

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

MINUTES

Friday, November 3, 2017: 9:30 am – 2:30 pm
Office of Planning’s Conference Room
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

ATTENDANCE

- Members Present: Donna Brown, Sue Sakai, Rich Brunner, Kimbal Thompson, Phil Fernandez, Nick Palumbo
- Members Absent: Dawn Hegger-Nordblom, Jim Coon, Robert Nishimoto
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Justine Nihipali, Melanie Lander, Lisa Webster, Sandy Ma
- Others Present: Liz Krueger (DPP), Zack Stoddard (DPP)

DISTRIBUTED MATERIAL

- MACZAC Meeting Agenda for November 3, 2017
- Minutes from August 4, 2017 MACZAC Meeting [Draft]
- MACZAC Hotspots 11/2017
- Articles:
 - “Aquarium permits pau” – [http://thegardenisland.com/news/local/aquarium-permits-pau/article_6e765719-f3f2-5a6f-9a72-d491bcf9f7d9.html]
 - “Hopeful signs of reef recovery emerging in North Kaanapali” – [<http://www.lahainanews.com/page/content.detail/id/564263/Hopeful-signs-of--reef-recovery-emerging-in-North-Kaanapali.html?nav=19>]
 - “Loss of Federal Protections May Imperil Pacific Reefs, Scientists Warn” – [https://www.nytimes.com/2017/10/30/science/trump-zinke-pacific-marine-reserves.html?_r=0]
 - “Waves eat away part of Kamehameha Hwy., forming potentially hazardous hole” – [<http://www.hawaiinewsnow.com/story/36288444/hauula-erosion-eating-into-makai-lane-of-kamehameha-highway>]

I. Call to Order

MACZAC Chair, Kimbal Thompson, called the meeting to order at 9:36 am and welcomed everyone. Mr. Thompson announced that MACZAC Vice-Chair Angela Anderson has resigned, and will be moving to the mainland. Rich Brunner moved to elect Phil Fernandez Vice-Chair, and Sue Sakai seconded. The motion was unanimously approved by all members present.

II. Approval of August 4, 2017 Meeting Minutes

The August 4, 2017 Meeting Minutes were unanimously approved by all members present.

III. Hawai‘i Coastal Zone Management (CZM) Program Report

Justine Nihipali, CZM Manager, provided an oral CZM Program Report:

Coastal States Organization (CSO)

Hawaii CZM Program recently hosted the CSO in Honolulu. CSO is the non-profit advocacy group for the 35 state and territory coastal management programs. CSO represents coastal states in

Washington. MACZAC Chair and Vice-Chair recently added their names to a CSO letter to Hawaii's representatives in Congress in support of the Hawaii CZM Program.

Ms. Nihipali asked if MACZAC is still willing to write a letter of appreciation to Senator Schatz acknowledging his support of the Hawaii CZM Program, which received level funding after initially being slashed. MACZAC members unanimously agreed to provide a letter for Senator Schatz.

County Outreach

Ms. Nihipali and OP-CZM's SMA Coordinator, Shichao Li, have been attending planning commission meetings across the State to provide an overview of the CZM Program, as well a detailed presentation of the Special Management Area Permitting System, and the State's role in consistency of application from county to county, through the authorized county departments. Trainings were held on every island except Lanai, and all trainings were completed as of September 25, 2017.

Next year, Ms. Nihipali anticipates sending CZM staff to neighbor islands to learn more about coastal issues on each island.

Ocean Resources Management Plan (ORMP)

- ORMP Dashboard, which identifies ORMP metrics and identifies the agencies responsible for each metric, continues to be developed, with launch planned for December 2017.
- CZM Staff contact is Melanie Lander

Appropriate Coastal Development and Coastal Hazards

- Managed Retreat Symposium is scheduled for January 11, 2018 to start the conversation about what managed retreat would look like and if it's feasible for Hawaii. The symposium will be held at Aloha Tower and will include two mainland speakers who have successfully navigated managed retreat. Discussion will include the challenges and opportunities encountered, as well as whether the managed retreat was initiated after a major disaster or a chronic hazard.
- CZM Staff contacts are Rebecka Braxton and Sandy Ma

Community Stewardship Directory

- 2015 Community Stewardship Directory to be updated w/assistance from student help.
- CZM Staff contact is Melanie Lander

Ms. Nihipali requested that MACZAC members contribute to the Community Stewardship Directory by adding additional organizations to the directory.

Climate Change Adaptation

- One of the ORMP Management Priorities
- Information on Climate Change Adaptation can be found online at (<http://planning.hawaii.gov/czm/initiatives/adapting-to-climate-change-2/>).
- CZM continues to participate on the Climate Mitigation and Adaptation Commission (CMAC).
- At a public meeting last month, CMAC provided 90% of the ICAC Sea Level Rise Report.
- The Sea Level Rise Report is to be finalized and submitted to legislature in December 2017.
- Interim CZM Staff contact is Rebecka Braxton

Coastal Hazards

- Probabilistic Tsunami Design Zone Mapping Project, in partnership with the State's Multi-Hazard Mitigation Plan, which HIEMA is responsible for producing, has been sent out for RFP, with proposals expected November 6, 2017. This project consist of a 2-year contract with funding of \$430,000, to produce these maps. The maps will show probabilistic run-up and inundation, and

will provide building code revision recommendations for certain categories of buildings to account for this hazard.

- Information on Coastal Hazards can be found online at (<http://planning.hawaii.gov/czm/initiatives/coastal-hazards/>)
- CZM Staff contact is Sandy Ma

IV. Guest Presentation: Coastal Issues on Oahu

Liz Krueger, Branch Chief, Zoning Regulations and Permits Branch, Department of Planning and Permitting (DPP), City & County of Honolulu, gave a presentation highlighting several recent projects on Oahu.

Ms. Krueger shared that the Zoning Regulations and Permits Branch is responsible for all special management area (SMA)-use permits, shoreline setback variances, conditional use permits for churches and schools that are in residential areas, and special district permits (Haleiwa, Waikiki, Punchbowl, TOD). SMA-use permits are approved by City Council, and DPP acts as a conduit between the applicant, City Council, and the community.

Punalu‘u Stream Restoration Project

The land is owned by Kamehameha Schools, and includes a stream and neighboring farmlands. The stream was hardened during the 20th century, and floods the adjacent agricultural lands whenever there is a heavy rain. The entire project is approximately 360 acres, and the area within the SMA is approximately 60 acres. The project would remove the stream hardening, and allow the stream to take a more natural path. There was very little public input during public meetings.

Kahala Oceanfront Luxury Homes Project

This lot was purchased by Alexander & Baldwin Inc. in 2013 from Genshiro Kawamoto. This \$40 million project includes 3 structures with 2 dwelling units in each structure. This is a shoreline lot with a sandy shoreline. The community was extremely concerned about shoreline setback and how close to the shoreline the development was. The community was also concerned about old deeds that discuss how many dwelling units can be placed on a single zoning lot. DPP doesn't consider deeds when making decisions. For DPP, there was internal discussion about future sea level rise and how much risk to allow the landowner to take on. DPP encourages the property owner to consider mitigation options.

DPP sends applicants to the State to determine where the certified shoreline is. If the State decides to modify the definition of the certified shoreline to incorporate historic erosion rates and/or sea level rise predictions, then DPP will have to respond by modifying Chapter 23 to include the State's changes.

Kailua Project Adjacent to Kawainui Marsh

Multi-family dwelling to provide affordable rental units. Although very little of Waikiki is in the SMA area, almost all of Kailua is. The SMA in Kailua extends all the way up through Kawainui Marsh and up to Le Jardin Academy, as well as into parts of Maunawili. This project included a lot of discussion about wild birds in the area. To prevent injury to marsh birds, the community wanted a barrier to be maintained between the project and the marsh. The community was also concerned about increased traffic congestion in the area.

Haleiwa Retail Development

This project, located in the Haleiwa Special District, is to develop retail space at the old Chevron gas station. The community was very concerned about cultural sites, stating that there is an old bath site on the property, as well as a nearby fishpond. DPP sends the applicant to different agencies, as

necessary, depending on the situation. In this case, because cultural sites are involved, DPP would likely send the applicant to the State Historic Preservation Division (SHPD).

The SMA regulations were adopted in the early 1970s, and at that time DPP didn't have a robust best management practices (BMPs) system, which has since been put in place. This system allows DPP to coordinate with appropriate State agencies on building permits. One example of a DPP BMP for SMA-use permits involves large trees. An applicant is not allowed to cut down any tree that is more than 15 feet in height between April and June, the Hawaiian hoary bat pupping season, because it is not known where the bats live and reproduce.

Sea level rise and managed retreat are complicated. Temporary fixes, like pushing sand up the beach to protect vulnerable structures, are only effective in the short term. What can we do to avoid the same issues over and over in the future?

Proposed changes to SMA: Ms. Krueger would like to see changes to SMA requirements to exempt public projects whose sole purpose is to improve or rehabilitate existing conditions. Some examples include waste water pump station upgrades, HECO equipment upgrades to increase resilience, and stream restoration projects.

There is an EPA consent decree due in 2018, and the City and County of Honolulu Department of Environmental Services is the agency in charge of it. The Department of Design and Construction is trying to get the work done, and DPP is trying to get the permitting through. Many pump stations are being updated and improved, and many of those are close to the shoreline.

The City and County of Honolulu's Revised Ordinances of Honolulu, Chapter 25 (Special Management Area) excludes residential construction or reconstruction from the definition of 'development' as long as the square footage of the residence is less than 7,500 square feet. Parking and lanai areas are not included in square footage calculations, and are often quite extensive.

Phil Fernandez suggested that MACZAC request from Ms. Krueger a written wish list of changes she would like to see in SMA regulations. Kimbal Thompson added that it would be good to incorporate the request into a thank you letter.

V. Discussion Highlighting Legislative Working Group Process for 2018 Legislative Session

MACZAC members noted that they would like to get a list of bills of interest from CZM before the next MACZAC meeting, which should be held in the first quarter of 2018. At the next meeting, MACZAC members will decide MACZAC's stand on each bill. The Legislative Working Group will visit the Legislature after the next MACZAC meeting, and will focus on meeting with particular legislators, depending on the bills of interest.

Ms. Nihipali shared that several legislators, including Senators Lorraine Inouye, Karl Rhoads, Kaialii Kahele, Brickwood Galuteria, and Gilbert Keith-Agaran, and Representatives Ryan Yamane, Nicole Lowen, Scott Saiki, Jarett Keohokaloloe, Angus McKelvey, and Nadine Nakamura have worked with OP/CZM in recent years. Representative Chris Lee has expressed an interest in learning more about OP and CZM.

Following the next MACZAC meeting, Legislative Working Group members can email each other regarding bills and testimony. Kimbal Thompson, Sue Sakai, and Phil Fernandez confirmed that they are members of the Legislative Working Group, along with Jim Coon and Dawn Hegger-Nordblom. Ms. Sakai is willing to write testimony, and is willing to provide oral testimony, if needed. Testimony from MACZAC should be submitted by Legislative Working Group members only, with assistance, as needed, from other MACZAC members.

Ms. Nihipali noted that if a MACZAC member does not agree with the opinion of OP/CZM, or of the MACZAC Legislative Working Group, it would be helpful if the member could give OP/CZM and MACZAC a head's up, and if they could note that although they are MACZAC members, they are giving testimony as individuals and not representing the views of MACZAC.

VI. Reports from MACZAC Working Groups

- Legislative Working Group
No report.

- Executive Working Group
No report.

- Retreat Working Group
No report.

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

- Maui hotspots:

Kanaha Beach Park Plan

Mr. Brunner noted that public meetings to discuss the Kanaha Beach Park Plan were supposed to be convened when William Aila was still Chair of DLNR, but somehow meetings were never held. The community has repeatedly asked MACZAC to look into this. MACZAC has sent several letters to DLNR (May 2016, April 2017) and we have not yet received a reply.

A Focus Group was formed in 2014 at the direction of Chair William Aila to revise the 1988 HAR 13-256-130 to clarify rules of use for different user groups. The revisions were set for public meeting just as the election came about. Therefore, no meetings occurred. We're asking for assistance to have the public meeting scheduled and to have this long overdue draft made into a plan.

The group discussed whether to send another letter, call, or email DLNR to determine the status of the public meeting. It was decided that Lisa Webster, MACZAC Administrative Assistant, will send an email to DLNR/DOBOR with input from MACZAC members and Ms. Nihipali.

VIII. Public Input

No public input was received.

IX. New Business

- The next MACZAC Quarterly Meeting will be held Thursday, February 8, 2018.
- Agenda items for next meeting:
 - Review of Legislative Bills of Interest
 - Discussion of Retreat Working Group updates

X. Adjournment

Chair Thompson adjourned the meeting at 12:06 pm.