

**DRAFT MINUTES**

Friday, May 7, 2021: 9:30 am – 12 pm  
Zoom Virtual Meeting

**ATTENDANCE**

- Members Present: Phil Fernandez, Nick Palumbo, Jim Coon, Robert Nishimoto, Sue Sakai, Donna Brown, Scott Sullivan
- Members Absent: Rich Brunner, Kimbal Thompson
- Office of Planning/Coastal Zone Management (OP/CZM) Staff Present: Mary Alice Evans (OP), Sarah Chang (OP/CZM), Keelan Barcina (OP/CZM), Yusraa Tadj (OP/CZM), Shichao Li (OP/CZM), Lisa Webster (OP/CZM)
- Others Present: Hawai'i State Representative David Tarnas, Nancy McPherson (DHHL), Dawn Hegger-Nordblom (member of the public)

**DISTRIBUTED MATERIAL**

- MACZAC Meeting Agenda for May 7, 2021
- Minutes from February 26, 2021 MACZAC Meeting [Draft]
- CZM Report to MACZAC (May 7, 2021)

**I. Call to Order**

MACZAC Chair, Phil Fernandez, called the meeting to order at 9:34 am and welcomed everyone. Everyone in attendance introduced themselves, including returning MACZAC member, Scott Sullivan, who was part of the original MACZAC.

**II. Approval of February 26, 2021 Meeting Minutes**

Chair Fernandez moved to approve the February 26, 2021 Meeting Minutes, and Sue Sakai, MACZAC member, seconded. The minutes were unanimously approved by all members present.

**III. Remarks**

Mary Alice Evans, Director of the Office of Planning, noted that she would save her remarks for Item VI.

**IV. Hawai'i Coastal Zone Management (CZM) Program Manager's Report**

Lisa Webster, OP/CZM Project Analyst, provided an overview of the CZM Program Report on behalf of Justine Nihipali, OP/CZM Program Manager, highlighting a few of the following items:

**National Initiatives**

National CZM Program Funding

For FY 2021 (July 2021 – December 2022), the CZM line item increased by \$1,500,000 nationally for a total of \$78,500,000. CSO and state and territorial programs are requesting an increase of funding to \$88,500,000 for FY 2022. The State will be receiving \$2,365,000 (306) and \$159,000 (309) for the upcoming fiscal year.

**Hawaii CZM Program**

- 10 of 11 (2 are 0.5 FTE) positions staffed (1/2-time Project Analyst)
  - CZM has a vacancy for the Office Assistant position.

- 1 intern position
  - The graduate intern position is vacant as of February 11, 2021.
- 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

- 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

- Hawaii CZM Program submitted its program changes to NOAA OCM for concurrence by integrating statutory and regulatory changes into the CZM Program.
- The public notice was published on December 1, 2020 on Hawaii CZM Website at <http://planning.hawaii.gov/czm/federal-consistency> and NOAA OCM's Website at <https://coast.noaa.gov/czmprogramchange/#/public/home>
- NOAA OCM approval was received March 25, 2021.
- CZM Staff contact is Shichao Li

#### Ocean Resources Management Plan

- Hard copies of the ORMP have been distributed to key groups, including Council, CWG, TEK Contributors, Federal Partners, and select Hawaii State Legislature committees.
- Dashboard – Successfully migrated to new platform OpenGov
- Working on creating an ORMP Story Map that focuses on the updated plan and the implementation phase
- Staff and Program Manager have collaborated with stakeholder agencies to discuss opportunities to apply for the NOAA Project of Special Merit competition to advance Focus Areas #1 and #3. Proposals were submitted in January 2021.
- Partnering with UH Sea Grant (Melanie Lander) as a consultant to identify the existing framework for management of land-based pollution across the State. The report will identify successes and shortfalls of the multi-jurisdictional structure and will provide recommendations for Focus Area 2 Action Team implementation actions. Currently in contract review process.
- CZM Staff contact is Sarah Chang

Chair Fernandez noted that it would be good to get feedback from partners about their thoughts on the ORMP and any strengths or weaknesses they identify in it.

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

- On May 4, 2021 we received notice from NOAA/EPA stating that Hawaii's nonpoint program has fully satisfied one more of the remaining management measures we've been working on: New Development Management Measure.
- The Hawaii nonpoint program now has four remaining Management Measures (MMs) and one Administrative Element (AE) that require approval by NOAA/EPA: Roads/Highways/Bridges (3 MMs remaining); On-Site Disposal Systems (OSDS) (1 MM remaining); and Monitoring and Tracking (1 AE remaining)

- Working with DOT, DOH, counties (planning departments, public works departments) on completing the above Management Measures. .
- Information on the CNPCP can be found online 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
- Meeting schedule: - August 4, 2021, and November 3, 2021 from 1:00 – 4:00pm.
- CZM Staff contact is Justine Nihipali

#### Coastal Hazards

- Section 309 Coastal Hazards Strategy for the *Probabilistic Tsunami Design Zone Mapping – Maui Island (Phase I)* contract was executed February 26, 2020. This is for the high-resolution mapping for the island of Maui - request for extension in process due to feedback received from the technical meeting on October 30, 2020. Questions were raised on the topography used to run the model which contained some buildings. Consequently, the modeling team decided to re-run their models to ensure that the models used bare earth topography to ensure that the inundation modeling does not affect the flow. The extension would run through June 30, 2021. Procurement for the mapping/modeling for the second phase for Maui and Kauai was accomplished, and the contract for this last phase was executed January 20, 2021. CZM Staff contact is Yusraa Tadj
- SMA Coordination - Act 16, SLH 2020, effective Sept 15, 2020, amends Ch.205A. Amendments include changes to the definition of “development”, increases to the minimum shoreline setback from 20 feet to 40 feet, adding sea level rise to the definition of coastal hazards, and adding a definition of beach to enhance beach protection. Act 16 also restricts and/or prohibits shoreline hardening structures at sites with beaches. OP provided Hawaii CZM Program Guidance for Act 16, SLH 2020 for Use by the County Planning Departments on November 19, 2020.
- FAQs for amendments to HRS Chapter 205A, enacted by Act 16, SLH 2020, has been posted on the CZM SMA webpage at <https://planning.hawaii.gov/czm/special-management-area-permits/>
- CZM/SMA training to the County of Hawaii Windward Planning Commission was held May 6, 2021. CZM Staff contact is Shichao Li

#### County CZM Projects

- Kauai County was provided resources to update its Public Access database as well. To be completed June 30, 2021. Due to COVID-19 restrictions this project has been delayed. NOAA granted a 12-month extension for the award. Although the project was approximately 75% complete prior to the COVID-19 pandemic, major delays occurred due to travel and social distancing restrictions. As some restrictions were eased, the contractor and County Planner were able to complete 30 site visits. This project is on track for completion by June 30, 2021.
- Kauai County was provided resources to obtain GIS layers to analyze and inform potential expansion of the SLR-XA for their SMA. During this time (the second half of 2020), Kauai County began the process of updating its sea level rise information and GIS layers to assess applicability for expanding the SMAs to include sea level rise projections.

- County of Hawaii project: *Phase I Analysis to Establish Research-Based Shoreline and Riparian Setbacks*. No-cost extension requested and granted. Expected completion is December 31, 2021. During this time, prolonged contract negotiations regarding the scope of services has resulted in a delay for the implementation of the project.
- County of Hawaii project: *Pilot Public Access Geodatabase Update*. During this time, a recent county personnel vacancy has resulted in additional time needed to on-board a new project manager to oversee the project. Expected completion is December 31, 2021.

#### Other Initiatives

- Greenhouse Gas Sequestration Task Force. Two projects have been completed and CZM staff continues to support one project to meet objectives of Act 15, SLH 2018. The most recent meeting was held February 16, 2021. 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
  - Hawaii 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 Ecosystems PIG Discussion Report Back and Presentation**

Dr. Bob Nishimoto and Donna Brown, MACZAC members and Marine Ecosystems PIG members, each provided a presentation to the group to share their perspectives on marine ecosystems management. Dr. Nishimoto emphasized that Hawai'i is an island state and needs to be managed differently than the mainland. While mainland streams rely on annual snowmelt, island streams rely on rainfall, which occurs throughout the year. The island perspective, also referred to as the Kānaka Maoli perspective, is to become one with the environment. Often, it is not overfishing, but loss of habitat, that leads to decreased numbers of fish and other marine species. There are management challenges due to involvement of multiple agencies with multiple jurisdictions (both State and county agencies, with State agencies that include Department of Forestry & Wildlife, Commission on Water Resource Management, and Division of Aquatic Resources). Dr. Nishimoto noted that while people talk about mauka and makai, no one talks about muliwai, the river mouth, which connects the two.

Chair Fernandez mentioned that West Hawai'i has underground streams and rivers that drain into the ocean, creating estuarine habitats along the coast, overlapping with the coral reefs. These are groundwater-dependent ecosystems that are generally not well understood by mainland scientists.

Ms. Brown noted that while it is important to have an island perspective, there are many people in Hawai'i that are not from Hawai'i. These people may not know about best practices for managing marine resources or may not care. Today's global population is over 7.8 billion people, and it appears that most major fish stocks are in decline. Ms. Brown shared results from the research paper "Human induced gradients of reef fish declines in the Hawaiian archipelago viewed through the lens of traditional management boundaries" (Friedlander and Donovan, 2017), which looked at both resource fish (the fish people eat) and non-resource fish biomass around both the Northwest Hawaiian Islands and each moku of the Main Hawaiian Islands. The data from the paper indicate a clear negative correlation between the resource fish biomass and the human population density of an area, but no correlation between non-resource fish biomass and human population density. This strongly suggests that fishing, rather than habitat

degradation, is the cause of decreased resource fish biomass. Ms. Brown also shared that in marine resource management there is great value placed on BOFFFs (Big Old Fat Fecund Females). These BOFFFs are found in greater numbers in protected areas. Ms. Brown stated that we need to look at ecosystem-based approaches to fisheries management, not just choose areas based on what is convenient. The marine managed areas that we currently have are almost all too small to make a difference. It is critical to look at habitat, migration routes, reproductive cycles, and predator-prey interactions when designating protected areas. Studies in the Philippines have shown that managing 30% of the coastline will replenish the fish for the rest of an island. The Holomua Marine 30x30 plan focuses on place-based planning, pono practices, protection and restoration, and ongoing monitoring, and DAR is looking for input and participation in the process.

Dr. Nishimoto noted that correlation does not prove causation, and that we also need to consider at migration and larval transport.

## **VI. Review of Legislative Bills That Affect Office of Planning**

Mary Alice Evans, OP Director, shared that OP partnered with Representative David Tarnas and Senator Lorraine Inouye to help OP take that broader perspective that Chair Fernandez and Dr. Nishimoto have been referring to.

- HB1149, if enacted, would rename the Office of Planning to the Office of Planning and Sustainable Development (OPSD) to reflect that OP coordinates across departments to balance different viewpoints. This bill will consolidate the Land Use Commission into the Office of Planning, while ensuring that LUC retains its policy independence.
- HB1318, if enacted, transfers the Office of Environmental Quality Control from the Department of Health to the Office of Planning. This would also attach the Environmental Council to OP for administrative purposes, while ensuring that it retains its policy autonomy.
- HB243, if enacted, would require OP to coordinate with State departments with facilities (critical infrastructure including airports, State harbors, other infrastructure) in areas projected to be impacted by sea level rise, in order to create an inventory and plan for adaptations.
- HCR102 asks OP to work with UH and DLNR to develop a plan to establish a State Geological Survey Office.

## **VII. Discussion Highlighting Critical Marine and Coastal Hotspot Issues and Next Steps**

Chair Fernandez suggested trying a new approach to hotspots, looking at hotspots by focus area, rather than by island.

Focus Area 1 - Development & Coastal Hazards:

- Ms. Brown shared that DOT is planning to move two small portions of Honoapiʻilani Highway away from the coast.

Focus Area 2 – Land-Based Pollution:

- Kimbal Thompson, MACZAC member, shared a Star Advertiser article that stated that to clean up Oʻahu’s coastal waters, we should focus on the storm drains. Chair Fernandez noted that this is an issue throughout the islands.

Focus Area 3 – Marine Ecosystems:

- Jim Coon, MACZAC member, noted that the ocean industry partnered up with Division of Aquatic Resources on HB1014, and will charge every tourist on a boat \$1/person to produce a significant amount of revenue for aquatic resources management.
- Chair Fernandez shared that a bill was also passed to charge non-residents for a fishing license for chartered boat tours. This could provide as much as \$1 million per year for aquatic resources management. A few bills were also passed to make it easier for DLNR and DAR to make rule-changes in response to changing conditions, and a bill passed requiring all lay nets to be permitted.

## **VIII. Public Input**

Dawn Hegger-Nordblom, member of the public, noted that DAR's Holomua Marine 30x30 plan is going to take a while to implement, while the needs of the community to manage marine resources are immediate.

Nancy McPherson, DHHL Planner, noted that DHHL continues to be involved with the State Climate Change Commission, looking at natural and working lands, hoping to address erosion and siltation of the nearshore environment, issues that negatively impact its beneficiaries. DHHL is also working on a Special Area Plan for the Mo'omomi lands on the North Shore of Moloka'i, for lands which are part of the CBSFA proposal. Ms. McPherson noted that she appreciated the presentations today and agrees that traditional ecological knowledge should be incorporated into land-based and marine ecosystems management.

Representative David Tarnas thanked MACZAC members for their work and shared updates on bills and resolutions he has been working on as Chair of the House Water and Land Committee. One bill authorizes Boards to remotely conduct meetings under the Sunshine Law. Another bill exempts certain small beach restoration projects authorized by DLNR from the requirement for a Section 401 Water Quality Certification. Several concurrent resolutions were passed which support submerged land leases for existing sea walls, groins, or piers. These concurrent resolutions were reviewed one by one with DLNR's OCCL to understand the environmental impacts of each one. Additional concurrent resolutions were passed to push for collaborative, area-specific efforts to address flooding.

## **IX. New Business**

Chair Fernandez shared with the group that Ms. Hegger-Nordblom has accepted the invitation to join the Focus Area 1: Development & Coastal Hazards PIG. Mr. Sullivan volunteered to join the Focus Area 1 PIG as well. Ms. Brown asked if there was another label that could be used besides 'PIG' which stands for Permitted Interaction Group, and Ms. Evans suggested that it might be okay to use the label 'Investigative Committee' instead. The next MACZAC Quarterly Meeting will be held on Friday, August 13<sup>th</sup>, at 9:30 am on Zoom. Possible guests for the next meeting might include an ocean safety expert or someone from DOH Clean Water Branch to discuss nitrogen loads and algal blooms in the ocean.

## **X. Adjournment**

Chair Fernandez adjourned the meeting at 11:58 am.