

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

DRAFT MINUTES

Friday, November 19, 2021: 9:30 am – 12 pm

Zoom Virtual Meeting

ATTENDANCE

- **Members present (8):** Phil Fernandez, Donna Brown, Rich Brunner, Jim Coon, Robert “Bob” Nishimoto, Susan “Sue” Sakai, Scott Sullivan, Kimbal Thompson
- **Members absent (1):** Nick Palumbo
- **Office of Planning and Sustainable Development/Coastal Zone Management (OPSD/CZM) staff present (5):** Justine Nihipali, Lisa Webster, Keelan Barcina, Sarah Chang, Yusraa Tadj
- **Others present (12):** Bob Bourke (member of the public/environmental scientist (retired)), Roy Abe (member of the public), Annie Bourke (member of the public), Taylor Chock (Oceanit), Mike Foley (Oceanit), Roger Fujioka (member of the public), Linyan Goo (Oceanit), Michael Markrich (member of the public), Linda Paul (Hawai'i Audobon Society), Dayan Vithanage (Oceanit), Emma Yuen (DLNR), James (member of the public)

DISTRIBUTED MATERIAL

- MACZAC meeting agenda for November 19, 2021
- Draft minutes from August 13, 2021 MACZAC meeting
- CZM Report to MACZAC (November 19, 2021)

I. Call to Order

MACZAC Chair Phil Fernandez called the meeting to order at 9:34am and welcomed everyone. Introductions were made. Chair Fernandez announced he would be relocating from Hawai'i Island to O'ahu in early 2022, but, per Hawai'i Revised Statutes (HRS) Chapter 205A, would be permitted to continue serving on MACZAC despite the island change.

II. Approval of August 13, 2021 Meeting Minutes

The minutes were approved as circulated.

III. Remarks OPSD Director

OPSD Director Mary Alice Evans sent her regards but was unable to attend due to another concurrent meeting.

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

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.

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 temporarily filled through December 31, 2021
 - 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. The OA helped to integrate improvements to the OPSD website to improve the interface and provide consistent mechanisms for responses to public inquiries. 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

- No new activity
- CZM Staff contact is Shichao Li

Ocean Resources Management Plan

- Completed an ORMP Story Map that focuses on the updated plan and the implementation phase. The online outreach tool provides key points from the ORMP for the casual audience and can be found online at <https://storymaps.arcgis.com/stories/4bccfb29485b41939fdec6e99f589476>
- CZM was awarded a NOAA Project of Special Merit FY21 to implement the Kōkua 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 will be executed in coordination with DLNR-DAR's 30x30 planning team starting later this year and run through March 2023.
- Staff and Program Manager have collaborated with stakeholder agencies to discuss opportunities to apply for the NOAA Project of Special Merit FY22 competition to advance Focus Area #1. Proposals are due December 3, 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. Project is underway with anticipated completion by Dec 2021.
- In accordance with Act 178, SLH 2021, CZM is collaborating with state agencies to identify state facilities vulnerable to sea level rise, flooding impacts and other natural hazards; and assess mitigation options for vulnerable facilities. The initiative's first annual report, due in Dec 2021, will include a high-level assessment of state facilities vulnerable to sea level rise.
- CZM Staff contact is Sarah Chang

MACZAC member Scott Sullivan asked CZM Project Analyst Sarah Chang what general criteria or methodology was used to identify vulnerable facilities. Ms. Chang replied that they were using the HI-EMA State inventory as their starting point for State facilities and verifying both the inventory itself and location accuracy of its facilities. The verified facilities GIS layer would then be overlaid with various sea level rise exposure area (SLR-XA) scenarios to identify vulnerable facilities within the SLR-XA.

CZM Program Manager Justine Nihipali added that the focus for the 2021 annual report is on creating an initial inventory, and additional outreach, analysis, and funding would be needed to determine specific criteria to finalize a list of vulnerable facilities.

As a follow-up, MACZAC member Sullivan asked if coastal highways were part of this facilities inventory. Ms. Nihipali replied that the Hawai'i Dept. of Transportation (HIDOT) has completed their own inventory of vulnerable roadways and adaptation action plan, so coastal highways would not be included in the December 2021 annual report. However, she agreed that HIDOT's inventory should be integrated with the project.

MACZAC member Sue Sakai asked if any counties or private entities were doing their own vulnerability inventories and risk assessments given the number of critical non-state facilities like wastewater treatment or power plants that could be affected by sea level rise. Ms. Nihipali responded that she did not have any specifics to share for county-level infrastructure planning. While CZM has been reaching out to private utilities and will include some points from this outreach in the report, private facilities are outside the mandate of Act 178.

Chair Fernandez remarked on the quality of this discussion and that it would be good to continue it more in-depth at a Permitted Interaction Group (PIG) meeting. Ms. Nihipali agreed to follow up with a more detailed debrief at a PIG meeting.

Coastal Non-Point Pollution Control Program (CNPCP)

- On 11/10/21 the Hawai'i nonpoint program has received NOAA/EPA interim approval for 2 management measures involving Roads/Highways/Bridges (MM for Planning, Siting, and Developing Roads and Highways and MM for Bridges)

- There are still 3 remaining Management Measures (MMs) and one Administrative Element (AE) that require approval by NOAA/EPA: Roads/Highways/Bridges (1 MM 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 (<https://planning.hawaii.gov/czm/initiatives/coastal-nonpoint-pollution-control-program/>)
- 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: November 3, 2021, 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 I)* contract was executed February 26, 2020. The contractor submitted the final deliverables and the contract was closed on September 30, 2021. The contract for the mapping/modeling for Maui (Phase II) and Kaua'i executed January 20, 2021 is underway. The first technical meeting for this contract took place on October 29, 2021.
- 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. 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
- The OPSD has provided the following CZM/SMA training to the following county planning commissions:
 - CZM/SMA training to the County of Maui Moloka'i Planning Commission was held September 8, 2021
 - Maui Island nature-based shoreline solutions study tour and idea exchange, November 1 and 2, 2021
 - Site visit to Kāhala vegetation overgrowth, November 12, 2021
 - Amendments to Hawai'i Administrative Rules Chapter 15-150, signed by Governor October 11, 2021, and has been in effect since October 21, 2021
- CZM Staff contact is Shichao Li

County CZM Projects

- Kaua'i County was provided resources to update its Public Access database as well as prioritizing improvements that will enhance the public's use and enjoyment of the County's shoreline. Two County of Kaua'i Planners and consultant Sea Engineering, Inc, completed over 60 site visits that were

prioritized from the total list of 219 accesses. SEI created the GIS layer that included the coastal access research and other appropriate data. In a possible future project, and once the county completes a community vetting process, certain access points on the GIS layer will be prioritized for inclusion in a publicly accessible website.

- Kaua'i 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 first half of 2021), Kaua'i County, along with the UH Coastal Geology Group, continued to update sea level rise information and GIS layers to assess applicability for expanding the SMAs to include sea level rise projections. Additional GIS layers being developed include lot depth calculations, shoreline changes, Erosion Hazard Zone with 3.2 SLR exposure areas and the SMA.
- County of Hawai'i 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, County staff continued to work on procurement procedures and funding. In order to leverage the \$100,000 of HCZMP funding for this project, the Hawai'i County Council passed Resolution 94-21, to provide additional county funds up to \$150,000 to leverage the work to be performed under Phase 1.
- County of Hawai'i project: *Pilot Public Access Geodatabase Update*. During this time, the Planning Department engaged the UH Hilo Spatial Data Analysis and Visualization (SDAV) lab to pilot a regional geodatabase update. The project was completed, and project deliverables include New Geodatabase designed and operational, Operator's Manual for instruction for ongoing Department use, and a Feasibility Report as an estimation costing tool for scaling project island-work.

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 November 17, 2021, and the next meeting will be held on January 12, 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.

Chair Fernandez thanked Ms. Nihipali for her report and reiterated his request for CZM staff to provide a more detailed report to the appropriate PIGs so MACZAC could provide any recommendations.

V. Guest Presentation: Storm Drains and Their Connection to Land-Based Pollution Bob Bourke, Environmental Scientist at Oceanit

Chair Fernandez introduced guest presenter Bob Bourke, retired environmental scientist from Oceanit. Mr. Bourke opened his presentation with statistics to make the case that focusing on storm drains versus wastewater treatment would be a more efficient and impactful way to decrease nearshore pollution.

Stormwater runoff carries sediment, pollutants, and waste with it and discharges into beach and other nearshore areas. Sources of pollutants and sediments include construction sites and exposed soil, degraded concrete from stream shoreline hardening, roadway runoff, and cesspools. These pollutants impact marine life and human health.

Mr. Bourke noted that Honolulu is behind the advances of other major cities in its stormwater infrastructure and showed examples of green infrastructure in other locales to control stormwater runoff and pollutant loads. The three typical routes to achieving these advancements are mayoral or gubernatorial action, lawsuits, or following guidance from total maximum daily (pollutant) load (TMDL) watershed studies.

The projected cost of residential stormwater utility bills under an upgraded stormwater infrastructure for Honolulu is higher than expected because of the large size and degraded condition of its current stormwater system. However, much of the sediment load in stormwater comes from degraded upland forest systems, so forest restoration is imperative for water quality improvement and is a relatively cost-effective option. Mr. Bourke concluded by emphasizing the mauka to makai connection of forests to nearshore water quality, the importance of preventative/proactive stormwater treatment, and the importance of individual TMDL studies in order to tailor solutions to each watershed's specific issues. Due to the cost of these improvements, long-term capital improvement and maintenance funding is necessary for success.

Chair Fernandez opened the floor to questions and asked about the state of TMDL studies in Hawai'i. Mr. Bourke responded that Hawai'i ranks last out of US states and territories in number of TMDL study completions. Chair Fernandez also asked Mr. Bourke for his recommendation on immediate actions the state could take to improve its stormwater systems. Mr. Bourke answered that focusing on upland forest improvements would be the most cost-efficient action for the biggest impact.

Dayan Vithanage asked about the relative impact of cesspools in Hawai'i on water quality in the nearshore area and how other states address it. Mr. Bourke acknowledged that cesspools can be a significant problem depending on the location in Hawai'i. Other states have addressed this problem by integrating cesspools with their sewer systems, but Hawai'i's geography prevents this as an effective option and would need to find a more suitable method.

MACZAC member Sakai asked if there was a way to respond to the EPA's use of continental US-based criteria in its consent decrees that is out of place or inapplicable to Hawai'i's unique environmental context. Mr. Bourke replied that San Diego, CA was able to obtain a waiver from the EPA in a similar situation and that hypothetically, with

enough political will Hawai'i could have done the same to avoid the EPA-required large investment of resources in upgrades to the Sand Island Wastewater Treatment Plant (WWTP), despite projections of it having little impact on nearshore water quality.

Emma Yuen provided an update on Phase 1 of the Sand Island WWTP upgrade and reported that some environmental groups are asking the City and County of Honolulu to consider already-completed upgrades to the Sand Island WWTP as fulfilling its Phase 1 requirements rather than awarding a new multimillion dollar contract. There is also an interest in looking for a less greenhouse gas- and energy-intensive technology than currently planned for the EPA-required upgrades.

Ms. Nihipali recommended for consideration in future Land-Based Pollution PIG discussion of Mr. Bourke's presentation that the PIG look for actions within CZM's purview that could improve stormwater quality, as forest restoration is within DLNR's scope. Chair Fernandez extended an invitation to members of the public with knowledge in this area to attend the PIG meetings on the matter.

VI. Discussion Highlighting Critical Marine and Coastal Hotspot Issues and Next Steps

Vice-Chair Coon noted public pushback on the Kā'anapali Beach renourishment plan and that it has been compared as "Maui's Mauna Kea." He added that it is a significant issue in need of much more community engagement or else it risks becoming very controversial. MACZAC member Sullivan remarked that this reaction did not bode well for the future of beach nourishment projects.

MACZAC member Donna Brown reported the continued hotspot of Honoapi'ilani Highway and expressed hope for further action on its relocation now that the federal infrastructure bill had been passed.

MACZAC member Rich Brunner brought up a previous hotspot report of erosion and exposed burial sites at Puamana Beach Park and anticipated prolonged closure of the beach as a result and made a rhetorical note on the handling of this issue in light of continued sea level rise.

MACZAC member Kimbal Thompson reported a follow-up on the Ala Wai project hotspot and that the City and State courts have been collaborating to address the project, although it's been more difficult to learn how to join its public meetings.

MACZAC member Bob Nishimoto had no hotspots to report but noted he would be following with interest on Hawai'i County's setback plans and Hāmākua Community Development Plan. He remarked that coastal communities are becoming more active in county planning decisions.

Chair Fernandez shared that the NOAA Protected Species Group has released its final decision on approaching spinner dolphins, which are plentiful around Hawai'i Island. The new 50-yard distance rule effectively puts the dolphin dive boat tours out of

business. NOAA also has a proposal being scoped on time-area closures for boats going into four bays within the State of Hawai'i: 1 in Maui and 3 in Hawai'i Island. Although the proposal has support in Maui, there is concern from stakeholders on Hawai'i Island. However, the proposal is still in its early stages and written testimony is still being collected.

MACZAC member Thompson asked if there were exceptions to NOAA's spinner dolphin rule. Chair Fernandez clarified that the rule forbids people from approaching spinner dolphins within 50 yards—meaning the dolphins may approach on their own as close as they want—and the only exceptions are for research purposes.

VII. Public Input

Mike Foley had a question about the Retreat Working Group and how to obtain more information. MACZAC coordinator Lisa Webster clarified that that was a sunsetted Working Group, and Chair Fernandez added that it had been folded into the currently active Development and Coastal Hazards PIG. Mr. Foley requested MACZAC and the Development and Coastal Hazards PIG keep managed retreat at the fore of its discussions because of great public interest and concern on the impacts of sea level rise and coastal erosion.

Ms. Yuen offered herself as a resource to provide more information to those interested in forest protection priorities, science, and costs. MACZAC member Nishimoto asked Ms. Yuen if DLNR-DOFAW would be able to get the East Hawai'i Island community involved in feral pig control efforts such as native plant landscaping. Ms. Yuen acknowledged this as a potential area of collaboration and that feral pigs are a top priority for DLNR-DOFAW.

Mr. Bourke recommended MACZAC look into water quality standard updates since they are outdated and have much potential to improve coastal water quality. Chair Fernandez noted this recommendation and remarked that it aligns with similar ongoing efforts at DLNR and DOH. MACZAC member Sakai voiced her support for addressing this issue and asked if DOH was one of CZM's network partners; Ms. Nihipali confirmed that the DOH is a partner but current priorities in collaborating with them are cesspool conversion and coastal nonpoint pollution. Although Chair Fernandez acknowledged that water quality standards are largely under federal jurisdiction, he confirmed that the issue could also be influenced by the State Legislature's Health Committees.

VIII. New Business

Chair Fernandez reminded MACZAC to schedule PIG meetings with CZM staff to discuss items from the CZM report in more detail. The next MACZAC quarterly meeting will be February 11, 2022 at 9:30am on Zoom.

Based on comments heard among some fisher community groups, MACZAC member Nishimoto suggested for future consideration the encouragement of community education on fish stock issues, assessment by DLNR-DAR of reef fish stocks based on shifting trends in fishing, and an increase in State agencies' cultural competency with

Pacific Island nations to address intersecting racial, cultural, climate, and economic issues with fishing communities.

For the next agenda, Chair Fernandez added an item to discuss how MACZAC could increase its efficacy in its role as an advisory body. MACZAC member Thompson added an item for updates from MACZAC's existing PIGs. Great interest was expressed in water quality standards updates, so an item was added to establish a PIG to address the topic. Mr. Bourke offered to be added as an outside expert to such a PIG once established. Ms. Nihipali also recommended discussion to improve existing PIGs' compliance with Sunshine Law.

IX. Adjournment

The meeting adjourned at 11:46am.

DRAFT