

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

MINUTES

Monday, June 1, 2015: 9:30 am - 2:30 pm
Office of Planning's Conference Room
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

ATTENDANCE

- Members Present: Rhoda Libre, Robin Kaye, Phil Fernandez, Shaylyn Kimura, Donna Brown, Rich Brunner, Dawn Hegger-Nordblom, Kimbal Thompson, Sue Sakai, Jim Coon, Lori Buchanan, Craig Severance
- Members Absent: None
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Leo Asuncion, Justine Nihipali, Nathalie Morison, Lisa Webster
- Others Present: Nancy McPherson (DHHL), Charles Kaaiai (WPRFMC), Elia Herman (DLNR), Cynthia Hunter (UH Marine Option Program)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for June 1, 2015
- Minutes from March 6, 2015 MACZAC Meeting [Draft]
- CZM Report to MACZAC (June 1, 2015)
- MACZAC Hotspots 6/2015
- "HDOT Considering Concrete Barrier to Shore Up Highway at Olowalu" –
[<http://www.lahainanews.com/page/content.detail/id/531574/HDOT-considering-concrete-barrier-to-shore-up-highway-at-Olowalu.html?nav=19>]
- "Honolulu Mayor Signs Two Bills Aimed at Restoring Waikiki Beach" –
[<http://www.civilbeat.com/2015/05/honolulu-mayor-signs-two-bills-aimed-at-restoring-waikiki-beach/>]
- "Ige Supports Construction of TMT, Asks UH to Better Manage Mauna Kea" –
[<http://www.civilbeat.com/2015/05/ige-supports-construction-of-tmt-asks-uh-to-better-manage-mauna-kea/>]
- "Lawsuit Filed by Wetland Taro Farmers in East Maui" –
[<http://www.civilbeat.com/2015/04/lawsuit-filed-by-wetland-taro-farmers-in-east-maui/>]
- "Local Civil Engineers Explore Ways to Protect Infrastructure from Climate Change Impacts" - Dawson, T. (2015, May 1). Local Civil Engineers Explore Ways to Protect Infrastructure from Climate Change Impacts. *Environment Hawaii*, p. 9.
- "Record Roi Round-Up" –
[<https://themolokaidispatch.com/record-roi-round-up/>]
- "State Monitors Black Band Coral Disease on Kauai Reefs" –
[<http://khon2.com/2015/04/29/state-monitors-black-band-coral-disease-on-kauai-reefs/>]

I. Call to Order

MACZAC Chair Sue Sakai called the meeting to order at 9:32 am and welcomed everyone. All those present briefly introduced themselves.

II. Approval of March 6, 2015 Meeting Minutes

The March 6, 2015 Meeting Minutes were unanimously approved by all members present.

III. **Hawaii Coastal Zone Management (CZM) Program Report**

Ms. Justine Nihipali, Office of Planning, provided a summary of the June 1, 2015 CZM report highlighting the following:

National Initiatives

No National initiatives to report.

Hawaii CZM Program

The following is a status summary of active HCZMP activities in the past quarter of 2015.

Legislature 2015

- No bills related to Coastal Zone Management were proposed by HCZMP in the just completed Legislative Session.
- Two Administration Bills introduced by the Office of Planning (OP) died in the Senate Committee on Water and Land; and Conference Committee (by Senate lead).
- Bills amending the Hawaii State Plan (HRS C. 226) were passed – dealing with objectives for Agriculture.

Ocean Resources Management Plan (ORMP)

- ORMP continues to be implemented via 2 Action Teams - Appropriate Coastal Development/Coastal Hazards, and Coral Reef.

National Estuarine Research Reserve in Hawaii

- Currently in Phase III of Designation Process.
- Draft Management Plan for site being completed for review.
- Information on NERRS Designation Process can be found on-line at <http://planning.hawaii.gov/czm/initiatives/nerrs-site-proposal-process/>.

Coastal and Marine Spatial Planning (CMSP)

- CMSP Analysis Tool (web and GIS-based tool) continues to be developed by consultants SSFM International, Inc. / BEI Hawaii / i2Consulting.
- Project date of completion was March 2015; now extended to July 1, 2015.

Climate Change Adaptation

- Provisions of Act 83 (2014; Codified as HRS C. 225P) will be carried out primarily by DLNR, with OP supporting; Formation of an interagency climate adaption committee on sea level rise (DLNR), and development of statewide climate adaptation plan (OP).

Other Initiatives

- CZM Program continues its involvement in a number of external groups and activities:
 - Hawaii Invasive Species Council (HISC) and HISC Resource Committee
 - Coastal States Organization
 - Ms. Nathalie Morison, CZM Planner, noted that CZM is involved with both the Coastal States Organization Executive Committee and the Coastal States Organization Adaptation Working Group. The Working Group is putting together CSO Coastal Resilience Stories highlighting success stories around the nation of state CZMs working with communities to enhance resilience to advocate for increased resilience funding. Ms. Morison added that CZM would be interested in hearing about local examples of resilience projects for possible national showcasing.
 - Hawaiian Islands Humpback Whale National Marine Sanctuary (reviewing Draft Management Plan and Environmental Impact Statement)

- Alternative Funding Mechanisms for Acquisition and Maintenance of Shoreline Public Access
Ms. Sakai asked Ms. Morison for an update on Shoreline Access. Ms. Morison explained that as part of the CZM's 5-year Section 309 Strategy for 2010-2015, CZM developed a strategy in 2009-2010 to look at alternative funding mechanisms for shoreline public access. In 2014, PBR Hawaii worked with OP to develop an Alternative Funding Mechanisms Report. OP also formed an advisory committee to help advise OP in developing these funding mechanisms. Both Ms. Sakai and Ms. Dawn Hegger, MACZAC member, participated on the advisory committee. Ms. Morison added that the committee will be meeting June 10, 2015, to discuss which of the mechanisms the State and counties may want to pursue, as well as to discuss if the strategy is still relevant.
- Section 309 Assessment and Strategy/2016-2020
Ms. Nihipali added that Mr. Phil Fernandez, MACZAC member, and Ms. Hegger have also been helping CZM with its next fiscal year funding strategy. The draft was sent to NOAA in February, and the comments received back were supportive of the strategy, which includes updating the ORMP, support of the Hawaii Emergency Management Agency Strategy for Tsunami Mapping and Analysis of Vulnerability for Building Stock in Hawaii. Final report was submitted to NOAA on Friday, May 29. Ms. Nihipali expressed OP's appreciation for MACZAC's assistance with this work.

IV. Discussion of State Comments & MACZAC Response to Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan Update (HIHWNMS)

Elia Herman, State Co-Manager, HIHWNMS, DLNR, gave a short presentation

- Ms. Herman noted that there are three pieces; Draft Management Plan and Draft EIS (combined into one document), and Draft Proposed Rule.
- The Draft Management Plan includes 4 alternatives:
 - Alternative 1 – No Action - keep doing whatever they're doing now. Example: water quality monitoring, which is not only to do with humpback whales, will be allowed to continue.
Ms. Sakai noted that these are public documents which should be written in laymen's terms, but they were very difficult to read, and the organization is difficult to make sense of.
Mr. Fernandez noted that very little of what the Sanctuary Advisory Council recommended made it into the documents.
Ms. Sakai added that there should be, within the Existing Conditions of the EIS, a description of existing conditions, proposed actions, and impact of proposed actions to existing conditions. Ms. Sakai found the Existing Conditions section lacking.
Ms. Herman added that one of the themes of the comments she has heard is that there is only a cursory analysis, the threats aren't clearly identified.
 - Alternatives 2, 3, 4 – All incorporate a shift from single-species to ecosystem-based management, as well as a name change to *Hawaiian Islands National Marine Sanctuary – Nā Kai 'Ewalu*. Each of these alternatives have increased boundaries and regulations, and the addition of Special Sanctuary Management Areas (SSMAs). Alternative 2 adds the SSMAs consisting of federal waters of Penguin Banks and Maui Nui; Alternative 3 also adds the SSMA of Maunalua Bay; Alternative 4 applies all proposed regulations for the SSMAs to all federal and state Sanctuary waters, and expands boundaries to include the mauka part of the Hanalei River.
- Transitioning from single-species to ecosystem-based management would include changing the definition of Sanctuary Resource to include: any living or non-living resource that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic values of the Sanctuary, including, but not limited to, the substratum of the area of the Sanctuary, other submerged features and surrounding submerged lands, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, phytoplankton, zooplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals, and historical and cultural resources.
- New Sanctuary-wide regulations would include: updated humpback whale approach rules, including boats 'leap-frogging'; removing, damaging, or tampering with any historical or cultural resources within the

Sanctuary (cultural resources would include fishponds, submerged heiau and fishing koa, wayfinding sites, shipwrecks, and sunken aircraft); adding the authority to issue permits and authorizations in management, research, education, installation of submarine cables, and special use permits. Authorizations would allow the Sanctuary to add conditions to other agencies' permits.

- The proposed regulations for SSMA include: Prohibits alteration of seafloor, prohibits discharging or depositing materials; prohibits discharge from outside Sanctuary that enters and injures a Sanctuary resource; prohibits taking or possessing any protected species; prohibits using explosives; prohibits introducing or releasing introduced species.

Mr. Robin Kaye, MACZAC member, mentioned that it is his understanding that HIIHWNMS is the only single-species sanctuary. Mr. Kaye asked if there are other National Marine Sanctuaries with as broad of a scope as what is being proposed here in Hawaii. Ms. Herman stated that yes, most of the other sanctuaries are ecosystem-based and have a very broad scope. Mr. Fernandez then pointed out that some of those sanctuaries are in federal waters, with no state overlap. Ms. Hegger asked Ms. Herman what DLNR comments of the proposed plan might look like. Ms. Herman stated that the general consensus among people she has talked to is that it is important to identify our specific problems and then ask if the plan addresses these problems. She added that many of the new regulations in the proposed plan already exist, but that there is a need for more management.

Mr. Kaye added that he is in support of the Sanctuary's proposed regulations of undersea cables. Ms. Donna Brown, MACZAC member, stated that she is in support of ecosystem-based management because she wants to see the Sanctuary provide education and outreach about coral reefs and water quality, in addition to what is already provided for humpback whales.

Mr. Fernandez stated that the Sanctuary should continue to do what it is good at, which is outreach and education, and should avoid getting into permitting. Mr. Fernandez was told that permits would be routed to the Office of National Marine Sanctuaries, and not handled locally.

Mr. Leo Asuncion, Office of Planning, reminded the group that NOAA can mix and match different parts of the four alternatives to determine new boundaries and regulations.

- Ms. Herman concluded by reminding the group that MACZAC's comments will be more helpful if they include specifics about what the group would like to see included in or excluded from the final plan. Eventually there will be a Final Rule which will require the Governor's approval. The Governor will be able to pick and choose which parts of the Rule to include in state waters.
- The group agreed that consolidated comments from MACZAC would be more effective than individual comments. Ms. Sakai offered to compile member comments into a final document, to be filed by the June 19, 2015 comment submission deadline. Ms. Sakai asked that all member comments be submitted to her by Sunday, June 7.

V. Discussion of MACZAC Advocating the Mauka Realignment of Honoapiilani Highway on Maui

Mr. Rich Brunner and Ms. Donna Brown, both MACZAC members, summarized the current situation with Honoapiilani Highway on Maui.

- Honoapiilani Highway is a 2-lane highway that connects Kahului Airport to West Maui, where over 50% of hotel rooms on Maui are located.
- There are currently two active projects in the area.
 - One project is going through the permit process.
 - The other project is being implemented by federal emergency money from Hurricane Iselle.
 - Both projects involve hardening the shoreline.
- Several projects have already been done that have hardened parts of the shoreline along the highway, and this may be accelerating coastal erosion in the area.
- The cost of relocating the highway is about \$800 million.
- Maui County purchased some of the land adjacent to the highway in anticipation of moving the road mauka, but additional lands will need to be acquired.
- During high tides sea water crosses the highway.

- Mr. Brunner requests that MACZAC write a letter requesting that the highway be moved mauka, and creating a park along the shoreline.
Nancy McPherson, speaking as a former County of Maui Planner, stated that Maui County has a strong Coastal Zone Management Program (CZMP), and it was common knowledge in the Planning Department that Hawaii Department of Transportation (HDOT) capitalized on this ability to use emergency declarations to suspend all permitting requirements, including the County's Coastal Zone Management efforts. Ms. McPherson suggested that the MACZAC letter include a suggestion to move away from always working in emergency status, to work with County of Maui CZMP, to restore the shoreline, and to move the road mauka, as was initially proposed in the Pali to Puamana Parkway project, in the first Arakawa administration.
- Ms. Sakai stated that she'd like to advocate following a master plan, rather than doing the project piecemeal.
- Ms. Buchanan has found that mentioning EPA Clean Water Act regulations, as well as working directly with engineers on DOT coastal road projects, are effective ways of avoiding quick fixes.
- Mr. Fernandez made a motion that Rich and Donna draft a letter to the Administrator of HDOT, with ccs to Mayor Arakawa, Governor Ige, County of Maui Planning Department, County of Maui Department of Transportation, County of Maui legislators, and Office of Planning. Mr. Kaye suggested that Ms. Sakai, Mr. Brunner, and Ms. Brown also meet with the key players, and include a request for the meeting in the MACZAC letter. A vote was taken, and the motion was unanimously approved by all members present.

VI. Discussion/Decision on Instituting Attendance Requirements for MACZAC Members

Ms. Sakai pointed out that MACZAC doesn't currently have attendance requirements in place, but that it makes sense to have them. The group agreed that having two unexcused absences during a two-year period would trigger a warning, and a third absence would trigger recommendation of dismissal to Office of Planning, at the discretion of the Chair. Excused absences will also be approved at the discretion of the Chair.

VII. Reports from MACZAC Working Groups

- Ocean Resources Working Group
 - MACZAC member Craig Severance continues to work on a White Paper, with input from Mr. Fernandez and Mr. Jim Coon, MACZAC member. Dr. Severance has a clear outline, has put references together, and is working on rough draft. The White Paper will discuss issues including consumptive and non-consumptive values, extractive and non-extractive values, existence value, and recreation value.
- Shoreline Access Working Group
 - Office of Planning's Shoreline Access Advisory Committee, which includes Ms. Sakai and Ms. Hegger, will be convening June 10, 2015, to assist OP in determining which funding mechanisms and other strategies the State and counties may want to pursue, as well as to discuss if the strategy developed in the Alternative Funding Mechanisms Report is still relevant.
- Legislative Working Group
 - Mr. Asuncion stated that OP had two administrative bills, one to clarify the definition of 'bona fide agricultural activity', the other to update the Hawaii State Plan, which was last updated in the 1990s. Both bills died in the Senate Water and Land Committee. CZM was also tracking a few bills to do with resiliency, which also died.
 - Mr. Coon noted that a bill passed that exempted Hawaii from having to add ethanol to our gasoline. This is good news for boat users, because ethanol is destructive to small 2-cycle engines. Car owners also benefit because ethanol is only 70% as fuel efficient as gasoline. Mr. Coon stated that the only people benefiting from the use of ethanol are the importers and the farm lobby.
 - Mr. Kaye stated that a good legislative outcome was the rejection of Carleton Ching as DLNR Chair, and that Suzanne Case is a much more logical choice for the position.

VIII. Discussion Highlighting Critical Marine and Coastal Hotspot Issues, By Island

- East Hawaii (Big Island) – Dr. Severance revisited the issue of congestion in Hilo Bay. As ocean use dramatically increases with canoes, kayaks, single-hull outriggers, and small sailing regattas, congestion is becoming more of an issue. The Hilo Bayfront Trails Project, which is hoping to break ground in September, is only a small section of Hilo Bay, and doesn't extend out to Richardson Ocean Park or Waihuli, as some land owners are not on board with extension of the project. Dr. Severance asked if MACZAC ever received a response to the letter written regarding cruise ships and standby tugboats entering and exiting harbors. Did cruise ships ever get the exemption they asked for? Mr. Asuncion suggested checking with Sandra Rossetter at DOT/Harbors.
- Kauai –
 - Ms. Rhoda Libre, MACZAC member, gave updates on several projects she's involved with:
 - Salt Pond Project– working with the mayor on a salt pond area project in the Kona Moku. The salt pond is 99% decimated. The Robinsons have agreed to move a coastal road 1000 feet mauka.
 - Coral Reef – working with Chris Runyon, who is involved in Black Band Coral Disease research.
 - Worked with DOBOR to remove 7 illegal buoys, all installed with epoxy. The reef around the buoys is dead.
 - Also working with Erin Zanre (CBSFA Planner) at DAR.
 - Ms. Shaylyn Kimura, MACZAC member, discussed a number of ongoing issues in the Hanalei/Haena area.
 - There are a number of unlicensed peddlers and unpermitted commercial activities at Waioli and Hanalei Beach Parks, as well as other locations. County of Kauai Department of Parks and Recreation is holding a public hearing to discuss the issue June 2, 2015.
 - There is community division regarding the Blackpot Park Master Plan (Hanalei).
 - There is a push to save Hanelei River Ridge from development by billionaire Pierre Omidyar. The main issues are beach access and restoration of Kamoomaikai Fishpond.
 - Haena's 'temporary' (since 1996) sand bag revetment saga continues. The local Hawaiian community, including the Chandler Family, are willing to clean up the sandbags to restore their family's ancestral land, but the landowners are opposed to any community action in the area.
 - Mr. Fernandez was contacted regarding an issue of cattle damaging coastal trails and endangering nesting albatross and wedge-tailed shearwaters at Moloa'a Bay Ranch (Northeast Kauai). Per Section 106, historic trails on land are subject to Section 106, and need to be maintained, as long as they were identified in the original Cultural Impact Analysis of a project. Historic canoe paths on the ocean, on the other hand, are not subject to Section 106.
- Maui –
 - Mr. Brunner and Ms. Brown stated that the main hotspot on Maui right now is Honoapiilani Highway.
 - Mr. Coon added that there is still the issue of day use moorings, especially at Molokini. There are currently 3 moorings out of commission, of 24 total moorings. The loss of these moorings could lead to boats breaking free, which could cause destruction of coral and/or injuries to snorkelers. Mr. Coon and others have reached out to DOBOR and offered to repair the moorings, but have not been given the okay. Mr. Coon would like MACZAC to write a letter to Suzanne Case and cc DOBOR and DAR, letting them know how important day use moorings are to the State, and that they are not currently being maintained. Mr. Coon estimates that annual commercial boating fees statewide are several million dollars, going to DOBOR, and these fees are not being used to maintain the day use moorings. Mr. Kaye moved to make a motion, and Mr. Fernandez seconded, to have MACZAC write the letter. A vote was taken, and the motion was unanimously approved by all members present. Mr. Coon is willing to draft the letter with Ms. Hegger's help.
- Oahu –
 - Ms. Sakai noted that there is concern about the proposed changes to regulations in Maunalua Bay in the Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan Update. Boat users in Maunalua Bay are wary of the new rules that prohibit anchoring, except in sand. The community is also concerned about other possible regulations and permit requirements.

- Molokai –
 - Ms. Buchanan is concerned with federal proposals and national programmatic policies. Kalapapa General Management Plan is one example, but federal agencies are also proposing plans that will encompass the entire north shore of Molokai. NOAA, DOD, and the National Park Service each have a national policy, and use these to try to get out of their 106 requirements. Ms. Buchanan believes they have an obligation to engage in an Advisory Council on Historic Preservation (ACHP) Section 106 Consultation. The 106 consultation involves lots of paper, lots of action items, helps to identify area of potential effect, and eventually come to a 106 programmatic agreement.
 - Ms. Buchanan added that the 106 process is flawed: there is no definition of ‘sacred’, no definition of ‘spiritual’. There is only a requirement to consult a spiritual leader.
 - The CBSFA application is not going anywhere, DLNR is holding things up.
- Lanai –
 - Mr. Kaye discussed several projects:
 - There’s a limu project in the works off Manele, in an area decimated by sedimentation. There’s a small NOAA grant for Education and Training that may be available for the project.
 - The community is considering designating the entire island as a CBSFA. Erin Zanre is coming to Lanai to discuss the possibilities.
 - Desalination project is on hold. The 3 wells and 3 injection wells are ready to go, but have been capped. With the desalination project off the table, the Lanai Community Plan needs to be rewritten. Maui County Department of Planning is not being very responsive to the community.

IX. Public Input

No public input was given.

X. Presentation of 2014 Thumbs-Up Award to Marine Option Program Coordinator, Dr. Cynthia Hunter

Ms. Sakai noted that the Douglas Tom Thumbs-Up Award is presented annually to an organization that furthers the goals of MACZAC, advances the CZM Program and its ORMP, and actively engages the community. Ms. Sakai presented Dr. Hunter with the 2014 Thumbs-Up Award for the University of Hawaii Marine Option Program (MOP). MOP is a University of Hawaii system-wide certificate program offered on all UH campuses, providing educational opportunities for students from all disciplines who are interested in the ocean. MOP was established in 1970 by Dr. John Craven. The first MOP director, Barry Hill, noted that the students themselves help guide the program in new directions.

XI. New Business

- Agenda item: Review HCDA’s Kaka’ako Community Development District EIS Sea Level Rise Discussion, which addresses inundation zones and adaptation alternatives (retreat vs armoring). MACZAC recommendations for Hoopiilani Highway will likely include recommendations to retreat, rather than armor. Also consider Eugene Dashiell’s letter regarding the State response to climate change.
- Other suggested agenda items:
 - Invite Suzanne Case, DLNR Chair, to the next meeting, and provide her with a brief overview of MACZAC’s purpose and current issues.
 - Request a briefing from Athline Clark, superintendent of Paphanaumokuakea National Monument.
 - Request a briefing from US Fish and Wild Life on terrestrial endangered species in Hawaii in the context of critical habitat designation.
- The next MACZAC Quarterly Meeting will be held on October 16, the last day of the HCPO/HIGICC Conference, at the Hawaii Convention Center.

XII. Adjournment

MACZAC Chair, Sue Sakai, adjourned the meeting at 2:18 pm.