

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

MINUTES

Friday, February 11, 2022: 9:30 am – 12 pm

Zoom Virtual Meeting

ATTENDANCE

- **Members present (7):** Phil Fernandez, Jim Coon, Donna Brown, Robert “Bob” Nishimoto, Susan “Sue” Sakai, Scott Sullivan, Kimbal Thompson
- **Members absent (2):** Rich Brunner, Nick Palumbo
- **Office of Planning and Sustainable Development/Coastal Zone Management (OPSD/CZM) staff present (8):** Mary Alice Evans, Justine Nihipali, Brittaney Key, Keelan Barcina, Sarah Chang, Shichao Li, Lisa Webster, Yusraa Tadj
- **Others present (8):** Scott Gifford (Office of Hawai'i State Representative David Tarnas), Zoe Sims (Office of Hawai'i State Representative David Tarnas), Sam Bergstrom (County of Hawai'i Long Range Planning Division AmeriCorps VISTA), Rachel Morse (County of Kaua'i Long Range Planning Division AmeriCorps VISTA), Taryn Dizon (member of the public), Leah Lani Rothbaum (Trust for Public Land), Nancy McPherson (Department of Hawaiian Home Lands), Greg Takeshima (Hawai'i Department of Agriculture Pesticides Branch)

DISTRIBUTED MATERIAL

- MACZAC meeting agenda for February 11, 2022
- Draft minutes from November 19, 2021 MACZAC meeting
- CZM Report to MACZAC (February 11, 2022)
- *The Straits Times*’ “Climate Code Red: Saving Singapore’s Shores” (<https://www.straitstimes.com/multimedia/graphics/2022/01/singapore-protect-sea-levels-rise/index.html>)
- *Identifying Frameworks for Land-Based Pollution Management in the Hawaiian Islands* (distributed post-meeting)

I. **Call to Order**

MACZAC Chair Phil Fernandez called the meeting to order at 9:47am and welcomed everyone. Introductions were made and relevant meeting procedural updates from Act 220, Session Laws of Hawai'i were reviewed for members. Chair Fernandez apologized for the delayed start due to technical difficulties.

II. **Approval of November 19, 2021 Meeting Minutes**

The minutes were approved as circulated.

III. **Remarks Office of Planning and Sustainable Development Director**

OPSD Director Mary Alice Evans noted that there were several bills currently going through the State Legislature relevant to coastal zone issues, and OPSD was working to provide the Legislature with information on the potential impacts of these bills.

IV. Hawai'i Coastal Zone Management (CZM) Program Manager's Report: National Initiatives

National CZM Program Funding

The CZM Program is prepping its FY22-23 and FY23-24 coastal management grant application to NOAA which is due mid-February. NOAA has shared that we should be planning for flat funding at least for the first fiscal year.

Hawai'i CZM Program

- 10 of 11 (2 are 0.5 FTE) positions staffed (1/2-time Project Analyst)
 - CZM Office Assistant (OA) position is now vacant.
- 1 intern position
 - The graduate intern position is in recruitment.
- CZM Website updated periodically (<https://planning.hawaii.gov/czm/>). Working on improving communications for consistency and currency. Analyzing existing website to make it more efficient and streamlined.
- Created a CZM Video to broaden outreach to other audiences

Section 312 Evaluation

- No new activity
- CZM Staff contact is Debra Mendes

Section 309 Assessment and Strategy

- No new activity
- CZM Staff contact is Justine Nihipali

Program Changes

- The OPSD provided program change training to the Guam CZM Program on Feb 1, 2022.
- Program change tasks will be incorporated into the upcoming fiscal year tasks.
- CZM Staff contact is Shichao Li

Ocean Resources Management Plan

- In September 2021, CZM was awarded a NOAA Project of Special Merit FY21 to implement the Kokua Community-Based Monitoring Program. The program will increase DLNR-DAR's capacity to monitor culturally valuable nearshore marine resources which are not regularly monitored by the Division. The program is being executed in coordination with DLNR-DAR's 30x30 planning team and will run through March 2023. DLNR-DAR, in coordination with UH partners, is in the process of recruiting a coordinator via RCUH to carry out the project. The recruitment closed on February 10, 2022. Additionally, a StoryMap is being

developed with project partners and will be available by the next meeting. CZM Staff contact is Keelan Barcina

Chair Fernandez asked about the duration of the grant funding for this project. CZM Program Manager Justine Nihipali responded that it is an 18-month grant. There is also an option, subject to approval by NOAA, for a no-cost extension of an additional 18 months if necessary.

- CZM submitted one proposal for the NOAA Project of Special Merit FY22 competition to advance Focus Area #1. The proposed project is to analyze the legal and policy impacts of managed retreat in Hawai'i. Funding awards are announced in Fall 2022.
- Procurement for *Developing a Scoping Study for a Regional Shoreline Strategy Specific to the State of Hawai'i* has been underway. The RFP was posted on November 12, 2021. CZM received six proposals and after evaluations, will award and execute contract in February 2022. The study's aim is to develop a scoping study as an exploratory step towards a regional shoreline management strategy for the State of Hawai'i. CZM Staff contact is Yusraa Tadj
- On behalf of CZM, UH Sea Grant (Melanie Lander), completed the "*Identifying Frameworks for Land-based Pollution Management in the Hawaiian Islands*" report. The report identifies successes and shortfalls of the multi-jurisdictional structure and provides recommendations for Focus Area 2 Action Team implementation actions.
- In accordance with Act 178, SLH 2021, CZM completed the first annual report outlining the findings of a sea level rise exposure assessment. The Annual Report can be found at: [Act 178: Relating to sea level rise adaptation \(hawaii.gov\)](#). An interactive StoryMap related to recent Act 178 activities can be found at: [Sea Level Rise Adaptation in Hawai'i \(arcgis.com\)](#).
- CZM Staff contact is Sarah Chang

Vice Chair Jim Coon asked if there were any status updates since the last meeting on the Kā'anapali Beach nourishment project, potentially under the Act 178 vulnerability assessments. Ms. Nihipali clarified that the scope of Act 178 is fairly restricted and did not have any new information on the renourishment project to provide at this time.

Coastal Non-Point Pollution Control Program (CNPCP)

- No new activity
- CZM Staff contact is Debra Mendes

Climate Change Adaptation

- OPSD Director and CZM Program Manager serve as Commissioners on the Climate Change Mitigation and Adaptation Commission
- Meeting schedule: - April 6, 2022, from 1:00 – 4:00 pm.
- CZM Staff contact is Justine Nihipali

Coastal Hazards

- Section 309 Coastal Hazards Strategy for the *Probabilistic Tsunami Design Zone Mapping – Maui Island (Phase II) and Kauai Island* contract executed January 20, 2021 is underway. The first technical meeting for this contract took place on October 29, 2021. The Contractor requested a contract extension, and pending NOAA approval, the new contract end date would be on September 30, 2023.

County CZM Projects

- The CZM Program was provided the opportunity to extend an award for an additional 12-months to address delays due to disruptions from COVID-19 and has engaged with counties to develop scopes of work to continue previously funded project initiatives that enhance their abilities to meet program objectives and policies.

Other Initiatives

- Greenhouse Gas Sequestration Task Force. Three projects have been completed to meet objectives of Act 15, SLH 2018. The most recent meeting was held January 12, 2022, and the next meeting will be held on March 16, 2022. CZM Staff contact is Justine Nihipali.
- 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
 - Coastal States Organization
- Continue to review environmental assessments/environmental impact statements to ensure CZM objectives, policies, and initiatives are considered.

V. Marine and coastal hotspot issues

A. Discussion of *The Straits Times*' "Climate Code Red: Saving Singapore's Shores" storymap on sea level rise in Singapore and its lessons for Hawai'i

Singapore is a city-state with much denser population and urban development than Hawai'i, but as an island it faces some similar sea level rise adaptation challenges. Chair Fernandez went through *The Straits Times* storymap, available at <https://www.straitstimes.com/multimedia/graphics/2022/01/singapore-protect-sea-levels-rise/index.html>. He noted one interesting difference in approach between Singapore and Hawai'i is that Singapore heavily utilizes shoreline hardening. MACZAC member Donna Brown asked in the chat if Hawai'i would want to see 70% of its shoreline hardened, to which Chair Fernandez acknowledged Hawai'i has different adaptation needs and would not want to copy Singapore's example directly, but rather study their approach for relevance to Hawai'i.

MACZAC member Sue Sakai also pointed out the centralized government setup of a city-state (versus the overlapping federal, state, and local jurisdictions in Hawai'i) and regime differences in Singapore that impacts how Singapore can respond to sea

level rise. MACZAC member Sakai also remarked on the similarity in Singapore's setback approach to the setbacks that occurred in Hilo Bay on Hawai'i Island after a tsunami in 1960. Chair Fernandez referenced the Office of Planning and Sustainable Development's *Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas in Hawai'i* final report that found it often takes disaster or other major event to catalyze action.

MACZAC member Scott Sullivan thanked Chair Fernandez for sharing this report and acknowledged that land use in island states is a controversial topic because of the limited area. Including in Hawai'i, the reality of sea level rise and other climate threats will necessitate difficult choices in the near future. MACZAC member Sullivan added that many lay people seem unaware of the dangers of sea level rise and inaccurate information persists, thus expressing his support for better education of the public.

Chair Fernandez agreed and opened the floor to suggestions on how to educate the public. MACZAC member Sullivan said to start by presenting all sides of the issue, without ruling out non-ideal adaptation strategies that may need to be considered out of necessity, so that people don't start to believe that one particular strategy is the only way.

MACZAC member Thompson recalled his past experiences in community engagement to understand community members' needs and vision for their community's future. He opined that a similar outreach program to inform members of coastal communities of sea level rise would be invaluable. As an architect, he added that architects' mentality shifted only recently from protecting clients' interests in shoreline properties to facing the realities of sea level rise.

MACZAC member Sakai noted the current zeitgeist of mistrust in scientists and recommended relying on voices from other people such as fishers, hikers, or surfers that may connect better to the public and have lived experience in observing everyday impacts of and being affected by climate change. Chair Fernandez agreed and shared that he often has to remind legislators that the majority of constituents do not have a college degree and may not have a scientific foundation.

MACZAC member Bob Nishimoto disagreed with focusing on public education and felt a better focus would be on government reform; for example, State government in Hawai'i needs to incorporate the particulars of the Neighbor Islands and not remain O'ahu-centric in its approach or personnel locations. MACZAC member Nishimoto also pointed out that the available adaptation options are different between O'ahu and the Neighbor Islands, so any education campaign or reform efforts need to be tailored—urban versus rural issues, culture, and resources are different and should not be treated the same or receive the same messaging because of these differences.

MACZAC member Brown added that educating schoolchildren would be a good starting place since they'll be the next generation to live with the impacts of sea level rise. Chair Fernandez concurred that sea level rise is a multigenerational issue and the next generation will need to be prepared from the beginning.

Vice Chair Coon remarked that even in local government, sea level rise does not seem to be well-known or addressed in current projects.

~~B. Additional hotspot reports from members~~

This agenda item was removed at the recommendation of the State of Hawai'i Office of Information Practices due to incomplete compliance with Hawai'i Revised Statutes §92-7. Hot spot reports will re-commence at the next MACZAC meeting.

Multiple MACZAC members expressed frustration with how to reconcile the time-sensitive nature of hot spots with Sunshine Law requirements. Ms. Key explained a few potential options but noted that additional legal guidance would be needed before a proper answer could be provided. Ms. Evans added that many State boards are currently being scrutinized for Sunshine Law compliance, but she sympathized with MACZAC's concerns and welcomed the opportunity for OPSD to discuss more with Chair Fernandez and Vice Chair Coon after the meeting.

VI. Report back from MACZAC member attendance at the February 2, 2022 Ocean Resources Management Plan Coordinated Working Group meeting

Chair Fernandez, Vice-Chair Coon, and MACZAC member Nishimoto attended the February 2, 2022 meeting of the Ocean Resources Management Plan Coordinated Working Group as observers. The meeting focused on land-based pollution with a diverse, cross-departmental panel to discuss the topic. MACZAC member Nishimoto was heartened by the multiagency representation and saw a role for MACZAC to act as "neutral ground" to continue encouraging this silo breakdown.

Chair Fernandez summarized the ORMP CWG meeting: it first defined land-based pollution, what is being measured to track such pollution, and the current status of land-based pollution in Hawai'i. The panel discussed land-based pollution issues that they felt need to be at the fore of mitigation efforts and which are included in more detail in the recently completed Land-Based Pollution report. This report was obtained from CZM staff and distributed after the meeting; Chair Fernandez encouraged MACZAC members to read its executive summary.

Chair Fernandez also noted the Sunshine Law restrictions on MACZAC member attendance. Ms. Evans added further context for the application of Sunshine Law to advisory and executive boards. While the specifics were not reviewed at the time, under HRS §92-2.5(e), two or more members, but less than a quorum of board members, can attend an informational meeting or presentation not organized exclusively for MACZAC, such as the ORMP CWG meeting. Further details on the

restrictions of member actions during these outside meetings may be reviewed in the statute.

VII. Public Input

No public input was provided.

VIII. New Business

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

Chair Fernandez and Vice Chair Coon's respective 1-year terms as Chair and Vice Chair expired, leaving the positions open for nominations. Chair Fernandez and Vice Chair Coon welcomed the opportunity to serve for another 1-year term, and no other members volunteered for either position. Chair Fernandez and Vice Chair Coon were unanimously approved for another 1-year term by all members present.

B. Discuss proposed improvements to increase MACZAC's efficacy as an advisory body

Chair Fernandez explained and proposed the "business-learn" model of meetings, where MACZAC would alternate meetings dedicated to informational presentations and other learning, and meetings dedicated to discussing and devising plans of action or advice for OPSD based on that information gathering.

MACZAC member Brown expressed concerns with a strict business-learn model on a quarterly schedule. Chair Fernandez said meetings could be held more often, or MACZAC member Brown suggested that "learn" meetings could hold the presentations in the first hour with normal MACZAC business in the second hour, even if discussion and action items on the day-of presentation material is postponed until the next meeting. Other members favored this approach, too. MACZAC member Sakai asked if the PIGs could be used for the "learn" function. Chair Fernandez acknowledged this as an option, but multiple members expressed preference for educational presentations at the full MACZAC meeting rather than relying on PIG reports.

MACZAC member Nishimoto wanted there to be more accountability and transparency on the incorporation and implementation of MACZAC's advice by OPSD and partner agencies.

MACZAC member Brown asked for clarification on MACZAC's roles as an advisory versus advocacy council. Ms. Nihipali acknowledged that the board title says "advocacy," but the statute denotes MACZAC as a public advisory body. Ms. Nihipali said she sees MACZAC as providing the CZM Program on-the-ground perspectives to coastal issues, particularly related to ORMP implementation, while also sharing information about CZM's efforts to the public. Ms. Nihipali reminded MACZAC that coastal issue jurisdictions span multiple agencies, however, so even though the CZM Program is diligent about incorporating MACZAC's advice and passing on its perspectives to other agencies, the CZM Program does not have authority over other agencies' actions. Ms. Nihipali also encouraged MACZAC to

continue providing constructive, actionable feedback. Ms. Evans agreed with Ms. Nihipali's assessment and comments. Chair Fernandez noted that his style as Chair is to summarize discussions with specific advice to make it easier for CZM staff and others to understand the takeaways. He also reminded MACZAC that it has successfully passed on its advice to other agencies channeled through OPSD.

MACZAC member Sakai shared her interpretation that MACZAC is to advocate for the public to the State (not just OPSD) on coastal and marine issues.

MACZAC member Nishimoto recommended that informational presentations go beyond lectures and that the member who invited the speaker conclude such presentations with suggestions to OPSD for post-meeting actions.

MACZAC member Sakai asked Ms. Evans if OPSD was involved in the State's efforts regarding the Navy's Red Hill water contamination issue. Ms. Evans shared the ways that OPSD is supporting the Hawai'i Department of Health's response while noting that OPSD is not the lead agency on the matter. MACZAC member Sakai asked if the Navy would need to obtain a federal consistency determination or other permits from the CZM Program, but Ms. Evans said it is not currently required to obtain any.

C. Determine the MACZAC meeting schedule for 2022

The tentative 2022 schedule is as follows:

Friday, May 13, 2022 at 9:30am – 12pm (location to be announced)

Friday, August 26, 2022 at 9:30am – 12pm (location TBA)

Friday, December 2, 2022 at 9:30am – 12pm (location TBA)

D. Suggestions for agenda items for next meeting

MACZAC member Nishimoto requested to include a presentation on the next agenda from Dr. Kim Peyton on estuaries and coastal sustainability, pending her availability.

Vice Chair Coon asked about the possibility of a future site visit and/or retreat. Chair Fernandez supported site visits for coastal issues and the potential for a retreat and agreed it should be discussed on a future agenda.

MACZAC member Thompson requested hearing presentations on the three different viewpoints of proposed modifications to the Ala Wai canal.

Chair Fernandez asked Ms. Nihipali if a future agenda item should focus on developing the public outreach efforts proposed in today's meeting. Ms. Nihipali said CZM staff could draft a plan and present it to MACZAC for feedback and edits at the next meeting.

As the next meeting (May 13) would be after the close of the regular legislative session, CZM staff would also prepare a report for the May meeting of bills that passed and await the governor's signature. MACZAC member Brown requested CZM to send a list of current bills in the meantime. A similar list was provided at the ORMP CWG meeting, so Ms. Nihipali agreed to have that list distributed to MACZAC as well.

Chair Fernandez shared that MACZAC had received two applications for member vacancies, so likely there would be two new members at the next meeting.

IX. Adjournment

The meeting adjourned at 11:59am.