

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

## MINUTES

**Thursday, September 4, 2014: 3:30 pm - 6:00 pm**  
**Kulana OIwi Conference Room**  
**600 Maunaloa Hwy, Kaunakakai, Molokai 96748**

### ATTENDANCE

- Members Present: Lori Buchanan, Rich Brunner, Jim Coon, Phil Fernandez, Dawn Hegger, Susan Sakai, Craig Severance, Kimbal Thompson, Donna Brown, Robin Kaye
- Members Absent: Shaylyn Kimura, Rhoda Makanani Libre
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Leo Asuncion, Lisa Webster
- Others Present: Frances Feeter (member of the public), Bill Feeter (member of the public), Kegal-Joe Tancayo (member of the public), Kanoë Davis (member of the public), Walter Ritte (member of the public)

### DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for September 4, 2014
- Minutes from May 8, 2014 MACZAC Meeting [Draft]
- CZM Report to MACZAC (September 4, 2014)
- White Paper Outline on Fishing & Hawaii's Fishing Industry – Phil Fernandez
- White Paper Outline on Ocean Resources Working Group – Phil Fernandez
- East Big Island Hotspots 9/2014 – Craig Severance
- Maui Hotspots 9/2014 – Spearfishing Academy/Spearfish Maui – Jim Coon
- “Undersea Power Cable Project Not Part of Hawaiian Electric's New Plan” –  
[<http://www.bizjournals.com/pacific/news/2014/08/27/undersea-power-cable-project-not-part-of-hawaiian.html?page=all>]
- “Inch by Sandy Inch, Hawaii's Loss of Beaches Worries Tourism Industry” –  
[<http://www.civilbeat.com/2014/09/inch-by-sandy-inch-hawaiis-loss-of-beaches-worries-tourism-industry/>]
- “Odds are Good for a Major Earthquake to Rock Big Island” –  
[<http://www.civilbeat.com/2014/08/odds-are-good-for-a-major-earthquake-to-rock-big-island/>]
- “Judge Strikes Down Local Law Restricting Pesticides in Hawaii” –  
[[http://www.nytimes.com/2014/08/26/business/energy-environment/judge-strikes-down-local-law-restricting-pesticides-in-hawaii.html?\\_r=0](http://www.nytimes.com/2014/08/26/business/energy-environment/judge-strikes-down-local-law-restricting-pesticides-in-hawaii.html?_r=0)]
- “Lanai Construction Boosts Cargo Shipments” –  
[<http://www.washingtontimes.com/news/2014/aug/14/lanai-construction-boosts-cargo-shipments/>]
- “Maui County Violates Clean Water Act, Court Finds” – [<http://www.environment-hawaii.org/>]
- “Hawaii PBS Documentary Fishing Pono to Air Thursday” –  
[<http://www.hawaiireporter.com/hawaii-pbs-documentary-fishing-pono-to-air-thursday/123>]

### **I. Call to Order**

MACZAC Chair Sue Sakai called the meeting to order at 3:30 pm and welcomed everyone. MACZAC member Donna Brown of Maui announced an upcoming US Coral Reef Task Force Meeting being held September 8 – 13, 2014 on Maui. Ms. Brown will be leading a field trip to Kahana and Kahikili to look at coral reef damage. Ms. Sakai announced the 2014 Hawaii Congress of Planning Officials Conference will be held on Maui September 10 – 12, 2014. MACZAC member Jim Coon mentioned he would be involved peripherally with the HCPO in a ‘mobile workshop’ to Lanai. All those present briefly introduced themselves.

## II. Approval of May 8, 2014 Meeting Minutes

The May 8, 2014 Meeting Minutes were unanimously approved by all members present.

## III. Hawaii Coastal Zone Management (CZM) Program Report

Mr. Leo Asuncion, Acting Director, Office of Planning, welcomed the group and provided a summary of the September 4, 2014 CZM report highlighting the following:

- National Initiatives

For over a year NOAA has been trying to merge their Office of Ocean and Coastal Resource Management and their Coastal Services Center. Although it's not official yet, they are now operating as a merged agency, waiting for official approval from the Secretary of Commerce. The new name for the agency will be the Office for Coastal Management. The Pacific Services Center, based in Honolulu, will become Office for Coastal Management-Pacific Islands (OCM-PI). This is the agency that funds the CZM program in Hawaii. CZM has been working with them on several items to do with the region.

- Guam's new CZ Manager will be in Honolulu in a couple of weeks to meet with OP/CZM staff.
- American Samoa's CZ Manager is coming in October with a senior staff member. Interested in wetlands and GIS projects, will meet with OP/CZM and DLNR staff.
- The four jurisdictions, Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands want to do more sharing of knowledge and resources.

- Legislature 2014

Two important bills related to CZM were passed by the Legislature and signed by Governor Abercrombie:

- HB1714 HD1 SD2 CD1 – Relating to Climate Change (Act 83)
- HB1716 – Relating to Invasive Species (Act 102) provided more than five million dollars to the Hawaii Invasive Species Council. Sixty-one FY15 project proposals were reviewed by evaluation committees, which included state legislators, and forty-two awards were approved.

Hawaii Invasive Species Council: Invasive species is being handled by DLNR/DOFA. Information about the Hawaii Invasive Species Council can be found online at <http://dlnr.hawaii.gov/hisc/>.

- Ocean Resources Management Plan (ORMP)

ORMP is being implemented by two Action Teams, both are developing game plans:

- Appropriate Coastal Development/Coastal Hazards
- Coral Reef

Additional Action Team to be established:

- Open Ocean Aquaculture (Ocean Economy) – There's a group working on this already, which will hopefully become the third Action Team. Department of Agriculture (DOA) runs the Aquaculture Development Program. The DOA's Aquaculture Plan is from the 1980s, and needs to be updated.

- Alternative Funding Mechanisms for Acquisition and Maintenance of Shoreline Public Access

- This project has been completed and the final report can be found at <http://planning.hawaii.gov/czm/initiatives/shoreline-public-access/>.
- How do we maintain the public access ways we currently have? Change laws? Change county ordinances? Enforce current laws? The next step is to stand up a forum to develop a plan for maintenance of public access with limited resources.

- 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).
- Project is funded by NOAA, date of completion for first stage of project is late January-February 2015.

- The tool will assist planners in SMA and CDUA permitting processes by displaying multiple GIS layers, which will be regularly updated to provide the best available data.
- The tool will be available for public use as well after beta testing has been completed.
- The tool will have the capacity to add layers as data becomes available.
- BOEM Hawaiian Ocean Uses Atlas
  - Participatory GIS mapping workshops are being held on each island to allow the public to help fill in data gaps on ocean uses.
  - Lanai and Molokai workshops are the last, and will be held September 17 and September 18, respectively.
  - Training for the workshops is scheduled for September 16 at the Ala Moana Hotel on Oahu.
- 309 Assessment

OP/CZM is currently working on the 309 assessment and strategy for the CZM program, to decide what the program will be doing and funding projections for the years 2016-2020.

  - The staff is finishing up collecting data to show what we did from 2010-2015 in NOAA enhancement areas, including the eight areas other agencies are covering. Completion of data collection is projected for the end of September, 2014.
  - Once data is collected, MACZAC members Phil Fernandez and Dawn Hegger and CZM staff will start meeting as a group to look at the data and come up with a plan.
  - Public meetings will be included in the planning process.
  - Draft plan is due February 2015, final plan is due June 2015.

#### IV. Reports from MACZAC Working Groups

- **Ocean Resource Working Group**
  - White paper outline and report. Mr. Fernandez published a comprehensive outline of the fishing industry, starting with the history of fishing in Hawaii from precontact to modern days, current demographic size and growth of the fishing industry, economic impacts, challenges and risks to the fishing industry, legislation, rules and restrictions in recent history. Ocean Resource Working Group also includes ocean tourism, and Mr. Fernandez would like Mr. Coon to add that section – what is ocean tourism, how big is it, what is economic impact, etc. There are a lot of data gaps, which are being addressed: MACZAC member Craig Severance has started looking at literature about the history of the fishing industry in Hawaii and how it has changed over time. Mr. Fernandez and Mr. Severance want to point out that there are things we don't know to act as a guidance to the policy makers so that they can prioritize research and data gathering that might help state policy makers.
  - Mr. Coon noted that a study was done by Mike Markridge for the Ocean Tourism Coalition about ten years ago that has a good amount of data. Previous research was also done by Craig McDonald for DVD, Ocean Resources Branch.
  - Mr. Asuncion noted that it is really important to identify data gaps (socio-economic, GIS spatial data, etc.); when government needs data and can provide a list of this data to researchers, it helps guide researchers. When there are available grant funds in relevant research areas, OP can send grant announcements to key agencies.
  - Mr. Severance noted that the biggest data gap will likely be in the area of subsistence fishing, which is currently included in non-commercial (recreational) take.
  - Mr. Fernandez noted that in the community management-based subsistence fishing areas, it's important to include data gathering.
- **Shoreline Access Working Group**

Ms. Sakai noted that this working group has been tasked with reviewing the Shoreline Access Study.

- **Education and Website Working Group**

- Ms Sakai noted that Ms. Lynn Sumida, former MACZAC Administrative Assistant, had been working on updating the MACZAC website to reduce paper usage, and requested an update on this work.
- Mr. Asuncion reported that Lisa Webster, MACZAC Administrative Assistant, is working on updating the website to make it more efficient, making it easier to access meeting handouts and other materials.

**V. Discussion on 2015 Legislative Session Preparations**

Mr. Asuncion reported that OP is planning to introduce three bills in 2015:

- Review of the Hawaii State Plan - A bill was introduced by Representative Awana in 2014, and made it all the way to the finance conference committee, but was never heard. The bill would have provided \$500,000 for a 2-year study to review the Hawaii State Plan, come up with recommendations on the plan and on the planning system in Hawaii. OP plans to reintroduce the bill in 2015.
- Review the definition of Bona Fide Agricultural Land - OP will introduce a bill that addresses the inconsistencies in agricultural land use, and that removes loopholes allowing non-agricultural use such as 'gentlemen's farms' and overnight accommodations.
- Transfer Brown Fields Program from OP to Department of Health (DOH) – The Brown Fields Revolving Loan Fund is Environmental Protection Agency (EPA) money administered by OP. The money can be borrowed to clean up Brown Fields (land contaminated by pesticides, oil, etc), so that the land can be used for some other purpose. The EPA and DOH have to sign off confirming that the site is a Brown Field. The revolving loan program must be active for 5 years, after which the money can be used to fund Brown Fields-related projects in a grant capacity. There is currently a statute that says OP is responsible for administering this fund. DOH has a Brown Fields program, and OP wants to transfer the fund to DOH.

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

- Maui - Mr. Coon revisited the issue of maintenance for day-use moorings, navigational markers, ingress/egress markers. DLNR said if there's a problem with one of the moorings, whoever maintains it is liable. This creates a disincentive for the community to get involved in moorings maintenance.
  - Was a letter ever written to DLNR? What happened to it?
  - Missing and broken moorings and markers are a public safety issue, especially in swim zones.
  - Day-use mooring maintenance is included in the ORMP.
  - DAR and/or DOBOR aren't taking care of it.
  - Mr. Coon agreed to write a letter regarding moorings. MACZAC member Lori Buchanan suggested requesting 'Volunteer Indemnification' for people willing to help fix the moorings.
- Lanai – MACZAC member Robin Kaye of Lanai shared information about two issues currently facing the island:
  - Shoreline Certification Permit for Club Lanai
    - Larry Ellison's company, Pulama Lanai, applied for a shoreline certification permit for Club Lanai to deter people from getting boated over from Maui and dropped off for the day.
    - If the permit is approved, 'No Trespassing' signs will be put up for Maui boaters, so that liability will fall on the boaters rather than on Pulama Lanai. The signs are not directed at Lanai residents. Mr. Kaye noted that Pulama Lanai was advised to send notification out to Lanai residents, so that they understand the purpose of the signage.
    - This issue has pushed the community to start talking about a community-based subsistence fishing project in the area.
  - Desalination Project
    - Pulama Lanai is also working on a multimillion dollar Desalination Project.
    - A decision was made to draw water from below the island, rather than from the ocean.
    - The project includes three wells that pull water up from below the island, and three injection wells that pump highly salinated water out.

- The goal of the Desalination Project is to produce between 2 million and 10 million gallons of fresh water per day. Lanai currently uses 2 million gallons a day, 75% of which is used at Manele Bay Resort and the other hotels.
- There are plans to build an additional 150 houses near Manele Bay, and the desalinated water would be needed if these houses are built.
- Pulama Lanai applied for a 30-year permit, and were granted a 15-year permit by the Lanai Planning Commission. The permit includes the condition that if the Desalination Project fails, no high level aquifer water will be taken to Manele Bay for anything except human use. This led to stories of the Desalination Project coming to a complete halt. Despite what has been said in the media, Lanai residents support the Desalination Project, but want it to be done correctly.

## **VII. Public Input**

- Ms. Kanoi Davis, member of the public and member of Kawela Moku, shared information about Kawela Moku, an organization led by Kupuna Merv Dudoit. Kawela Moku has started bringing in the community to help identify ocean and marine resources that they want to preserve or save, and issues they would like to address. Kawela Moku covers the area from Kawela Gulch east to Kamalo. Kawela Moku is diverse, includes businesses, old families (two homesteads), various fishponds, south shore reef.
  - Canoe races (from Maui to Molokai) currently held at Hale o Lono Harbor. There are talks of relocating to land at Kaunakakai Wharf. Public opinion is divided on this issue.
  - Gorilla Ogo and Mangroves are issues impacting the south shore.
  - There is talk of bringing back the fisheries to the south shore area.
  - Kawela Moku plans to start by focusing on the reef area, and then moving mauka.
  - Mr. Fernandez asked if water quality is being monitored in near shore areas, and suggested taking videos of canoes and reef conditions to document. The videos can be used to do analysis, and are a good source of data. Even if there's not a problem, baseline data is helpful for identifying future problems as they develop.
- Mr. Walter Ritte, member of the public and former MACZAC member, noted the following:
  - MACZAC is both federally and state-recognized, but has no resources to do anything.
  - Natural resources are in trouble, people are doing different things to try to help.
  - Community-based fisheries come from grass roots resource management, related to the Aha Moku System.
  - The community is having a hard time organizing and figuring out what message to send to government, and needs help. Federal and State resources should be used to help the people.
  - The Hawaiian Islands Humpback Whale Sanctuary (Sanctuary) started as protecting one species, now protects an entire ecosystem.
  - Federal government is getting more and more involved in daily life in Hawaii. To the people of Hawaii who rely on subsistence fishing as a food source, survival and feeding the family is at odds with protecting the environment.
  - NOAA seems to be pushing for fisheries, and not for the Sanctuary.
  - Data discrepancies: Fisheries say yes, there are fish, while scientists say there are decreasing numbers of fish.
  - Wespac is in the community pushing hard for the fisheries.
  - Recreational fishermen are interested in being able to fish without restrictions.
  - Subsistence fishermen support the Sanctuary because they fish the shoreline, and know they have to protect the resources.
  - Mr. Ritte recommends that MACZAC bring the public's concerns to the people in government.
- Mr. Fernandez provided information about different types of fishing:
  - Honolulu is the fifth largest fisheries port in the United States. The four larger ports are in Alaska.

- Big boats – long line, catch mostly Tuna, some Opah – 128 permits (128 boats) – catching 40% of the fish being taken.
- Recreational Fishermen:
  - Small boats - ~3,500 - catch mostly Mahi Mahi, Ono, Ahi – mostly part-time fishermen averaging less than \$18,000/year gross income from fishing – catching 60% of the fish being taken.
  - Subsistence fishing - mostly shoreline, some small boats – unknown quantities (data gap). Subsistence fishing is prevalent in Hawaii.
- The different groups of fishermen (big boat, small boat, shoreline) don't agree with each other.
- Mr. Coon mentioned that scientists have recommended a 100-fathom curve for the Sanctuary, but that this wouldn't be politically feasible.
  - The first attempt to create the Sanctuary, in the early 1980's, failed.
  - In the early 1990's our congressional delegation created the Sanctuary by fiat. There was a lot of pushback from the fishermen.
  - About five years after the Sanctuary was created, the State and Federal co-management system was implemented.
  - Every five years the state has the ability to take waters out of the Sanctuary.
  - Federal and State interests don't always align, and Federal co-management could mean that people all over the United States have as much say in decisions about the Sanctuary as do the people of Hawaii. The people of Hawaii should hold the State Manager accountable to make sure that State interests are represented.
  - Mr. Coon noted that the Sanctuary has done a good job of involving the communities and supporting proactive environmental protection programs.
  - Mr. Asuncion noted that Office of Planning has reviewed the pre-draft of the new Sanctuary Plan but that it is not complete.
  - Once the draft document of the updated Sanctuary Plan is released, public meetings will be held on all islands.
  - MACZAC member Robin Kaye of Lanai moved to make a motion, and Mr. Coon seconded the motion, to request Malia Chow (Federal Superintendent) and Elia Herman (State Co-Manager) of the Sanctuary to give a presentation to MACZAC after report comes out about plan regarding the Sanctuary.

#### **VIII. New Business**

- Douglas Tom "Thumbs-Up" Awards – Ms. Sakai asked MACZAC members to review the lists of nominated organizations from 2011 and 2013, and to send new nominations to Ms. Lisa Webster. Members will vote and decide a winner of the 2014 Thumbs-Up Award at the next MACZAC Meeting.
- Mr. Severance noted that some islands are making more progress than others, and suggested it would be helpful to invite Ms. Leimana DaMate to give an Aha Moku update.
- The next MACZAC Quarterly Meeting will be held Thursday, December 11, 2014.

#### **IX. Adjournment**

MACZAC Chair, Sue Sakai, adjourned the meeting at 6:10 pm.