

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

Friday, January 31, 2014  
9:30 am - 12:30 pm  
Office of Planning's Conference Room  
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

**SUMMARY MINUTES**

**ATTENDANCE**

- Members Present: Rich Brunner, Lori Buchanan, Jim Coon, Phil Fernandez, Dawn Hegger, Shaylyn Kimura, Susan Sakai, Kimbal Thompson
- Members Absent: Donna Brown, Robin Kaye, Rhoda Makanani Libre, Craig Severance
- OP-CZM Staff Present: Leo Asuncion, Shichao Li, Justine Nihipali, Dawn Omoto, Lynn Sumida
- Others Present: Ben Reder (National Oceanic and Atmospheric Administration), Charles M. Kaaiaai (Western Pacific Regional Fishery Management Council), Dan Purcell (Member of the Public)

**DISTRIBUTED MATERIAL**

- MACZAC Meeting Agenda for January 31, 2014
- Minutes from October 28, 2013 MACZAC Meeting [draft]
- CZM Report to MACZAC (January 31, 2014)
- “Food for millions at risk: Shifting oceans could hit vulnerable cultures hard” -  
[<http://apps.seattletimes.com/reports/sea-change/2013/dec/21/food-for-millions-at-risk/>]
- “Ellison’s latest plan for Lanai includes large research university campus” -  
[<http://www.bizjournals.com/pacific/news/2013/10/28/ellisons-latest-plan-for-lanai.html?page>]
- “Fishing for Secrets: My Stormy Mission to Expose the 'World's Biggest Dolphin Hunt' ” -  
[<http://pulitzercenter.org/reporting/south-america-peru-coastal-ocean-health-dolphin-slaughter-shark-fishing-harpoon-bait-meat>]
- “Kevin Lee World's First Tidal-Powered Lagoon Could be Coming to Swansea Bay” -  
[<http://www.zeitnews.org/applied-sciences/energy/kevin-lee-worlds-first-tidal-powered-lagoon-could-be-coming-swansea-bay>]
- “Climate change warning: Killer winter storms for next THIRTY years” -  
[<http://www.dailystar.co.uk/news/latest-news/354006/Climate-change-warning-Killer-winter-storms-for-next-THIRTY-years>]
- “Mystery Oil Spill Turns Miles of Trinidad’s Beaches Black” -  
[<http://www.globalissues.org/news/2013/12/23/18003>]
- “Nevis Embarks on Geothermal Energy Journey” -  
[<http://www.globalissues.org/news/2013/12/19/17984>]
- “Oysters dying as coast is hit hard: A Washington family opens a hatchery in Hawaii to escape lethal waters.” -  
[<http://apps.seattletimes.com/reports/sea-change/2013/sep/11/oysters-hit-hard/>]

- “Creek Watch” -  
[<http://www.scientificamerican.com/citizen-science/project.cfm?id=creek-watch>]
- “Sea Change: Can sea life adapt?” -  
[<http://apps.seattletimes.com/reports/sea-change/2013/nov/2/can-sea-life-adapt/>]
- “Tidal power plan is right choice for Conwy county coastline, says university expert” -  
[<http://www.dailypost.co.uk/news/north-wales-news/tidal-power-plan-right-choice-4007416>]
- “Beach erosion likely due to abnormally high tides” -  
[[http://www.staradvertiser.com/newspremium/20131017\\_Beach\\_erosion\\_likely\\_due\\_to\\_abnormally\\_high\\_tides.html?id=228138331&c=n](http://www.staradvertiser.com/newspremium/20131017_Beach_erosion_likely_due_to_abnormally_high_tides.html?id=228138331&c=n)]
- “Waikiki-Diamond Head reopens for fishing” –  
[<http://www.hawaiinewsnow.com/story/24344369/waikiki-diamond-head-reopens-for-fishing>]

## I. Call to Order

Chair Sue Sakai called the meeting to order at 9:30 am and welcomed everyone, especially the new MACZAC members, Shaylyn Kimura of Kauai and Lori Buchanan of Molokai. All attendees introduced themselves and the new members provided a brief professional summary.

## II. Welcome and Office of Planning (OP) Updates Jesse K. Souki, Director

Director Souki welcomed all attendees. He thanked MACZAC members for volunteering their time to represent their family, friends, and community in an advocacy capacity.

Director Souki provided an overview of the following legislative requests:

- Add one position and funds for furthering the transit-oriented development (TOD) which can deliver benefits envisioned in the State Planning Act and Governor Abercrombie’s New Day Plan. Copy of the TOD report can be found at <http://planning.hawaii.gov/spb/transit-oriented-development>.
- Add one position and funds for implementing Act 181, which Governor Abercrombie signed into law in 2011. This bill ties the State Planning Act to the Hawaii 2050 Sustainability Plan located at [http://files.hawaii.gov/dbedt/op/docs/OP\\_TAM\\_2013-12-03.pdf](http://files.hawaii.gov/dbedt/op/docs/OP_TAM_2013-12-03.pdf).

He will also be asking for guidance through the Resilient Hawaii Forum, on implementing Act 286 (Session Laws of Hawaii 2012), which was signed and codified into law by Governor Abercrombie. Act 286 will help to build resiliency in agriculture, conservation lands, and coastal and marine areas. In June 2013, as part of the Climate Action Plan, President Obama called for the establishment of a short-term task force of state, local, and tribal leaders. Governor Abercrombie was appointed by President Obama to be a part of this task force consisting of a select group of governors, mayors and other leaders to develop recommendations on how the federal government can better support local climate preparedness and resilience. With a focus on Act 286 and within the context of what President Obama is requesting, Director Souki noted that this would be a great opportunity to conduct a forum, bringing back over 60 organizations that assisted on developing the policy.

In closing, he thanked MACZAC members for sharing their insight, background, and understanding of each island community in a way that will ensure the effective implementation of objectives and policies of the CZM Act.

### **III. Approval of October 28, 2013 Meeting Minutes**

The October 28, 2013 Meeting Minutes were unanimously approved by all members present.

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

Leo Asuncion, CZM Program Manager, welcomed the group and provided summary highlights in the following topics from the attached report:

- Federal Consistency / Special Management Area
- Ocean Resources Management Plan (ORMP)
- Community Stewardship Directory
- Coastal Nonpoint Pollution Control Program (CNPCP)
- Alternate Funding Mechanism for Acquisition and Maintenance of Shoreline Public Access
- Cumulative and Secondary Impact: Stormwater Impact Assessment
- National Estuarine Research Reserve in Hawaii
- Coastal and Estuarine Lands Conservation Program (CELCP)
- Coastal and Marine Spatial Planning (CMSP)
- CZM Dashboard and ORMP Report Card
- Climate Change Adaptation
- Coastal Hazards
- Other Initiatives
- 2014 CZM Program Goals:
  - Prepare for FY15 CZM Section 309 Assessment and Strategy process
  - Complete Alternative Financing Mechanisms for Public Access project
  - Complete update of Community Stewardship Directory; begin geospatial work
  - Create SMA training videos and place on-line at CZM website
  - Establish CZM Dashboard and ORMP Report Card
  - Obtain approval of nominated Hawaii NERRS preferred site from NOAA; begin Phase III
  - Complete CMSP Analysis Tool development and launch to public agencies
  - Advance implementation of Climate Change Adaptation Priority Guideline
  - Additional outreach for CZM Program as a whole
  - Continue supportive participation in external groups and CZM related activities

In preparation for the FY14 CZM Section 309 Assessment and Strategy process, Mr. Asuncion solicited interested MACZAC members to assist OP staff. The kickoff will take place in the summer and the Strategy process will begin in October 2014. Ms. Hegger and Mr. Fernandez indicated interest to assist in bringing input from the community.

### **V. Discussion on Outgoing Correspondence**

MACZAC member Jim Coon of Maui shared a thank you email, written by Donna Cadiz, regarding MACZAC's assistance in supporting a proposed solution that would prevent further ocean access conflicts at Kanaha Beach. He reported that he is still working on the second hotspot issue regarding the increase number of spearfishing activities that may cause harm to reefs on Maui.

Chair Sakai encouraged MACZAC members to solicit help from the CZM Director and CZM partners. Prior to drafting and sending out letters, it was suggested that members first determine

if the issues are being addressed by partner agencies. In addition, there are Community Stewardship Organizations on each island where the public can obtain more information and gain support. Chair Sakai emphasized that since MACZAC is attached to the Office of Planning, members can effectively call upon OP to assist in addressing community issues.

Mr. Fernandez stated that since spearfishing is still an issue on Maui, he asked for advice whether he should contact the director of the Department of Land and Natural Resources (DLNR).

Director Souki encouraged the members to first coordinate with the CZM Program. He emphasized that if the program is not moving forward towards resolving the issue, then he asks that MACZAC please notify the CZM Program with advance notice of their intentions before sending out any letters.

## **VI. Public Input**

Dan Purcell, a member of the public, asked MACZAC members what is the cause of the increase number of sharks in Hawaii. The following anecdotal reports were discussed: there are more ocean users such as kayak fisherman, spear fishers, kite surfers, and paddle boarders than a few decades ago; sharks are attracted to turbid water; and turtles are favored by tiger sharks and there are lots of turtles. DLNR is funding a study to determine how tiger shark movement is interacting with human behavior. Tracking of the sharks is available on the Pacific Islands Ocean Observing System (PacIOOS) Hawaii Tiger Shark Tracking webpage at <http://pacioos.org/projects/sharks/>.

Charles M. Kaaiyai (Western Pacific Regional Fishery Management Council) noted that one of the impacts to the coral in Kaneohe Bay is the hardening of the streams, which elevates stream water temperatures flowing into the bay.

## **Optional Break**

## **VII. Highlighting Critical Marine and Coastal Hotspot Issues, By Island**

- MACZAC member Dawn Hegger of Oahu noted that climate change impacting natural resources and ocean animals need to be taken into consideration. She also reported that due to increased social media uses like instagram, a lot more people are going to quiet areas of Makaha; possibly getting into more confrontation and fights. Increased social media use is attracting inexperienced users to remote areas; thus, aggravating natural resource degradation. Mr. Coon emphasized how this ties in to increase spearfishing activities on Maui that is largely driven by social media.
- MACZAC member Phil Fernandez of West Hawaii Big Island reported the following:
  - Developers of Kohala Kai went through the proper legal process. They proposed an easement to preserve access which the county thought was reasonable; therefore, it was approved. How did it become a controversy?
  - Promises of community involvement and transparency.
  - Community Development Plan (CDP) calls for access and is high on a list of priorities. CDP became an ordinance.
  - CDP task force still meets.
  - Is recording of an easement legal in the context of a cultural trail?
  - How does an “established” Ala Kahakai Trail impact the county and its ability to move a trail?

- Ala Kahakai trail is less precise; Kohala Kai's easement is very precise – parts of Ala Kahakai are jeep trails and some are fishermen's trails.
  - Additional facts:
    - Neither the planning department nor developer contacted the CDP task force
    - The community felt betrayed.
    - Development is in North Kohala; South Kohala community felt betrayed, even though they are the users.
  - Mr. Fernandez opined that this is a good example of failure and success of Community Based Management (CBM). It is important for further development of what is CBM.
- MACZAC member Rhoda Makaanani Libre of Kauai was not able to attend but provided the following written report:
- “Voiced by our hanakaumaka puuhonua and westside na kupuna a me na opio a makaainana a kuleana ma mau Ma kona moku o Kauai. Current problems are: Fisheries and coral reef decimation. Water diversion and leaf catchers that kill oopu and all life in Hanapepe River. Catamarans and scuba diver activities are unmanaged. Unaccountable commercial marine and shoreline and reef ventures - no accountability on these activities. Taking of live shells, lobsters, coral, wildlife, rocks, sand, displacing native Hawaiian practices. Unzoned shoreline and hiking tours; traversing and anchoring of illegal moorings in fishery habitats and over shallow reefs and bays, destroying coral with anchors and artificial attachments, ruining vistas and pristine areas, polluting and interrupting fisheries habitat, and native Hawaiian practitioners and gathering. Underground injection wells and pipes dumping directly into coastlines. Sand dumping on reefs and native endangered species habitat shoreline-State of Hawaii Department of Transportation (DOT) Wana and marine biota kills -slow or no assistance from Kauai Division of Aquatic Resources (DAR) –Division of Boating and Ocean Recreation (DOBOR). Detrimental and ineffective policies and rules that encourage the decline of natural resources, violations of cultural protocol, poaching and unmanaged activities in unzone areas that has negatively impacted our fish and shoreline stocks and integrity. Great increases of salinity and turbidity in our rivers and estuaries due to water diversions, trash blockage, and government upper river area of work to levee and banks- bad management practices- community ignored. Outdated and obsolete fines and penalties that cause foreign entrepreneurs to violate and pay petty fines that is no cost to how much tax free pirate monies they make off of state and Hawaiian pristine and untouched resources. Need appropriate rules, fines, and penalties. Requesting designation of our cultural sanctuary to restore habitat and protect food supplies and nurseries. 7 noted species genocide in 4 dead spots - kona moku. Entering sensitive fragile ahupuaa nurseries and spreading of invasive species and coral diseases by traversing commercial marine vehicles, unmanaged tours, and prospecting scientists without invitation or permission or division policy for community participation of their activities in culturally sensitive and fragile Hawaiian ecosystem. Highly inappropriate and hostile.

Pesticide, herbicides, fertilizers, genetically modified organism (GMO) chemicals and sewage dumping through air and water in sacred marine and estuaries and coral reef/fisheries habitat equating to no food or clean water.”

- MACZAC member Craig Severance of East Big Island was not able to attend but provided the following written report:
  - “December storm debris in Wailoa River Estuary. There are recurrent break-away rafts of vegetation that float down the Wailoa river under the bridge and out into the bay where they constitute a hazard to navigation. In the Late December rainstorm, a great deal of debris floated down, and entangled around the pier and mooring lines and boats moored above the bridge. Some logs also floated out along Banyan Peninsula.
  - No action came from DOBOR though the DOBOR harbor agent did say he was working with DOT to get the larger debris removed from the shore with their equipment. Eventually a couple of boaters took action and towed material out into the bay at their own expense. Observers remarked that if the moored boaters were paying substantial mooring fees and insurance, then, the state should have cleaned up the problem. Obviously, better communication is needed.
  - Long term simmering issues: New Users in Hilo Bay and potential hazards
  - Jetski, stand-up paddleboard, one man outrigger, Kayak, racing canoe and sailboat traffic have all dramatically increased in Hilo Bay in just the last 2-3 years. The risk of run-downs from ship, barge and powerboat traffic has dramatically increased, especially since canoes and kayaks are low to the water and run without lights (or other safety gear) at dawn and dusk. Fishermen, as the more traditional users have expressed frustration and a fear that accidents will happen. I can count up to 40+ one man canoes in the main shipping lanes on a regular basis. The new state rules for operator are only for powerboats, I believe. So user conflicts can be expected and accidents will happen! What are state liabilities?
  - Shorefishing access points: Lai Ulua and other shorefishing access points along the Hamakua Coast continue to erode away. See Kanemoto article in Lawaia: [http://issuu.com/lawaia/docs/lawaia\\_issue\\_4](http://issuu.com/lawaia/docs/lawaia_issue_4)
  - Gentrification along that coast also reduces access. These access points have been an important source of subsistence and recreational access for local and plantation community folks for generations. This is not only an access right, but a safety issue.”
  
- MACZAC member Rich Brunner of Maui shared that a Brown Water advisory was posted for parts of Maui on January 22, 2014, and can be found at <http://www.hawaiinewsnow.com/story/24521513/brown-water-advisory-posted-for-parts-of-maui>.
  
- Mr. Coon suggested that MACZAC members could make a difference in small, local, hotspot areas by making these smaller areas better. He emphasized that MACZAC members need to be cognizant in trying to attend to matters that will bring more immediate returns.
  
- MACZAC member Kimbal Thompson of Oahu reported that he attended the Natural Estuarine Research Reserve System (NERRS) meeting at King Intermediate School on January 28, 2014. He stated that he is in full support of the program. He noted that it was interesting how Governor Abercrombie addressed all of the negative perception by the community who shared their personal interests. Mr. Thompson is optimistic that this would be a great pilot project. There will be a second meeting to present responses to the initial

public comments, and allow exchange of information at the same location on February 27, 2014. Posting of unredacted comments will be posted unedited on the website at <http://planning.hawaii.gov/czm/initiatives/nerrs-site-proposal-process/>

- Mr. Thompson noted that Honolulu has older high rise buildings 40-50 years old, which will require new plumbing and other maintenance costs. This would require +/- \$50,000 per unit to rebuild. People on fixed incomes will not be able to afford it. He repeated that he is not anti-development but emphasized that we have to look at ways to recycle, to be sustainable, and to really look at the impact of development on our ocean shorelines.
- MACZAC member Lori Buchan of Molokai first asked how does MACZAC determine which hotspot gets selected to be worked on by the council. She noted that Molokai seems to have the same coastal issues as the other islands and reported the following:
  - Scientist Jim Jacobi is expounding his research project, Molokai from Ridge-to-Reef. Baseline data in this project include turbidity (water clarity), waves, currents, temperature, salinity, and light. Other benefits of this project include linking impacts on watersheds from invasive species, land use transformations, and climate change in order to forecast the effects of the changing islands on reef ecosystems.
  - The state-mandated Aha Moku Advisory Council, whose mission is to advise the DLNR on perpetuating Native Hawaiian resource management practices within community-based subsistence areas, will allow participation by local residents and state managers in caring for nearshore resources. Ecosystems are different in each community so rules will be based on community participation and differing needs of each ecosystem.

The Aha Moku has identified several pilot communities that are already practicing konohiki on various levels. The north shore is earmarked as one pilot community.
  - Charter boats from Maui are doing unregulated hammerhead shark research at Kaohikaipu Island (Turtle Island).
  - Communities are not happy with jetski users. Fishermen are speed dialing DOCARE and reporting issues.
  - People are applying for desalination permits which may lead to increased coastal issues.
  - Sand dunes at Papohaku are protecting nearby homes from high tide swells and preventing runoff of red dirt into the ocean. The dune preservation is paid for by the Office of Hawaiian Affairs which hopes to create a shoreline setback to approximately 1200 feet. However, Maui homes built on sand, from Wailuku to Waihee, are facing increased coastal dune issues. These property owners do not realize the dynamics of the sand in these changing shorelines.
  - Molokai has very little enforcement by the Division of Conservation and Resource Enforcement (DOCARE). Landowners are hardening the shoreline without permits and DOCARE needs to enforce. Ms. Hegger noted that if the property is on Department of Hawaiian Home Lands (DHHL), there is concern that certain Molokai residents will defend their property with weapons if DOCARE tries to do enforcement.
  - Increased watersport users are impacting the ocean with their rubbish and wrecking the coral reefs with moorings. Molokai is a popular stop along the way to Maui. At the Aha Moku level, Molokai residents try to enforce it locally because they don't have sufficient DOCARE enforcement.

- Ms. Buchanan emphasized that it would be good to have MACZAC support the community-based fishing subsistence area on Molokai. Research and scientific data collected by the community is a Konohiki and DLNR managed pilot project.
  - Molokai is working with Kamehameha schools and the DLNR in ahupuaa management of fishponds and also taking a holistic approach in these areas.
- MACZAC member Shaylyn Kimura of Kauai reported the following:
- EBay founder Pierre Omidyar and his team is looking to restore Kamoomaikai Fishpond and Puu Poa wetland on the coast of Hanalei Ridge. But due to the coral reef disease and impacts from boating damage in Hanalei, the community is opposed to restoring the fishpond because they do not know how to reduce the impacts from runoff or to no impacts at all. Opposition is very vocal with regular demonstrations and petitions.
  - The second issue is beach erosion on the north shore at Aliumanu, adjacent to Anahola. Owners have to deal with outside agencies and feel there is nothing they can do with the erosion so they are selling their land. Others who inherited property from their families over the past 50 years are faced with incredible property taxes. People are pooling their resources in order to pay these high taxes.
  - With the restoration of the Kalalau trail that begins in Haena State Park, there is increased traffic to this popular hiking area. Trails and bathrooms have been successfully restored. Guidebooks such as “Maui Revealed” appear to be informing readers to visit this area. There are many people walking on the reef and the lifeguards appear to be doing a great job educating the visitors; however, management and enforcement in protecting the reef is very poor.
  - On a positive note, Ms. Kimura noted that upon arrival at the Lihue airport, the TSA is teaching visitors about ocean safety. The mantra is that if you do not see locals in the water, do not go in. The hotel association also provides ocean safety information at hotel check-in locations. Beach Safety Videos presented by the Kauai Beach Explorer, County of Kauai, Kauai Visitor Bureau, Kauai Fire Department Ocean Safety Bureau can be found at [http://www.kauaiexplorer.com/flash/beach\\_safety\\_video.html](http://www.kauaiexplorer.com/flash/beach_safety_video.html).  
Statewide link can be found at <http://www.hiexplorer.com/>.

## **VIII. MACZAC Elections for 2014**

Chair Sakai and Vice-Chair Thompson were unanimously elected to their same positions for 2014.

## **IX. Reports from MACZAC Working Groups (WG)**

### **Education and Website WG**

- Education and Website WG Chair Rich Brunner is researching the feasibility of a MACZAC Facebook page.
- Mr. Asuncion noted that additional outreach for the CZM Program will take place in conjunction with the Ocean Resource Management Plan (ORMP) outreach. With a full OP/CZM staff, there will be more educational outreach opportunities at symposiums, forums, and at universities. Director Souki added that MACZAC could be an excellent forum to inform the community on the accomplishments of the CZM program by doing similar public outreach on their respective islands. Ben Reder



(National Oceanic and Atmospheric Administration) requested handouts of the CZM Program for distribution at his upcoming coastal awareness events.

### **Shoreline Access WG**

- Chair Sakai announced that she is unable to attend the meeting for the project on Alternate Financing Mechanisms for Public Access but recommended Ms. Hegger to take her place.
- In addition, Ms. Hegger will be filling in to attend the climate change Resilient Hawaii Forum on February 18-20, 2014.

### **Ocean Resource WG**

- Regarding public outreach, Mr. Fernandez noted that the ORMP would be a good reference tool in identifying which state agency is addressing specific coastal issues.
- Mr. Asuncion noted that an update of the Community Stewardship Directory is in the works and a geocoding/mapping system will provide easy access contact information. MACZAC members and the public are encouraged to reach out to these community groups.
- Chair Sakai noted that these non-profit organizations encourage individuals to get on their mailing lists or to participate on community advisory committees. These organizations are able to promote shared interests more effectively through a collective power.

### **Legislative Working Group**

- The following members on the Legislative WG; Jim Coon, Chair, Phil Fernandez, Sue Sakai, and Kimbal Thompson were advised that the following bills were being monitored:
  - Senate Bill: 2344  
Climate Change Adaptation Planning; Inter-Agency Climate Council; Appropriation. Majority package supported both by the House and Senate. First phase, determine science needs. Second phase, complete a State Climate Plan by OP. Third phase, create a Climate Council.
  - House Bill: 1586  
Relating to Transportation and the Special Management Area, Airport and Highway Improvements, Exempt from County Approvals. This proposed bill would allow Department of Transportation to plan, design, construct, operate, and maintain land improvements for airport and highway purposes without the approval of county agencies. However, this exemption undermines 205A. Alternatively, can there still be a way to have big state capital projects consistent with the SMA process along with the public component requirements?

### **X. New Business**

Next meeting date will be early May - 2nd Quarter 2014

### **Suggestions for agenda items at next meeting**

- Presentation on Alternate Financing Mechanisms for Public Access Project

### **XI. Adjournment by Chair Sakai at 12:25 pm**