

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

Wednesday, September 22, 2004
9:45 a.m. - 12:30 p.m.
County of Hawaii, Aupuni Conference Room
101 Pauahi Street, Hilo, Hawaii 96720

MINUTES

Members Present: Don Thornburg, Susan Sakai, Scott Sullivan, Arnold Lum, Donna Brown, Jim Coon, Anne Sturgis, Ron Terry, Darrell Stokes, Lawrence Aki

Members Absent: John Ray and Roland Sagum III

OP Staff: Mary Lou Kobayashi, Christopher Chung, Christina Meller, Debra Tom, Dawn Omoto

Others Present: Alice Kawaha (Hawaii County Planning Department), Susan Gagorik (Hawaii County Planning Department), Keikialoha Kekipi (Guest - Ho'oulu Lahui and Kuaolakala)

DISTRIBUTED MATERIAL

- Meeting Agenda
- April 7, 2004 Meeting Minutes
- Kekialoha Handout
- OHA Community Conversations Schedule

Call to Order

Chair Susan Sakai called the meeting to order at 9:52 a.m. Council members, staff, and public introduced themselves.

Announcements: None

Approval of April 7, 2004 Meeting Minutes

The following amendments were suggested. Coastal Erosion Working Group report, fourth sentence replace with, "They had the sand tested and it seemed to meet the permit requirement." The sentence beginning with "The story" replace with "They put it in water, shook it up, the water became turbid, and DOH refused to accept the sand."

A minor correction on page 6, the fourth line under Coastal Parking, the person coordinating the project is Helen Felsing not Helsing. Also, it should be Park instead of Parks.

A correction under Old Business, page 7, the name is Mike Markrich.

On page 2, the second sentence should read, "He works at Kuaolakala, a public charter school in the Puna District, and is also member of Ho'oulu Lahui a non-profit group that concentrates on Hawaiian learning styles and practices.

Minutes were accepted as amended.

Budget

We haven't used all of the first year \$25,000, let alone the second year \$25,000. We will have a third \$25,000, for a total of \$75,000. Funding is allotted on a yearly basis. The money is carried over, but at some point the money will be returned to NOAA. We are pretty close to spending the first \$25,000.

We will use up the first \$25,000 in December to bring MACZAC member over from the Neighbor Islands for the Summit to Sea.

We need to work on a contract with Kem Lowrey from the University of Hawaii Department of Urban and Regional Planning (DURP) to assist MACZAC Working Groups in their research projects. Sue Sakai offered to assist in the development of the contract. The contract would expend the second \$25,000.

MACZAC need to decide on how to spend the third year \$25,000 allocation.

CZM Hawaii Program Report

The Summit-to-Sea Conference is scheduled for December 6-8. The three Conference tracks are Ecosystem and Resource Management, Research and Education, and Ocean Industry. Traditional knowledge and wisdom will be interwoven within those tracks. Track Chairs will recruit panelists to discuss issues.

At the request of Ted Liu, the Director of DBEDT, we have been asked to brief the Department heads at a cabinet meeting. The briefing will inform the Departments about the Conference and how they can participate.

Pacific Rim Concepts, a Conference Planning Firm, will assist the Program in organizing the Summit.

Cumulative and Secondary Impacts: a Section 309 Enhancement Area: The Waianae Ecological Characterization (WEC) is nearing completion. Prior to a final CD-ROM product, a

"Beta" test website will be created to get Waianae and partner input. Work on the Moku Watershed Strategy will begin soon. We hired Tetra Tech to work on this project. We will coordinate with the City and County of Honolulu, Board of Water Supply efforts on a watershed plan.

Coastal Hazard Mitigation: a Section 309 Enhancement Area: CZM Hawaii has successfully achieved its Section 309 5-year Strategy one year ahead of schedule. The Program assisted Hawaii and Kauai Counties to develop their risk and vulnerability assessments and multi-hazard mitigation plans. The Program continues to work with the Civil Defense agency, at the State and County level to implement the recommendations of the Statewide Hazard Mitigation Plan.

All Islands CZM Program Managers Meeting, Saipan, CNMI, June 2004: Sue Sakai reported on the Managers Meeting she attended in Saipan. Christopher Chung and Mark Mazzola, NOAA intern assigned to GIS in the Office of Planning also attended the meeting. This is an annual event and rotated among the various Islands such as Guam, Northern Marianas, and American Samoa. There were also attendees from Palau and Indonesia. Debbie Chang from the Hawaii County Planning Department also attended. The next CZM Program Managers Meeting will be held in October 2005, on the Big Island.

An EPA Conference was scheduled following the Managers Meeting and people were able to take advantage of both meetings, so there was a diverse group. Christopher Chung really took a leadership role in this Conference. He was on the Conference Planning Committee. Sue Sakai participated on a citizen participation panel and described MACZAC. Our CZM Program is unique. Most CZM Programs don't have advisory groups, set up by law. MACZAC was set up as an advocacy council. The State law which includes "advocacy" enables MACZAC to testify at the Legislature.

CZM Hawaii Section 312 Program Evaluation: NOAA sent a team, mostly from Washington, D.C., and a representative from the State of Massachusetts CZM Program. They conducted interviews with CZM staff and our partners. An exit interview with CZM discussed the Program's accomplishments, suggestions and necessary actions. Our accomplishments included: completing our coastal hazards work plan early, our partnership work with the Counties, MACZAC, and some other items. The team has 120 days in which to present a written report. The only necessary action was a previous necessary action (SMA Compliance Strengthening) that needs to be completed. MACZAC members asked to receive a copy of the report.

Public Forum

MACZAC agreed to change the agenda order and moved up the public forum.

Keikialoha Kekipi's main concern is Kumukahi . It is a good subject to receive a better understanding of what cultural practice, subsistence, and religious purposes are, and how it is supposed to be the rights of the Native people.

The government is proposing a park without going through the proper protocols, or going to all these agencies to develop a cultural impact statement and talking to anyone. Through one sentence from the *Ruling Chiefs of Hawaii*, page 376, you can understand the impact of cultural resources and what is believed to be the rights of the people. "In the olden days, the inheritance of the family burial caves, the caves, burial caves of our ancestors was handed down from them to their descendants without the intrusion of a single stranger, unless by consent by the descendants."

Keikialoha is a lineal descendant to Kumukahi, to the burial sites there, and "nothing is more blasphemous then putting on paper about the secret places on the site and making it public." We are not doing any protective measures and laws are not being enforced by DLNR, DOCARE, and agencies to protect these areas.

He suggested that MACZAC do a site visit so they can see all of this while on the site. The best way to be more insightful to your understanding would be to do a site visit.

The County said that they own the road going into the area, UH said that they have a lease from the State, and outside is the Coast Guard with the Federal government. No one really knows who owns what. Arnold Lum suggested finding out if there is a lease, what kind of lease, and go to the Board of Regents and ask that the lease be rescinded and turned back to DLNR, Land Management.

Ron Terry inquired if Lance Foster, Director of Cultural Practices, OHA, is aware of this issue. Keikialoha stated OHA and the Native Hawaiian Legal Corporation are aware of the issues. Lance probably would be very interested in supporting cultural practices. A list of people interested in the issue would also include DLNR, DAGS, private landowners, the Mayor, and AG.

Sue Sakai indicated we could have the contract with DURP carry out cultural resource research. Ann Sturgis came up with the following problem statement for the research.

"Unencumbered government lands are often uncared for because of time and resource incapacibilities of the State agencies. When there is a hui of people who are willing and able to take on specific kuleana, how can the transfer of kuleana be facilitated?"

Working Group Reports

Coastal Erosion Working Group: - Scott Sullivan stated the Group meets regularly every other month.

The video project was put on hold because it needs additional funding. The group needs to determine who the audience is, how big the project will be, and involve people to put together ideas. Could some of the \$25,000 mentioned under budget be used for this project? The group needs to determine cost and will keep MACZAC informed.

The Hawaii Coastal Construction Guidebook prepared by Dennis Hwang is just about to be released. The guidebook is a useful tool for State and County planning agencies and the public, on coastal hazards, as well as early and smart planning for coastal development.

Waikiki Sand Mining Project, permitting approvals are about to be finalized. The project is scheduled to begin in October.

The Committee sent a letter to OP requesting assistance to facilitate meetings with State agencies and other groups to discuss permit requirements for beach nourishment. Our specific interests are DOH policies and requirements for updating the Section 401 Water Quality Certification. OP followed up on the request and organized a meeting with DLNR and DOH at the Deputy Director level, which included the Clean Water Branch and the Environmental Planning Office. OP staff will look at the issues and try to work something out. The next meeting is scheduled for the end of this month (September), at the Department level, to see what progress has been made.

Ocean Resources Plan Implementation: - Jim Coon: Twenty years ago, a task force wrote some white papers that eventually became the ORMP. It was finalized in 1987 and finally passed the Legislature in 1992 or 1993. Because Hawaii is constantly changing, there were aspects of the Plan that were obsolete. The ORMP needs to become a living document, to be updated and modified on an ongoing basis.

Christopher Chung was asked to speak about the Summit-to-Sea. There are several issues that surround ocean resources management which the public are becoming aware of through the many meetings held. OHA currently is having listening sessions around the Islands, talking about coastal and ocean resource management. The issues are still the same from the last ORMP, but other issues have emerged regarding erosion, fisheries, ahupua'a management, and traditional gathering rights. The original plan 12 years ago didn't take these issues into account.

Right now, the Conference is scheduled for December 6-8 at the Sheraton. We're trying to find the right people for the panels which are based on community input. We are sending a

registration kit out by October 1, 2004. The Conference fee of \$125 will include all meals, and a reception. There is a \$150 late fee and a student fee for only \$50.

Christopher Chung was asked to do a presentation for a Cabinet level meeting on the progress, status, and objectives for the Conference. We want to ensure that at the Cabinet level, the Departments are committed. If there is no buy in, the Conference may not be held.

Coon indicated that the Administration should be aware of the emerging issues. If there is some kind of agenda behind the cabinet meeting, when people have worked so hard to get it to this point, you don't want to see it set to fail.

There was a motion to send a letter to Ted Liu to commend Christopher Chung on his efforts including the grassroots support for the Summit. The letter should be sent out to all Department heads and hopefully have some impact. Member voted in favor of sending out a letter.

Water Quality Working Group: - Ron Terry: There were no video conference meetings in several months. Not much happening.

Shoreline Certification Working Group: - Donna Brown: The group had a video conference meeting on September 14, 2004. Representatives from DLNR and DAG attended the meeting. The Shoreline Certification bills that moved through both Houses died. It is difficult to get any Legislation through when both houses have a different spin on what should be done. People need to be educated in how laws should be interpreted.

State Surveyor, Randy Hashimoto retired. Marvin Masuda, Acting Surveyor took a big backward step by saying there is no time to inspect. If there is lots of proof, then they will look at it.

The problems centers around the vegetation line, property line, and setback line from where the property owner can build. The shoreline definition in the law is interpreted differently by the County, State, Federal agencies and the public especially in regards to the "vegetation line". The ability to bring a citizen suit against agencies that are interpreting the shoreline as "planted vegetation by the owner" rather than the "natural vegetation" is difficult because the cost is borne by the citizen group.

The Working Group supports the recommendation to hire a State locator, as well as increase the shoreline certification fee. A shoreline locator would bring consistency for determining the shoreline. The State is reluctant to create more position so increasing the shoreline certification fee may help to justify a State locator position.

Donald Thornburg volunteered to assist Donna Brown on the Shoreline Working Group.

Coastal Parking Access Working Group: - Arnold Lum: The Oahu maps are completed. In August, Arnold met with people on Maui. Helen Felsing, Dave Bonar, beat cops, and County officials got together to discuss mapping. TMKs were used to collect parking access information. Helen will conduct a public forum to inspect maps, a two-step process. The Maui County Planning Department will put the parking access data into GIS.

Cultural Resource Management Working Group:

Please refer to Public Forum discussion.

Legislative Working Group: - MACZAC testified on three subjects before the Legislature. MACZAC opposed a bill to include the Counties as a member of MACZAC. MACZAC opposed a resolution for MACZAC to convene a Working Group to develop guidelines for a water quality monitoring program. MACZAC supported selective bills on shoreline certification.

MACZAC discussed completing the annual report to the Legislature before January. Members were asked to send a paragraph about their Working Group activities to Sue Sakai, ASAP.

Old Business

Commercial Boating Regulation: Governor Lingle responded to the MACZAC letter regarding boating. Governor acknowledged the economic survey report, and welcomed suggestions for the boating regulations, by working with DLNR Peter Young..

Manele Bay Sewage Update: A meeting on Lanai is schedule on September 23, 2004 with DLNR and DOBOR engineers regarding Manele sewage issues. DLNR grant application was executed for Lanai and Molokai harbor ferry improvements. Boating has funds to match the design portion. A consultant was selected and currently negotiating scope and fees. At the upcoming legislative session, Boating will seek matching funds for construction. If you have any questions, call Eric at 587-0230. MACZAC should lend their support to DLNR to obtain boating funds during the upcoming Legislature.

December Meeting Date

December 6, 2004, Honolulu, correction to the location: Sheraton Waikiki, not the Hilton Hawaiian Village.

Adjournment

Meeting adjourned at 12:32 p.m.