

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

Thursday, May 8, 2014
9:30 am - 2:30 pm
Office of Planning's Conference Room
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

SUMMARY MINUTES

ATTENDANCE

- Members Present: Lori Buchanan, Rich Brunner, Jim Coon, Phil Fernandez, Dawn Hegger, Susan Sakai, Craig Severance, Kimbal Thompson
- Members Absent: Donna Brown, Robin Kaye, Shaylyn Kimura, Rhoda Makanani Libre
- OP-CZM Staff Present: Leo Asuncion, Justine Nihipali, Nathalie Morison, Lynn Sumida
- Others Present: Roy Takemoto (PBR HAWAII & Associates), Bethany Wylie (PBR HAWAII & Associates), Charles M. Kaaiai (Western Pacific Regional Fishery Management Council), Ian Duncan (State Civil Defense), Dan Purcell (Member of the Public)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for May 8, 2014
- Minutes from January 31, 2014 MACZAC Meeting [draft]
- CZM Report to MACZAC (May 8, 2014)
- Hotspot Report from Craig Severance and Rich Brunner
- Handout from Phil Fernandez: "Petition to Designate the Keauhou Aquifer System a Water Management Area"
- Handout from Jim Coon: "Summary of DOCARE Focus Group Meeting #1 and Summary of Meeting #2, April 28, 2014 Kanaha Beach Focus Group"
- Handout by PBR Hawaii & Associates, Inc. "Alternative Funding Mechanisms for Acquisition and Maintenance of Shoreline Public Access"

I. Call to Order

Chair Sue Sakai called the meeting to order at 9:30 am and welcomed everyone. All those present briefly introduced themselves.

II. Guest Presentation: "Alternate Funding Sources for Acquisition, Improvement, and Maintenance of Shoreline Public Access"

Roy Takemoto, Managing Director - Hilo Office, PBR HAWAII & Associates, Inc.
Bethany Wylie, Planner - PBR HAWAII & Associates, Inc.

Mr. Takemoto presented an overview and explained that the project goal is to identify new and creative techniques to finance acquisition, improvements, and maintenance for safe and responsible public access. The project process included the formation of an advisory committee, whose responsibility included developing a framework of issues, reviewing alternative financing techniques, reviewing funding principles and recommendations, and reviewing a draft report. His presentation covered the following topics from the attached handout:

THE SHORELINE ACCESS FUNDING PLAN

ENHANCE COORDINATION AND TECHNICAL ASSISTANCE AMONG THE STATE AND COUNTIES

ACQUISITION

Systematically progress towards a shoreline network based on defined interval standards and acquisition priorities.

IMPROVEMENTS

Budget the level of improvements (and associated funding requirements for capital improvements) based on defined standards; standards should also be a basis for county liability immunity.

MAINTENANCE

Since visitors are likely to use any access, visitor funding sources should not be restrictive. Counties should be substantially aided in maintenance so that they meet quality and safety standards. User fees should benefit the place from which they are collected.

- MACZAC member Phil Fernandez of West Hawaii Big Island noted that in order to effectuate recommendations, an executive branch champion would need to participate, such as Director William Aila at DLNR. A MACZAC working group would not have enough power to drive this.
- MACZAC member Dawn Hegger of Oahu noted that it would also need to gain the support of the governor and lieutenant governor.
- MACZAC member Kimbal Thompson of Oahu noted his concern for security and safety at public right-of-ways where vandalism, trash, neglect of running water, and torn fences have been concerns in the past when there were many more public access areas available.
- Chair Sakai noted that the structure of the recommended “Forum” was not quite clear. Perhaps a matrix would better explain the process.
- Mr. Asuncion clarified that the purpose of this Forum is to bring together those involved with public access and finance in state and county government, by sharing experiences/knowledge for the purpose of creating alternative funding mechanisms. He noted that other states like Florida obtains millions of dollars through creative funding mechanisms in order to maintain trails and greenways.
- MACZAC member Lori Buchanan of Molokai noted her response to the four questions posed:
 - Yes, MACZAC should be represented on this Forum.
 - Yes, MACZAC would help to lobby for legislative amendments.
 - Yes, MACZAC members would encourage more community groups to participate in these related volunteer efforts.
 - Yes, people would probably be willing to pay user fees if the funds could be dedicated and used for the place where the fees are collected.
- MACZAC members Rich Brunner and Jim Coon of Maui noted that Native Hawaiian rights need to be protected for access and gathering in ocean and on coastlines (upon which Native Hawaiian cultural practices depend). Management Priority #7 (Cultural Heritage of the Ocean) in the Ocean Resources Management Plan (ORMP) gives a background on how Native Hawaiian access and gathering rights are protected by state laws and by the State of Hawaii Constitution.

III. Public Input

Charles M. Kaaiyai (Western Pacific Regional Fishery Management Council) and Ian Duncan (State Civil Defense) noted they both enjoyed the presentation and have a new perspective regarding public access. Mr. Duncan noted that, currently, Molokai residents are being connected through the Maui County Civil Defense Agency. He offered his contact information to folks on Molokai if they would like to see how the State Civil Defense can offer more support to their island. He can be reached at iduncan@scd.hawaii.gov.

IV. Approval of January 31, 2014 Meeting Minutes

The January 31, 2014 Meeting Minutes were unanimously approved by all members present.

V. Hawaii Coastal Zone Management (CZM) Program Report

Leo Asuncion, Acting Director, Office of Planning, welcomed the group and provided a summary of the attached CZM report highlighting the following:

NOAA's Habitat Blueprint:

Two Habitat Blueprint sites have been named for the Pacific Region – West Hawaii and Manell-Geus, Guam. As this federal initiative in Hawaii is in its early stages, additional information can be found online at <http://www.habitat.noaa.gov/habitatblueprint/pacificislands.html>.

- Mr. Kaaiyai added that he was part of the NOAA Habitat Blueprint Selection Process. He was pleasantly surprised that Manell-Geus, Guam, was selected and looks forward to seeing improvements in that community.

Legislature 2014:

Two important bills related to CZM were tracked this session:

HB1714 HD1 SD2 CD1 – Relating to Climate Change

HB1716 – Relating to Invasive Species

Community Stewardship Directory

Updating of the directory continues. Please contact Justine Nihipali if there are any community stewardship groups that could be added to the directory.

National Estuarine Research Reserve Site (NERRS) in Hawai'i

- Site determination/nomination document has been forwarded to the Governor's Office for review and subsequent transmittal to NOAA.
- Approval by NOAA of the Governor's nomination will move the process into the third phase: the development of a Management Plan, Boundary Delineation, and a National Environmental Protection Act (NEPA) / Hawaii Environmental Protection Act (HEPA) document.
- Information on NERRS Site Selection Process can be found on-line at http://files.hawaii.gov/dbedt/op/czm/initiative/celcp/docs/draft_celcp_4.14.pdf.

Coastal and Marine Spatial Planning (CMSP)

- Contract has been executed with consultants SSFM International, Inc. / BEI Hawaii / i2Consulting to develop a CMSP Analysis Tool (web and GIS-based tool).
- Projected date of completion is late September 2014.

Climate Change Adaptation

- Hawaii Resilience Fora held on February 18-19, 2014, and March 12, 2014; over 160 participants and over 1,000 surveys submitted.
- Comments made at Fora assist in providing information to Governor Abercrombie on the questions being considered by the President's Climate Change Task Force.

- Information on Climate Change Adaptation can be found on-line at <http://planning.hawaii.gov/czm/initiatives/adapting-to-climate-change-2/>.

Coastal Hazards

- Continue with training of architects/engineers/planners on code requirements for specific coastal hazards (2013 was primarily wind; 2014 will be tsunami)
- Continue to partner with State and County Civil Defense Agencies; State Energy Office; private sector on coastal hazards, with tie-in to CZM efforts on climate change adaptation.
- Information on Coastal Hazards can be found on-line at: <http://planning.hawaii.gov/czm/initiatives/coastal-hazards/>

Other Initiatives

- CZM Program continues its involvement in a number of external groups and activities
 - Oahu Greenprint
 - Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council
 - Hokulea's Worldwide Voyage (Castle Foundation)
 - Mr. Coon extended a meet and greet invitation on his sailing vessel to folks celebrating the arrival of the Hokulea and her sister voyaging canoe, Hikianala, at Lahaina Harbor on Maui from 1-3pm on Sunday, May 18, 2014. The Hokulea worldwide voyage started in 2013 and will continue through 2017, with hopes of joining and growing the global movement toward a more sustainable world. The Hawaiian name for the voyage means "to care for our Earth." Worldwide tracking of the voyage can be found at <http://www.hokulea.com/track-the-voyage/>.
 - Mr. Asuncion noted that the ORMP document is in alignment with 11 of the goals of the Hokulea worldwide journey. There is an agreement in place, by agencies and non-profit organizations, to make Hawaii a better place when the Hokulea returns in four years.
 - Hawaii Invasive Species Council (HISC) and HISC Resource Committee
 - NOAA – State DOA Aquaculture Working Group
 - State Natural Area Reserve System (NARS)
 - Aloha+ Challenge (Sustainability and Hawaii Clean Energy Initiative)
 - Coastal States Organization
 - National Estuarine Research Reserve Association

VI. Hawaii Ocean Resources Management Plan (ORMP) Status of Implementation

MACZAC members are encouraged to bring hardcopies or electronic versions of the ORMP http://planning.hawaii.gov/wp-content/uploads/2013/08/final_ormp_2013_cover-230x300.jpg

Justine Nihipali, Planner, Office of Planning gave the following ORMP update:

- In April, an Action Team (ACT) met and started their first discussion of goals, metrics, and actions for Management Priority (MP) #1 and #2 - Coastal Hazards and Appropriate Coastal Development. The monthly Action Team meetings will be prioritizing these actions that will work towards accomplishing the five-year planning period of the ORMP.
- In October or November, there is a potential Council meeting to take place to go over these priorities.
- Another formal Action Team for MP #5- Coral Reefs is being handled by DLNR-DAR. They are working on their implementation strategy plan and addressing coral reef issues.
- 114 Community Stewardship Organizations were contacted. Since the directory is a dynamic pdf document, it can easily be updated. Ms. Nihipali hopes to collaborate and create a partnership with

Hawaii Conservation Alliance Foundation (HCA), whose directory has an interactive and user-friendly format.

- ORMP is working towards the creation of an Action Team for the Aquaculture component of MP #6- Ocean Economy.
- Nathalie Morison, Action Team Chair for MP #1 and #2, announced that the 2014 National Climate Assessment summary can be found at <http://nca2014.globalchange.gov/>.
- MACZAC members suggested to OP that an Action Team be created to address public access for Management Priority #1.

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

- MACZAC member Kimbal Thompson of Oahu reported that an Ala Wai Canal Project Open House will take place on May 20 & 21, 2014. The Ala Wai Canal Watershed is comprised of Makiki, Manoa, Palolo, McCully, Moilili, Kapahulu, Ala Moana, and Waikiki. These areas are susceptible to flooding due to aging and undersized infrastructure. The majority of the economic damages are expected to occur in Waikiki. The project is currently in the Feasibility Study Phase, which will conclude with a joint filing of a Federal and State Feasibility Study and Environmental Impact Statement (EIS). A report by the Chief of Engineer will be sent to Congress for authorization to begin construction of the project. More information can be found at www.alawaicanalproject.com.
- MACZAC member Craig Severance of East Big Island submitted the following hotspot report:
 - Zoning and Special Management Area (SMA) violations continue on the Hamakua Coast. Builders and developers are creating deep resentments and concern among long-term members of the local communities. These concerns relate to lifestyles, view planes, concerns about coastal pollution and erosion, loss of shoreline access for subsistence and cultural fishing, and potential property tax increases.
 - It appears that some of the fines for shoreline setback violations are not being aggressively sought by County Corporation Counsel, and are not an effective disincentive for repeat violations. The extreme case that has generated a great deal of community concern and discussion is one person who has been stopped from completing his third house. The 'Pepeekeo Place' that was reported on two meetings ago. He recently sold at auction his third house with violations, the large all concrete house which is perched on the edge of the Pali in Ninoole. It has an illegal helipad which has accrued \$28,000 in fines. Allegedly, getting post hoc approval of the helipad would trigger a Special Management Area (SMA) review. The asking price was \$28 million and the auction price was \$5.4 million. Details of the stories can be found in Environment Hawaii for Dec 2012, Jan 2013, June 2013, and March 2014.
 - The Hu Honua Bioenergy facility at the site of the old Pepeekeo Sugar Mill has also generated controversy as liens have been placed against it and issues have arisen with the EPA over air pollution projections.
- MACZAC member Phil Fernandez of West Hawaii Big Island noted that he will be monitoring the following hotspot:
 - A petition submitted by the National Park Service Kaloko-Honokohau, to designate the Keauhou Aquifer System a Water Management Area, is a long standing issue. As the aquifer starts to dry up, this will be a red flag and a very politicized issue because the State is now taking jurisdiction from the County which is driven by the National Park Service.
- MACZAC member Jim Coon of Maui brought up the Kanaha Beach Recreational Area issue that started back 25 years ago but was recently resolved with the help of MACZAC's involvement. Chair Sakai reminded the council that before writing and sending out any MACZAC letters, it would be better to speak to the parties involved first. Mr. Coon noted that the lesson from the Kanaha Beach issue is that the earlier you start taking action, the more likely you will obtain positive results.

- MACZAC member Lori Buchanan suggested that the council pick one hotspot and act on it collectively.
- Mr. Purcell, member of the public, opined that he advocates for a holistic approach in addressing MACZAC issues. For example, he agreed that inviting the Director of DLNR to attend a MACZAC meeting to address an agenda item in public would create transparency and accountability. He hopes to see improved utilization of resources at public meetings.
- Mr. Coon noted that he would prefer to first meet with DLNR on an informal basis to investigate the current situation. After it has been determined that the issue is not being resolved, he would then escalate his concern with the Office of Planning to assist in resolving the issue. He has proven successes with this type of problem-solving approach.
- MACZAC member Rich Brunner submitted the following hotspot report:
 - Department of Health brown water advisory and a construction company that is building just upstream. It is thought that there is a correlation.

<http://emdweb.doh.hawaii.gov/cwb/wqd/viewer/>

<http://nanhawaii.com/index0505.html?section=project&area=residential>

<http://www.mauinews.com/page/content.detail/id/584291/Repeated-brown-water-incidents-raise-questions.html?nav=10>

 - The channel marker at Lahaina Harbor drifted away and landed on the break wall. When they break off, they end up on the reef. Division of Boating and Ocean Recreation (DOBOR) does not have any maintenance program.
- Motion was made by Mr. Coon to arrange an informal meeting, to include another MACZAC member and Director William Aila at DLNR/DOBOR, to explore the possibility of a joint public-private partnership in maintaining the state buoys. Seconded by Mr. Brunner, motion carried.

VIII. Reports from MACZAC Working Groups

- **Education and Website Working Group**
 - In order to implement green practices by using less paper to save trees, future meeting handouts will now be uploaded on a MACZAC webpage proposed by Lynn Sumida, MACZAC staff.
 - Mr. Brunner discussed how a Facebook page may or may not work for the website.
 - Mr. Severance noted that his Facebook experience with another board seems to be less effective if you do not regularly interact with the public.
 - Mr. Asuncion noted that the OP Facebook is used as a one-way communication tool.
 - Members offered a suggestion to add a link directly to MACZAC members' email addresses for easy access by the public.
- **Shoreline Access Working Group** - nothing to report
- **Ocean Resource Working Group**
 - Mr. Fernandez, Mr. Severance, and Mr. Coon noted that they will be working on a white paper that would describe commercial, non-commercial, and recreational fishing and ocean tourism, including respective history, socio-economic impacts, and current issues. In developing the white paper, the working group will address data gaps and make recommendations on ocean resource data needs. For example, the inventory and sale of reef fish is not being reported. An objective of the white paper is to provide facts to the public and policy makers on why reef fish is not being eaten or sold. Identification of this and other data gaps will educate policy makers on what data are needed for better planning.

- Mr. Severance will be adding his outline on consumptive and non-consumptive uses and focusing more on potential user conflicts. Identifying these data gaps is really important. The biggest gap is in the subsistence type of non-commercial take or “recreational take.”
- **Ad Hoc Legislative Working Group** – nothing to report

IX. Unfinished Business: MACZAC Elections for 2014

A motion was made by Mr. Coon to keep the current officers, Chair Sue Sakai and Vice-Chair Kimbal Thompson. Seconded by Mr. Severance, motion carried.

X. New Business

The next MACZAC Quarterly Meeting will be scheduled during the first or second week in September 2014 on the island of Molokai.

XI. Adjournment

MACZAC Chair, Sue Sakai, adjourned the meeting at 2:10 pm.