

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

April 25, 2011
9:45 am – 3:45 pm
Hawaii Office of Planning, Conference Room
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

MINUTES

ATTENDANCE

- Members Present: Andrew Argyris, Donna Brown, James Coon, Michael Gleason, Makaala Kaaumoana, Robin Kaye, Rhoda Makanani Libre, Michael Sabas, Kimbal Thompson, Weston Yap
- Members Absent: Henry Lau, Susan Sakai
- OP/CZM Staff Present: Melissa Iwamoto, Mary Lou Kobayashi, Marnie Meyer, Ann Ogata-Deal, Dawn Omoto, Jesse K. Souki
- Others Present: Jennifer Brooks (OIP), Steve Frano (NOAA), Andrew Hood (SRGII), Brian Hunter (DOH), Cheryl Kakazu Park (OIP), Kevin Killeen (public), Lehua Lopez-Mau (Ka Ohana O Honuapo), Christina Meller (public), Sarah Pautzke (WPFMC), Pragya Pradhan (UH-Manoa DURP), Jessica Stabile (OP/CZM-MACZAC), Douglas Tom (public)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for April 25, 2011
- OPI's Website – A Quick Tour (Office of Information Practices)
- Minutes from October 25, 2010 MACZAC Meeting [draft]
- Coastal Zone Management Program Report to MACZAC (April 25, 2011)
- HB 117 “Relating to Special Management Areas” Testimony from OP (HB 117; HB 117 HD1; HB 117 HD2)
- “Coastal Property Added to Lapakahi State Historical Park Ranked #1 in Nation for Federal NOAA Funds” (The Trust for Public Lands, 3/18/11)
- National Coastal Zone Management Program Funding Summary 2010 (NOAA-OCRM)
- Hawaii FY `10 Coastal Zone Management Funding
- OCRM in Your State: Investing in America's Coastal Communities (NOAA-OCRM)
- Ocean and Coastal Management in Hawaii (NOAA, 4/22/10)
- 2010 Highlights: National Ocean Service (NOAA)
- Climate Change and Hazards Team Activities – 2010 (NOAA-OCRM)
- Hawaii Revised Statutes, Chapter 205A “Coastal Zone Management”
- What is the CZM Program? (Hawaii Coastal Zone Management Program)

- Ocean Resources Management Plan (ORMP)
- “Interagency Ocean Policy Task Force Established” (Trends, 1/11)
- “Maui’s Whale Population Growing Steadily” (Maui Weekly, 2/17/11)
- “Coral Reefs May be Gone by 2050: Study” (Huffington Post, 2/25/11)
- “Volunteers Remove Futon, Doors, Other Debris from Hawaii’s Reefs” (The Maui News, 3/16/11)
- “Cleanup to Focus on Both Land, Sea Areas” (The Maui News, 4/2/11)
- “Marine Debris Meeting Addresses Challenges” (The Maui News, 4/14/11)
- “Restoring a Reef – Innovative Solutions Help Coral Reefs Recover from Invasive Alien Seaweeds” (DLNR News Release, 1/29/11)
- “DLNR Begins Sewer Improvements at Ha’ena State Park” (DLNR News Release, 2/3/11)
- “Hunting Nemo: Harvesting Hawaii’s Aquarium Fish” (Honolulu Weekly, 4/5/11)
- “Bills Target Isle Harbors for Private Development” (Honolulu Star-Advertiser, 4/6/11)
- “Poipu Erosion to be Studied” (Honolulu Star-Advertiser, 2/26/11)
- “Study to Look at Erosion at Poipu” (Honolulu Star-Advertiser, 3/1/11)
- “Makaha Beach Has Sand Again” (MidWeek, 2/23/11)
- “Erosion Plan Calls for Use of Boulders” (Honolulu Star-Advertiser, 1/10/11)
- “A Lanai Wind Farm” (Molokai Dispatch, 3/16/11)
- “Island Batteries: What’s the Rush?” (The Hawaii Independent, 4/6/11)
- “Supplemental Environmental Impact Statement is Required for Resort Expansion Project First Approved in 1985” (Planning & Environmental Law, July 2010)
- MACZAC Letter to Office of Planning Director Abbey S. Mayer Regarding their Budget Proposal and Work Plan (11/2/10)
- Letter from Office of Planning Director Abbey S. Mayer to MACZAC Regarding their Budget Proposal and Work Plan (11/30/10)

Call to Order

Chair Donna Brown called the meeting to order at 9:45 a.m. All attendees introduced themselves. Donna welcomed the new MACZAC members, as well as the new Interim Director of the Office of Planning (OP), Jesse K. Souki.

Guest Presentation: “Overview of the Sunshine Law”

Jennifer Brooks, OIP Staff Attorney, gave a presentation on the Sunshine Law, which is codified at Part 1 of HRS §92. The Sunshine Law is essentially an open meetings law specific to government boards that are required to have open meetings. Thus, public policy is to be conducted as openly as possible. The Sunshine Law applies when board members are discussing board business, which is defined as specific matter that is within the board’s authority such as items that are on a board’s agenda or are reasonably presumed to appear on the board’s agenda within the foreseeable future.

The Sunshine Law impacts what a board can do before, during and after a meeting, and limits activities allowable outside of a meeting. Prior to a meeting, the board is required to file notice of the meeting by posting the agenda through the State’s Office of the Lieutenant Governor (and at the meeting’s location is practicable) at least 6 calendar days before the meeting is to occur. The agenda must include all major items, and must be detailed enough that members of the public can understand what issues the board will be addressing during the meeting. The board can only act on issues on the meeting agenda. During a meeting, members of the public have the right to submit oral and/or written comments on any agenda item, but public testimony is to consist of statements informing the board rather than

questions posited to the board. It is possible under certain specific circumstances for board members to go into an executive session, which is a meeting of the board that is closed to the public but whose purpose has been publically announced. Written minutes of the meeting must be kept, for both public and executive portions. The minutes must be a true and accurate reflection of the board's discussions and a record of any votes taken. Following a meeting, the minutes are required to be made available to the public within 30 days, upon request. If the minutes are not in finalized form and have not yet been formally approved by the board, it is sufficient to release a draft version of the minutes. Minutes of executive sessions are not automatically public and can be withheld from the public if publication would defeat the lawful purpose of the executive meeting.

The Sunshine Law also regulates permitted interactions of board members outside of a meeting. The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed open meeting. While board members cannot communicate about board business amongst themselves outside of a meeting, they are not prevented from discussions about board business with non-board members, nor are they prohibited from communicating about non-board business amongst themselves. In addition, certain types of communications about board business outside of a meeting are statutorily permitted without the procedural requirements that would normally be required. These main types of permitted interactions include: communications between only two board members (as long as there is no commitment on voting), discussions with the Governor, and board members investigating matters concerning board business and then reporting back the findings to the entire board at a properly noticed open meeting (as long as the number of investigating members is less than quorum).

Approval of the October 25, 2010 Meeting Minutes

Minutes were unanimously approved.

Hawaii Coastal Zone Management (CZM) Program Report and Legislative Update

Jesse K. Souki, OP's Interim Director, provided an overview of the top issues that the CZM Program would be focusing on in the near future which MACZAC's participation would be welcome. Jesse indicated that OP would be working with the ORMP Policy Group and ORMP Working Group to develop a statewide climate change policy and so MACZAC's input through their chair and vice-chair who are members of these groups would be appreciated. He further indicated that MACZAC could support the CZM Program by testifying on legislation impacting Hawaii's CZM law (HRS §205A) such as proposals which may be detrimental to the coastal environment, as well as by helping to locally celebrate the 40th anniversary of the CZM Act of 1972 by exploring how it has positively impacted people's lives in Hawaii. Jesse also noted that OP hoped to be able to hire a new CZM Program Manager some time soon.

Mary Lou Kobayashi, OP's Planning Program Administrator, provided an overview and update on the Hawaii CZM Program and a legislative review both orally and in a summary handout. See attached. Mary Lou also mentioned that she and another CZM staff recently attended the NOAA-OCRM & CSO annual meeting for coastal program managers in Washington DC (February 28 - March 1), where the two major themes discussed were climate change, and ocean resources management planning. Because of the national budget crisis, NOAA-OCRM indicated that exact funding levels to the states for the upcoming new fiscal year remain uncertain. Steve Frano, of NOAA-OCRM, concurred that this is still the case.

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

Marnie Meyer, Hawaii CZM Planner, gave an update on the ORMP. The ORMP Policy Group last met on October 28, 2010, with MACZAC chair Donna Brown and vice-chair Jim Coon both attending. The Policy Group made the following commitments to carry out next steps: expanded ORMP outreach efforts; climate change vulnerability and risk assessment studies; execution of a Regional Ocean Partnership development agreement should Hawaii be awarded federal funding; and preparing agency staff for a smooth transition through the change in administrations. Marnie further mentioned that the ORMP, which is a live document organized according to 5-year phases within a greater 25-year vision plan for integrated resource management, was last revised in 2006 and so is now due to be updated again as mandated by HRS §205A-62. The CZM Program will begin the ORMP update process on July 1. In order to capitalize on the collaborative work that has been building over the past few years, an analysis and update of the current ORMP will be conducted in years 1 and 2 to provide the basis for approval by the Governor as a functional/strategic plan in later years. The existing ORMP will be analyzed to identify what is working, the constraints and obstacles frequently encountered, and any gaps existing in the plan.

Melissa Iwamoto, Hawaii CZM Planner, gave an update on community-based resource management. Melissa indicated that the Community Stewardship Directory is currently being updated for 2011 and asked MACZAC to help spread the word to any additional groups not already listed. Melissa then went online to demonstrate where the Directory is posted on the CZM Program's website as well as to orient the members as to where additional resources are located on the various CZM and MACZAC webpages. Melissa also gave some background on the CZM Program's "Adapting to Climate Change in Hawaii" powerpoint video, demonstrating where the video is accessible on the CZM Program's website.

Marnie and Melissa then gave a presentation entitled "Climate Change Governance: Finding Opportunities in a Changing Environment" which addressed the following topics: (1) What is the State doing to address climate change adaptation? (2) What is the status of the Climate Change Task Force? (3) What are the challenges? (4) Where are the opportunities? (5) Next steps: What are the State's priorities moving forward?

Guest Presentation: "Honuapo Wetlands Habitat Restoration Plan, Honuapo Park, Kau, Hawaii"

Lehua Lopez-Mau, of Ka Ohana O Honuapo, provided some background on the Honuapo Estuary and why the area's wetlands habitat restoration efforts were initiated. Honuapo Estuary is located in a rural coastal area in Kau District of Hawaii Island. The estuary lies within Honuapo Park and is comprised of three distinct wetland types. The area was previously in close proximity to a sugarcane plantation and mill, with the vestiges of an old wharf still remaining, as well as was used for cattle grazing. These agricultural activities greatly disrupted the native habitat and the area became overgrown with invasive plant species (e.g., grasses and kiawe) and overrun with alien animals (e.g., mongoose, rats, and cats). In the early 2000s when the surrounding landowner initiated plans to develop the area into luxury estates, the local community protested by clearing away some of the grasses to reveal the hidden estuary. Out of this protest movement, the local community acted to form a non-profit, Ka Ohana O Honuapo, to oversee the wetlands habitat restoration efforts. Following fundraising efforts, the entire 225-acre Honuapo Park area was purchased and control of the land was given over to the County of Hawaii. Ka Ohana O Honuapo then signed a MOU with the County to assist in the planning, restoration and management of the resources (environmental, cultural and recreational) of Honuapo Park.

Andrew Hood, of Sustainable Resources Group Int'l Inc., provided more details about the Honuapo Estuary's ecology, threats, and habitat restoration efforts. The area has a unique ecohydrology, and consequently has unique flora and fauna. The primary objective of the restoration plan is to enhance avian habitat for resident and migratory birds, but this will also result in improved fisheries habitat for fish, invertebrates and other marine animals. The area was historically a Hawaiian fishpond, and the area

also frequently hosts green sea turtles and monk seals. Given the primary objective of improving avian habitat, there is a need to remove bird predators such as mongoose, feral cats and rats that inhabit the area. One suggestion is the construction of a predator control fence, although this may prove too controversial. Another major plan is for vegetation removal of targeted invasive species that are currently degrading the wetlands, which will serve to restore freshwater input into the estuary and improve avian forage habitat.

Citizen Participation in CZM and the Creation of MACZAC

Douglas Tom, former Hawaii CZM Program Manager (now retired), provided an overview of citizen participation in CZM as well as the creation and history of MACZAC. Influential trends prior to the passage of the national CZM Act included a population shift towards the coasts and the ensuing uncontrolled development, whereby coastal areas came to represent the country's economic backbone but with damaging effects to their marine and shoreline environment. The federal CZM Program was created upon the passage of the CZM Act in 1972, with Hawaii's CZM law (HRS §205A) adopted a few years later, resulting in a beneficial federal-state partnership. Coastal zone management is about the sustainable balancing of the needs of economic development with resource conservation. In the past, bills have sought to repeal the CZM law, but it was citizens who fought to save it. Citizens and citizen groups like MACZAC enjoy the power of the pen and tongue because legislators do listen to members of the public.

The group MACZMAG, comprised of a mixture of mostly government agency representatives along with members of the public, was the predecessor to MACZAC. Act 169 subsequently called for a public advisory body to be established by OP, resulting in the formation of MACZAC in 2001 pursuant to HRS §205A-3.5. MACZAC is composed entirely of public community members (up to 12) recruited from each of the main Hawaiian Islands. Members have diverse backgrounds in business, environment, native Hawaiian cultural practices, terrestrial and marine commerce, recreation, research, and tourism. The members serve as volunteers, and provide both broad subject matter representation as well as statewide distribution. Their purpose is to provide support to OP by providing advice on marine and coastal issues and work toward the implementation of an integrated coastal zone management system in Hawaii (represented by the ORMP).

Hawaii, as the nation's only island state, is especially financially dependent upon its marine and coastal zone resources. As tourism currently forms the primary foundation of the state's economy, it is imperative to ensure clean water and quality beaches, not just for tourists but also for Hawaii residents. Hawaii has been a groundbreaker in lots of aspects relating to marine and coastal issues like shoreline access, and it is active citizen participation, including by MACZAC, that has greatly helped in this regard. The ocean is Hawaii's heritage and its future, and so needs to be protected. This requires vision, for which the ORMP provides a good start, particularly as it is a living document that was drafted after much consultation statewide.

MACZAC's 2011 Work Plan

To inform the new members on what MACZAC had already approved and submitted to OP as their 2011 work plan, member Robin Kaye led a discussion regarding the content of the work plan, including priorities, deliverables and proposed budget. For guidance, the members had considered the group's duties specified in MACZAC's enabling statute, HRS §205A-3.5, including advocating for the CZM Program and MACZAC, advocating on behalf of the public to the CZM Program, participating in the ORMP update and implementation, and evaluating the CZM Program and network agencies. 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, 1 of which would ideally be dovetailed to coincide with the HCPO Conference which rotates amongst the counties. The first meeting of the year, this one, would focus on transition and existing MACZAC members had also agreed to assist as mentors to any incoming new members. Besides

MACZAC meeting travel, other operating costs include those for participation in the ORMP Policy Group and ORMP Working Group meetings, the administrative assistant position, as well as incidental expenses.

The members must still submit another revised proposal to OP requesting the release of their project funds (\$25,000) for development of a MACZAC website. OP will have to approve of the proposal to release the funds. The particular design and content of the website has yet to be determined, although the goal is for MACZAC to host an interactive website that can aid in public outreach and advocacy on marine and coastal issues in Hawaii. The members voted unanimously to authorize Robin to pursue from OP the project funding for the new MACZAC website. Member Weston Yap can contribute design ideas.

Having sunsetted all of MACZAC's investigative working groups at their last meeting, the members decided that the topics of statewide importance that MACZAC would like to currently address via investigative working group are: education and outreach, legislation, and shoreline access. Members of the Education and Outreach Working Group include Robin Kaye (chair), Makaala Kaaumoana, Donna Brown, Weston Yap, and Mike Sabas, with CZM planner Melissa Iwamoto choosing to join as well. Members of the Legislative Working Group include Jim Coon (chair), Mike Gleason, and Kimbal Thompson. Members of the Shoreline Access Working Group include Andrew Argyris (chair) and Rhoda Makanani Libre, although Andrew knows of additional members of the public that will want to join too. MACZAC's investigative working groups are not bound by the Sunshine Law and so may meet as often as needed and may be comprised of both members (but less than a quorum) and non-members.

New Business

MACZAC Officer Election Procedures

Following a group discussion regarding the MACZAC chair and vice-chair positions, the members unanimously voted to have officers serve for 2-year terms. Should the chair's or vice-chair's respective term as a MACZAC member expire prior to the expiration of their term as an officer, that will become their end date by default. The members will hold officer elections during the next MACZAC meeting.

MACZAC Meetings for 2011

The next MACZAC meeting will be on June 1 in Honolulu.

Members are interested in holding the subsequent MACZAC meeting on a neighbor island, ideally to coincide with the last day of the HCPO Conference which is slated for late-September and hosted by Kauai County. This issue will be revisited at the June 1 meeting once more information is known.

MACZAC Vision and Mission Statement

Chair Donna Brown read aloud a draft version of the MACZAC mission statement that had been previously crafted by member Henry Lau, who was absent. The draft had been proposed at the last MACZAC meeting, where the members agreed that they liked Henry's draft and would use it as the basis for their statement. Following a discussion in which the members jointly crafted a statement based off of Henry's draft, the members unanimously voted to approve their new mission statement, which reads: "Advocate for a comprehensive management system which restores, preserves and protects Hawaii's marine and coastal environment."

Adjournment

Chair Donna Brown adjourned the meeting at 3:40 p.m.

Coastal Zone Management Program Report to the Marine and Coastal Zone Advocacy Council April 25, 2011

Informational Materials Provided in Packet

- National Coastal Zone Management Program Funding Summary 2010
- Hawaii Coastal Zone Management Funding FY10 (Coastal States Organization)
- OCRM in Your State

Coastal Estuarine Land Conservation Program (CELCP)

Seventeen (17) shoreline acres were acquired and added to the Lapakahi State Historical Park in North Kohala on the island of Hawaii. Half of the purchase price was provided by NOAA's CELCP which is administered through the Coastal Zone Management Program of the Office of Planning. The purchase protects and provides access to the adjacent Lapakahi Marine Life Conservation District which serves as habitat for over 116 marine species.

The CZM Program is initiating an update of the 2006 Draft Hawaii Coastal and Estuarine Land Conservation Plan which may be found at

<http://www.state.hi.us/dbedt/czm/initiative/celcp/index.html>

Coastal Nonpoint Pollution Control Program (CNPCP)

The Hawaii Watershed Guidance has been completed. This project is a partnership between the Department of Health and the CZM Program. We are just starting to announce the availability of the document and starting distribution. It is available at <http://hawaii.gov/dbedt/cam/initiative/nonpoint.php> The Guidance identifies tested best management practices to improve water quality. The Guidance is part of a continuing effort to address water quality issues throughout the State by reducing nonpoint source pollution. The Guidance is intended to help the many community groups that are involved in preparing watershed plans for their communities. This project helps move Hawaii toward full Federal approval of the CNPCP and is necessary in order to avoid fiscal sanctions. Staff continues to work with the counties toward the adoption of ordinances to meet Federal management measures for the retention of storm water.

Coastal Hazard Mitigation

The CZM Program is participating in and supporting training for each of the Counties on the International Building Code. The CZM Program was instrumental in incorporating Hawaii specific wind design standards into the State Building Code. These wind design standards will help make Hawaii buildings more resilient to hurricane force winds.

Ocean Resource Management Plan and Community-Based Management: Reports will be provided by CZM staff.

Performance Measurement System

The CZM Program continues to participate in and provide reports on performance. CZM volunteered to be the first to test OCRM's online reporting system and provided feedback to OCRM.

Legislative Status

Bills Still Alive

HB 117, HD2, SD2 Relating to Special Management Areas. Refer to copy of OP Testimony. (Provide as handout.)

HB 389 HD3 SD2, Relating to Land Use. Establishes Heeia Community Development District. OP took no position on establishment of Heeia Community Development District. Bill incorporates OP's recommendation that the administration of the SMA permit remain with the City and County of Honolulu.

Bills Held

HB 917 Relating to Transportation. Exempts from Special Management Area permit requirements development and construction of highways and airports.

SB 80 Relating to the Climate Change Task Force. Extends the existence of the climate change task force until 6/30/11. However, HB 1019 HD1, SD1 Relating to Sustainability is still alive. It extends the Climate Change Task Force and funds it through the barrel tax.