

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

October 25, 2010  
9:30 am – 3:30 pm  
Hawaii Office of Planning, Conference Room  
235 South Beretania Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**MINUTES**

ATTENDANCE

- Members Present: Donna Brown, James Coon, Makaala Kaaumoana, Robin Kaye, Henry Lau, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: Michael Gleason, Rhoda Makanani Libre, Walter Ritte
- OP/CZM Staff Present: Melissa Iwamoto, Mary Lou Kobayashi, Marnie Meyer, Ann Ogata-Deal
- Others Present: Leimana DaMate (Aha Kiole), Brian Hunter (DOH), Gary Karr (WPRFMC), Jessica Stabile (OP/CZM-MACZAC)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for October 25, 2010
- Hawaii CZM Program – Report to MACZAC for the October 25, 2010 Meeting
- Minutes from April 26, 2010 MACZAC Meeting [draft]
- MACZAC Letter to Abbey S. Mayer Regarding their RCUH Account, Office of Planning (6/25/10)
- MACZAC Letter to Abbey S. Mayer Regarding their Budget Proposal, Office of Planning (6/30/10)
- MACZAC Letter to University of Hawaii Board of Regents Regarding Kewalo Marine Laboratory (3/24/10)
- Gary Ostrander, Kewalo Marine Laboratory, Response Letter to MACZAC (7/1/10)
- Mark Martindale, University of Hawaii, Response Letter to MACZAC (6/10/10)
- “Plan Drawn for Kakaako Land” (Honolulu Star-Advertiser, 10/15/10)
- Hawaii CZM Meeting with County Planning Directors – Meeting Agenda for October 28, 2010
- Special Management Area (SMA) Permit System (10/25/10)
- ORMP Policy Group – Meeting Agenda for October 28, 2010
- “Aquaculture’s the New Target of Isle Activists” (Honolulu Advertiser, 4/25/10)

- “Changes Proposed to State Land Rules” (Honolulu Star-Advertiser, 8/12/10)
- “High Court Lets Stand Shoreline Land Ruling” (Honolulu Star-Advertiser, 6/11/10)
- “Blue ‘Aina Tackles Honolua Bay” (Maui Moon News, 8/5/10)
- “Scientists See Coral Bleaching in the Northwestern Islands” (Honolulu Star-Advertiser, 9/30/10)
- Governor Establishes Hawaii Surfing Reserves (Office of the Governor, 6/2010)

## **Call to Order**

Meeting was called to order at 10:00 a.m. All attendees introduced themselves. Some of the meeting agenda items were addressed out of order, since a few of the MACZAC members arrived late due to their flight having been delayed.

## **Public Comment**

Leimana DaMate, coordinator of the Aha Kiole Advisory Committee, gave an update on the progress of the Aha Kiole and the Aha Moku Council. Beginning in 2004, the Association of Hawaiian Civic Clubs submitted names to the governor for appointment onto the Aha Kiole Advisory Committee. The Aha Kiole Advisory Committee was legislatively created by Act 212 and is comprised of 8 members, sworn in on November 1, 2007 by Governor Lingle, one representing each of the 8 main Hawaiian islands plus a coordinator (Leimana), who are meant to act as intermediaries between the Legislature and State agencies and the Hawaiian people regarding natural and cultural resource management. The Committee was administratively attached to DLNR, and although Act 212 appropriated funds for the Committee to organize itself, conduct community meetings and provide information for the creation of the Aha Moku Council, the State never actually released any funding. Nonetheless, the Committee members, with a process specific to each island, went out into the communities to inform the residents of the process and to document relevant information by location, focusing on best practices for resource management within each moku. The ultimate goal is to integrate traditional resource management practices into existing government regulatory policy. Bringing together farmers, fishermen and other cultural practitioners, this process is based upon the Native Hawaiian approach featuring the ahupuaa concept of mauka to makai, placed-based adaptive resource management. The Aha Moku Councils have been brought together and have hosted 6 puwala in various locations statewide, with the next one being on November 19-20 at the Hawaii Convention Center, which is open to the public and will address the entire Hawaiian Archipelago.

## **Hawaii Coastal Zone Management (CZM) Program Report**

Mary Lou Kobayashi, OP’s Planning Program Administrator, provided an update on the Hawaii CZM Program in a summary handout. See attached.

Mary Lou also mentioned that DHRD would soon be readvertizing the CZM Program Manager position since the first round of recruitment was unsuccessful. Member Sue Sakai noted that MACZAC had sent a letter to OP expressing their concerns about DHRD’s overly-generic position description and hopes for a rewritten description that explicitly makes reference to coastal issues.

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

### *ORMP Update*

Marnie Meyer, Hawaii CZM Planner, gave an update on the ORMP. The ORMP Working Group and Policy Group aim to collaborate more closely. To this end, both groups participated in a Joint Strategic Planning Retreat on July 8-9 in Honolulu in order to develop an action plan and also to prepare for the upcoming transition in State administration. The result was the identification of two priority actions plans: outreach and education (including enhancing existing efforts as well as influencing change in the standards-based school curriculum), and ORMP implementation (including creation of an orientation packet and succession strategy as well as implementation of the ORMP plan itself).

The ORMP Policy Group will next meet on October 28; MACZAC chair Donna Brown and vice-chair Jim Coon will both be attending. In addition to the Joint Strategic Planning Meeting in July, the ORMP Working Group also met on May 6, August 12, September 9, and October 7. MACZAC members Jim Coon and Sue Sakai complemented the ORMP Working Group since it truly is an interagency group with representatives from almost all of the relevant government agencies.

Marnie also mentioned that NOAA has made available a federal funding opportunity for regional ocean partnerships which is based upon the Obama Administration's National Interagency Ocean Policy Task Force's Interim Report, entitled Framework for Effective Coastal and Marine Spatial Planning. There are two options for funding: implementation of pre-existing regional ocean partnerships or development of new regional ocean partnerships. Although Hawaii is part of the Pacific Islands Region, there is no official regional ocean partnership that yet exists. Instead, the ORMP Working Group will be making a proposal to NOAA to apply for funding as a Hawaii sub-regional ocean partnership, with the development of a coastal and marine spatial planning framework for Hawaii's state and federal waters identified as the priority. The application to NOAA is due in December.

### *Community-Based Resource Management Update*

Melissa Iwamoto, Hawaii CZM Planner, gave an update on the ORMP implementation projects and community-based resource management. The three top-ranking project proposals which had previously been selected to receive CZM funding were the Honuapo Estuary project on the Big Island, whose wetlands restoration work plan has already been approved, the Maunalua Bay Education and Outreach project on Oahu, whose nonpoint source urban pollution reduction work plan is currently being finalized, and the Heeia Wetlands project on Oahu, whose work plan to re-establish a traditional Hawaiian wetlands is underway, including celebrating its first taro harvest.

## **Approval of the April 26, 2010 Meeting Minutes**

Minutes were unanimously approved, including those pertaining to the executive session. Member Robin Kaye abstained from the vote since he had been absent from that previous meeting.

## **MACZAC's Proposed Budget and Work Plan for 2011**

Member Robin Kaye facilitated a discussion amongst the MACZAC members regarding their 2011 work plan, including priorities, deliverables and proposed budget. For guidance, the members considered the group's duties specified in MACZAC's enabling statute, HRS §205A-3.5. The group intends to meet

on a quarterly basis, with 2-3 meetings a year held on Oahu plus 2 meetings a year held on neighbor islands. The members unanimously voted to approve their plan and submit it via letter to OP Director Abbey Mayer with a request to release their FY2010 administrative funds (\$30,000) for regular operating expenses as well as release project funds (\$25,000) for development of a MACZAC website to aid in public outreach and advocacy. Given the imminent prospect of new MACZAC member appointments, the current members voted to defer the actual design and content of the website until the incoming MACZAC had been appointed and convened. In addition, MACZAC expressed concern that OP should soon initiate the process of extending the OP-RCUH account which is otherwise set to expire on December 31, 2010.

## **New/Old Business**

### *Next MACZAC Meeting*

The next MACZAC meeting date is to be determined. MACZAC members decided to wait to set a meeting date until after it was known which members would be remaining on MACZAC.

### *MACZAC Vision and Mission Statement*

Member Henry Lau read aloud a draft version of the MACZAC vision and mission statement that he had prepared. The other members agreed that they liked Henry's draft and would use it as the basis for their statements, deciding to re-visit the issue at the next meeting for a final vote.

## **Adjournment**

Chair Donna Brown adjourned the meeting at 3:20 p.m.

## **Coastal Zone Management Program Report to MACZAC Oct. 25, 2010**

**National Level.** The President signed an Executive Order establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes on July 19, 2010. That Executive Order adopts the Final Recommendations of the Interagency Ocean Policy Task Force and directs Federal agencies to take the appropriate steps to implement them. The Final Recommendations of the Interagency Ocean Policy Task Force identifies national ocean policy goals. NOAA released a report "*Adapting to Climate Change: A Planning Guide for State Coastal Managers*".

**Administrative.** First recruitment for CZM Program Manager was not successful. DHRD will be conducting another recruitment. Will inform MACZAC when this occurs.

**Grant Application.** Grant application for FY10-11 was approved for \$2,018,000.

**County Contracts to Administer SMA Permit System.** The FY08-09 contracts have been encumbered with 100% Federal funds following Comptroller's disapproval of use of General funds. The FY09-10 contracts have been encumbered with General and Federal funds. The FY10-11 contract for Kauai County has been encumbered. The contracts for the other two counties are pending approval of an increase in the Second Quarter allotment of General and Federal funds. With the tight fiscal situation, only a quarter of total funding is released each quarter. Any increase requires DBF and Governor's approval.

**Special Management Area Permit System.** CZM continued to review and process permits for Kaakako Community Development District. Various projects have been processed or are in progress such as cancer research center facilities and off-site parking, modular office building for public safety, replacement of John Dominis structure with restaurant and multi-use assembly and hospitality uses and new dual force main for Ala Moana wastewater pumping station.

**Ocean Resources Management Plan.** Marnie Meyer will report on this separately.

**Coastal Hazards.** Ann Ogata-Deal's work on Coastal Hazards was recognized with an ASCE Hawaii Section Award. The Hurricane and Topographic Wind Design Standards for the State of Hawaii Building Code received the ASCE OCEA Award.

On September 18, 2010, the Hurricane and Topographic Wind Design Standards for the State of Hawaii Building Code received the 2010 American Society of Civil Engineers Hawaii Section Outstanding Civil Engineering Achievement (OCEA) Award. It was presented at the ASCE Hawaii Section Awards Banquet held at the Battleship Missouri Memorial at Ford Island, Pearl Harbor. The OCEA Award was received by the developer of the standards, Gary Chock, President of Martin & Chock, Inc. The Hawaii Coastal Zone Management Program, State Civil Defense, and the Federal Emergency Management Agency were recognized as members of the project team. (note – DAGS was not present but would also have been included as part of the project team; it is in fact considered the "owner" of the project because the State Building Code comes under DAGS jurisdiction).

The OCEA Award is the highest recognition given to a Hawaii civil engineering project. The Hurricane and Topographic Wind Design Standards Project was selected from a field that included building and structural systems projects, large and medium-sized projects, study and research projects, and water, wastewater, and environmental projects. It also was selected as the Best Study and Research Project for 2010. To our knowledge, this is the first instance of a study and research project (non-construction project) being selected as the OCEA awardee.

The hurricane and topographic wind design standards were incorporated into the State of Hawaii Building Code, which became effective in April 2010. These new standards will significantly improve building performance under hurricane force winds and thus reduce the risks to life and property throughout the State of Hawaii. It is also a critical factor in receipt of federal disaster public assistance aid in future disasters. Federal law provides post-disaster aid funding only to the level of the building code in place at the time of the disaster. Enactment of the State of Hawaii Building Code with the hurricane and topographic wind design standards will enhance the federal aid available after a disaster to allow the State to rebuild in conformance to a state-of-the-art disaster-resistant building code. It is now one of two projects that will represent Hawaii in the national ASCE competition.

The State Building Code (based on the 2006 International Building Code) with customized wind design standards was adopted by the State of Hawaii. The State Building Code was adopted by the State of Hawaii as administrative rules, and became effective as of April 16, 2010 (Hawaii Administrative Rules, Title 3, Subtitle 14, Chapter 180 State Building Code). This Code is the result of a concerted effort of the public and private sectors working to meet the objectives of Act 82. One year after adoption, all state buildings will be constructed in accordance with the Code. The four counties will follow the Code, no later than two years after adoption of the State Building Code, unless a county acts to specifically amend the code. All four county building code chiefs approved the State Building Code, which includes the Hawaii wind standards and maps developed with Section 306 and 309 funds and FEMA hazard mitigation grant funds.

During April-June 2010, building code training was conducted on all four counties.

On October 5 and 6, 2010, Hawaii CZM co-sponsored building code training in the 2009 International Existing Building Code. The IEBC is currently being reviewed and recommendations for local amendments are being discussed. If agreement is reached, the IEBC will be submitted as an addition to the State Building Code. There were 70 public sector building officials and approximately 110 private sector architects, engineers, and contractors in attendance over the two-day period. There is clearly a high degree of interest in this training which increases the knowledge and skills of all sectors responsible for implementing the State Building Code.

CZM received the first draft of the wind design guide encompassing the wind engineering provisions found in the State Building Code. Work continues on the guide, which will incorporate testing of wall assemblies for safe rooms subject to windborne debris and cyclic

pressure. This guide will provide technical guidance for use of the wind design specifications in the State Building Code. (See attachment.)

FEMA approved the 2010 State of Hawaii Multi-Hazard Mitigation Plan, effective October 4, 2010. The Plan will be effective through October 3, 2013. FEMA's approval ensures that the State of Hawaii will continue to maintain its eligibility for federal disaster assistance, non-emergency Stafford Act assistance, and mitigation grant assistance. Hawaii CZM participated directly in this effort through its work as a member of the State Hazard Mitigation Forum.

**Coastal Nonpoint Pollution Control Program (CNPCP).** Work is continuing on the Watershed Planning Guidance. The Guidance will be a user-friendly guide/handbook to assist watershed groups in preparing watershed plans. OP and DOH received a letter from EPA and NOAA in response to work products submitted in 2009 which indicated that EPA and NOAA felt that the products represented a significant effort but also identified benchmarks that the programs needed to meet in order to obtain approval of watershed-related management measures including completion of the Watershed Planning Guidance.

In late September 2010, EPA, NOAA and plaintiffs, the Northwest Environmental Advocates settled a lawsuit regarding the Oregon CNPCP. The plaintiffs asserted that EPA and NOAA have no authority under the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) to grant conditional approval of the CNPCP. Hawaii and several other states/territories have expired conditional or conditional approvals. State/territories are subject to fiscal penalties of loss of 30% of Sec. 306 and Sec. 319 Federal funds to CZM and DOH if programs are not approved. CZM is waiting for further information from NOAA as to what the future holds in this matter.

We continue to work with Maui County on the approval of Stormwater ordinances in order to meet CNPCP requirements.

**Coastal and Estuarine Land Conservation Program (CELCP).** The 2011 awards for CELCP funding have not been announced yet. Hawaii submitted an application for the acquisition of Paukukalo wetlands on Maui. CZM received a communication from NOAA inquiring as to the status of revisions to the draft CELCP plan. At some point, final NOAA-approved CELCP plans will be required for participation in the CELCP program. Staff has begun work to finalize the draft plan.

**Section 309 Assessment and Strategy 2011-2015.** A draft report was prepared by staff and public informational meetings were held. The draft report was also posted on the CZM website. The draft has been revised to address public comments and NOAA comments. It is on target to meet the November 1, 2010 submittal deadline. Approval of this report maintains our eligibility to receive Sec. 309 funds from OCRM. Priority areas are ocean resources and shoreline public access. See attachment.

**CZMA Performance Measurement System.** The CZMA Performance Measurement System report was submitted on time on July 30, 2010.

**Contracts.** Contracts for Kawainui Marsh Levee certification related to coastal hazards mitigation and improving the methodology for assessing the impacts of runoff and erosion on marine resources (Sec. 309 project) were awarded.



## Summary of Sec. 309 Priority Strategy Areas 2011-2015

### OCEAN RESOURCES

The ocean resources enhancement area is one of CZM's highest priority areas; therefore, a strategy will be developed for this enhancement area. We believe that the current efforts and momentum of the Ocean Resources Management Plan (ORMP) Working Group and MACZAC, our citizen's advisory group, provide the program with the support needed in order to further enhance the ORMP and the way the state manages our natural and cultural resources. The purpose of the strategy will be to conduct an analysis and update of Hawaii's current ORMP, to amend public policy such as the Hawaii State Plan to incorporate ocean resource management objectives, and to develop a framework for purposeful collaborative governance, which will be endorsed through an Executive Order.

The basic premises of the ORMP are still sound. The three perspectives are widely supported and have been embraced by the public. However, there are elements of the plan which should be updated and refined. A facilitated and strategic analysis of the ORMP will identify what is working, the challenges frequently encountered, and gaps in the plan. For instance, the ORMP Working Group has identified several gap areas which should be addressed in the update. These gaps areas include but are not limited to climate change and competing ocean uses.

Although collaborative implementation of the ORMP has occurred, it remains to be a challenge, particularly with the budget crisis. With limited human and fiscal resources available, it has become even more evident that collaborative governance is essential in carrying out the goals and objectives laid out in the ORMP. A guiding framework for how to conduct meaningful collaborative governance will be developed and articulated through an Executive Order, to direct state agencies to implement the ORMP and to move the plan forward collaboratively.

### PUBLIC ACCESS

A Strategy will be developed for this enhancement area. Sec. 205A-2(b), HRS, (Coastal Zone Management law) calls for providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines of recreational value. Community groups have raised a number of public access issues with the CZM Program including the blocking of access in subdivisions which predate the passage of Chapter 205A, HRS; loss of parking stalls at popular public access areas; human-induced vegetative growth blocking lateral access along the beach; etc. The Hawaii Legislature has asked the CZM Program to specifically examine human-induced vegetation along the beach. Concerns about public access are frequently raised at the public comment portion of the Marine and Coastal Zone Advocacy Council meetings, particularly on the Neighbor Islands. The majority of written public comments received by OCRM during the 2009 Sec. 312 Evaluation of the Hawaii CZM Program pertained to the loss of public access. Community groups view public access as one of the primary responsibilities of the Hawaii CZM Program and look to the program and its network partners to address public access problems.

However, with the economic downturn and declining revenues, State and County governments have had to cut budgets. Funding for the acquisition and maintenance of public access and related programs has diminished. For example, there have been proposals to raid various special funds including those that fund the acquisition of coastal lands or to divert their revenue sources in order to reduce the budget deficit. In addition, the State of Hawaii is considering closing several State Parks (including coastal parks) because of the budget deficit. When the Legislature established the 2009-2010 budget, they reduced DLNR's State Parks Division Budget by \$1 million. Moreover, when the public brings public access problems and issues to government agencies, the agencies respond that they do not have the staff or resources to deal with these problems. With the likelihood that funds will continue to be scarce, the investigation of new, creative and alternative funding techniques may be the only way to find solutions to address public access issues.

Moreover, while there are concerns about loss of public access, there are also concerns about the depletion of recreational fisheries, coral reef damage, overuse and abuse of natural resources, littering, vandalism and lack of security. Education and outreach are needed to foster a stewardship ethic to protect sensitive environmental and natural resources.

# Materials tested for building hurricane-proof safe rooms

BY TRAVIS KAYA  
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An air-powered cannon sent timbers barreling through wooden walls at the Civil Defense's test facility in Diamond Head Crater yesterday as engineers began research on next-generation building materials to protect Hawaii's houses from hurricanes.

The tests, which will continue for the next year, will guide island contractors as they implement new state building codes that require houses to be equipped with hurricane-proof safe rooms. Tests on wind-resistant materials for the rooms are being conducted by the state Civil Defense in conjunction with University of Hawaii engineering professor Ian Robertson and structural engineer Gary Chock.

"We're enabling a quicker, more efficient

implementation by industry," Chock said.

New building codes, drafted by the state's Building Code Council and approved by the governor in April, require all new houses to be equipped with safe rooms to shelter people from flying debris and strong winds. Chock said the continuing research will help contractors determine which materials and kinds of wall construction meet the stricter hurricane safety standards without costing too much.

"What we're doing is trying to improve hurricane safety ... not at exorbitant cost, but still providing the means for sheltering in place," Chock said.

The 20-foot-long air-powered cannon — what Robertson calls an "oversized potato shooter" — blasts 9-foot-long two-by-fours out of a PVC barrel at



CRAIG T. KOJIMA / STARADVERTISER.COM

University of Hawaii engineering professor Ian Robertson removes a piece of lumber that penetrated a five-eighths-inch-thick piece of plywood after being shot out of an air-powered cannon.

up to 80 mph.

During yesterday's testing the lumber was shot at 34 mph to simulate hurricane conditions. Although hurricane winds can top 100 mph in Hawaii, Robertson said debris generally travels at one-third the speed of the wind.

"The hope is that we can develop products that are Hawaii specific," Robertson said. The cannon was built in 2005 by Robertson and doctoral candidate Anindya Sengupta in the University of Hawaii's Department of Civil and Environmental

Engineering with \$450,000 from the state Legislature. The wind cannon is one of just five in the nation and is closely based on a prototype built by Texas Tech to simulate tornadoes.

The cannon will be kept by state Civil Defense in a National Guard warehouse in Diamond Head Crater. The state will eventually use its findings from the building materials and safe-room design testing to augment the Hawaii building code.

"Bottom line is giving people a safe place to go during a hurricane," Robertson said. "If they don't have these components, then they need to evacuate."

Although the National Weather Service forecasts a calmer-than-usual hurricane season this year, Civil Defense will be making a major push in September — Hurricane Preparedness Month

— to educate residents on hurricane safety. Hurricane season in the Central Pacific runs from June 1 to Nov. 30.

"It doesn't matter if the prediction is one, 10 or 20 (hurricanes)," said Civil Defense hurricane planner Danny Feigan. "It only takes one."

Feigan said that because the state does not have enough shelter space to accommodate everyone, residents should look try to create safe rooms in their homes. Even if houses are

not yet equipped with hurricane-proof materials, Feigan said families can create safe spaces by reinforcing indoor closets and bathrooms with plywood during a storm.

"You've got to realize how to shelter in place," Feigan said. "Do not just wait for government to come to you. You have to start doing your own planning."