

## MACZAC October 2013 Meeting

### Maui Marine and Coastal Hotspots

Lahaina Harbor- There are going to be 72 cruise ship days for the 2013-14 season, hosting 3 fishing tournaments, Bi-annual Vic-Maui, and Labor Day Race. One of the attractions to Lahaina Harbor is its openness and one of its biggest pitfalls is its openness creating a security problem. Because the dock used for cruise passengers is also a fuel dock trash cans are not permitted on the dock creating a litter issue. The trash cans in the area are serviced by Lahaina Restoration Foundation, a 501(c)(3). The relatively new comfort station is locked at times when passengers are in the harbor area daily. Many of the dock boxes and kiosks are not conforming in size creating haphazard appearance. The harbor needs some real attention to maintain itself as a marketable destination. The Lahaina Restoration Foundation is a 3 year plan to improve accessibility by pedestrians and once again focus on the cultural significance of the area and the adjacent harbor remains to be an eye sore. A proposed solution would be a small increase in cruise ship passenger fees of \$0.50 to build reserves to improve the harbor appearance. Tuesday October 22<sup>nd</sup> power went out in the harbor as of now, Thursday the 24<sup>th</sup>, power is still out. Power outage is due to damage from March 2011 tsunami; relief funds are no longer available for repairs.

There is no channel marker buoy maintenance program for State aids to navigation; reactive not proactive. When a channel marker buoy breaks loose it drifts aground becoming a hazard to the reef and to navigation. A solution to this would be to mimic USCG frequency of maintenance of aids to navigation.

The Lahaina Harbor Advisor Committee is opposed to a number of issues proposed in the Sanctuary. 1) Speed limit in the Sanctuary citing that the present laws are working, more emissions from boats designed to run at higher speeds. 2) HIHWNMS wants steeper fines for unavoidable approach violations. 3) Absent voices seem to be loudest on the issue using research data from right whale of New England to create solutions to the humpbacks of Hawaii. 4) The sanctuary was initially sold to the public as a single species sanctuary and that it would remain that way.

Residential gray water program; the injection wells on Maui are not working as they had hoped; more resident time before finding the sea. Has the DOH looked at what other dry states are doing with residential gray water so less water is being sent to treatment plant?

Mala ramp is slated for demo and reconstruction. It seems that the users were never really involved in the planning part of the closure. Complete closure is needed to make a timely repair.

Maui Nui Marine Resource Council Coral Reef Recover Plan is seeking a County resolution. Beach cleanup at one of the recovery sites has yielded quite a list of stuff.

September 21 2013 Oluwalu beach cleanup. Approximately 0.1 mile of shore line with 18 man hours.

Bio hazardous Stuff:

669 cigarette butts

105 pieces of used toilet paper

10 piles of human feces - yeah (there was a whole bucket full in one area)

8 piles of rotting food (old pizza, eaten chicken carcass, eaten sea urchins)

9 batteries

6 tampons

3 syringes

6 used diapers

Large items:

2 fishing nets

8 meters of rope

4 Appliances

1 mattress

7 car parts

14 construction materials

1 Tire

Other Trash

322 Metal bottle caps

111 Plastic Bottle caps

62 Forks, Knives or Spoons

22 plastic bags

5 meters of fishing line

Total of 121 food wrappers and containers

Total of 40 "Other" pieces of plastic (like rubber bands, foam packaging etc.)

2 Fireworks

<http://www.lahainanews.com/page/content.detail/id/509844/Mayor-explains-goals-for-Pali-to-Puamana-Coastline-Park.html?nav=19>

## Mayor explains goals for Pali to Puamana Coastline Park

October 24, 2013  
Lahaina News

WEST MAUI - The proposed Puamana to Pali shoreline park is a puzzle with missing pieces; its vision has been blurred over the years by multiple studies, defining, redefining and delay.

The concept has been further fractured by the various project names it has been designated, including beach park, parkway and road realignment.

Mayor Alan Arakawa has been championing the concept of a coastal parkway since the mid-1990s, and he now refers to it as the "Pali to Puamana Coastline Park," a softer, more acceptable approach.

The goal is to establish an eight-mile open space preserve along State Highway 30 to protect the shoreline environment.

Mike Foley was the director of the Maui County Planning Department during the first Arakawa Administration (2002-06). He is currently president of the Makawao Community Association, board member of Maui Tomorrow and member of Hawaiian Island Land Trust's Maui Advisory Council.

He is a longtime advocate of the concept.

"This project is an important vision to promote, because it is an extraordinary opportunity to create a continuous, eight-mile-long open space at the entrance to West Maui," Foley said.

"The Pali to Puamana Parkway," he continued, "will protect ocean access for fishing, surfing, picnicking, snorkeling and diving while providing an eight-mile-long bike path and amazing ocean views."

The first piece of the parkway was the purchase of 100 acres between Ukumehame and Olowalu by the county in 2004 for \$4 million.

"The 100 acres is the entire coastline area," the chief executive of the county told the Lahaina News in a recent interview.

"The county bought the land in my last administration in anticipation also that when the state moved the roadway further inland, we would have a corridor that they could utilize," the mayor explained.

The state has not acted on that option. Instead, it continues to shore up the coastline with the installation of costly seawalls and revetments that appear to fail.

"All the repairs that they are doing now along the coastline - again, this would be a more temporary type of cure, because long-term the idea was to move the road inland," the mayor advised.

"The idea is to move the highway inland and let nature take its course along the shoreline. In the community plan and in the general rules, what we've said is we don't want to harden the coastline because of the erosion factor; it creates an abnormal batter that effects the coastline," he added.

The image of a contiguous coastline park was practically abandoned before the ink dried on the drawing board.

"Before that (the purchase of the Ukumehame land)," Mayor Arakawa explained, "we actually had an option to purchase Olowalu, but we (the county) messed that up. The 880 acres in Olowalu that we could have purchased for eight million dollars - that opportunity was lost.

"But the developers of the Olowalu project," the mayor noted, "have been working with us to try to create, at least, a large portion of a contiguous coastline park."

The third piece of the puzzle, however, is intact.

"The last part we're trying to acquire now is the Puamana to the Solid Waste Transfer Station section; the last segment we need to create the Pali to Puamana Coastline Park," Mayor Arakawa said.

The County Council's Budget and Finance Committee, chaired by Mike White (Makawao, Haiku, Paia), is considering the administration's proposal to purchase the 184 acres from West Maui Land Inc. for \$13 million.

Approval of the purchase was deferred, White announced in press release issued following a Sept. 15, 2013, committee meeting.

While he supports the purchase of open space for future generations, he questioned the methodology of the appraisal.

"An appraisal that was presented to the Budget and Finance Committee," he noted, "was fundamentally flawed, and its assumptions were dictated by the administration, instead of using industry best practices.

"It is vital that when spending taxpayer funds, we are doing so in a diligent and accountable manner. It would be highly irresponsible to move forward on a \$13 million land purchase without appropriate due diligence."

West Side Councilwoman Elle Cochran agrees with White on this matter.

According to Cochran, the committee deferred on Oct. 15 as well, pending receipt of a revised proposal.

"There is no question that this land will be a great benefit for the community. I would love to see this land owned and preserved in perpetuity as open space for the residents of Maui County; however, I do not feel that the asking price has a fair assessed value, due to information that has been shared and discussed during open session," Cochran said.

"It is our job as public servants to protect taxpayer dollars and spend them in a conscientious manner. I want to ensure fiscal responsibility here, and it is my hope that a new appraisal will be objective, evenhanded and more reasonable than the deal currently on the table."

Cochran offered a suggestion: "It would be amiable for the developer to consider donating it to the county for the purpose it is intended.

"It would be a show of good faith for the many returns obtained by this developer over the years, due to community endorsement," she said.

In the meantime, the county has a Dec. 31, 2013, deadline to accept the offer; otherwise, the developer walks away from the table.

(Next week, in an interview with Mike White, more details about the proposal.)

## Does the state's new \$7 million seawall at Ukumehame work?

October 17, 2013

BY LOUISE ROCKETT , Lahaina News



WEST MAUI - The emergency repair of a 4,000-foot section of Highway 30 along the shoreline at Ukumehame cost taxpayers approximately \$7 million. It was completed in 2012.

"Work included installation of rock revetments and a concrete retaining wall that provides stability to the highway and additional resistance to beach erosion from wave action," explained Derek R. Inoshita with the state Department of Transportation's Public Affairs Division.

With waves breaking into and over the concrete Jersey barriers almost daily - some days are worse than others - the question is whether or not the fix works, or is it failing?

### Article Photos



Waves routinely crash over the new seawall on Honoapiilani Highway at Ukumehame and puddle water on both lanes. West Siders are concerned about safety for drivers and the \$7 million project promoting erosion in the area.

According to Inoshita, "The retaining wall and rock revetment shoreline treatment was designed to keep the wave energy from eroding the shoreline and undermining the roadway. It is holding well, and the shoreline has been stabilized," he said.

"The occasional splashing over the wall occurs when there is a combination of high tide and high swell, but it does not cause ponding on the roadway surface. The road was also widened further mauka with wider paved shoulders."

On Thursday, Oct. 3, three intrusions onto the roadway over Jersey barriers were observed in the area. Cars were hit by the wave action, and water pooled across the highway onto the mauka shoulder.

Wahikuli resident Blossom Kawahara described the experience: "I just drove back from Kahului, and I don't know if there's a super high tide or what. Seems to me waves were crashing over the wall all over the highway, not just Ukumehame but down the strip," she said.

"The county or state should put up a sign warning about the surf and sand crashing over the wall. I have seen people swerve over to the oncoming traffic to avoid the waves," she added.

"Do you think that's safe?" Kawahara asked.

A county official confirmed the situation in confidence, "It even happens at low tide."

West Side resident Donna Brown travels the highway to her job at the University of Hawaii Maui College, where she is coordinator of the Marine Option Program. She also serves as a representative on the Marine & Coastal Zone Advocacy Council.

"At the last meeting (of the council), I brought the concern up. First off, when they were building that whole thing, I was concerned about all the mud and dirt that they were making; it was smothering out the marine life," Brown said.

"Also, I was concerned about whenever you harden the shoreline," Brown continued, "it will destroy the beach, but the beach was already gone there. What it will do is, it will disrupt the sand transport down the coast. It's gonna exasperate other areas, too.

"What they're doing is putting one (Jersey barrier) after another in. My concern is that every time they put another one in, they're gonna have to put another one in down the way. I'd say, within the next few years, the whole beach is going to be completely gone. That's my big concern."

Like Kawahara, she is worried about public safety, "with water coming across the road," she warned.

Brown was a witness to the construction of the emergency repairs.

"When the DOT came in and they repaved the road, they widened the shoulder. When they widened the shoulder, they paved right over the sand in some areas. I have pictures," she advised.

"They put gravel down, and they paved right over the beach. That was only a few months ago; and already you can see where the waves come up... then they scour the sand out, and now there's a big drop-off there. They just widened the road with asphalt right over the sand, right over the beach," she observed.

Dr. Chip Fletcher of U.H. Manoa warned the community about this situation in a study published in 1992.

Today, Dr. Fletcher is of the same mind.

"The DOT is allowed to declare an emergency to go in and protect the road with seawalls. It would be better if they moved the road. They've been talking about moving that road for 30 years, and they haven't been able to work it out," he said.

"Erosion at Ukumehame is extremely bad," he warned.

"We're dealing with a situation that is bigger than us. It has gone from how do we manage this beach to how do we manage this road? We haven't done a very good job since the very beginning," he continued.

"Sea level has been rising around Hawaii for over a century. When sea level rises - and with a road along a coast - you have a certain fate in the future that is not hard to predict.

"Now, if we had acted upon the obvious prediction," Fletcher continued, "that rising sea level is going to erode the beach and start to damage the highway - if we had acted on that in an orderly, coherent manner - we might have been able to move that highway."

There are options, Fletcher said.

"If you can't move the highway, you will have to raise the highway. One way to raise the highway is actually to make a low bridge it could probably only need to be five feet high you would have to drive pilings down into the fossil reef that's there and put a roadbed on top," he said.

"It needs to be an elevated road, so that erosion can continue right underneath it. Waves can continue right underneath it, and it won't interfere with access on the road. Eventually, that road will become a causeway; 50 years from now, it will be 60 feet, 100 feet out to sea," the U.H. geologist predicted.

Mayor Alan Arakawa has also been working towards a permanent fix since his first term in office (1994) as a member of the Maui County Council, and he has been acting on that vision for the past 15 years.

"The county bought the land (100 acres in Ukumehame) in my last administration in anticipation that when the state moved the roadway further inland, we would have a corridor that they could utilize," the mayor said.

"What we are trying," the county chief executive envisioned, "which should be evident to everyone, is trying to create the Pali to Puamana Coastline Park... a long-term vision. It is not the five-year plan and it's not the ten-year plan; it's the 50-, 100-, 200-year plan.

"What do we do? Do we keep our head in the rapidly disappearing sand, or do we, as a community, make a collective plan?"

Fletcher had a suggestion.

"You need a community leader," he said. "It doesn't have to be an elected official. It could be a community leader; someone with the sort of personality that brings people together to solve the problem," he commented.

Next week: Update on the status of the Pali to Puamana Coastline Park.

# **MACZAC Mtg Oct 28, 2013**

**by Dr. Craig Severance**

## **East Hawaii Hotspot Issues**

**Papaikou Beach access** is heating up again. The County wants to apply Emminent Domain, and purchase the trail and access to the beach below the old Mill. An appraisal of the trail property has been made. The landowners claim to have built the trail and do maintain it allowing daytime access. Other's claim the trail was already there. A second access point was to be kept open but a lessee farmer has closed it. A Community meeting on the issues with a councilperson and Corporation Council was held Oct 23. 100 + folks, many with red and white armbands were demanding 24 hour access. Emminent Domain is a slow process! This case has implications for State law and County ordinance.

**Waiakea Public Fishing Area.** There have been many complaints about user conflicts between fishermen and stand up paddleboarders and kayakers. HDAR Administrative rules changes hearing was held on Oct 24<sup>th</sup>. 20 + people came out: all testimony in favor of keeping kayaks and standup paddleboards out of the fishing area, which is above (south of) the humped 2 part walking bridge. This is a long standing fishery and there is no other place to regularly fish mullet during season. Many of the fishermen are elderly and this is important for them. Paddleboarders and kayakers still have the rest of the river and the bay. I think these conflicts will only intensify in the bay. There was some post hearing discussion of arsenic in Wailoa estuary sediments.

**University of Hawaii Hilo and NERRS selection Process.** The Hilo Muliwai Hui group has accepted the state's decision to go with HIMB, and they are not willing to raise major concerns about the process. They want to move on and they want to be able to work with state agencies and NOAA on other projects and activities. In my personal view, they were disadvantaged from the beginning. Their initial "proposal" was not thought of by them as a full proposal, but as a kind of stopgap and something brief to give NOAA some idea of the site and the ongoing activities of UHH that could contribute to a NERRS designation.. That draft was written in about a day, once they were encouraged by NOAA to apply. It is the one reviewed and scored by the evaluation committee. They submitted a much expanded and better draft by the second deadline and focused on preparing for the NOAA site visit. They believe that they had a strong candidate site and strong community interest and support, as well as an already established research infrastructure. My hope is that the evaluation committee results were not used by the site selection committee, and that both sites were given open, fair and equal assessment.

If there is a lesson here, it may be that better communication and outreach between all sides (potential applicants, OSP outreach, NOAA) is needed from the beginning, before there is any similar process of project or site selection.

<http://hawaiitribune-herald.com/sections/news/local-news/papaikou-beach-trail-acquisition-advances.html>

12:05 am - October 20, 2013 — Updated: 12:06 am - October 20, 2013

## Papaikou beach trail acquisition advances



HOLLYN JOHNSON/Tribune-Herald

Fencing and barbed wire keep fishermen from another access point to the beach near Mill Road in Papaikou.



HOLLYN JOHNSON/Tribune-Herald

Fencing and barbed wire keep fishermen from an access point to the beach near Mill Road in Papaikou.

By TOM CALLIS

Tribune-Herald staff writer

Hawaii County now knows how big of a check it may have to write for placing the Papaikou Mill Beach trail into the public's hands.

An appraisal finished last week pegs the private path at a value of \$28,500.

But before the county moves ahead with offering a deal — and taking possible court action — to create a publicly-held right of way, it may also have to deal with another shoreline access issue on the same property.

The land offers the only shoreline access for the community, mainly through a path maintained by property owners Jim Waugh and Charlene Prickett with some restrictions. The land ownership, as well as expectations for access, has created tension between the owners and residents.

Last November, the council voted to authorize the county to use eminent domain if necessary to acquire the path after residents spoke against the landowners' control of it. The appraisal is seen as the first step in that process.

On the far side of the property, down a separate private road, a path used by fishermen has recently been blocked off, one resident told the Tribune-Herald, and he is hoping that the county can again come to their aid.

The path runs through private property, which is clearly marked, but Kalani Lyman said residents have long been able to access it through a gate.

That gate has been kept locked for the past two months, he said.

Lyman said Waugh and Prickett own that property as well but lease it out.

That area is being used to raise chickens, and on Thursday one of the lessees drove down in his truck to tell him he wasn't welcome.

In a confrontation highlighting the tension between property rights and public access, the man, clearly angered by his presence, shouted several expletives, and threatened to call the police for trespassing. Lyman calmly got into his own truck and drove back to Highway 19.

He claims he has a verbal agreement from the owners to allow access. Waugh and Prickett were off island Thursday and Friday and couldn't be reached for comment.

"We got to fight this all the time," Lyman said.

Hamakua Councilwoman Valerie Poindexter said she is aware of that issue and plans to do what she can to secure public access for that path as well.

Poindexter said she will be discussing it and the Papaikou Mill Beach trail at a meeting at 7 p.m. Tuesday at the Papaikou gym.

"That is the next (issue)," she said.

"I've already notified our corporation counsel who will be attending the meeting with me."

Asked if that matter could result in an eminent domain action, Poindexter said, "At this point I'm not really sure."

"If it turns into that, then we will go ahead," she added.

OCTOBER 26, 2013 from Rhoda Makaanani Libre



Aloha,

Other issues to submit from community complaints filed to watershed council by aha kupuna council, native Hawaiian practitioners, n regional lineal n cultural descendants as well as ahupuaa constituents.. Native habitat continues to decline to less than 5 percent . Increase of dead zones in kona moku is extreme to emergency conditions. Reef integrity constantly defiled. Request recommendations from advisory.



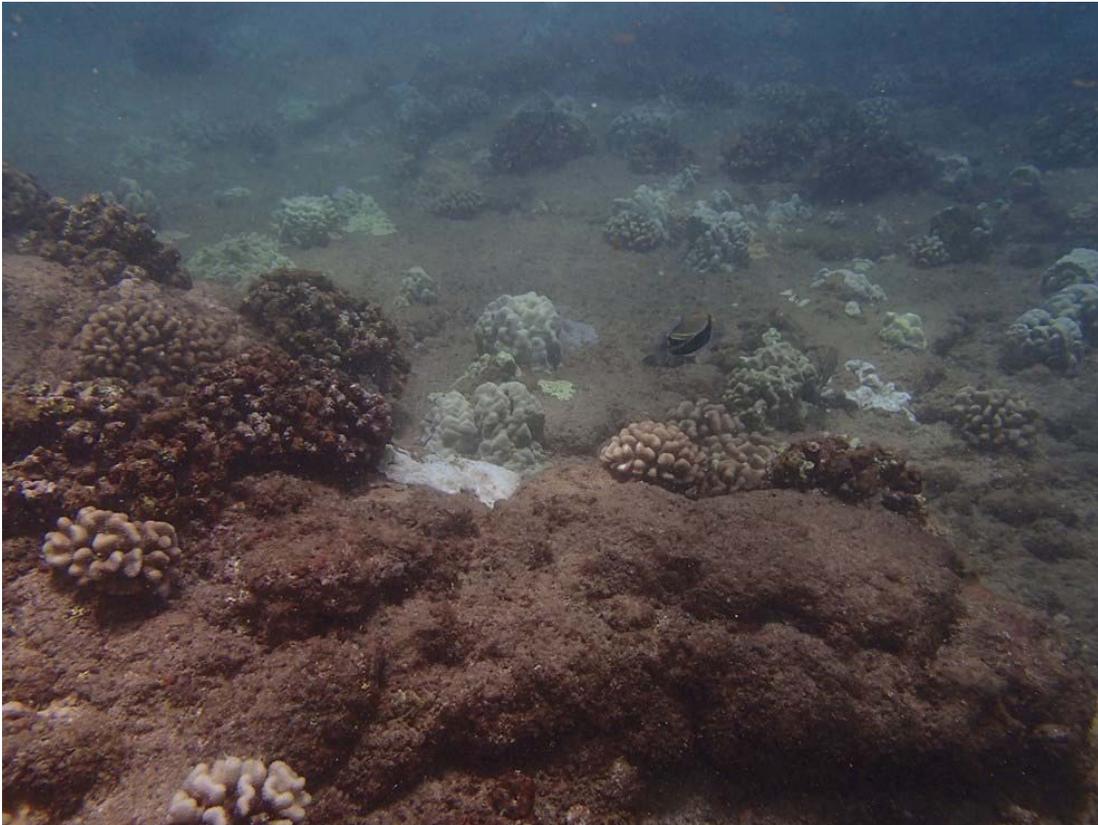
Sacred fishery nurseries .. Reported 12 rafts n boats n catamarans with scuba n snorkel tour in one sitting 2-4 hrs.. Illegal moorings n killing habitat n practices.. No respect.. Human safety n food tainting concerns.. Dumping n Chumming n over 100-200 people in water.. awaiting adoption of cultural rules n fines. Daily n nightly intrusions .. Dar is attempting to increase these illegal n unwanted operators n permits after the fact.  
Interrupting native practices n reef damages

Electric daily leaf catcher sifts every 15 minutes the increased 95 percent take river diversion killing all life n oopu stocks n destroying migration patterns .. Death trap for all biota.. Impacting reef native species habitat n integrity of coastline n migration..O 'OPU





Pesticide dust my village, carpet reefs n coastline n tide pools . Submerged pipes n ocean dumping of GMO company Dow... EPA n Earthjustice consulted.





Wetlands dumping n water diversions kill native anthropoids n endangered species n DOT builds road n fills in with foreign sand creating non point source run offs to reefs..



Military warships anchor on reef n come ashore without customs or TSA or harbor master approvals again.. Security, Fisheries poaching n coral reef concerns



Commercial running shoreline n reef rampant n creating erosion n disappearing shells, rocks, .. No permits, no zones, no community input, no management plan. Infringing upon historic practices, sites, food gardens n native stewards n makaainana... Highest cultural violations against indigenous peoples n regional descendants.. Dobor kauai chief ignores n blames Dar chief n now am working with new director n Mr Aila on remediation for these horrible issues.. Protest march planned for each month n human barrack demonstration to protect the kona moku fisheries n nurseries n practices n sites n foods.

A list of violators have been compiled n their subsidiaries n other outside unpermitted or licensed companies n individuals n sent to EPA, state n nho for assistance... Dlnr kauai has been ineffective but seem to b increasing community conflict n environmental n cultural damages... Traditional commercial n military traverse 3 mi out... ..the emotions are very high n aggression on the part of operators have been pushing this culture to the brink n damaging the westside as a whole.

I apologize for the length.. Mahalos for ur time.. Kauai appreciates your action. Hope to see all of u very soon...Malama Pono a me Iesu pu...

Makanani

Maczac - Kaua'i( kona moku ) rep.