

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

December 3, 2009
4:00 p.m. – 8:00 p.m.
Lanai Senior Center
309 Seventh Street, Lanai City, HI 96763

MINUTES

ATTENDANCE

- Members Present: Donna Brown, James Coon, Michael Gleason, Makaala Kaaumoana, Robin Kaye, Henry Lau, Rhoda Makanani Libre, Walter Ritte, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: none
- OP/CZM Staff Present: Melissa Iwamoto, Mary Lou Kobayashi
- Others Present: Ceysha Akau (public), Shanthally Alboro (public), Kris Baptist (Castle & Cooke), Winifred Basques (Aha Kiole), Steve Bumar (Castle & Cooke), Ken Esclito (public), Jason Gill (public), Roberto Hera (public), Brandy Baltazar Isamo (public), Wayne Ishizaki (Castle & Cooke), Kaulana Kahoohalahala (public), Roselani Kahoohalahala (public), Allen Kaiaokamaile (public), Janelle Kaukeano (public), Sally Kaye (Lanai Planning Commission), Phaethon Keeney (public), Ed Linsley (Four Seasons Resort), Chris Lovvorn (Castle & Cooke), Ron McOmber (public), George Purdy (public), Loretta Ritte (public), Gerald Rabaino (Lanai Planning Commission), Jessica Stabile (MACZAC), Doug Stephenson (Castle & Cooke), Doug Weidman (public)

DISTRIBUTED MATERIAL

- Meeting Agenda for December 3, 2009
- Minutes from September 25, 2009 Meeting (draft)
- A Participant's Guide to the Special Management Area (SMA) Permit Process in the State of Hawaii (Hawaii CZM Program, 2006)
- Coastal Zone Management and Special Management Area Permit System (Hawaii CZM Program, 11/09)
- "The Lanai Project" (NOAA National Marine Sanctuaries, 2009)
- "Beach Ownership is Still in Question" (Honolulu Star Bulletin, 11/30/09)
- "Experts: State's Famed White Sandy Beaches are Shrinking" (Maui News, 11/16/09)
- "The Oahu Shoreline Study" (Ka Pili Kai, Fall 2009)

- “Kailua Beach Management Plan” (Ka Pili Kai, Fall 2009)
- “Hawaii Beach Weddings Targeted” (Honolulu Advertiser, 9/28/09)
- “Community Day at Hamakua Marsh Improves Habitat, Illustrates Partnerships in Action” (DLNR, 10/8/09)
- “Lay Nets Threaten Hawaii Sea Life” (Honolulu Advertiser, 9/28/09)
- “DLNR Installs Signs for New Kahekili Herbivore Fisheries Management Area” (DLNR, 11/6/09)
- “Ulupalakua Ranch Puts 12,000 Acres in Trust” (Pacific Business News, 11/25/09)
- “DLNR Holds Public Information Meeting on Sewer Improvements at Haena State Park” (DLNR, 11/25/09)
- “DLNR Holds Public Hearings on Proposed Amendments to HAR Relating to Recreational Renaissance” (DLNR, 10/23/09)
- Smart Growth for Coastal and Waterfront Communities (NOAA, 9/09)
- “Obama Administration Officials to Hold Ocean Policy Task Force Public Meeting in the Pacific Islands on September 29, 2009” (CEQ, 9/24/09)
- Interagency Ocean Policy Task Force

Call to Order

Chair Donna Brown called the meeting to order at 4:15 p.m., and thanked everyone for coming.

Introductions & Public Comment

Chair Donna Brown thanked everyone for coming, noting how many members of the public were in attendance. Donna then briefly explained what MACZAC was. Each MACZAC member introduced themselves, and then all other attendees were asked to do the same and were invited to offer any comments.

Ron McOmber thanked MACZAC for coming to Lanai. Ron raised the problems associated with people bringing dogs to Hulopoe Beach Park and ignoring the leash law. Ron also raised the problems associated with the boats carrying tourists from Maui who are turned loose in Manele Harbor and use the adjacent Hulopoe Beach Park’s local resources without paying. The tourists are overrunning Manele Harbor and Hulopoe, Lana’i’s only easily-accessible, facility-rich, family-friendly beach park. This is actually a legal issue, but the Park’s landowner, Castle & Cooke, is nervous to take action. Despite repeated complaints from Lanai residents, there has been no response from DLNR-DOBOR about these tourist boats. Ron noted that Jim Coon’s company, Trilogy Excursions, is the only company that pays a head fee per tourist to cover the maintenance costs of the Park. Member Jim Coon responded that there is a big issue when VME boat permits are issued for commercial boats carrying tourists between Maui and Lanai; the boats falsely claim to be more like ferries rather than tour operators. Jim opined that DOBOR needs to amend its rules, and enforce its non-renewable option if a vessel is shown to be in violation of the rules. All 11 MACZAC members voted affirmatively to invite DLNR chairperson Laura Thielen to the next MACZAC meeting to discuss these issues.

Gerald Rabaino (Gerry) expressed concern about the Maui County Department of Planning’s Shoreline Setback Rules and Regulations for the Lanai Planning Commission which apply to all lands abutting the shoreline or beach reserve in Lanai. The Rules seek to limit all man-made structures in the shoreline area. Gerry is wondering whether “minor structures” or “minor activities” apply to the old wooden buildings at Federation Camp near Shipwreck Beach because the structures are near the vegetation line but are located on private property. Lanai people have very strong feelings about that historic area and

would be opposed to the Camp being torn down. Local fishermen still use that area today. Perhaps there is a way for the structures, which lie along the shoreline but which date back to the 1930s, to be grandfathered in as non-conforming structures? Also, both the State and Maui County are arguing over the private road that leads down to Federation Camp, calling it a “government road.” Whose road is it?

Roberto Hera (Bob) noted that public access is important to DLNR’s Na Ala Hele Program, and so research can be done through them about who owns the road. Bob said Lanai has a lot of “government roads” but neither the State nor the County wants to take responsibility and maintain them. So the first issue is to determine whose road it is. It would be bad if it is a private road because then the public could potentially be kept out, and locals need public access to these areas on Lanai. Bob also noted that there should be open access for fishing and hunting. The government needs to be sincere when dealing with local people.

Winifred Basques explained that these roads (such as Manele Road, Keomuku Road, and Kaumalapau Road) used to be under DOT Highway Division but then were later turned over to Maui County. Winifred, the Lanai representative to the Aha Kiole Advisory Committee, stated that there are 13 ahupuaa on Lanai. Winifred said DLNR is not doing their part regarding the Aha Kiole and so people need to go back to the Legislature. Winifred also noted that Lanai (and Hawaii as a whole) can not depend on tourism because that is not reliable since tourism fluctuates with the economy.

George Purdy is planning to start a Maunalei Pilot Project to show the Lanai community that it will work, and get into the federal database because the Clean Water Act and Coral Restoration can create jobs for local people. George is in the process of setting up an adaptive fisheries management program, and more than 50 people have gotten involved so far but he would like to get the whole community involved. George is looking at Milolii on the Big Island as a model. All 13 ahupuaa on Lanai need to be better managed. The vegetation on Lanai is mostly kiawe and so people need to restore the native grasses to keep the coastal waters clean and help keep the fishponds stocked. Member Kanoa Withington mentioned that the Westside Hawaii Regional Fisheries Management Council has been very effective. Member Robin Kaye noted that there is too much runoff onto the reef along Lanai’s Keomuku coast, which is consequently all brown from the mud. This is where people are trying to get limu growing again. Bob Hera opined that this will take money and time to restore Lanai’s mauka and keep the marine environment clean and the fish healthy. Bob suggesting collaborating with folks on Molokai since they have a similar situation, and maybe talking to private companies and unions since they might want to get involved too.

Approval of the September 25, 2009 Meeting Minutes

MACZAC Project Assistant, Jessica Stabile, noted that a change was needed to the language under New/Old Business where members were discussing their plans for a future MACZAC meeting in windward Oahu. The draft minutes had stated that MACZAC’s public meeting will be combined with a “private MACZAC site visit” to Coconut Island, but the appropriate wording pursuant to HRS §92.3-1 would be a public meeting combined with a “limited meeting of MACZAC.” Minutes were approved, as amended.

CZM Staffing Update Resulting from the State’s Reduction-in-Force (RIF) Process

Mary Lou Kobayashi, OP’s Planning Program Administrator, gave an update on the CZM staff composition following the recent RIF process. Mary Lou noted that although OP overall lost several positions as a result of the RIF, the CZM Program currently remains fully staffed because the two employees who had been bumped during the RIF wound up being able to remain within CZM. Moreover,

although the CZM Program Manager position was eliminated during the RIF, that position has subsequently been reinstated using federal funds. NOAA has offered to temporarily fund the CZM Program Manager position for a period of two years, with the hopes that the position will eventually again be funded by the State once the economic situation improves. Nonetheless, Doug Tom's employment with the CZM Program will conclude on December 31, 2009. In the interim period between Doug's departure and when a new Program Manager is hired, both Mary Lou and OP's Director, Abbey Mayer, will jointly be responsible for covering the duties of the CZM Program Manager position.

Hawaii Ocean Resources Management Plan (ORMP) & Community-Based Resource Management

Hawaii Ocean Resources Management Plan (ORMP)

Melissa Iwamoto, Hawaii CZM Planner, introduced the topic of the ORMP, which is a living document last updated in 2006. The ORMP represents an integrated and place-based approach to natural and cultural resource management. Member Jim Coon mentioned that Hawaii was the first state in the US to have a document like the ORMP, which features a mauka-to-makai model of resource management. Member Sue Sakai noted that it was an inclusive process to update the ORMP, whereby CZM plus OHA and the Association of Hawaiian Civic Clubs conducted meetings statewide. The ORMP was designed to be an integrated planning document, rather than merely focusing on separate sectors like most government planning documents of the past. Sue further noted that the ORMP also facilitates cross-governmental agency collaboration. Jim agreed that representatives from the state, county and federal government levels are indeed collaborating through the ORMP Policy Group and ORMP Working Group, although not always as fast as some would like. Member Walter Ritte opined that although government created the ORMP, it is Hawaii's people that have to use the plan and make it their own. Walter praised the ORMP for espousing the management of resources in a mauka-to-makai manner like in the ahupuaa system.

ORMP Working Group

Melissa Iwamoto gave an update on the recent ORMP Working Group meetings, which took place on October 1 and November 5. The ORMP Working Group will not be meeting in December so the next meeting is scheduled for January 7. The ORMP Working Group has four caucus breakout groups (climate change, community outreach, policy/legislation, watersheds) which continue to hold discussions at each ORMP Working Group meeting. The only member composition update is that Jim Buicka is the new representative of the Maui County Planning Department on the ORMP Working Group, replacing Thorne Abbott. Due to their difficult fiscal situation, the neighbor island planning department representatives now participate in the meetings via telephone. Hawaii CZM Planner, Marnie Meyer, is currently drafting the 2009 ORMP Annual Report to the Legislature.

At the November 5 ORMP Working Group meeting, members were presented with the results of their anonymous evaluation survey (featuring 9 questions about their experiences on the ORMP Working Group). The survey results indicated that members believed that they have greatly benefitted from networking with the other members and have benefitted from the exposure to new ideas and information about various projects being conducted by the different member agencies. However, members are also deeply frustrated since they have not been allocated enough authority as members of the ORMP Working Group, and yet they are in limbo because those with the authority, the members of the ORMP Policy Group, have not held a meeting since September 2008. OP Director Abbey Mayer is the chair of the ORMP Policy Group but he has not convened a meeting in nearly a year and a half, despite the fact that the ORMP Policy Group is supposed to meet every 6 months. The ORMP Working Group members feel as though they are actively participating and doing good collaborative work together but yet they are stuck

without either sufficient authority or support from those above. There are significant consequences to this stagnation since the ORMP is a living document which is supposed to be updated every 5 years, and also because it is at ORMP meetings that the various government agencies actually get to collaborate on marine and coastal issues. Member Sue Sakai, who had attended the November 5 ORMP meeting as a substitute for Jim Coon in his absence, noted that the ORMP Working Group members were looking to MACZAC for assistance with this situation. It was suggested that MACZAC chair Donna Brown, as a member of the ORMP Policy Group, request that an ORMP Policy Group meeting be convened as soon as possible. MACZAC members voted (10 in favor and 1 against) to write a letter to Abbey Mayer requesting that he call an ORMP Policy Group meeting immediately, and then to copy the media if he does not respond.

ORMP Implementation Projects

Melissa Iwamoto gave an update on the status of the ORMP implementation projects. The selection process involved OP establishing an Evaluation Committee, comprised of representatives from the Hawaii CZM Program, ORMP Working Group, and MACZAC, which met on June 16 to review the proposals. The Evaluation Committee clearly favored one of the proposals above the others and the project has been approved by OP; CZM is currently finalizing a contract for approximately \$96,000 with HCDA for a Heeia Wetlands project in windward Oahu (the top ranked project proposal). The funds will be used to support HCDA's planning efforts and community capacity-building for the Heeia Wetlands, with HCDA's long-term vision encompassing issues like wetlands restoration, mangrove removal, taro planting, and setting up a poi factory and putting in a community center. HCDA has already signed the contract so it just needs to go through a few more layers within DBEDT before it is finalized. CZM is also currently checking on the status of the second and third ranked project proposals (involving Ka Ohana Honuapo Estuary, Hawaii and Malama Maunalua Bay, Oahu) to confirm eligibility for other CZM funding sources such as coastal non-point source pollution control; OP has already given its approval to try to fund these projects and will soon begin drafting the contracts. Melissa should be able to give a further update at MACZAC's next meeting.

Kauai Salt Ponds

Mary Lou Kobayashi, OP's Planning Program Administrator, gave an update on the potential for a Kauai Salt Ponds project, in response to an inquiry to OP/CZM made by MACZAC member Rhoda Makaanani Libre. Mary Lou noted that the initial idea for a Salt Ponds project arose during the ORMP meetings held on Kauai in years past. Concerns included water quality, boulders and multiple use conflicts. Rhoda stated that the Salt Ponds are a priority for those living in west Kauai since the Salt Ponds are a valuable coastal resource, a community-based resource, and a site for education projects for students at local schools. Mary Lou explained that both she and CZM Program Manager Doug Tom had met with Kauai County officials, including those from the Mayor's Office, Planning Department, Public Works Department, and Parks & Recreation Department, and all were very interested in the idea of partnering on a Salt Ponds project. Everyone recognized the importance of the resource but determined that the timing was not right at this time. In sum, this type of project needs the support and involvement of the state, county and community, and so OP/CZM has to respect the choice of the Kauai officials to wait until the timing is right. There is an intention to eventually collaborate on a Salt Ponds project, but for now it is shelved.

Presentation: "The SMA Permit Process on Lanai" (Sally Kaye, Lanai Planning Commission)

Sally Kaye, chair of the Lanai Planning Commission, gave a presentation about the SMA permit process on Lanai. Sally indicated that the Lanai Planning Commission had just amended its SMA Rules (§12-402 et. seq.), and is the first planning commission in the state to have some of these types of rules.

Previously, the SMA Rules for the Lanai Planning Commission had no enforcement language and so the Maui County Corporation Council attorneys redrafted the rules to include an enforcement section with a penalty provision (§12-402-23), and so now any illegal development can either be removed or the violation must be immediately corrected or a civil fine can be assessed. The Lanai Planning Commission is now also empowered to bring, on its own motion, an order to show cause about a violation and then to conduct a hearing on the order to show cause (§12-402-28), and so it may act in both investigatory and adjudicatory capacities. In addition, the Lanai Planning Commission is to review for final determination all recommended SMA exemptions issued by the Maui County Planning Department director (§12-402-13.1).

Member Makaala Kaaumoana noted that when she interviewed staff from the Kauai County Planning Department for MACZAC's Hawaii CZM Evaluation Report, they mentioned that they want more SMA information for community outreach. Sally Kaye responded that, similarly in Lanai's case, there is a need to educate the public on SMA issues so that they can be better informed and therefore can get more involved and be more proactive when dealing with the Maui County Planning Department. Member Walter Ritte stated that although MACZAC is not government per se, MACZAC was legislatively established to help the State government interact with the public and get involved in local communities. But now the poor economic situation has caused the government to shrink and so communities cannot simply wait for government to solve their problems. Walter opined that communities need to do this for themselves. Mere survival is becoming harder and harder, but locals know what the important issues in their communities are and so they need to act on them so that they can survive. Walter's advice is to try to avoid government rules as much as possible since it is rules that hamper fishpond construction, limu projects, etc. Local communities should just do what they have to do as long as they do it in such a way as to not harm the environment. Adults need to teach the youth in their communities how to care for their local resources.

MACZAC's Investigative Working Group Updates

MACZAC has formed four Investigative Working Groups, each focusing on a particular section of MACZAC's mandate pursuant to HRS §205A-3.5: CZM Evaluation Group (chaired by Robin Kaye), Advocacy Group (chaired by Makaala Kaaumoana), Community Input Group (chaired by Kanoa Withington), and ORMP Implementation Group (chaired by Jim Coon). At its last meeting, MACZAC also voted to form a Budget Group (chaired by Donna Wong) to develop MACZAC's budget proposal to OP for additional project funds.

Budget Group

Member Donna Wong reported that the Budget Group had completed the MACZAC budget proposal requesting \$35,000 in project monies from OP to fund MACZAC's multimedia outreach strategy about the Hawaii CZM Program, MACZAC and the ORMP. The budget proposal was based on all of the multimedia outreach items that the MACZAC members had previously agreed upon at their last meeting (e.g., website development and maintenance, hotspot maps and booklet, DVD production, and Power Point presentation), with the Budget Group simply having fleshed out the budget proposal with more details and price quotes. All 11 members unanimously voted in favor of the MACZAC budget proposal.

Jessica Stabile, MACZAC Project Assistant, informed the group that OP's agreement with RCUH (i.e., MACZAC's project account) will expire on December 31, 2010. All 11 members unanimously voted in favor of the motion that MACZAC write a letter to OP requesting that the agreement with RCUH be extended for another year with an input of additional funds allocated for reoccurring operating expenses. It was recommended that Donna Wong draft the letter and forward it to MACZAC chair Donna Brown.

CZM Evaluation Group

Member Robin Kaye reported that there were some additional interviews for the Hawaii CZM Evaluation Report that were desirable but which never occurred and are unlikely to be conducted. Hence, the interview phase is now deemed to be complete, and so Robin will draft the year-end Report compiling the results from the interviews. The key question is what to do with the Report. It is important that MACZAC give back to the individuals that they interviewed. The Report will be distributed in early 2010.

Advocacy Group

Member Makaala Kaaumoana reported that the MACZAC exhibit table at the HCPO/HIGICC Conference was a great outreach opportunity, with many attendees stopping by the table and taking distribution materials such as the MACZAC business cards, MACZAC brochure, copies of the ORMP, My Hawaii storybook, and assorted Hawaii CZM coastal hazards educational items like rulers and bookmarks.

ORMP Implementation Group

Member Jim Coon suggested that the MACZAC members should try to discuss the ORMP at every meeting that they attend, in whatever capacity. Jim takes the opportunity to promote the ORMP whenever he can, and distributes copies of the ORMP at various venues like commercial boating organizations, Ocean Tourism Coalition, Maui Visitors Bureau, and Hawaii Tourism Authority. Jessica Stabile, MACZAC Project Assistant, noted that many of the MACZAC members had recently reported similar ORMP outreach such as at canoe clubs, schools, senior centers, makai watch groups, watershed councils, and community events. MACZAC is greatly contributing to the Hawaii CZM Program's ORMP outreach efforts.

Community Input Group

Member Kanoa Withington reported that since the Hawaii CZM Program already hosts a simple MACZAC website, an additional MACZAC website could be developed that is more interactive and which has more information that would be useful to members of the public. The remaining issue now is that the MACZAC members need to determine what the website content should be. Funds for the new website were included in the MACZAC budget proposal.

Discussion of Limu Projects on Lanai

Member Robin Kaye introduced the topic of limu planting projects on Lanai. Robin explained that approximately 30 high school students (juniors and seniors) participated in limu planting fieldtrips that were incorporated into the biology curriculum under the direction of Lanai High School biology teacher Lisa Galloway. This was a great collaborative experience with seasoned limu growers Wally Ito and Henry Chang Wo from Oahu's Ewa Beach helping out those on Lanai learn the skills of reestablishing limu in their local waters. Lanai High School teacher Doug Weidman mentioned that while it was biology students that were recently involved in the limu planting, ocean science will be introduced into the high school curriculum next year and so similar projects could take place again. Allen Kaiakamaile explained that Lanai's coastal water quality has declined in recent decades. Where there is brackish water now had been all limu back in the 1950s and 1960s, and so he was motivated to spearhead the local limu replanting efforts along Lanai's Keomoku coast. The idea is to reestablish healthy colonies of limu manaua (*Gracilaria coronopifolia*), which can then attract more of the fish that once populated the area. Allen's goal is to help restore the natural marine environment, rather than commercially harvest the limu. Several different replanting techniques have been tried, some more successful than others, and Wally and Henry have passed on helpful suggestions. The limu is growing back well, sometimes within a quick 3 month timeframe, but there is now a problem of the honu eating all of the limu. To combat that, Allen has constructed a series of

honu-proof growing cages. As part of their science project, the students are also making signs to keep the replanted areas kapu. Photos of the limu planting activities were passed around (see example at right). George Purdy indicated that his proposed Lanai fisheries management plan will include a limu planting project too.



New/Old Business

MACZAC Correspondence

Jessica Stabile, MACZAC Project Assistant, informed the group that two members had proposals for MACZAC correspondence. Member Henry Lau requested that MACZAC send a letter to Ulupalakua Ranch commending them for recently donating an easement of nearly 12,000 acres (including an entire ahupuaa) to the Maui Coastal Land Trust to be kept as open land. All 11 members unanimously voted in favor of the motion that MACZAC write a letter to Ulupalakua Ranch, and recommended that Henry Lau draft the letter and forward it to MACZAC chair Donna Brown. Member Walter Ritte also proposed that MACZAC send a letter to DLNR-NARS requesting that they consider the key principles espoused in the ORMP – such as connecting land and sea and promoting collaboration and stewardship – when designating the state owned lands at Molokai’s Ilio Point a Natural Area Reserve. All 11 members unanimously voted in favor of the motion that MACZAC write a letter to DLNR-NARS. It was recommended that Walter Ritte draft the letter and forward it to MACZAC chair Donna Brown, and both Walter and Donna will sign.

Next MACZAC Meeting

The next MACZAC meeting will be held on Oahu in February; exact date is to be determined. MACZAC’s public meeting will be combined with a limited meeting of MACZAC (pursuant to HRS §92.3-1(1)) at the University of Hawaii’s Institute of Marine Biology Research on Coconut Island.

Adjournment

Chair Donna Brown adjourned the meeting at 7:45 p.m.