

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

Wednesday, April 7, 2004
9:30 a.m. - 12:00 p.m.
State Office Tower, 6th Floor, Large Conference Room
235 S. Beretania Street, Honolulu, Hawaii 96813

MINUTES

Members Present: Don Thornburg, Susan Sakai, Scott Sullivan, Arnold Lum, Donna Brown, Jim Coon, Anne Sturgis, Ron Terry, Roland Sagum III

Members Absent: John Ray, Lawrence Aki

OP Staff: Mary Lou Kobayashi, Susan Miller, Christina Meller, Dawn Omoto

Others Present: John Chang (AG), Jason Broderson (Tetra Tech), Dean Watase (DOT Harbors), Paul Schwind (Land Use Research Foundation), Hudson Minshew (NRCS Water Quality), Leonard Young (DOA Aquaculture Development Program), Eric Hirano, Engineer (DLNR), Keikialoha Kekipi (Guest - Ho'oulu Lahui)

DISTRIBUTED MATERIAL

- Meeting Agenda
- January 21, 2004 Meeting Minutes
- DOBOR Rule Package
- Ferry Improvement Projects

Call to Order

Chair Susan Sakai called the meeting to order at 9:35 a.m. Council members, staff, and members of the public introduced themselves.

Announcements: None

Approval of January 21, 2004 Meeting Minutes

Motion was made to accept the minutes. The following amendments were suggested. Page 5 Coastal Erosion Working Group – Last two or three sentences should just be deleted. There is sort of a delay and the project won't be started until September. You can just say "The group will monitor a Waikiki beach nourishment demonstration project." Delete everything after that.

Minutes were accepted as amended.

Change in agenda order. First and second items under new business were discussed next.

Presentation - Sewage Issues at Manele Bay, Eric Hirano, Chief Engineer, DLNR, Land Division

Eric Hirano is the Chief Engineer in DLNR. There is federal transit administration (FTA) funds available for ferry operations. The existing ferry system runs between Lahaina Small Boat Harbor to Manele Small Boat Harbor, and to Kaunakakai Small Boat Harbor. There is \$5 million in FTA monies that is due to lapse on September 30, 2004. By April 30, 2004, we are going in with conceptual plans for design and construction. Manele alone is \$5-6 million in improvements.

Conceptual Plans:

- improving the entry at circulation roadways
- paving a parking lot for the ferry people to park
- build a new comfort station right across where the ferry docks
- include a new Harbormaster office or administration building
- putting in all the utilities
- new sewer pump station

There is a consultant to take care of the cesspool problem at Manele Bay. A contract is already in progress but, if the project goes forward, the cesspool project and consultant to work on the Lanai portion would not be necessary.

We will know if the project is approved by June 2004. The State would need to provide \$1.2 million in State matching funds and we need to seek approval from the Legislature.

Roland Sagum III asked about the status on Kikiaola Harbor, Kauai improvements. Eric indicated DLNR needs to comply with large capacity cesspool EPA regulations by April 2005. We currently have a consultant to address the situation at Kikiaola.

Public Forum

Keikialoha Kekipi of the Big Island, a member of a burial council. He is part of a Charter School in the Puna District, Ho'oulu Lahui, that concentrates on Hawaiian learning styles and practices.

Kumukahi is a barren area with lots of cultural resources to preserve for future generations, and possible enhancement for tourism, but on an education aspect. In 1995, the County of Hawaii printed a Puna Community Development Plan for the area. The County proposed a regional park. The Plan did not address cultural resource protection, such as limited public access and

enforcement. The concern is educating people and tourists to respect and take care of the existing cultural resources. People go in there and go into inaccessible areas.

An example is Lumahai. It is famous, it's a beautiful beach, people go down and some get killed. The issue is no management. The land is there, the resources are there, but it is not being managed. Do you protect the environment, people, or the land? It is not easy.

A suggestion was made to form an advisory committee, including the people who are affected. A motion was passed to establish a Cultural Resources Management Working Group.

Chair: Arnold Lum
Members: Roland Sagum III
Anne Sturgis
Ron Terry
Susan Sakai
Keikialoha Kekipi

Budget

We recently had to put in a request for a work plan, FY 04-05 money. We requested \$25,000 for MACZAC. MACZAC's total running budget from multiple years is \$75,000. The first \$50,000 has been encumbered. When the new grant comes through, MACZAC needs to encumber the \$25,000 and use it for whatever purposes this group designates.

A proposal was made to contract with the University of Hawaii Planning Department (DURP) to provide research and develop a website. A webpage is terribly expensive but it would be a good vehicle for accessibility to the public. Is the whole \$25,000 going to be used for this? A decision did not have to be made now because it is the 04-05 money which starts in July. It needs to be thought about and at the next meeting decide how the money is to be spent.

A motion was carried in retaining DURP on a project-by-project basis to help with research and the website.

CZM Hawaii Program Report

Cumulative and Secondary Impact: a Section 309 Enhancement Area The primary projects are the Waianae Ecological Characterization (WEC) and the Waianae Moku Watershed Management Plan. WEC is a synthesis of regional information melding science and traditional management, and a meeting was held on March 31, 2004, with State and County agencies providing data to this project. They also have been meeting with a number of community groups on this project.

On the Waianae Moku Watershed Management Plan, Tetra Tech is the consultant hired and we have been spending time working on outlining the scope of work and making sure that we are on the "same page" on the project.

Ocean and Coastal Resources Management: a Section 309 Enhancement Area The "Summit-to-Sea" Conference has been reactivated. We started the planning on it and are meeting bi-weekly. We are looking at November or December 2004, but November has a Homeland Security Summit so it will be in December. The idea for that was to build awareness and knowledge of ocean and coastal issues to lead into the update of the Ocean Resources Management Plan.

Coastal Hazard Mitigation: a Section 309 Enhancement Area Coastal hazards has been a very busy and active area. April is Tsunami Awareness month. There was a conference held on March 29, 2004, in cooperation with State Civil Defense to inform the media, hotel security and management, and the visitor industry on how to respond to tsunamis. There was extensive newspaper and television coverage.

This past Sunday, April 3, 2004, Bishop Museum had a special event "Caring for the Ocean" and CZM had a hazard display booth.

Coastal and Estuarine Land Program (CELP) The CZM Program needs to do a plan for that to become eligible for federal funds to acquire coastal and estuarine lands. We contacted committee members and hope to hold our first meeting soon to get that implemented.

Federal Section 312 Necessary Action When the Section 312 evaluation NOAA officials came down, there was a necessary action that was needed to be carried out. This was related to SMA implementation. The paper work was finally done and we did advertise for a Request for Proposal in Sunday's paper. Consultant services are to address the SMA implementation and it calls for a manual guide for better understanding of the various laws, and also recommendations regarding the SMA implementation.

Discussion Regarding Attending Conferences

MACZAC member Arnold Lum requested travel funds to give a presentation on indigenous cultural mapping and how information can be treated. The travel request was denied.

Generally, there is a caution or directive for the whole State administration, particularly out-of-state travel. Even if it is federally-funded, the rationale is that even the federal monies could be used for other purposes, for higher priority, more critical work items.

Out-of-state travel is highly scrutinized and travel has to be strongly justified. What we feel can be justified is NOAA CZM Program conferences which are specific to the Program. An example is the All Islands Conference in Saipan, which can be justified.

Is it possible to try to get NOAA to create an exemption that the travel does not have to be specifically for a NOAA sponsored conference, but sponsored by someone else? It is not too much on the NOAA side, but it is at the State level. It would not make any difference because the travel expenditure still goes through State approval process.

Working Group Reports

Coastal Erosion Working Group: – Scott Sullivan: The small beach restoration general permit process, a 3-year ongoing project with DLNR and the Army Corps of Engineers is still being finalized. It is a consolidated permit process for small sand beach restoration projects. The Group is producing a 20-minute video regarding coastal erosion type issues, what causes it, what is the problem, and what can we do about it. They are looking for funds, a producer/director, and working on a script. This video will be shown to everybody, the Legislators, school children, all over the place.

DLNR has sponsored a Waikiki Beach sand mining and beach restoration project. They put out a RFP to take 10,000 cubic yards of sand off the reef fronting Kuhio Beach and putting it back on the beach. This project has a lot more issues, such as liability concerns, than first anticipated. The due date for proposals is now April 20 or 30, and the work to be done after September.

A condo (Kanai A Nalu), next to Maalaea Harbor on Maui proposed to do some beach nourishment. They have been doing it for several years. They went through the process, got all the permits, has been monitored, did everything they needed to do. They found sand and were going to do it again in May. They had the sand tested, it was really nice sand, and it met every permit requirement. Part of the permit requirement was that a sample be sent to DOH. The story is that DOH put it in charcoal water, shook it up, the water got dirty, and DOH said that the sand could not be used. The condo is just going to cancel. It was suggested that MACZAC write a letter to DOH and DLNR to address consistency in sand testing. There should be guidelines.

Ocean Resources Plan Implementation: – Jim Coon: We already heard the ORMP update and we're moving ahead. Representative Sol Kahoohalahala recommendation of a sub-name to this, if not the primary name, we call it "Mauka Makai." This is Hawaii, it is going to be more localized, and if we say "Summit-to-Sea" then in parenthesis "Mauka Makai." Would like it to be an official sanction from us, would like to see it happen. Motion carried to have name as "Summit-to-Sea (Mauka Makai)."

Water Quality Working Group: – Ron Terry: A questionnaire which focused primarily on inadequate treatment of wastewater for various reasons, was sent to some experts on water quality. The questionnaire was sent to 45 people and there have been some responses. We need to do some reminding, we need a bigger sample, and there will be some recommendations for the committee to work on.

Shoreline Certification Working Group: – Donna Brown: Last time, we adopted the recommendations. Sue went to the Legislature. It first went through the Senate and the House, to Ways and Means, and then to the Finance Committee. It passed through Finance last week. Every time it goes through, they change it a little. They kept changing the definition each time. They took out the State locator position, they did not want to spend any money.

There was a Concurrent House and Senate Resolution which was passed. The Reso passed looks at maybe creating a position in DLNR and having training for those who go out and do shoreline certification. DLNR is against any kind of rules. Representative Kahoohalahala is one of the main people that really got it to go through. The Working Group really wants to see it get implemented and will continue to meet.

Coastal Parking Access Working Group: – Arnold Lum: The Group has concluded the Oahu mapping, with some revisions. In February had a conference call with 2 Maui individuals interested in shoreline parking mapping in critical areas. They are Dale Bonar, Executive Director of the Maui Coastal Land Trust and Helen Kelsing of the National Parks Service, Rivers, Trails and Conservation Program. On Maui, it is better to start with the County because their Planning Department is supportive of trying to protect access to beach areas. The Planning staff has access to the mapping system and they could develop it without someone from OP do the initial work. The citizens would still come in and identify the areas. If the model works, it could also be used on the Big Island.

Legislative Working Group: There was a House Resolution 126 that was introduced. Besides the Shoreline Certification bill, the other one we submitted testimony on was for the hearing for House Resolution 126. The bill establishing a working group under MACZAC to work on adapting the Water Quality Monitoring protocol or rules developed for West Hawaii and applying them statewide. This should more appropriately go under DOH since we already have a Water Quality Working Group.

Representative Cindy Evans introduced this. The important part of the Resolution that was not liked, and stated in the testimony was that it specified all the different agencies that should sit on this committee. It named every agency known, Federal, State, County, you name it. MACZMAG used to be that way and now we're a citizen group. The way our Working Groups works and the group that was created is different. MACZAC is all inclusive, we invite the public to participate in the Working Groups while this new group looks like an agency group. On the

last check, it passed unamended, through Committee. The intent is fine but the way it is being carried through is flawed.

If the Resolution actually passes, we would have to convene a Working Group, have them air their views, have someone write up a summary of all the results with recommendations, and send it in before the Legislature starts.

Old Business

Commercial Boating Rights: – Jim Coon: A study was done on the tour boat industry. The Governor and Peter Young should get the first copies. This study started out as just doing the economics. As Markrich was doing the study, he started running into the same themes. He started answering some issues too. There's two issues, one is that there was a collaborative effort a few years ago, under Act 168 where the stakeholders met with DLNR, and facilitated by DBEDT. It was a whole public process system. We went through all the boating rules and regulations and made changes. It did go to the Board once, in November 2002, and it was remanded to DOBOR because there was so much negative testimony at the public hearing about the bracketed section on fees.

When the administration changed, it just stopped and left a lot of things in limbo in the boating world, that needs to be resolved. We're asking the Governor to move the rule package forward.

We would be urging the Governor to take it to the Board. The Board has to decide it and they would have public hearings on the other islands.

A motion was carried on authorizing the signing of the letter to support the moving forward of the DOBOR Rule Package.

New Business

Someone from MACZAC may go to the All Islands Conference in June. The website was posted and the agenda items were not on yet. The Conference is also combined with the EPA Regional Meeting. The All Islands Conference is scheduled for June 20-23, 2004 in Saipan, and the EPA Meeting is June 23-25.

The offer should go to the MACZAC Chair and Vice Chair first.

The CZM Conference in Australia is not NOAA sponsored so unable to send anyone.

July meeting date and place: It is recommended that the July meeting be on Molokai, to which there was agreement by the members. It was suggested inviting the Molokai Commission and the Maui Planning Department.

Donna has an addendum. Someone from the Shoreline Certification Working Group asked if Peter Young should be invited and tell why he is opposed to the shoreline rules so much. It was agreed that Peter Young should be invited.

At the last meeting, the members asked Sue to contact Peter Young and ask if someone from MACZAC could be a member of the State Agencies Coastal Issues Committee, comprised of DLNR, OP, DBEDT, DOH, DOT, and UH. An e-mail was sent with a cc to Dan Davidson.

July Meeting Date

Tentatively scheduled for July 14, 2004, on Molokai (overnight).

Adjournment

Meeting adjourned at 12:05 p.m.