

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

MINUTES

Tuesday, February 27, 2024: 9:00 am – 12:00 pm

Hybrid format: Zoom and in person at the OPSD Conference Room

OPSD Conference Room
State Office Tower, 6th Floor
235 S. Beretania St.
Honolulu, HI 96813

[Link to the electronic video recording of the meeting:](https://us06web.zoom.us/rec/share/sdZkQtgDQXOXWC-32r1tYHTNEISHNi8CcwJFpDtkX4sBV9yR9Ba3aR1zc3tYkKR_.4MoPCwHc1FamTrt-)

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ATTENDANCE

- **Members present (8):** Donna Brown, Rich Brunner, Phil Fernandez, Robert “Bob” Nishimoto, La’akea Poepoe, Will Sankey, Scott Sullivan, Kimbal Thompson
- **Members absent (2):** Denver Coon, Taryn Dizon
- **Office of Planning and Sustainable Development/Coastal Zone Management (OPSD/CZM) staff present (7):** Mary Alice Evans (OPSD), Debra Mendes, Joshua Hekekoa, Kristi Kimura, Shichao Li, Lisa Webster, Yuki Terada
- **Others present (3):** Dawn Hegger-Nordblom, Kahana Sunset Management, Cyndi Reese

DISTRIBUTED MATERIAL

- MACZAC meeting agenda for February 27, 2024
- Draft minutes from October 20, 2023 MACZAC Meeting
- CZM Report to MACZAC (February 27, 2024)

I. Call to Order

MACZAC Chair Phil Fernandez called the meeting to order at 9:02 a.m., welcomed everyone, and introduced La’akea Poepoe as the new Moloka’i representative.

II. Approval of October 20, 2023 Meeting Minutes

The minutes were approved as circulated.

III. Welcome from OPSD Interim Director

OPSD Interim Director Mary Alice Evans welcomed everyone.

IV. Hawai’i CZM Acting Program Manager’s Report:

National Initiatives

CZM Habitat Protection and Restoration Infrastructure Investment and Jobs Act (IIJA)

The CZM Program has the privilege of administering IIJA funds that support the goals and intent of the Coastal Zone Management Act, the Coastal and Estuarine Land Conservation Program, and the Infrastructure Investment and Jobs Act.

The FY23-24 federal funding opportunity (FFO) was issued on June 13, 2023, and one of the three letters of interest we submitted was selected to submit a full proposal in January. We await NOAA's decision.

Hawai'i CZM Program

Ocean Resources Management Plan

Focus Area I: Development & Coastal Hazards

Chair Fernandez brought up the topic of scheduling a Managed Retreat presentation and asked for input on whether to schedule it earlier, during the process, or after completion for review. MACZAC member Scott Sullivan suggested MACZAC involvement midway, with a final review later. Chair Fernandez agreed, aiming to include the Managed Retreat mid-point presentation on the next meeting agenda.

Ms. Evans reported that a bill establishing a study group for Northshore beach erosion areas, addressing issues with illegal structures, passed the finance committee. DLNR has had difficulty with private owners removing these structures. Collaboration with UH Sea Grant, DLNR, and community members on the Northshore aims to find effective solutions.

The Maui wildfires of 2023 were discussed as a FEMA Hazard Mitigation fund case study for voluntary managed retreat, exploring the purchase of shoreline parcels off Lahaina's Front Street. This involves converting the areas into a green buffer without structures to prevent shoreline erosion, allowing for public recreation. These individual case studies offer insights into managed retreat strategies in Hawai'i.

Climate Change Adaptation

Ms. Evans noted that the Hawai'i State Energy Office has completed the statewide decarbonization strategy using U.S. Department of Energy funding. The strategy, aimed at reducing greenhouse gas emissions, is available on the Hawai'i State Energy website, providing valuable data on environmental decarbonization efforts to mitigate climate change and global warming.

A link to the Hawai'i State Energy Office: [Homepage - Hawai'i State Energy Office \(hawaii.gov\)](https://www.hawaii.gov/energy/)

Chair Fernandez asked MACZAC member Will Sankey about his reaction to the CZM report. Mr. Sankey expressed enthusiasm, emphasizing its relevance to his science class on Lāna'i, and recognizing the agency's importance in addressing concerns. Chair Fernandez stressed the need for MACZAC to prioritize key information of the CZM

report for public awareness and to revisit the CZM report in Agenda Item VI, focusing on public engagement.

V. Guest Presentation: A Native Hawaiian's view on the impacts of climate change on cultural practices

Charlie Young, Ho'okena Po'o on the Hawai'i State Aha Moku Advisory Committee (AMAC), Department of Land and Natural Resources (DLNR)

Guest speaker Charlie Young, from Ho'okena, on the southwest of Hawai'i Island, provided a Native Hawaiian perspective on climate change impacts on cultural practices. He emphasized the inseparable connection between cultural resources and beliefs, highlighting Ho'okena's vulnerability to sea level rise (SLR). He discussed the disruption of traditional fishing and farming practices due to climate change, underscoring the significance of preserving cultural values while adapting to changing resources and access.

Mr. Young referred to the U.S. Department of Agriculture's (USDA) definition of cultural resources, underscoring their significance in American history, architecture, archaeology, and culture. He emphasized that the Native Hawaiians are a thriving community deeply connected to their culture. They are actively addressing modern challenges like climate change.

Through photos, Mr. Young showcased Ho'okena and its surroundings, highlighting cultural resources such as residents, ocean wildlife, the shoreline, habitat, alongside natural elements like trails in the mountains. Traditional activities like 'ōpelu fishing and canoe tournaments were depicted along with outreach, teaching communities 'ōp'io to prepare bait for netting 'ōpelu. Additionally, he shared a video documenting the impact of a significant storm in 2015 at Ho'okena Beach Park.

For Native Hawaiians, fishing and farming have been traditions passed down through generations, with water playing a vital role. Additionally, from the Aha Moku perspective, these activities are seen as essential for exercising gathering rights and accessing natural resources. Ho'okena village, just 12 inches above sea level, faces displacement due to SLR. Increased rainfall entering the ocean will impact nearshore resources, rising water tables will worsen seepage from cesspools and septic systems, while decreased rainfall will affect freshwater aquifers. Climate change will disrupt traditional fishing and farming practices, affecting access and availability of ocean resources due to water temperature changes and acidification. Shifts in rainfall patterns will also impact resource management. Mr. Young emphasized that Native Hawaiian cultural resources are deeply intertwined with cultural beliefs and practices, which are viewed as inseparable.

Chair Fernandez highlighted the importance of incorporating Native Hawaiian perspectives on climate change impacts into State policies. Mr. Young introduced the Native Hawaiian community's viewpoint, advocating for a broader perspective beyond Western infrastructure concepts. He emphasized the significance of viewing beaches,

the ocean, and water resources as cultural assets rather than traditional infrastructure. He also addressed the communication challenges with various jurisdictions, commending MACZAC's efforts to bridge these gaps. Chair Fernandez suggested Mr. Young's presentation be shared at the Hawai'i Congress of Planning Officials (HCPO) Conference in September 2024, aiming to share his insights with the statewide planning community along with MACZAC. CZM Planner Shichao Li echoed the importance of diverse viewpoints and understanding Hawai'i beaches as cultural resources.

VI. Discussion and formation of the Public Engagement Permitted Interaction Group (PIG) pursuant to HRS §92-2.5(b) in response to MACZAC Chair Phil Fernandez's proposal for the 2024 MACZAC initiative focusing on public engagement

Chair Fernandez proposed forming a permitted interaction group to enhance public engagement, originating from Mr. Sullivan's concern about the limited dissemination of information to the public on State SLR plans and activities. He suggested that MACZAC investigate effective approaches to ensure timely and comprehensive communication between the State and communities. The aim is to provide recommendations to OPSD and State decision-makers regarding effective public engagement strategies.

Chair Fernandez outlined the three requirements for forming a PIG in accordance with the Sunshine Law, emphasizing the importance of defining the scope, a deadline, and membership.

Chair Fernandez proposed that the PIG's main objectives include prioritizing essential information from the CZM report for the public and defining effective public engagement strategies, such as town meetings or websites. Additionally, the PIG will deliberate on whether the initiative should be led by the State or the counties and determine the State's role in the process if it is led by the counties.

MACZAC member Rich Brunner sought clarification from Chair Fernandez regarding the definition of 'the public'. In response, Chair Fernandez stated that he is unsure about the perception of 'the public' and it is a matter that the PIG will define. MACZAC member Kimbal Thompson emphasized the significance of a community-based approach.

Vice-Chair Donna Brown noted the existence of community organizations for their development plans run by Maui County Planning. Additionally, Mr. Brunner emphasized the presence of a strong association for community plans in Kīhei. Mr. Sankey described an annual community meeting held for a beach park in Lāna'i and MACZAC member Bob Nishimoto discussed the existence of an action committee for the community development plan in Hilo on Hawai'i Island, emphasizing the need for customization in planning for each area, considering specific priorities related to climate change.

Chair Fernandez inquired about member's interest in establishing a PIG along this line, to which Mr. Thompson, Mr. Sullivan, and Mr. Brunner expressed their agreement.

Chair Fernandez proposed that the PIG continue until Q1 of 2025 to facilitate thorough discussions and decisions.

Chair Fernandez, Mr. Kimbal, Mr. Sullivan, Mr. Brunner, and Dr. Nishimoto volunteered for the PIG. Chair Fernandez called for a motion to form the PIG with the proposed purpose, described below, a one-year timeframe, and the listed members. Mr. Thompson made a motion, which was seconded by Vice-Chair Brown. With no objections, the Public Engagement PIG was formed.

Purpose:

- Determine how wide or narrow the scope of public engagement should be.
- Determine what priority topics the public should be informed of (from the CZM report).
- Consider what approaches should be considered?
- Consider whether the State should lead this effort, or should it be a county-led effort?

Deadline: One year (Q1 2025)

Membership: Mr. Brunner, Chair Fernandez, Dr. Nishimoto, Mr. Sullivan, and Mr. Thompson

VII. Discussion and Decision-making: Proposal to form a PIG to design a workshop for the Hawai'i Congress of Planning Officials (HCPO) Conference in September 2024 focusing on effective communication with State and county partners. Once approved, form a PIG

Chair Fernandez proposed the establishment of a PIG with the specific objective of delivering a presentation at HCPO 2024 on Hawai'i Island, aiming at enhancing MACZAC's visibility within the statewide planning community. Ms. Evans and Mr. Brunner expressed their support for the concept, while Vice-Chair Brown sought clarification on the focus of the presentation and the necessity of forming a PIG. In response, Chair Fernandez emphasized the significance of introducing MACZAC, potentially highlighting its past achievements, and proposed forming a PIG to enhance communication through frequent meetings.

Mr. Thompson proposed a motion to form the PIG, which was seconded by Vice-Chair Brown. Dr. Nishimoto, Mr. Thompson, Mr. Brunner, Vice-Chair Brown, and Chair Fernandez volunteered for the PIG; there was no objection, and the HCPO PIG was formed. Ms. Evans noted that the HCPO Planning Committee plans to distribute a general program, likely in early June, with program development in April and May. To secure a spot on a panel or presentation, volunteers should express interest by April.

Purpose:

- Find a topic that may be of interest to HCPO attendees.
- Determine the best way to deliver the topic (presentation, panel, workshop).

- Develop material and present it at HCPO.
- Report back on the MACZAC findings of interest from the HCPO Conference and make a recommendation on whether to present at HCPO 2025.

Deadline: One year (Q1 2025)

Membership: Vice-Chair Brown, Mr. Brunner, Chair Fernandez, Dr. Nishimoto, and Mr. Thompson

VIII. Hotspots

- Kahana Sunset Managed Retreat Plan (Maui)

Ms. Cyndi Reese, a new owner and board member at the Kahana Sunset Condominiums on the Napili-Honokowai Coast, located in West Maui, commended Ms. Dawn Hegger-Nordblom, a planner and consultant for the Kahana Sunset Managed Retreat Plan, for her thorough research and work for the property. Acknowledging the issues they face, they are, out of necessity, working on a managed retreat plan. She emphasized the challenges of long-term projects and stressed the importance of breaking down the plan into manageable pieces. The plan includes projections for the next three years, and the Kahana Sunset Condominiums provide annual progress reports to Maui County.

Ms. Hegger-Nordblom highlighted the complexities arising from regulatory laws such as HRS Chapters 205A (Coastal Zone Management Act), 343, and 514 (condominium law), including challenges with requirements for individual owner approval in Kahana Sunset's bylaws for building demolition. Implementing managed retreat is recognized as a challenging process which may take as long as ten years.

The Plan aims to guide the Kahana Sunset in strategically relocating buildings and utilities while identifying new construction areas, with collaboration from county and State entities. There were a couple of Managed Retreat bills that did not pass, which was disappointing. Establishing a SLR fund was emphasized, with OPSD collaborating with SSFM and the legislature to explore mechanisms for managed retreat.

Ms. Hegger-Nordblom noted that Maui County can only hold managed retreat plans for up to twenty years; therefore, there needs to be a plan that is livable (within people's lifespan) and manageable. Considering changing ownership of condominiums, changing laws, certified shorelines, and varying responses to changing shorelines, each island faces different challenges with climate change and SLR. These complexities impact the entire State, affecting shoreline users and public resources. Plans need to be able to adapt because nature is fast-moving, and current laws cannot keep up with it, making it difficult for any landowner with a shoreline property to get through the regulatory process without more help from the State and counties.

Chair Fernandez raised concerns about fairness among the public, especially regarding those who do not reside on the shoreline. He emphasized the importance of

determining whether the State should aid shoreline properties. Ms. Hegger-Nordblom stressed the need for legislative action to secure funds for State assistance. This issue impacts not only shoreline owners but also public users accessing shoreline resources. Additionally, the relocation of shoreline owners to inland areas affects entire communities. Chair Fernandez highlighted MACZAC's role in public engagement and community awareness.

Mr. Brunner noted that if Maui County had acknowledged the area as a hotspot, the construction of Kahana Sunset Condominiums would not have been permitted. Ms. Hegger-Nordblom noted the significant changes since the 1978 law, when there was more beach in front of the condominium. The absence of foresight regarding SLR and beach erosion at that time resulted in different planning approaches and concepts. Vice-Chair Brown shared her observations on the coastal changes over the years and discussed how the understanding of climate change has shifted perspectives on conservation in vulnerable areas.

In her summary, Ms. Hegger-Nordblom emphasized the profound impact of the Lahaina wildfire, addressing the importance of supporting the community in responding to the challenges of SLR and climate change. She called for proactive planning, highlighting the close relationship between natural disasters and climate change, and advocating for legislative measures to address financial and community-related concerns.

Chair Fernandez inquired whether the planning situation for the troubled shoreline had become critical. Ms. Hegger-Nordblom stressed the importance of resolution-based planning, increasing stakeholder involvement, solutions, and funding. She noted that FEMA might offer funding for SLR and climate change initiatives and suggested implementing an admission fee for popular sites and attractions to fund SLR initiatives. Ms. Evans expressed appreciation for Ms. Hegger-Nordblom's insights, highlighting their influence on shifting statewide discussions following the Lahaina wildfire.

- Wave Erosion (West Maui, Kīhei)

Mr. Brunner shared a video capturing chronic flooding on South Kīhei Road in early 2023 due to seasonal stream action meeting the ocean. He also presented photos illustrating the disappearance of the beach face and cliffs dropping in the grassy areas around Kama'ole and Keawakapu beaches in Kīhei. The beach face area (sand) will likely return in time, but the cliff areas will not.

Vice-Chair Brown highlighted challenges along Honoapi'ilani Highway, where waves break across the road, and she noted the vanishing beaches with trees falling into the ocean. There is a positive development: US Secretary of Transportation, Pete Buttigieg, visited West Maui in February 2024, where he provided updates on key infrastructure projects, including critical funding for realignment of Honoapi'ilani Highway. The road is essential for residents, as illustrated during the Lahaina wildfire, serving daily needs such as doctor visits.

Mr. Brunner noted that there is ongoing reconstruction at Lahaina Harbor, with plans for a slightly higher dock and floating docks, possibly considering intentional SLR measures.

IX. MACZAC Chair and Vice-Chair elections for 1-year term

Chair Fernandez and Vice-Chair Brown nominated themselves to continue serving as Chair and Vice-Chair for another year. Mr. Poepoe moved to accept the nominations, which was seconded by Mr. Sullivan. With no objections raised, Chair Fernandez and Vice-Chair Brown will continue in their respective roles.

X. Public input on all agenda items

Ms. Hegger-Nordblom emphasized the need for the State to implement a tax on tourists to fund the protection of marine and other vital resources. She suggested using captive audience spaces like airports and on flights to educate tourists about the importance of preserving natural resources. Chair Fernandez noted that the State has initiated various charges on tourists, such as nonresident fishing licenses and fees for ocean recreation customers, all aimed at supporting natural resources management.

XI. New business

For the next MACZAC meeting, discussion topics should include:

- Report back from the Public Engagement PIG and the HCPO PIG
- Managed Retreat midpoint report from the State
- Continuous monitoring of the Kahana Sunset issue
- Include clarity regarding potential FEMA funding for SLR in the next CZM report.
- Exploration of recommendations for public engagement strategies and funding options for staff and resources. Discussion on potential legislation for funding in 2025.
- Follow up with HDOT on highway realignment.
Suggestion: invite HDOT to present plans to address vulnerable main highways, including a follow-up on US Secretary of Transportation Pete Buttigieg's commitment to the Honoapi'ilani Highway realignment.
- Brief updates from each MACZAC member

Ms. Evans suggested considering a MACZAC meeting in conjunction with HCPO on the Island of Hawai'i in September 2024, allowing members to attend both events. The decision on this matter will be revisited at the following May meeting to plan for the September HCPO event.

XII. Adjournment

The meeting was adjourned at 11:30 a.m.