

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

DRAFT MINUTES

Wednesday, January 15, 2020: 9:00 am – 12:00 pm
Office of Planning Conference Room
235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813

ATTENDANCE

- Members Present: Phil Fernandez, Jim Coon, Rich Brunner, Kimbal Thompson, Steve Mechler, Robert Nishimoto, Sue Sakai, Nick Palumbo
- Members Absent: Donna Brown
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Mary Alice Evans (OP), Justine Nihipali (OP/CZM), Melanie Lander (OP/CZM), Lisa Webster (OP/CZM)
- Others Present: Zachary Yamada (Western Pacific Regional Fishery Management Council)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for January 15, 2020
- Minutes from May 10, 2019 MACZAC Meeting [Draft]
- CZM Report to MACZAC (January 15, 2020)
- MACZAC Hotspots 01/15/2020
- Articles/News Stories/Reports:
 - “A portion of Kamehameha Highway collapsed in Hauula Friday night” – [<https://www.khon2.com/local-news/makai-lane-of-kamehameha-highway-closed-for-emergency-repairs-in-hauula/>]
 - “Lawsuit filed over Lahaina injection wells case before Supreme Court” – [<https://www.mauinews.com/news/local-news/2019/10/lawsuit-filed-over-injection-wells-case/>]
 - “Status of Maui’s Coral Reefs” – [<https://dlnr.hawaii.gov/coralreefs/files/2019/09/MauiReefDeclines.pdf>]
 - “2019 was Maui’s year of fire” – [<https://www.mauinews.com/news/local-news/2019/12/2019-was-mauis-year-of-fire/>]

I. Call to Order

MACZAC Chair, Kimbal Thompson, called the meeting to order at 9:17 am and welcomed everyone. Everyone in attendance introduced themselves.

II. Approval of May 10, 2019 Meeting Minutes

The May 10, 2019 Meeting Minutes were unanimously approved by all members present.

III. Remarks

Mary Alice Evans, Office of Planning Director, noted that she had just attended the Second Annual Climate Conference at the East West Center and that the keynote speaker, David Wallace-Wells, indicated that climate change is likely to accelerate, with more dramatic changes expected to all of our systems. The Office of Planning and the Coastal Zone Management Program will be central to figuring out adaptations to allow Hawaii to survive these changes.

There has been a lot of work done on mitigation, finding ways to reduce carbon emissions, while not as much work has been done on adaptation. The coastal zone will be the first area to be impacted. Some infrastructure can be relocated, while some will need to be protected in place, for example the airport. When thinking about how to protect the ocean, beaches, and the shoreline, MACZAC should also consider climate change.

IV. Hawai'i Coastal Zone Management (CZM) Program Report

Justine Nihipali, CZM Manager, provided a CZM Program Report highlighting the following:

National Initiatives

National CZM Program Funding

For FY 2020 (July 2020 – December 2021), the CZM line item received an increase in appropriations at the national level.

Hawaii CZM Program

- 9 of 11 (2 are 0.5 FTE) positions staffed (1/2-time Project Analyst)
 - CZM currently has one Project Analyst vacancy and will start recruiting.
- 1 intern position
 - The graduate intern position has been filled.
- CZM Website updated periodically (<http://planning.hawaii.gov/czm/>). Working on improving communications for consistency and currency. Analyzing existing website to make it more efficient and streamlined.

Section 312 Evaluation

- Received draft findings from NOAA's Office for Coastal Management (NOAA-OCM) on May 10, 2019. Responded to NOAA for clarifications on June 6, 2019 and received final findings on August 1, 2019. Received amended final findings December 3, 2019.
- Received five notes of accomplishments for recommendations and one necessary action.
- The December 2019 amendment clarified the due date for the necessary action.
- CZM Staff contact is Debra Mendes

Section 309 Assessment and Strategy

- CZM is drafting a new 5-year Section 309 Assessment and Strategy (2021-2025) and has conducted stakeholder and public input via the ORMP update process.
- MACZAC member Sue Sakai, will be requested to review updated strategy, and Phil Fernandez has offered to assist as backup.
- CZM Staff contact is John Nakagawa

Routine Program Changes

- CZM submitted a formal review to NOAA-OCM in March 2019. NOAA confirmed receipt of the request April 9, 2019. A decision on the request was approved May 16, 2019 and was published in the Federal Register and became effective June 14, 2019.
- CZM Staff contact is Shichao Li

Ocean Resources Management Plan (ORMP)

- A joint ORMP Council/Working Group Meeting was held on May 22, 2019 providing an overview of the proposed ORMP process.
- Conducted statewide public meetings concurrently with online survey.
- Distributed report back via email and Facebook on November 18, 2019.
- Conducted Working Group Meeting on October 3, 2019.
- Contractor, PBR Hawaii, conducted stakeholder interviews September, October, November.
- A joint ORMP Council/Working Group Meeting was held on December 5, 2019 requesting approval for 3 proposed focus areas: Development and Coastal Hazards, Land-Based Pollution, and Marine Ecosystems.
- Current ORMP available on-line at (http://files.hawaii.gov/dbedt/op/czm/ormp/ormp_update_reports/final_ormp_2013.pdf)
- CZM Staff contact is Melanie Lander

Phil Fernandez, MACZAC member, noted that the MACZAC Managed Retreat PIG, formed at the May 10, 2019 MACZAC meeting, requires that PIG members interact with and monitor activities of the ORMP Council and the Climate Change Mitigation and Adaptation Commission. Mr. Fernandez would like to explore ways to operationalize this responsibility.

Coastal Non-Point Pollution Control Program (CNPCP)

- Five remaining Management Measures (MMs) and one Administrative Element (AE)¹ require approval by NOAA/EPA: (1) Roads/Bridges/Highways (3 MMs remaining); (2) On-Site Disposal Systems (OSDS) (1 MM remaining); and (3) BMP Monitoring (1 AE remaining)
- Working with DOT, DOH, Counties (planning departments, public works departments) on completing the above Management Measures
- Information on the CNPCP can be found on-line at (<http://planning.hawaii.gov/czm/initiatives/coastal-nonpoint-pollution-control-program/>)
- CZM Staff contact is Debra Mendes

Climate Change Adaptation

- Office of Planning Director and CZM Program Manager serve as Commissioners on the Climate Change Mitigation and Adaptation Commission
- The Climate Commission held a meeting on October 21, 2019 at the DLNR Boardroom. Legislation Priorities, Climate Equity, and Transportation PIGs were dissolved, and the report is on the Hawaii Climate Change Mitigation & Adaptation Commission website (<https://dlnr.hawaii.gov/wp-content/uploads/2018/12/OCCL19-Hawaii-Climate-Change-Rpt-FY18.pdf>).
- The Climate Commission voted to support a sea level rise program. CZM raised concerns of overlap with CZM's role but also with proactive work at the county level. CZM's vote was with reservations.
- The **next meeting** will be held April 15, 2020.

¹ The CZM Report to MACZAC dated 05/10/2019 erroneously reported three remaining Management Measures.

- CZM is providing a small sponsorship for conference videography.
- CZM Staff contact is Justine Nihipali

Coastal Hazards

- Section 309 Coastal Hazards Strategy for the *Probabilistic Tsunami Design Zone Mapping* contract for the high-resolution mapping for the island of Oahu was completed September 30, 2019. Currently in procurement for Maui Island (Phase I). Also preparing for a response to the project of special merit funding cycle due January 15, 2020 for Maui (Phase II) and Kauai Island (\$250,000).
- *Updating the Hawaii Historical Shoreline Database*: Coastal erosion mapping is underway for Maui and has been completed for Kauai. Training workshops were conducted with County of Kauai, Planning Department on July 16, 2019 and October 10, 2019. CZM Staff contact is Shichao Li

County CZM Projects

- Maui County was provided resources to update its Public Access database. Work has been completed and final editorial steps are expected prior to public launch.
- Kauai County was provided resources to update its Public Access database as well. To be completed June 30, 2020.
- DPP was provided resources to update its aerial seawall imagery database. To be completed June 30, 2020.
- Executed contract with County of Hawaii to support Phase I of the project; *Analysis to Establish Research-Based Shoreline and Riparian Setbacks*

Other Initiatives

- Greenhouse Gas Sequestration Task Force. Two projects have been completed and CZM staff continues to support one project to meet objectives of Act 15, SLH 2018. The most recent meeting was held November 14, 2019. CZM Staff contact is Justine Nihipali.
- South Shore Promenade – Proof of Concept Study. CZM received a preliminary report from the contractor in March 2019. A final report is expected in April 2020. The 3 catalytic sites are: (1) Ala Wai area, (2) Keehi Lagoon area, and (3) Richardson Field/Pearl Harbor Regional Park. CZM Staff contact is Josh Hekekiea.
- Hawaii Congress of Planning Officials (HCPO). Office of Planning is hosting HCPO in the fall of 2020 in partnership with the American Planning Association (APA), Hawaii Chapter, and will be seeking support from planners in other state agencies.
- CZM Program is involved with a number of external groups and activities:
 - Coral Reef Initiative Working Group (DLNR-DAR)
 - Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council
 - Hawaii Invasive Species Council (HISC) and HISC Resource Committee
 - Coastal States Organization
- Continue to review environmental assessments/environmental impact statements to ensure CZM objectives, policies, and initiatives are considered

Chair Thompson noted that we are living with the decisions and mistakes of the past, but with today's rules and regulations it is difficult to repair crumbling seawalls that are protecting existing roads and harbors. Dr. Bob Nishimoto, MACZAC member, added that he

is concerned that sea level rise is leading to increased salt levels in estuaries, leading to proliferation of invasive mullet species. Dr. Nishimoto is also concerned about fishponds around the state, which are our surrogate estuaries, being stocked with invasive species.

V. Election of MACZAC Officers

Chair Thompson nominated Mr. Fernandez as the new Chair, and Sue Sakai, MACZAC member, seconded. The motion was unanimously approved by all members present. Mr. Fernandez then nominated Jim Coon, MACZAC member, to be Vice-Chair, and Ms. Sakai seconded. This motion was also unanimously approved by all members present.

VI. Reports from MACZAC Working Groups and Permitted Interaction Group (PIG)

- Executive Working Group
No Report.
- Legislative Working Group
No Report.
- Retreat Working Group
Mr. Fernandez moved to dissolve the Retreat Working Group because the retreat outcomes of increased communication between CZM and MACZAC, increased public outreach, and better connection to county planners have all been met. Mr. Coon seconded the motion, and it was unanimously approved by all members present.
- Managed Retreat PIG
Ms. Nihipali recommended that members of the PIG work together to develop a scope of work and timeframe to encourage action and progress. Ms. Nihipali also encouraged PIG members to consider the recommendations of the Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas in Hawaii report throughout this process. Members of the PIG might want to consider how CZM can best support Managed Retreat efforts. Are there policies or guidelines that should be adopted? Ms. Nihipali favors informed policies, where the implications are understood. What technical studies could support any needed policymaking?

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

O‘ahu – Ms. Sakai discussed the following O‘ahu hotspot:

- A piece of Kamehameha Highway at Hau‘ula recently collapsed into the ocean. The problem with this area of O‘ahu is that the development is immediately adjacent to the road. This road is at the top of DOT’s list of threatened infrastructure. Ms. Sakai stated that this issue calls for managed retreat. Rich Brunner, MACZAC member, noted that there are also roads falling into the ocean on Maui. Mr. Fernandez added that there is a road in Kona with similar issues.

Maui – Mr. Coon discussed the following Maui hotspots:

- A lawsuit was brought against the County of Maui demanding that the mayor settle the Lahaina injection wells case which is being heard by the Supreme Court. The County Council wants the case withdrawn because they are afraid of weakening the Clean Water Act.

- West Maui had 25,000 acres burned by fires in 2019. A large area of the Pali hillside was burned, and there is concern that rain will lead to massive levels of runoff, leading to nearby coral reef degradation.
- Molokini does not have enough day-use moorings to accommodate all the tour boats that visit daily. There are 42 companies that have permits to access Molokini and only 12 moorings.

Lāna'i– Nick Palumbo, MACZAC member, discussed the following Lanai hotspot:

- The Waia'ōpae fishpond on Lāna'i is filling up with mud and is going to end up a mud terrace due to stormwater runoff.

West Hawai'i – Mr. Fernandez discussed the following West Hawai'i hotspots:

- User conflicts are starting to occur at Kahalu'u Beach in Kona because there are too many surf schools competing for space. DLNR-DOBOR will be taking over regulation of surf schools in the area from Hawaii County and there will be a limit of 4 permitted surf schools.
- The manta ray dive industry is also in the process of being regulated by DLNR, due to user conflicts and overcrowding. The rule will limit the number of buoys allowed to be used at one time.
- There's a federal rule being proposed that will prohibit boats from approaching within 50 yards of Spinner dolphins. Many of the tour companies that Mr. Fernandez approached are unaware of the new rule.
- Mr. Fernandez suggested that the Kaloko-Honokōhau fishpond restoration efforts be added to the MACZAC Hotspot Map, and the group agreed.

Statewide – Rich Brunner, MACZAC member, discussed the following statewide hotspot:

- DOBOR removed waste oil facilities from all harbors statewide.

VIII. HCPO Report of Findings and Recommendations

Mr. Coon shared that he went to Lāna'i on an HCPO mobile workshop and was impressed with the efforts being made there to reduce the feral cat population in order to protect endangered Hawaiian petrels and shearwaters. Mr. Coon also stated that the conference offered a valuable opportunity to interact with planners from across the State.

Mr. Fernandez noted that there were several sessions at HCPO focused on sea level rise and managed retreat. It was suggested during one of the sessions that managed retreat be rebranded as strategic relocation, to increase public acceptance.

Mr. Fernandez also recommended that it would be helpful to have a session at the next HCPO about what MACZAC does and to share some of MACZAC's successes.

IX. Public Input

No public input was given.

X. New Business

The next MACZAC Quarterly Meeting will be held March 6, 2020.

XI. Adjournment

Chair Thompson adjourned the meeting at 11:56 am.