - Ms. Libre reported that Dow's planting of their corn is less than 100 feet, some are 45 feet from the coast. This has been reported to the Division of Conservation and Resources Enforcement (DOCARE), but they refuse to do anything. Department of Health (DOH) has gathered specimens to try to work on air quality because it’s bad. People are getting sick. Now we have a team led by Gerard Jarvis and their team of scientists doing testing everyday and found evidence of pesticides in the water table and salt ponds. Old people are stating that the salt ponds are no longer good, salt ponds that are thousands of years old.

- Ms. Libre concluded that the coast on the west side, the cultural side of the island, is decimated. Last week they counted over 100 people in the bays. Boaters use bread to feed the fish. She doesn't know what else to do, and sought suggestions from the group.
- Dawn Hegger, Oahu's MACZAC member noted that Ms. Libre's list of hotspots are so many issues for Mr. William Aila. In terms of her note that large vessels were in the bay, it sounded like it had to do with the recent RIMPAC exercises.
- Ms. Libre noted that she contacted the Navy commander as she witnessed people offloading onto shore. She also contacted the Admiral here on Oahu. The response was that no one/vessel should be there. It was Labor Day and she contacted them via cell phones. Honolulu Harbor called Nawiliwili Harbor, and no ships were there. Ms. Hegger asked if Ms. Libre witnessed a shipping boat? Ms. Libre noted that it was a military ship, from Canada.
- Ms. Hegger suggested approaching the Governor and Canadian government. Ms. Libre noted that she left it to Liko Martin to follow up. Ms. Libre noted that the ship poached lobsters. She also witnessed some DLNR workers poaching and sent those pictures to Mr. Aila.
- Ms. Libre is now speaking to Mr. Aila. They have our watershed council, Aha Kiole, which is now Aha Moku, the watershed council helped their kupunas put up our own signs that this is no entry. This is how our people are dealing with the issues. If someone can help suggest to take care of these problems, Ms. Libre would appreciate it.
- Ms. Libre added that Mr. Aila has been to Kauai four times, and she has spoken to him for hours. Her main concern is that we cannot continue to put 100 people in opihi and wana area, four catamarans – Holoholo, Blue Dolphin and Blue Raft people stayed and grumbled.
- Oahu
 - Kimbal Thompson, Oahu's MACZAC member reported that he attended a seminar at the UH Richardson Law School, and Mr. Aila and most of the DLNR staff were present. The seminar was on Hawaiian culture and modern land use law. The seminar was well attended. Sessions covered water rights (both culturally and historically), land use, and burial rights.
- Maui
 - Jim Coon, Maui's MACZAC member noted that at Honolua Bay Marine Life Conservation District (MLCD), the day use mooring situation is still an issue – 10 boats using 3 day use moorings. 2 more moorings in the bay are needed. 5 moorings total. [If can eliminate 150 boats who haven't used it. Not sure how long that would take to be resolved.] Mr. Coon spoke to Mr. Bill Tam about the issue, but is not sure where that sits.
 - Last year there was a potentially dangerous situation involving commercial catamaran beach loading at Ka'anapali. A reversal of a 40 year policy resulted in Act 195 passed by the Governor – gave statutory authority for Ka'anapali boats to have access to boating facilities when the surf is too high at Ka'anapali Beach. DOBOR has NOT yet drafted the rules per the law and is denying access to nearby boating facilities when it is dangerous to load at Ka'anapali Beach. This continues to be a safety issue and is a hardship on the commercial fleet. Last year was the first time boats were not given access to harbor facilities. Mr. Coon thought the law trumped rule. If that had been reversed, it would have been June 30th, Act 195 is enforced immediately.
 - Honoapiilani Highway project - the first section is completed. The old wall section on mauka side, seawall built on the makai side, and barriers removed. The next high tide, water came up the road.

- Launiupoko - a temporary bridge is being built and at Ukumehame, the road was widened on the mauka side for a temporary lane. When work is done, the road will be moved back makai.
- Mr. Coon also reported that he met with Maui Tomorrow on the Maui Landfill issue, recreation in Kahului, and the injection well problem in Lahaina.
- **Kauai**
 - Mr. Asuncion informed the group that Maka‘ala Kaaumoana contacted him last week to bring a few items to the group's attention:
 - Coral disease outbreak in Hanalei. Trying to find the source. It could be a non-point issue. There could be a quick fix on coral, using marine putty. Disease grows inward so the putty can stop the disease, however the coral cannot grow after that. UH- SOEST is looking into this problem.
 - Hanalei watershed collaboration with the North Shore on Oahu. Similar issues on Oahu but perhaps collaboration with others can take place. If Makaala can get that information to MACZAC, perhaps MACZAC can help the process along.
- **Oahu**
 - Chair Sakai reported that coral species are being proposed to be listed as threatened or endangered under the Endangered Species Act. Maui’s MACZAC member Ms. Donna Brown noted that eight of sixty species are in Hawaii, and are being considered for listing. If any member wants more information, feel free to contact Sue.
 - Mr. Asuncion noted that DLNR's Division of Aquatic Resources (DAR) has scientific data on the coral species that were being considered, and is preparing a response. DAR, the Territory of Guam, the Commonwealth of the Northern Marianas Islands and Puerto Rico have noted concerns of the impact that ESA listing will have on the State's (Territory's) ability to manage its resources, and also economic impacts.
 - Mr. Asuncion added that his understanding is that NOAA is looking at scientific data that is two years old, and there may be recent data or information that NOAA could consider to not move forward on listing the coral species on the ESA list. DAR is looking into this and will be developing a response for the State.
 - Monk seal habitat determination – should have been released on December 1, 2012 but it has been delayed.
 - Chair Sakai noted that there are a lot of live coral in pilings, edge of piers, wharfs, and the Army Corps is making DOT-Harbors relocate and plant the coral somewhere else.
 - Ms. Hegger noted that the same coral reef problems are occurring at Kawaihae Harbor and at Kapalama.

VI. Public Input

Note: This item was taken out of turn in the agenda as a member of the public arrived during discussion of Island "Hotspots".

- Mr. Edward Enos, a harbor pilot, brought to the attention of MACZAC a potential issue related to ocean resource management. Since 1997, harbor pilots and the maritime industry had in place, an agreement that a tug boat would escort ships into and out of Hawaiian ports.

- Recently at the Legislature, the cruise ship industry lobbyist has been speaking to legislators to develop a law that does not require a tug boat to be used when entering or exiting the ports.
- The harbor pilots (private enterprise) see this potential legislation as a safety issue.
- MACZAC members asked Mr. Enos to keep them in the loop, especially if a bill is introduced.

VII. Reports from MACZAC Working Groups

- Chair Sakai noted that since the Legislature just started, the Legislative Working Group is busy.
- Mr. Asuncion confirmed that for the Legislative Working Group to work efficiently, especially when submitting testimony, a broad approval of the entire MACZAC is needed to have the Legislative Working Group submit testimony in a timely manner. Mr. Kaye made the motion to authorize the MACZAC Legislative Working Group to act on its behalf with legislative testimony. Mr. Coon seconded the motion. The motion was unanimously approved by all present members.
- Mr. Asuncion also noted that MACZAC may want to think about re-organizing the working groups, especially with new members coming onboard, new projects that OP-CZM will be working on (i.e., NERRS Site Selection, etc.), and the proposal from Hawaii MACZAC member Phil Fernandez to form a fisheries working group. Ms. Sakai asked that this topic be placed on the agenda and be discussed at the next MACZAC meeting.
- Mr. Asuncion informed the group that OP will be transitioning to a new website format, and some of the website items that MACZAC proposed last year, may be achieved with the new website format. Mr. Asuncion will inform the group when transition to the new website occurs.

VIII. New Business

- The next MACZAC meeting is scheduled for Monday, April 15, 2013.
- The MACZAC will have an opportunity at the next meeting to discuss the Updated ORMP, as the Updated ORMP may drive other MACZAC activities.
- Ms. Hegger followed up on the B.E.A.C.H. letter that was drafted after the last MACZAC meeting. Chair Sakai noted that she needs to put it on letterhead, and that she will send it out to the membership before sending.
- At the next MACZAC meeting, members will discuss re-alignment of the working groups with the upcoming projects, and discuss: the ORMP Update; Stormwater Impact Assessment Project: Phase III; NERR site selection; and alternative financing for shoreline public access and coastal lands acquisition.