

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

Wednesday, June 12, 2002  
9:30 a.m. – 4:00 p.m.  
J. Walter Cameron Center Auditorium  
95 Mahalani Street  
Wailuku, Hawaii

**MINUTES**

**Members Present:** Lawrence Aki, Donna Brown, Mary Cabuslay, James Coon, Arnold Lum, John Ray, Susan Sakai, Scott Sullivan, Ron Terry, Ph.D., Donald Thornburg

**Members Absent:** Roland Sagum III, Kevin Seiter

**CZM Staff:** Christopher Chung, Christina Meller, Lynn Nakagawa, Ann Ogata-Deal, Deputy Attorney General Russel Tsuji (filling in for John Chang)

**Others Present:** Kelly Arbor, Office of Council Member JoAnne Johnson; Dale B. Boncer, Maui Coastal Land Trust; Claire Cappelle, Hawaiian Islands Humpback Whale National Marine Sanctuary; Harry Eagar, The Maui News; Jill Enzlidor, Hawaii Community Foundation; Liz Foote, Project S.E.A.-Link; Rochelle Forvilly, concerned Lahaina resident; Barbara Guild, Sugar Cove; Tammy & Isaac Harp, Na Makua O Maui; Ginny Karpovich, Blue Ocean; Dave Mackwell, Kihei Community; Robin Newbold, Project S.E.A.-Link / CRN; Matt Niles, Maui Planning Department; Zoe Norcross, Sea Grant; Dave Raney, Sierra Club / Reef Check; Glenn Shepherd; Thelma Shimzoka, OHA – Maui; Daren Suzuki, Maui Planning Department; Kupuna William Waiohu, Jr., Na Kupuna O Maui

**DISTRIBUTED MATERIALS**

- Meeting Agenda
- April 24, 2002 Meeting Minutes

**Call to Order**

Chair Sakai called the meeting to order at 9:43 a.m. and introductions were made by each of the Advocacy Council members and members of the audience. No public announcements were made.

**Approval of April 24, 2002 Meeting Minutes**

Chair Sakai moved to approve the minutes for the meeting of April 24, 2002. The motion was seconded by Lawrence Aki and unanimously approved.

### **Coral Reef Initiative Project – Project S.E.A.-Link**

This item was moved up from Section VIII. (Public Participation) of the agenda due to presenter's time constraints.

- Presentation – Liz Foote, Project Director, provided a presentation on the three areas of focus of Project S.E.A.-Link's Coral Reef Initiative Project: the development of REEF, Reef Check, and various education programs. For each program she summarized what was done, the findings, and recommendations, for what future direction should be taken in the community, which included concepts for seminars, surveys, and data management. The third area of focus, education programs, covered four main areas: K-12 classroom visits, the High School Naturalist Program, teacher education, and a web-based curriculum. She offered her email address, [lfoote@maui.net](mailto:lfoote@maui.net), as a resource for comments or questions.

### **Beach Nourishment Project on Maui**

- Presentation – Matt Niles from the Maui Planning Department provided a presentation on the development of a process to address shoreline erosion, which is a significant problem on Maui. The best approach based on restoration and protection, is to prohibit development by complying with Maui County's existing shoreline setback regulations. The problem is that these regulations fail to incorporate coastal erosion data. New proposed shoreline setback determinations will be based on the findings of the County of Maui's Shoreline Mapping Project. However, most of Maui's beaches have already been developed, which has resulted in the Beach Nourishment Project that entails adding sand to eroded beaches. Mr. Niles then turned the floor over to Barbara Guild of Sugar Cove, to share their success story of the Beach Nourishment process in Sprecklesville. Ms. Guild encouraged continuance of this project, citing that studies have shown that no damage has occurred to the natural environment as a result of this process. Sugar Cove received a prestigious national award from the American Shore and Beach Preservation Association for their restoration efforts. Sugar Cove is now facing difficulties in the process of adding sand to their beach. The sand comes from dunes located in the center of Maui (blown in by tradewinds), but with the increased demand for this sand, which is now being barged to Oahu for use in producing cement, the prices has been driven up to a nearly unaffordable rate. Also, Sugar Cove has been stopped by the lack of certain permits, which they are now attempting to acquire.

### **CZM Hawaii Program Report / Legislative Report**

- Christopher Chung reported on the Ocean Resources Management Plan (ORMP) implementation. The schedule for ORMP events is as follows:
  - August – October 2002: Pre-Summit Community Meetings on Maui, Oahu, Hawaii and Kauai
  - November-December 2002: Prepare community results
  - January 2003: Legislative briefing
  - May 21-23, 2003: Ocean Summit

- July-September, 2003: Post-Summit ORMP Update Meetings
- October-November, 2003: Prepare report and updated ORMP to Legislature

Mr. Chung is currently negotiating venues and submit related Ocean Summit costs, developing sponsor strategy and package, outreach materials, and a recognizable image for ORMP initiative, and refining the Ocean Summit agenda. Suggestions from MACZAC island members is needed to determine best time of day to hold the meetings, meeting places that provide convenient public access and accommodate approximately 50 attendees, and get the word out to the public and constituents.

- Mr. Chung reported on Cumulative and Secondary Impacts. Ahupua'a/Watershed work with the Waianae Community is underway. A detailed strategy to develop a Ahupua'a/Watershed plan has been presented to key leaders assisting the Waianae Community. Using remote sensing data for the Waianae area, an Impervious Surfaces study, in cooperation with the National Oceanic and Atmospheric Administration's (NOAA) Coastal Services Center and Pacific Services Center, is being undertaken. CZM Hawaii is still awaiting approval for the use of Coral Reef Initiative funds from NOAA to undertake an Ecological Characterization study for the Waianae area. The next Waianae community meeting to present strategy is July/August 2002.
- Mr. Chung announced that CZM has been re-elected to serve on the Statewide Hazard Mitigation Forum. Information for public education on hazard preparedness can be found online at: [www.MotherNature-Hawaii.com](http://www.MotherNature-Hawaii.com). CZM has a deadline of November 2003 to complete a statewide hazard mitigation plan. The plan must be in place in order to receive funding for hazard mitigation projects.
- Mr. Chung reported that the final contract was sent to Kauai to provide funds to complete their County Hazard Mitigation Plan under the CZM Hawaii Hazard Projects. CZM will coordinate with the Big Island for similar mitigation funding on July 1. CZM will also be discussing the possible opportunities to complete Maui County's mitigation plan. Hazard Mitigation Workshops are scheduled for the Islands of Hawaii and Oahu in September 2002, to discuss ways in which the community can utilize Risk & Vulnerability information. Ann Ogata-Deal provided information on the Lava Flow Mitigation Committee of the Big Island, which has been exploring possible solutions, such as land use reclassification and relocation, for those communities in harm's way.
- Mr. Chung informed the Council of the following upcoming events:
  - Federal Consistency Workshop, Thursday, June 13, 2002 at Blaisdell Center.
  - 18<sup>th</sup> Annual All Island Coastal Zone Management Program Managers' Meeting, June 18-21, Tumon, Guam. In attendance will be Guam, Commonwealth of the Northern Mariana Islands, Hawaii, and American Samoa; invited guests include Virgin Islands, Puerto Rico, and other state, county, and federal partners.
  - Molokai Planning Commission Meeting, August 28, 2002 at 1:00 p.m. Will discuss CZM Hawaii Program and Chapter 205A revisions, per Act 169.
  - U.S. Coral Reef Task Force Meeting, October 2-3, 2002 in Puerto Rico.

- Ongoing CZM projects include: Cruise Ship Impact Discussions, Coral Reef Community Grants, Flood Map Modernization (currently advocating to legislators to find funding), GIS Assistantship Program (received funding), Ilconos Data Acquisition (satellite imagery), and other managed contracts such as TPL, NRCS, OHA, etc.
- No Legislative Report this session.

### **Working Group Reports**

- **Coastal Erosion** – Lawrence Aki reported on a proposed speaker series and hazard mitigation that the group discussed at their last meeting.
- **ORMP Implementation** – Ann Ogata-Deal noted planned events as reported by Christopher Chung under item IV (CZM Hawaii Program Report) of the agenda; Mr. Chung added that CZM is considering bringing in a public relations person to coordinate media coverage and to help bring in more attendees.
- **Water Quality** – John Ray noted that there is an upcoming University of Hawaii Conference on Water Quality that focuses on community involvement statewide. Protocols for water monitoring will also be discussed. Ginny Karpovich noted that there is a lack of follow-up after a project is approved. There should be a requirement for follow up studies. Chair Sakai recommended this issue as a possible new agenda item and recommended that Ron Terry be the designated representative for this issue. Ron Terry agreed, contingent on the availability of video conferencing, as inter-island travel is becoming increasingly inconvenient.

### **Old Business**

- **Sewer Lines Near Beach Parks** – This issue was taken back to the Hilo community. Ron Terry reported that the Department of Health (DOH) is finally starting to take this issue seriously. Christina Meller suggested that for follow-up, the Council should invite a representative from DOH to speak on statewide sewer line issues at the August MACZAC meeting.
- **Kailua Pier Improvements** – John Ray reported that the Land Board has approved going out to bid for contractors for the basic restabilization of the pier. Christina Meller noted that the Mayor's Office (County of Hawaii) called requesting background information about MACZAC. General information on the Council was sent to the Mayor's Office. Council removed this item from the agenda.

### **New Business**

- **Resolving Multiple Ocean Use Conflicts** – This on-going, statewide issue was brought to the attention of the Council by Ron Terry, so that Council Members could

decide whether or not they would like to add this issue to the agenda, considering the existing workload and agenda items. The issue is how to resolve conflicts created when different types of users (surfers, boogie boarders, wind surfers, kite surfers, kayaks, jet skiers, etc.) want to utilize the same area of ocean. Commercial tour boats constituted the biggest catalyst for conflict in this issue. Christopher Chung noted that this specific issue will come up when re-examining the ORMP. The Council decided that this issue would be left to the ORMP – Pre- Summit Meetings.

### **Public Participation – Open Discussion**

- Glenn Shepherd – An ongoing issue is Shoreline Certification where the surveyors who conduct the shoreline surveys are untrained and unqualified on beach process, beach dynamics, and morphology, and are often on the side of the developers. As a result, projects may be built too close to the shoreline and problems arise when the property is developed. Members of the public who decide to contest a Shoreline Certification by the State Surveyor do so at their own cost. Arnold Lum suggested that “another possible way to cut down on contested case hearing is to lobby the Legislature for an environmental advocate or work with the law school.” Mr. Shepherd does not feel that the existing statute and rules truly offer effective checks and balances, and that these problems need to be addressed by the responsible government agency. Chair Sakai responded that these concerns should be taken to the Land Board representative on Maui, and that Mr. Shepherd’s comments, as recorded in the minutes, will be forwarded to the responsible agency by Christina Meller.
- Kelly Arbor, Research Assistant, Office of Council Member JoAnne Johnson – Ms. Arbor expressed her concerns over the lack of oversight that the Planning Commission exerts over Environmental Assessments (EA), particularly in the case of a shopping center that is to be built over the Sacred Ali’i Pond area in Lahaina. In Hawaii, developers are required to provide EAs, and are thus responsible for paying the consultant involved. This can obviously lead to conflict of interest and bias on the part of the consultant, in favor of the developer. The EA statements should be thorough, done by an impartial body. Arnold Lum agreed, citing California as an example of a state who has found a solution that addresses this issue, by having developers contribute monies into a fund which is then allocated by the state to chosen consultant. Mr. Lum also noted that the solution to this issue is legislative; the current statute does not address this problem. Ron Terry and Sue Sakai suggested that citizens could try to convince the County to have scoping done early in the EA/EIS process to identify potential issues and impacts..
- Dave Mackwell, Kihei Community – Commenting on Shoreline Certification. There should be a coring done to establish shoreline, where you look at the layers of sediment instead of vegetation, planted by landowners and sprouted up over water and sand deposits.
- Dave Raney, Sierra Club / Reef Check – Mr. Raney pointed out particular issues that he would like the Council to be aware of, for example, remaining sensitive to Polynesian approaches such as the ahupua’a concept of considering all resources

from the mountain to sea. The Coral Reef Initiative is one of the entities that can be a part of the ahupua'a model. He also cited chronic over-fishing in the islands and a lack of local political will to address this problem, while the rest of the Nation is beginning to tackle this issue. He doesn't feel that over-fishing was addressed in the CZM management polices and objectives. He suggested the value of anticipating future direction/trends when developing the ORMP citing Hanauma Bay and the North Shore of Kauai as examples. How would a new proposed activity such a kite flying or a variation on eco-tourism affect resources? Don't just look at the first permit application asking for approval; consider the multiplication and ramifications of the activity island-wide, as the trend spreads. Having the laws are necessary but not sufficient, and it would be wise for the Council to explore why the legislation and policies passed 20 or 30 years ago have not accomplished what was intended. Some of the lack of success is in the fine details; part of it is in the lack of enforcement or in resources not being applied effectively. This Council has the ability to shine the flashlight around in some of the dark corners.

- Ginny Karpovich, Blue Ocean – Ms. Karpovich brought to the Council's attention the current conflict over three adjacent private beach properties in the middle of Maui's North Shore public beach park. One of the three landowners has already built his home, causing destruction to the beach and public access that locals have been using for generations for recreation and fishing. Disregard for regulation by the landowner was shown in photographs taken by Ms. Karpovich. She also felt that the Department of Land and Natural Resources (DLNR) has not monitored the situation, even though they had suggested a historical survey. This case is currently pending in court and Arnold Lum responded that this specific issue will resolve itself in court. Chair Sakai noted that there is a larger issue that needs to be addressed in similar cases. Matt Niles stated that recent changes with Chapter 205A should ensure that this does not happen in the future. Donna Brown expressed that it would be prudent to clearly identify the authority to whom these types of infractions should be reported to. The Army Corps, DLNR, and the Maui Planning Department Enforcement Division were all suggested by the Council to resolve the issue.
- Tammy Harp, Na Makua O Maui – Ms. Harp came to represent and express the concerns of Hawaiian residents of West Maui. Ms. Harp brought up many specific cases of concern, such as the Pu'upuha Cemetery, adjacent to the Lahaina Wharf, where the remains of Hawaiian ancestors are being unearthed by erosion of the shoreline sand dunes and the erosion of Malo Wharf Park. She also expressed concern over the growing interest in the Northwestern Hawaiian Islands for eco-tourism; she would prefer that access be restricted only to Midway, and for that to be strictly regulated as well. Ms. Harp's main concern is that through all of her years of environmental work, whenever she approaches a government agency to address her issues, she has faced a consistent and troubling pattern of each agency passing responsibility to another. This is not conducive to having the problems addressed and fixed. Chair Sakai responded that although these site-specific concerns that Ms. Harp is expressing are split in jurisdiction, some agency needs to take responsibility and address the problem. There needs to be an effective way to determine the responsible agency. Don Thornburg noted that there is a real problem in the State of Hawaii in getting funds allocated for land and resources; we are nearly the last state in spending per capita for these items, and yet we have an abundant source of monies.

Ms. Harp expressed appreciation at being able to finally find a group, with capabilities to effect change and willing to hear her concerns.

- Kapuna William Waiohu, Jr., Na Kupuna O Maui - Mr. Waiohu relinquished his allotted time to Ms. Harp in consideration of the lack of remaining time for this agenda item.

### **August Meeting Agenda**

The next meeting will be held on Oahu, on Wednesday, August 21, 2002.

- Arnold Lum brought before the Council the issue of the proposed Kuulei Cliffs Beach Park bike lane project at Diamond Head. This would entail a loss of 46 of the 97 parking spaces, which would create problems for the surfers at this popular surf break. Mr. Lum would like this item to be added to the August MACZAC meeting agenda, and suggested that the Council also invite a representative from the City to attend that meeting to explain to the Council why this project is not a good idea. Mr. Lum moved to amend today's agenda to include discussion of this issue. The motion was seconded by Ron Terry and unanimously approved. Mr. Lum then moved to have the Council send a letter to the City requesting that no further action be taken on this project until a representative attends the August Council meeting to answer questions. The motion was seconded by James Coon and unanimously approved. Mr. Lum will draft the letter on behalf of the Council and will forward the letter, via email, to Christina Meller and Sue Sakai, who will send it to the appropriate City office.

### **Sprecklesville Beach Nourishment Field Trip**

A Sprecklesville Beach Nourishment Field Trip was taken by Council Members to the Sugar Cove Resort. The trip was conducted by Barbara Guild of Sugar Cove.

### **Adjournment**

With no further business, the meeting was adjourned at 3:15 p.m.