

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

**MINUTES**

**Friday, May 10, 2019: 9:30 am – 12:30 pm  
NELHA Oceanview Conference Room 208  
73-970 Makako Bay Drive (Hale Iako Building) Kailua-Kona, HI 96740**

**ATTENDANCE**

- Members Present: Phil Fernandez, Jim Coon, Rich Brunner, Kimbal Thompson, Donna Brown, Steve Mechler, Robert Nishimoto, Sue Sakai
- Members Absent: Nick Palumbo
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Justine Nihipali (OP/CZM), Melanie Lander (OP/CZM), Lisa Webster (OP/CZM)
- Others Present: Keola Awong (National Park Service), Jeff Zimpfer (National Park Service), Bill Thompson (National Park Service), Tyler Paikuli-Campbell (National Park Service), Johnathan Scheuer (Consultant to National Park Service), Nicole Lui (National Park Service Intern), Keola Childs (member of the public)

**DISTRIBUTED MATERIAL**

- MACZAC Meeting Agenda for May 10, 2019
- Minutes from March 4, 2019 MACZAC Meeting [Draft]
- CZM Report to MACZAC (May 10, 2019)
- MACZAC Hotspots 5/10/2019

**I. Call to Order**

MACZAC Chair, Kimbal Thompson, called the meeting to order at 9:40 am and welcomed everyone. Everyone in attendance introduced themselves.

**II. Approval of March 4, 2019 Meeting Minutes**

The March 4, 2019 Meeting Minutes were unanimously approved by all members present.

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

Justine Nihipali, CZM Manager, provided a CZM Program Report highlighting the following:

**National Initiatives**

**National CZM Program Funding**

For FY 2019 (July 2019 – June 2020), the CZM line item has increased \$500,000 from FY 2018.

**Hawai'i CZM Program**

The allocation to the State this year was \$2,480,605, which is an increase of \$20,954 from last year's funding. The following is a status summary of the Hawai'i CZM Program and its initiatives as of date:

- 8 of 11 (2 are 0.5 FTE) positions staffed (1/2-time Project Analyst)
  - CZM currently has two Project Analyst vacancies and is actively recruiting, advertisement is posted on the non-civil service website.
- 1 intern position
  - The graduate intern position is filled but will be vacated when the intern graduates on May 11, 2019. Primary responsibilities are to support the ORMP Update.

- CZM Website updated periodically (<http://planning.hawaii.gov/czm/>). Working on improving communications for consistency and currency. Analyzing existing website to make it more efficient and streamlined.

#### Section 312 Evaluation

- Currently waiting on draft findings from NOAA's Office for Coastal Management (NOAA-OCM). We've requested a status on the Section 312 Evaluation and expect to have draft findings by May 17, 2019.
- CZM Staff Contact is Debra Mendes

#### Routine Program Changes

- CZM submitted a formal review to NOAA-OCM in March 2019. NOAA confirmed receipt of the request April 9, 2019. A decision on the request is due May 16, 2019.
- CZM Staff Contact is Shichao Li

#### Ocean Resources Management Plan (ORMP)

- A joint ORMP Council/Working Group Meeting is scheduled for May 22, 2019 at the DLNR Boardroom.
- Current ORMP available on-line at ([http://files.hawaii.gov/dbedt/op/czm/ormp/ormp\\_update\\_reports/final\\_ormp\\_2013.pdf](http://files.hawaii.gov/dbedt/op/czm/ormp/ormp_update_reports/final_ormp_2013.pdf))
- The contract with the contractor, PBR Hawaii, was executed on April 29, 2019.
- CZM Staff contact is Melanie Lander  
Ms. Nihipali confirmed that Jim Coon, MACZAC member, would be away and requested that another MACZAC member attend ORMP meetings until Mr. Coon's return.

#### Coastal Non-Point Pollution Control Program (CNPCP)

- Three remaining Management Measures require approval by NOAA/EPA: (1) Roads/Bridges/Highways; (2) On-Site Disposal Systems (OSDS); and (3) BMP Monitoring
- Working with DOT, DOH, Counties (planning departments, public works departments) on completing the above Management Measures
- Information on the CNPCP can be found on-line at (<http://planning.hawaii.gov/czm/initiatives/coastal-nonpoint-pollution-control-program/>)
- CZM Staff contact is Debra Mendes

#### Climate Change Adaptation

- Office of Planning Director and CZM Program Manager serve as Commissioners on the Climate Change Mitigation and Adaptation Commission
- The Climate Commission held a meeting on April 24, 2019 at the DLNR Boardroom. The Office of Planning provided brief presentations on two items, Managed Retreat and the Carbon Offset Program. The Climate Commission formed 3 PIGs: Legislation Priorities, Climate Equity, and Transportation. CZM is a member of both the Legislation Priorities and Climate Equity PIGs.
- The Climate Commission voted to support a sea level rise program. CZM raised concerns of overlap with CZM's role but also with proactive work at the county level. CZM's vote was with reservations.
- The **next meeting** is July 17, 2019.
- CZM Staff contact is Justine Nihipali

#### Coastal Hazards

- Section 309 Coastal Hazards Strategy for the *Probabilistic Tsunami Design Zone Mapping* contract has been executed and project is underway. The second technical meeting was conducted on May 3, 2019.
- *Updating the Hawai‘i Historical Shoreline Database*: Coastal erosion mapping for Kauai has been completed and presented to Kauai County Planning Department; and mapping for Oahu is underway. The Oahu mapping was presented to the Department of Planning and Permitting (DPP) on January 16, 2019. CZM Staff contact is Shichao Li
- The HI-EMA Multi-Hazard Mitigation Plan Update has been completed. CZM has explored use of FEMA pre-disaster mitigation funds to support the *Coastal Hazards Strategy for the Probabilistic Tsunami Design Zone Mapping* project. The CZM pre-proposal ranked highly, but due to the inability to meet the match requirement, CZM withdrew its application.
- Continue with training of architects/engineers/planners on code requirements for specific coastal hazards by request from Partners. N/A for this period. 2019 Hawai‘i Association of County Building Officials (HACBO) conference will be held May 29-31, 2019 at the Kona Sheraton. CZM will be providing financial support.

#### County CZM Projects

- Maui County was provided resources to update its Public Access database. Work has been completed and final editorial steps are expected prior to public launch.
- Kauai County will be provided resources to update its Public Access database as well.
- DPP was provided resources to update its aerial seawall imagery database.
- Working with County of Hawai‘i to support Phase I of the project; *Analysis to Establish Research-Based Shoreline and Riparian Setbacks*

#### Other Initiatives

- Greenhouse Gas Sequestration Task Force. CZM staff is working to move forward 3 projects to meet objectives of Act 15, SLH 2018. The most recent meeting was held February 28, 2019.
- South Shore Promenade – Proof of Concept Study. CZM is expecting a preliminary report from the contractor February 15, 2019. The 3 catalytic sites are: (1) Ala Wai area, (2) Keehi Lagoon area, and (3) Richardson Field/Pearl Harbor Regional Park.
- CZM Program is involved with a number of external groups and activities:
  - Coral Reef Initiative Working Group (DLNR-DAR)
  - Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council
  - Hawai‘i Invasive Species Council (HISC) and HISC Resource Committee
  - State Natural Area Reserve System (NARS)
  - Aloha+ Challenge
  - Coastal States Organization
- Continue to review environmental assessments/environmental impact statements to ensure CZM objectives, policies, and initiatives are considered

#### Section 309 Assessment and Strategy

In the upcoming grant year, starting July 1, 2019, CZM will be tasked with developing a new 5-year Section 309 Assessment and Strategy (2021-2026), and Ms. Nihipali will be reaching out to MACZAC members to assist with this task. Section 309 is program enhancement funding that generally does not require match and allows CZM to work on projects such as *Probabilistic Tsunami Design Zone Mapping* and the ORMP Update.

Phil Fernandez, MACZAC Vice-Chair, moved that MACZAC choose a substitute to fill in at ORMP meetings for the next few months, and also identify a member to participate in the Section 309 Assessment and Strategy update. Chair Thompson said he would try to be available for ORMP meetings,

and Sue Sakai, MACZAC Member, offered to participate in the Section 309 Assessment and Strategy update. Mr. Fernandez offered to be a backup for both ORMP meetings and the Section 309 update.

#### **IV. Formation of Managed Retreat Permitted Interaction Group**

The group reviewed the draft purpose of the Managed Retreat Permitted Interaction Group (PIG) and made minor edits to come to the following final language:

The purpose of the Managed Retreat Permitted Interaction Group is:

1. To support the development of strategies and policies for managed retreat from sea level rise as a consideration in long term coastal zone planning;
2. To advocate for continuation of Action Team for Management Priorities 1 & 2 – Appropriate Coastal Development and Management of Coastal Hazards in the upcoming ORMP update to further analyze and act upon managed retreat as one adaptation strategy; and
3. To participate in ORMP Action Team meetings representing MACZAC
4. To monitor managed retreat development activities of the ORMP Council on Ocean Resources and the Hawai'i Climate Change Mitigation and Adaptation Commission and report progress to MACZAC.

Mr. Coon moved to accept the purpose statement, and Mr. Fernandez seconded, and the purpose was unanimously accepted by all members present. The following MACZAC members volunteered to participate on the PIG: Mr. Thompson, Mr. Fernandez, Ms. Sakai, and Donna Brown. Mr. Fernandez moved, and Ms. Sakai seconded, and member appointments were unanimously approved by all members present.

#### **V. Reports from MACZAC Working Groups**

- Executive Working Group  
No Report.
- Legislative Working Group  
No Report.
- Retreat Working Group  
Chair Thompson suggested revisiting this topic at the next MACZAC Meeting. Retreat Working Group members include Chair Thompson, Vice-Chair Fernandez, and Ms. Sakai.

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

Lānaʻi – Mr. Nick Palumbo, MACZAC member, submitted a letter by email, and Jim Coon, MACZAC member, discussed the following Lānaʻi hotspot:

- A bill made it through the legislature to allow DLNR to lease out Manele Harbor on Lānaʻi under a 5-year pilot project. The project would privatize harbor management, with management to be taken over by Pulama Lānaʻi. Lānaʻi residents are torn on whether they want this or not. Mr. Coon thinks it could be a good thing for Lānaʻi, but it blind-sided everyone because it started as a statewide bill to cover all harbors and was gutted and replaced to apply only to Manele Harbor.

East Hawaiʻi – Dr. Bob Nishimoto, MACZAC member, discussed the following East Hawaiʻi hotspot:

- Big agricultural operations moving into the Hamakua region don't care about the environment. Ms. Nihipali noted that it's much harder for DAR to fine or penalize an entity for something that is not a

discreet action or error and is a more dispersed process. This issue can be raised in the ORMP update process, where stakeholders can identify what the problem is and try to find a common solution. Ms. Sakai stated that if this is a legislative issue a bill should be written to legislate a statute. If this is an enforcement issue then the appropriate authorities should be contacted. If this is a Clean Water Act issue then it would be best to contact DOH Clean Water Branch. Dr. Nishimoto stated that when he contacts the authorities – County planners, the Planning Commission, DLNR – they don't do anything. Mr. Fernandez asked Dr. Nishimoto to identify how MACZAC can help. Would it be best to write a letter to DOH or a letter to DOA? Mr. Coon made a motion that Dr. Nishimoto would write a letter, Chair Thompson would review it, and MACZAC would send it off. Ms. Sakai seconded the motion and it was unanimously agreed upon by all members present. Mr. Coon noted that one of the three tenets of the ORMP is that appropriate development of uplands is critical to coastline.

O‘ahu – Chair Thompson discussed the following O‘ahu hotspot:

- Ala Wai Flood Risk Management Project – the U.S. Army Corps of Engineers wants to build six debris and detention basins upstream of Waikiki in Makiki, Mānoa, and Pālolo Valleys to catch debris and prevent it from washing into the Ala Wai Canal, in order to prevent a flood in Waikiki. There is public opposition to the project in the affected neighborhoods.

## **VII. Guest Presentation: Protecting Mauka to Makai Ground Water Flow at Kaloko-Honokōhau National Historical Park**

Drs. Jeff Zimpfer and Jonathan Scheuer discussed the importance of ground water flow in the Kona region.

Dr. Jonathan Scheuer, NPS Consultant, discussed ground water dependent ecosystems. Ground water is not as well-regulated as surface water. There are traditional and customary practices dependent on ground water flow. Where there's abundant water, life is good. Over the last century, many streams have been either partially or completely diverted for agricultural use, especially for sugar cane. Despite the loss of the sugar cane industry, surface water is still being diverted. Ground water is withdrawn through wells, leading to coastal water changes including increased salinity, decreased ground water flow rates, shallower fishponds and loss of anchialine pools. Studies on an endangered Hawaiian damselfly have shown that it requires a very specific salinity in order to reproduce.

Water rights – when land was privatized in Hawai‘i in the Great Māhele from 1848-52, water was explicitly not privatized – it was to be held in a Public Trust so that everyone would have access to it. The rise of the plantations and large ranches led to a series of Hawai‘i Supreme Court decisions that started to transform the legal understanding of water from being a Public Trust to being private property. Some of the Supreme Court justices were stockholders of plantation interests. A long-standing fight on Kauai between two sugar plantations went to the First Circuit Court for final adjudication to decide how much of the water from Hanapēpē River they each owned. They appealed to the Hawai‘i Supreme Court where Justice William Richardson reviewed Hawaiian historical documents and found that no one owned the water. This gave rise to the Water Commission in the State Constitution and also to the state water code. The courts have since found that the following four uses of public water must be satisfied by the State before anyone else gets to take surface water: maintenance of waters in their natural state, domestic water use, the use of water in the exercise of Native Hawaiian and traditional and customary rights, and reservations of water for the DHHL.

Surface water and ground water are treated differently. For ground water, a sustainable yield is set by asking how much can be extracted so as not to harm future extraction, without considering the impacts to natural environment and coastal resources. Dr. Scheuer worked with the National Park Service to petition for the Keauhou aquifer to be designated as a Water Commission-managed area where developers would be required to apply for an additional permit before drilling a new well. This permit is known as a Water Use Permit and looks at how the water use will affect Public Trust considerations. Although the Water Commission declined to designate Keauhou aquifer as a managed area, the petition process led to

development of a pilot adaptive management plan that explicitly accounts for ground water discharge needs of ground water dependent systems.

Dr. Jeff Zimpfer, National Park Service Environmental Protection Specialist, discussed the importance of clean, fresh water flow in sustaining the ecosystems and cultural practices within the Park. In 1978, when the Park was created, most of the land around the Park was zoned as Agriculture or Conservation. Most of the land around the Park now is Urban. An infrared image of surface water temperatures in the Park illustrates that the water nearest the land is the coldest and least salty due to the underground water flowing mauka to makai through the Park.

The Kona area has very little soil, so pollutants are not filtered out of the rain water before it flows to the Park. The waters at Honokōhau Beach are declared impaired under the Clean Water Act for total nitrogen, ammonia, nitrate, total phosphorous and turbidity. Non-point source pollution is likely a large contributor to water impairment in the Park. Some examples of non-point source pollution include lawn and garden fertilizers and pesticides, household cleaners and chemicals, businesses and individuals improperly disposing of harmful chemicals, wastewater, automotive fluids, heavy metals, pharmaceuticals, and personal care products.

There are numerous dry wells mauka of the Park, for both industrial and sewage disposal and storm runoff. Studies from Maui indicate that injection wells lead to increased nutrient levels in nearby coastal waters, which correlates with decreased coral cover over time. Dr. Zimpfer advocates for increased treatment of sewage water at nearby developments to protect the coastal environment. Dr. Zimpfer noted that MACZAC can help by educating the public about ways to prevent or minimize non-point source pollution.

#### **VIII. Guest Presentation: Rehabilitation of Fishponds and Coastal Cultural Landscapes at Kaloko-Honokōhau National Historical Park**

Ruth Aloua and Tyler Paikuli-Campbell shared information about Kaloko-Honokōhau National Historical Park.

Ms. Aloua shared that she completed her master's thesis, titled Ho'i Hou Ka Piko, which translates to 'returning to the source' or 'returning to the practice' which focused on management of cultural resources at this National Park. Ms. Aloua has a spiritual connection to the Park through family lineage – her ancestors came from both Kona and Lahaina and were some of the first caretakers of the Kaloko fishponds as well as fishponds in Lahaina. The water in Kona flows below the ground and is crucial to the survival of everything. The sun warms the water and creates the clouds that then provide the rain that flows in underground rivers below the lava fields, and escapes from the ground through springs by the fishponds.

Tyler Paikuli-Campbell, National Park Service Cultural Resource Manager for Kaloko-Honokōhau Park, shared that the area became a National Historic Landmark in 1962, because even then it was recognized for its national significance as a cultural landscape. In the late 1960s and early 1970s local land owners wanted to develop the area and applied for a U.S. Army Corps of Engineers permit to alter Koloko fishpond walls. U.S. Army Corps of Engineers received a permit request and consulted with the Advisory Council on Historic Preservation (ACHP). This Council advises the President and Congress on national historic preservation policy. A Study Commission was set up in 1972 and worked with native Hawaiians from the community to develop the Spirit Report (1972-74) to share the importance of the place. In 1974 the Spirit Report was hand delivered to Congress, and in 1978 Congress authorized the Park.

The Park includes 600 acres of nearshore marine waters and 600 acres of land and covers four ahupua'a. There are two fishponds, Koloko and 'Aimakapā. Koloko is a walled fishpond, while 'Aimakapā is a sand

berm fishpond. In addition to fishponds, the Park houses a fishtrap, a heiau, house sites, agricultural raised planters, petroglyphs, and burial sites. The Park is home to coastal, terrestrial, and marine habitats, wetlands, anchialine pools, endemic and indigenous biota including 16 threatened, endangered, and candidate species. There are many Federal and State rules, laws and regulations that must be complied with, and numerous agencies that must be consulted when doing work in the Park.

Fishpond restoration efforts have focused on removal of invasive vegetation, and have been heavily assisted by Hui Kaloko-Honokōhau, a community group started in 2015 by Ms. Aloua. Ms. Aloua noted that as the ecological restoration progresses, it creates more opportunities for cultural and spiritual practices to return to the fishponds, and that the two are closely interrelated.

#### **IX. Public Input**

Keola Childs, retired Hawai'i County planner and member of the public, proposed that there should be a coastal interface zone. Mr. Childs noted that the concept of Chapter 205A that declares all lands of the State as part of the coastal zone is wonderful in theory, but how are we going to manage it? The SMA only looks from the shoreline mauka. ORMP only looks from the shoreline makai. We need a plan or visioning concept, and maps, of a managed interface zone with standards for recreational use and access. This zone should span half a mile or a mile inland to a mile or so into the ocean, which is the area where the people of Hawai'i spend most of their time. Sea level rise will create opportunities for new fishponds, and the vision of the coastal interface zone could be used to identify the most optimal locations for these emerging shared resources.

#### **X. New Business**

The next MACZAC Quarterly Meeting will be held September 13, 2019 at the end of the HCPO Conference on Maui. Meeting location TBD.

#### **XI. Adjournment**

Chair Thompson adjourned the meeting at 12:42 pm.