

MINUTES OF THE BRIEFING AGENDA
BEFORE THE BOARD OF LAND AND NATURAL RESOURCES

DATE: February 13, 1998

TIME: 8:30 a.m.

PLACE: DLNR Board Room
Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawaii

Chairperson Michael D. Wilson called the meeting to order at 8:35 a.m. The following were in attendance:

Members:

Mr. Michael D. Wilson, Chairperson
Mr. Colbert Matsumoto
Mr. Christopher Yuen

Ms. Lynn McCrory
Mr. William Kennison

DOBOR Staff:

Mr. James L. Schoocraft

Others Present:

Mr. Jim Housh
Mr. Richard Johnson
Mr. Kevin Mulligan

Mr. Jim Coon
Mr. Michael Durant

ITEM: Community Based Management (CBM)

SUMMARY:

Michael Wilson gave background information regarding the Community Based Management concept and process before excusing himself to attend a hearing regarding DLNR management of coastal lands.

James Schoocraft introduced Jim Housh, spokesperson for the CBM Task Force. Jim Housh introduced other members of the CBM Task Force in attendance. Jim proceeded to review the synopsis sheet distributed to all attendees. The board was told that the process of Community Based Management was that the powers of the community most

affected with the ability to set policy and oversight for management, operation, development of specific marina facilities in a partnership agreement with the State managers. The CBM Task Force's goal was to look at community based management in a number of parameters including fiscal numbers and choosing methods in which to implement community based management. Due to time constraints and unavailability of financial figures, the Task Force was unable to accomplish what Act 160 referenced. They instead came up with a vehicle in which they can allow each marina to address its specific problems instead of the CBM Task Force trying to come up with fiscal solutions for the marinas. Community Based Management is a partnership between marina users and existing management personnel.

The following is a question and answer session between the board and Jim Housh:

Colbert M.- Does this add to the levels of bureaucracy that would be involved in the overall management of the small boat harbors?

Jim H. - There is some concern about increasing, the slowing down the processes in the structure but we felt that once the process got moving there is a rather lengthy process to get the marina to invest the time and monies and the people of the marina to come forward with the community based management plan. The initial process is rather time consuming. It's more time consuming on the community's basis than on the Land Board or management situation. We feel that initially there might be a slower process but in the long run because everybody understands what's happening... right now there's a big information problem. We don't understand why's or reasons of what's happening in the marina and once this education process takes place we feel it'd be much more expedient to go through this process. We won't have these long cumbersome processes slowing down because of misunderstandings or not having a feeling of participation in the process.

Colbert M. - At some of the marinas you have different kinds of users, you have recreational users, you have some commercial operators... you know, like you say, you have people who launch boats, you have people who just go to surf and park in the area and others who they just want to picnic or do other passive activities in the area. In a model like this, how do you accommodate all of those people? Is everybody given an equal say or do you give them a weighted amount of influence in decision making?

Jim H. - The way that we looked at this was that the first people at the table that should have recognition and have the biggest stake of the share are the people that are permanent and have their boats and slips in the harbor. They're the largest affected group. In our recommendations we state that the majority of the board members should be people who have a direct stake in the harbor with the boats and their permits and activities. Then

the other individuals in the marina like the surfers and the fishermen, the people that don't have to really be there but they use it as a facility, they get access to what they want to do or they use it for picnicking and that will all be able to hold a position at the table. What happened at Honokohau, which is an area that went through this process and elected a marina board, they opened it up to everybody and they didn't put a specific balance or a percentage of people on the board for each thing and it basically worked itself out. If the people are active enough and have a big enough concern to run and go through the process of getting out to the community through the election and stuff, then they were able to basically get seated on the board. What happened is the people that stood up at the first part and said, "well, we want all these different areas represented" ...well, desire and action are two different things and if they have that desire and really want to drive forward and have that representation on the board there is a space at the table for them. But there is an election process so we don't just stack it against the marina users. An example was brought forth was in Maalaea with the breakwall considerations there. The consideration came up we'll keep all the surfers from just stacking the board and shutting down the harbor and that's why we went to a weighted scenario. But we want all the players at the table because, again, we want this to be a community, not just a specific user group or a special interest group.

Colbert M. - As between commercial users of the harbor and recreational users of the harbor are you going to give them each equal vote, equal say?

Jim H. - Basically in each harbor there, specifically where the commercial harbor's are, there's a specific percentage make-up in the harbor and what I'm finding too, they seem to want to separate commercial and recreational. In our view, commercial is recreational, and where I'm going with this is that not everybody can afford a boat and we don't have enough facilities in the state to allow everybody who wants a boat to be able to get a slip, there's a long waiting list and stuff. So the charter boat industry serves basically a recreational need. It allows access to the waters, places like Molokini or other areas to go sport fishing, for people who don't have boats and we have a high number of residents that utilize the services of these commercial people and so in that way there is this continual attempt to separate recreational and commercial and Maalaea Harbor...

Colbert M. - Let me ask you then, is there never any conflict between recreational users and commercial users at the harbor?

Jim H. - There is and it tends to be with use of the facility. In other words...

Colbert M. - Right, and that's the problem. What I'm trying to figure out, under this model, how do you accommodate the interests...of those potentially competing interests? Particularly when you have a greater number of recreational permit holders as opposed to commercial permit holders. How are you going to make sure that the commercial permit holders are going to have their interests properly represented and protected in this kind of a setup?

Jim H. - There is a concern about, especially on the commercial end, the number of commercial operators that expressed a concern of them being regulated out of the scenario. Now, we are one player at the table with community based management and we're hoping that there will be a balance within this means...within the administration of the community based management plan...to be able to work these things out. They come out by a majority, not a consensus like in the school community based management. We feel confident that in most cases that these situations can be worked out. There's very few instances where, I'm speaking again from Maalae Harbor, but again each harbor has a different and unique make-up, and in designing the community based management plan we're allowing that marina or that harbor to step forward and address situations like that. How do we handle the commercial end of it? How do we handle the commercial fishing end of it?

Colbert M. - No, but if you set up a structure where you give everybody, every permit holder, the same vote then clearly the recreational users are going to control or have the majority of votes in this CBM. And so if the majority exercises certain decisions that may not be to the liking of the minority commercial users, how do you make sure under the structure that the commercial users are not going to feel disenfranchised? That they're not going to feel that they're interests are being undermined by the majority recreational users?

Jim H. - Right. Again, in each marina the formulation of the community based management board and the process in which they do that is left up to the discretion of the marina and I found that the commercial operators, you know they have a vested interest in...a stake at the table... I find them much more active and involved in the process than recreational boaters.

Colbert M. - Let me give you an example... in Kaneohe Bay there was a management plan that was developed supposedly by the community, that was also a community based management program but we have a lot of commercial users who feel as though they were not given adequate opportunity or their interests were not sufficiently considered in developing the plan. What concerns me is how do you deal with that kind of conflict that may arise with respect to this kind of structure because you're going to have recreational

users that dominate most of these harbors and I can see situations arising where commercial interests are not going to have their interests properly protected. How do you deal with that kind of conflict?

Jim H. - Basically, again, we're one segment, one cog in a three cog wheel and that's what we would rely on and that's that's why we haven't gone in and just taken this over as a community based situation and worked in partnership with the current administration.

Colbert M. - See that's why I asked about if this just creates another layer of bureaucracy.

Jim H. - Well, in a way it does...in reality of it, it brings a real important player in this mix which is the customer and the people who the service is delivered to the table and allows them a vehicle in which to deal with the management. In a scenario such as you're saying here, is that's where we would rely on the expertise of the management to protect the interests of those special groups.

Colbert M. - This calls for the CBM to actually have management authority...

Jim H. - Not total...a partnership.

Colbert M. - Right. What does that mean though? Does that mean that the person who's managing the harbor is going to take his direction most from the department as well as from representatives from this CBM?

Jim H. - That's correct.

Colbert M. - What that means is that you are going to be exercising management authority to the extent that the CBM is exercising that authority and is dominated by particular user interest. How do you make sure that the minority is going to feel as though their interests are being adequately served?

Jim H. - Well, again it's a balancing factor of the current management roles and regimes with the process to say throw the mix of commercial boating out of the harbor...in other words, we want to reduce the percentage. It would have to go through a waiver and the waiver would have to come before the Land Board to be negotiated and then to basically have a hearing process here in which to do that. In situations like that the ultimate management decisions would be made with the Land Board on those situations. So there is limit...a balancing factor here. There is a great deal of discussion because it's not

an easy problem to deal with or to resolve but we felt that at least by having the community at the table so we can have open and free discussion within our specific marina and have some authority within those discussions. Because the discussions go on now but there usually in an unofficial capacity and then don't have any weight to them. We feel that those problems can be better addressed. The more representation we have at the table by the users with the managers, I think we're going to get around problems that we have now because of this communication.

Colbert M. - I guess an alternative model that seems to address some of the concerns that you're raising is the city's neighborhood board model where it provides an opportunity for people at a grass roots level to provide input in the decision making process but without having the managerial authority over the operations. Was that model considered in looking at this?

Jim H. - I'm not very versed on the community situation but the way I see it on this is #1 the community boards don't have their advisory capacity but they're elected. Right now we have that scenario and it hasn't worked in the past with the marine advisory board or advisory committees. Actually the marina boards have been elected processes, there's only two marinas in the state who have gone through that process...one is Ala Wai and the other is Honokohau. What we were looking at is in the advisory only capacity...and again a lot of this has to do with the willingness of the administration to accept the advisory board...now, I agree that we're asking for some managerial oversight. We're not asking to manage the marinas, we're asking to have a seat at the table and be part of this management team. In that way we see it different from the community boards. Again, it's the authority that we can place on this marina board to be able to sit at the table and assist us and be part of the decision making process. Not just a voice out here that talks to the board that can be shut off or on at will.

Lynn M. - The department is using, and looking at using, on a number of circumstances community based planning process called "Limits of Acceptable Change". This is one process that I think would address what Colbert is saying in that every group is represented as a stakeholder and they have an equal seat at the board or equal seat around the table. If you were looking at your seats for a harbor you would have one seat for recreational, one seat for commercial, and one seat for the surfers, one seat possibly for people who picnic at an area or community, however you decide to do it. And in that manner, you don't have a weighted advantage given to one group or another group. The community then looks at how they work together and they are in many senses forced to take a board position perspective, not one which gives them a weighted advantage because I have this much more than you have. It would then require what I think

community based management is about... is a consensus building approach and everyone has to come together, take a step back out of their position and say what's best for the area that takes into effect and account everyone's needs and requirements. Is there a reason that you moved from this holistic approach to things and went to weighted averages, which automatically moves you into a very different perspective from community based management?

Jim H. -

There is and part of has to do with Hanalei and other areas that we're dealing with. As long as, you know I'll agree with the limits of acceptable change scenario in an ideal situation where all the stakeholders are willing to come to the table with openmindedness and compromise that we're able to do that. But that's the big key...if you don't... Let's take for example, a small harbor that has two or three commercial entities in it. It's a harbor that has maybe 30 vessels in it and for some reason a commercial operator has been working in this harbor for 20 years and he comes in and he brings improvements and all this other stuff but there are factions in the community that don't like commercialism...period. They are the other entity that you're saying. Now, there need to be a balanced mix and in some places here where you're not going to satisfy everybody in the community and the people who are in the marinas. You know you can sit down with them and negotiate out what's going on but when you have an operator that's got 20 years of time built up there or you've been on a waiting list for 20 something years, and then you have a faction saying the surfing community or the picnicking community wants to come in and says, "well, we don't want any boats in this harbor" and they come up on what I would consider an unreasonable side, but it's a side that general people of the community hold for this marina and say, "well let's just fill this in and make it a picnic area"...well, that would defeat the purpose of the marina in itself so we felt that a weighted situation would be best here. It's put the situation at the table that isn't existing now and that's a place at the table for other parts of the community come forth. One of my unique positions as I'm president of the Maalae Association which is a residential community which includes the harbor and we have this weighted situation. There are a lot of retired people there that feel there's traffic in the harbor and stuff like that is incorrect. Now if we took that faction and gave...well, retirement people want a stake at the table and the people who ride bikes want a stake at the table we could divide this up until there are so many stakes that the real stakeholders in the community are so outweighed by the other interested who decided to come to the table that you wouldn't be able to get a reasonable use out of that facility. And that was our concern, is to displace these individuals that are already there and that we're really managing this facility right now for the boaters. We want to open it up to the rest of the community and give them a stake at the table but not to basically the term, throw the baby out with the bathwater scenario.

Lynn M. - Let me just suggest to you that there have been fairly numerous examples on the mainland where you had these wide disparaging positions and very structured positions...I'm going to use the Lower Deschutes River in Oregon was 25 years in conflict was able to use the LAC process to come to resolution in 5 years. And yes, part of it was the very hard position who had one view but in sitting around the table and saying we must come to a resolution is the position where people take that step backwards out of "me, me, me" and look at a broader picture and say how do we make this work. Because one group does not have a larger vote that says, "You know, you old people go away" or "You Hawaiians don't matter because you only come down on weekends" and that's what an equal share at the table gives people the ability to do not differently than any board. Consider it just as a thought. I'm concerned also with the funding...where are you getting funding to cover this? Any community based management plan is an expensive proposition, is normally years worth of work and...

Jim H. - Basically what's happened so far is the community, the interested community desiring a seat at the table have been willing to step up to the table at their expense, their times, their energies and fortunately we're talking about not having to travel, I think which is one of the high expenses of these plans...limited travel. We're looking at to add that in the boating program or that function in the boating program. Staff support on these individuals was discussed, we purposely left it out of the scenario because again, we're looking at a guideline for each marina to come and solicit the board for a proposal.

Lynn M. - But each group usually requires a facilitator and requires some staff that is going to track it in terms of meeting minutes, is going to get everyone together at the table, is going to arrange meeting places, is going to do not just the weekly meeting but sometimes you're even going to...my understanding is you'll take retreats and you'll go off...I'm just referring to what I've known has occurred. But that usually is not one of the users or stakeholders at the table, that type of funding is coming from where?

Jim H. - Basically we're feeling that through the more efficient management, this is one of the criticisms that the department's been hit with, is that the management of those marinas could be better. And that the people in those marinas are the ones that can really kind of help direct more efficient use of them. Ala Wai keeps using the example of vacant slips. Just by keeping those vacant slips filled, the amount of revenue generated in these marinas could be increased substantially. Indirect answer to your question there are two marina boards that have been formed and they're functioning quite well. In Honokohau they formulated this year and it's been a total hundred percent volunteer effort and they've kept their own minutes and stuff. But now when

it comes to the actual meetings and stuff now your advisory committees, they don't have to take notes, they have a tape recorder there and then it gets put in the record that way. There already is a recording factor and a historical factor. The recommendation of the community based management having their function of recording and how they're going to accomplish that and each marina board is faced with addressing the funding for that or the tasking of that situation. And again we didn't want to get into the scenario to where we have a small marina where they wouldn't have the financial ability to do this, and anyhow they may only meet twice a year and it will vary from marina to marina how they approach that...we left that open for them to solve that problem rather than us sit back here and try to solve the problem say Lanai or Ala Wai concept. We need the people in those marinas to step forward and take the responsibility if they want to. If they're willing to go through this process, which is rather lengthy...there's an up front dues to be paid and if you're not willing to pay those up front dues then you stay in the management scheme now.

Lynn M. - You're saying the people in essence put forth a funding amount if they want a seat on the table?

Jim H. - No, I'm saying they put you all in essence here, it's not a cash funding amount, it's a time and energy amount...

Lynn M. - How does the facilitator get paid?

Jim H. - The facilitator?

Lynn M. - Are you saying there will not be a facilitator that will be working with the group in order to...

Jim H. - In our discussion within the group we're looking at the possibility of getting staffing from the boating program since this is a boating function and at the current time there are those staffs available, to my knowledge, in each district. It hasn't been established on where we will get it and how but the boating fund would look at facilitating or being a player at the table with this and the recording and support facility .

Lynn M. - Just one more final question...you have in your legislative proposal concerning an interisland ferry service between Maui and Molokai... that seems to be a little...what's that about?

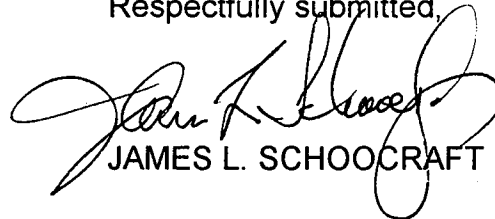
Jim H. - That was a...in the legislation I think you understand that you pick and pull bills at the last minute and combine things together to get them through and

basically they added that scenario into the bill to address the Molokai ferry. What's happening there is that the Molokai ferry's funding lapsed and they were trying to regenerate a ferry service to Molokai. And what they did was attach that onto this to get it out of the legislature and what it did was basically create an ability to put out a lease, I believe, or an agreement ...basically allows a vehicle for a Molokai ferry to operate and gives a permit to the bidder for Lahaina Harbor, exempts them from fees if they operate a ferry back and forth to Molokai. It's really not related to the community based management but it was attached in there.

Testimony was given by Richard Johnson regarding SB No. 1547 which was primarily designed as community based management with a focus in solving the economic problem with the boating special fund. Payroll, personnel costs of the boating special fund, needs to be solved. Need to find new ways to increase revenue for the boating special fund or cut staff. CBM Task Force accomplishments and purpose were repeated. CBM is a means, or a tool, to empower the people to implement management of their own marinas.

The briefing ended at 9:28 a.m.

Respectfully submitted,



JAMES L. SCHOOCRAFT

APPROVED:



MICHAEL D. WILSON, Chairperson
Board of Land and Natural Resources