

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

## DRAFT MINUTES

Friday, August 26, 2022: 9:30 am – 12 pm

Zoom Virtual Meeting

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

## ATTENDANCE

- **Members present (8):** Phil Fernandez, James “Jim” Coon, Donna Brown, Rich Brunner, Robert “Bob” Nishimoto, Benjamin “Ben” Ostrander, Susan “Sue” Sakai, Scott Sullivan
- **Members absent (2):** Taryn Dizon, Kimbal Thompson
- **Office of Planning and Sustainable Development/Coastal Zone Management (OPSD/CZM) staff present (7):** Mary Alice Evans, Justine Nihipali, Lisa Webster, Sarah Chang, Debra Mendes, Shichao Li, Kristi Kimura
- **Others present (7):** Nancy McPherson (Department of Hawaiian Home Lands), Representative David Tarnas, Tad Nakayama (Department of Defense),

## DISTRIBUTED MATERIAL

- MACZAC meeting agenda for August 26, 2022
- Draft minutes from May 13, 2022, MACZAC meeting
- CZM Report to MACZAC (August 26, 2022)

### **I. Call to Order**

MACZAC Chair Phil Fernandez called the meeting to order at 9:34 am and welcomed everyone. Introductions were made.

### **II. Approval of May 13, 2022, Meeting Minutes**

The minutes were approved as circulated.

### **III. Welcome from Office of Planning and Sustainable Development Director**

Justine Nihipali, CZM Program Manager, welcomed everyone and noted that OPSD Director Mary Alice Evans was unable to attend the beginning of the meeting due to a conflict.

### **IV. Discussion and Evaluation of CZM's 2021 *Identifying Frameworks for Land-Based Pollution Management in the Hawaiian Islands***

Chair Fernandez noted that MACZAC reviewed this report previously but has not yet provided guidance to CZM as to how to prioritize the actions identified in the report. Chair Fernandez asked that the group review Section III (suggested research needs)

and Section IV (future implementation actions) of the report together to determine next steps. Chair Fernandez noted that research needs identified in Section III of the report include:

1. improving understanding of source and volume of nonpoint source pollutants,
2. furthering assessment of the intersection of global climate change and land-based pollution management,
3. ground-truthing cesspool data, and
4. consideration of new planning frameworks

Chair Fernandez asked the group if they believed that one of these research needs was a higher priority than the others, or if there might be additional research needs that were not covered in the report.

Vice-Chair Jim Coon noted that Lānaʻi has a serious issue of runoff on the windward side of the island damaging the fringing reef. Mr. Coon has observed many feet of accretion and a huge increase in sediment on the reef side over the last 50 years. MACZAC member Donna Brown noted that there have been numerous studies, and that it is time to make plans and do something rather than do more studies. MACZAC member Ben Ostrander noted that the Kuahiwi a Kai: Lānaʻi Watershed Conservation Program, a partnership between Pulama Lānaʻi and National Fish and Wildlife Foundation, put out a Request for Proposals and received a number of proposals focused on additional studies. Mr. Ostrander noted that he would also like to see actions taken to mitigate the erosion, for example through planting in the uplands, and then collect data and make changes as needed. MACZAC member Sue Sakai noted that pollutants and bacteria are washed into the ocean along with the soil, and that it is an issue of concern. Chair Fernandez stated that to summarize what he was hearing it sounded like MACZAC was recommending taking some sort of mitigative action and then conducting a study in parallel, and then making changes as needed as we learn more. Ms. Brown noted that it is important to do a study first, but that many studies have already been done and these can be used as a starting point for mitigative actions.

Chair Fernandez then reviewed proposed future implementation actions from Section IV of the report, which include:

1. increasing access to land-based pollution and natural infrastructure information,
2. increasing the public's role in enforcement by providing new, user-friendly ways to report land-based pollution observations,
3. creating succinct guidance specific to SMA permit review for land-based pollution considerations,
4. training permit reviewers, particularly 'plan checkers' who initially review a permit and delegate further review to other staff and/or appropriate extra-governmental agencies, to straightforwardly assess permit applications for land-based pollution risk factors,
5. working with county partners to further incorporate land-based pollution considerations into local planning efforts,

6. demonstrating effectiveness of the urban tree canopy in mitigating stormwater runoff and reducing urban heat island effect vs. conventionally applied 'gray' methods,
7. working with state and county partners to standardize and expand implementation of multi-benefit greenway and complete streets projects,
8. supporting the use of innovative biomimicry technologies with resilience, habitat, and water quality benefits, and reducing barriers to implementation that may impede the application of novel ideas and pilot projects,
9. working with county partners to integrate green infrastructure into permit conditions and comments for shoreline projects as necessary upgrades, retrofits, and redevelopment occurs in response to sea-level rise, and
10. creating a digital addendum to the Hawai'i Watershed Guidance (2010) highlighting newly available modeling tools to enhance planning efforts, and coordinating with federal partners at NOAA to offer trainings or technical assistance for the use of C-CAP in watershed planning efforts

Chair Fernandez noted that DLNR-DOCARE already has an easy-to-use smart phone app that allows for reporting of violations. MACZAC member Scott Sullivan noted that he would need to take a more in-depth look at the recommendations before commenting, and that he would be happy to spend some time reviewing the document further. Ms. Brown noted that it might be a good idea for everyone to review the recommendations and discuss at the next meeting. MACZAC member Sue Sakai noted that many of the recommendations were for the counties, and that the City and County of Honolulu permitting system is very slow, and that permits take at least 6 months to go through, if not longer, and there is likely not capacity to add additional tasks at this time.

## **V. Discussion and Formation of Muliwai/Estuary Permitted Interaction Group (PIG)**

Chair Fernandez shared with the group that the purpose of the Muliwai/Estuary PIG is to identify information to inform an outreach resource to be developed with CZM staff for the fishing community and environmental groups involved in upstream and wetlands maintenance and restoration efforts. Outreach materials will focus on the mauka-muliwai-makai connection and the importance of caring for all three of the fish habitat zones, especially estuaries. This PIG will also develop recommendations to CZM on how to complement the Holomua 30x30 outreach and engagement process on Maui Island. Proposed members of this PIG are MACZAC members Dr. Bob Nishimoto, Phil Fernandez, and Taryn Dizon. Donna Brown requested to also be included in the PIG, and Dr. Nishimoto suggested that Dr. Kim Peyton from DLNR-DAR also be added as a subject matter expert. Deliverables of this PIG will be a set of recommendations for what should be included in the outreach material. The proposed timeline of this PIG is to report back at the next MACZAC meeting, and then, at the following meeting, in early 2023, MACZAC members can discuss the PIG's recommendations and dissolve the PIG.

MACZAC member Dr. Bob Nishimoto noted that he hopes this effort can piggy-back with the Holomua 30x30 effort to emphasize the importance of the muliwai in fisheries management. Dr. Nishimoto added that he hopes this PIG will help connect the different stand-alone efforts going on at different agencies throughout the State.

Chair Fernandez noted that it will be important to determine who the audience is when developing the outreach material.

Ms. Brown moved to form the Muliwai/Estuary PIG, with Dr. Nishimoto as Chair, and additional members to include Ms. Brown, Mr. Fernandez, Ms. Dizon, and Dr. Peyton. Ms. Sakai seconded the motion. Motion was unanimously approved by all members present.

#### **VI. Dissolution of Permitted Interaction Groups for Focus Areas #1, #2, and #3**

Chair Fernandez noted that to comply with Sunshine Law, it is necessary to dissolve the existing PIGs for Focus Areas #1, #2, and #3 because they are not tasked with specific enough tasks and are not time-bound. One possible option would be to create working groups for each of the three focus areas, rather than PIGs. Working groups are subject to Chapter 92 laws and would follow the same public meeting rules that MACZAC meetings follow. Ms. Sakai noted that she did not think it made sense to create working groups without a clear task. Mr. Coon shared that he would prefer that MACZAC business is handled by the entire group, rather than through smaller working groups. Dr. Nishimoto noted that he would like to elevate traditional ecological knowledge through a Focus Area #3 working group or some other mechanism.

Mr. Coon made a motion to dissolve the three focus area PIGs and Ms. Sakai seconded the motion. Motion was unanimously approved by all members present.

#### **VII. Hawai'i Coastal Zone Management (CZM) Program Manager's Report:**

##### **National Initiatives**

##### **National CZM Program Funding**

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

##### **CZM Habitat Protection and Restoration Infrastructure and Investment Jobs Act (IIFA)**

The CZM Program has the privilege of administering IIFA 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.

CZM solicited for LOI and submitted the maximum of three (3) to NOAA.

- Competitive: CZM serves as the eligible applicant for initial Letter of Intent (LOI) and if invited to develop a full proposal, may serve as a pass-through entity for

partner organizations that need administrative support. Approximately \$35M in project funding at the national level is available for 3 types of project categories with respective anticipated funding levels:

1. Habitat restoration engineering, design and planning \$200,000 - \$500,000
  2. Habitat restoration: \$2M - \$6M
  3. Land Conservation: \$1M - \$4M
- Capacity Building: CZM is applying for funds to increase program capacity to coordinate and administer IJA projects over 3 years.

### **Hawaii CZM Program**

- 9 of 11 (2 are 0.5 FTE) positions staffed (1/2-time Project Analyst)
  - Position Vacancies: Planner V and Project Analyst
- 1 intern position
  - The graduate intern position is in recruitment.
- 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**

- No new activity
- Still waiting for the status for adoption of rules amendments from DLNR on HAR Ch.13-60.9 Mo'omomi Community-Based Subsistence Fishing Area, Moloka'i, HAR Ch.13-60.10 Miloli'i Community-Based Subsistence Fishing Area, Hawai'i, and HAR §13-256-152 Kahalu'u Bay Ocean Waters, as well as proposed amendments to the County SMA and shoreline rules and ordinances for County of Hawai'i, County of Maui, and City and County of Honolulu.
- Conducted an internal training on Hawai'i CZM program changes on July 5, 2022.
- CZM Staff contact is Shichao Li

### **Ocean Resources Management Plan**

- Implementation of the Kokua Community-Based Monitoring Program continues with the DLNR-DAR 30x30 planning team, project partners, and community groups. The program will increase DLNR-DAR's capacity to monitor culturally valuable nearshore marine resources that are not regularly monitored by the Division and is anticipated to run through March 2023. In June 2022, DLNR-DAR,

in coordination with UH partners, recruited Katie Nalesere, who is based on Hawai'i Island, as the new monitoring coordinator to carry out the project, and to work closely with to-be-determined pilot communities on the Kona Coast. The team is continuing to develop an outline for the monitoring framework, with an initial focus on limu and 'opihi, and drafting a data sharing agreement with the communities through an iterative process. Next steps include developing a draft Memorandum of Agreement between DLNR-DAR and community entities, finalizing the data sharing agreement, and identifying existing monitoring protocols and current monitoring efforts for limu and 'opihi. CZM Staff contact is Keelan Barcina.

- CZM received full funding for a NOAA Project of Special Merit FY22 project proposal to advance Focus Area #1. The project will analyze the legal and policy impacts of managed retreat in Hawai'i. Funding is expected to be available in October 2022. This policy analysis will be one of two components in a larger managed retreat feasibility study. The second component will be an analysis of potential funding and financing mechanisms to support managed retreat in Hawai'i which will be supported with CZM Section 309 programmatic funds.
- Implementation of the *Developing a Scoping Study for a Regional Shoreline Strategy Specific to the State of Hawai'i* project continues with Tetra Tech and the project team. This scoping study is an exploratory step towards a regional shoreline management strategy for the State of Hawai'i. On July 26, 2022, the project team hosted the first of three facilitated workshops with key stakeholders to solicit feedback that will be used to inform the final report and recommendations. The project is scheduled to be completed by December 2022, with possible extension. CZM Staff contact is Sarah Chang.
- CZM hosted a Joint Council and Coordinated Working Group meeting on July 7, 2022. The agenda included updates from CZM staff and project partners on the status of ORMP implementation projects, and a share-out from Council members on new legislation and proposed County rule changes that might impact ORMP focus areas.
- CZM's NOAA Coastal Fellow began her 2-year fellowship on August 1, 2022. The Fellow's project focuses on the nexus of coastal hazards and social vulnerability in Hawai'i and aims to better understand and identify communities with higher risk to coastal hazards due to socio-economic and demographic factors.
- In July 2022, OPSD executed a contract with Oceanit to develop a *Menu of Coastal Hazard Adaptation Strategies Suitable for Hawai'i Coastlines*. The project deliverable is a comprehensive, informational resource that outlines potential coastal adaptation strategies. Each strategy will have its own "factsheet" which highlights the strategy's pros and cons, appropriate site conditions, potential permits, etc. The project is scheduled to be completed by November 2022.
- OPSD continues to move forward with the Act 178, SLH 2021 initiative looking at sea level rise and State facilities. OPSD has conducted 1:1 meetings with key stakeholders and is drafting the annual report which will be shared with the Act 178 Action Team for review and feedback. OPSD is preparing to submit draft bill

language requesting funding to support the development of a standardized vulnerability assessment. CZM Staff contact is Sarah Chang.

- The new [ORMP Dashboard](#) was launched on June 8, 2022 and was the winning Web Map App during the Hawai'i Geographic Information Coordinating Council (HIGICC) Honolulu Geospatial Expo held August 5, 2022, at the State Capitol.
- CZM Staff continue to work towards developing projects under Focus Area II: Land Based Pollution with respect to the CZM-funded report produced by UH Sea Grant: *Frameworks for Nonpoint Source Pollution Management in the Hawaiian Islands*. Due to competing CZM priorities over the last few months, the project development process has been delayed with anticipated prioritization in the upcoming months. Currently, CZM staff are taking steps to update existing planning guidance documents with contemporary non-point source pollution information and best management practices tailored for the Hawaiian Islands and to identifying effective mechanisms to increase land-based pollution reduction considerations among permit and EA/EIS reviewers and the public with these revised resources. CZM Staff contact is Keelan Barcina.

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

- On July 29, 2022, OPSD received an informal response from NOAA/EPA that OPSD has proven that Hawai'i has suitable tracking and evaluation mechanisms in place to assess voluntary implementation of the roads, highways, and bridges operation and maintenance management measure. OPSD continues to collaborate with State DOH to execute a commitment statement for final NOAA/EPA approval of the roads, highways, and bridges operating and maintenance management measure.
- 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.
- CZM was scheduled to present to the Commission on July 20, 2022, with DLNR – OCCL to discuss coastal erosion issues and projects that CZM is leading but was unable to due to illness.
- The next meeting is scheduled for October 19, 2022.
- 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 Kaua'i Island* contract executed January 20, 2021, is underway. The Contractor requested a contract extension, which was approved by NOAA. The new contract end date is September 30, 2023. The first informational meeting for this contract took place on July 22, 2022, and focused on Maui Island (Phase II). A technical meeting for Kaua'i Island is scheduled for September 23, 2022.
- CZM Staff contact is Lisa Webster

### 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. These projects must be completed by December 2022.
- Hawai'i County has entered into Phases 4 & 5 of the Shoreline-Riparian Setback Project, *Shoreline Pursuit*. This allows continued leveraging of products in pursuit of island-wide data and analysis to support coastal management objectives. Phase 4: Contract(s) and MOA were executed (May 2022) for UH-SDAV to continue data collection and processing of data in additional geographies/coastal areas. Phase 5: Contract(s) and MOA were executed (May 2022) for UH-SDAV to continue data processing, analyzing, and modelling findings. An extension request will be submitted.

### Other Initiatives

- Greenhouse Gas Sequestration Task Force. Three projects have been completed to meet objectives of Act 15, SLH 2018. The next meeting will be held August 31, 2022. CZM Staff contact is Justine Nihipali.
- Waikiki SLR Resilience and Adaptation Plan. OPSD received a budget line item of \$400,000 to support an initiative to develop a SLR plan for Waikiki. The initiative will be conducted in collaboration with the City and County of Honolulu Department of Planning and Permitting that received \$400,000 in county funding to develop a Waikiki Special Area Plan. This will be supported by the CZM program, with no additional State funding for staff capacity. CZM staff contact is Deb Mendes.
- 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
  - State Hazard Mitigation Forum (HiEMA)
  - Coastal States Organization
  - Fisheries Local Action Strategy Hawai'i (FLASH)
- Continue to review environmental assessments/environmental impact statements to ensure CZM objectives, policies, and initiatives are considered.

### **VIII. Report Back from MACZAC Member Attendance at the July 7, 2022 Ocean Resources Management Plan Joint Council and Coordinated Working Group meeting**

Chair Fernandez attended the July 7, 2022 Ocean Resources Management Plan Joint Council and Coordinated Working Group meeting and noted that there were 49 attendees from many different agencies. Chair Fernandez shared that his impression of the meeting was that attendees appreciated having a member of the public at the meeting to share public input on different projects. Chair Fernandez also noted that the



group is moving towards a uniform process to respond to sea-level rise and its impacts, and that managed retreat is moving forward, with current efforts exploring the barriers that prevent implementation of managed retreat. Managed retreat will be very expensive, so it is critical to also begin identifying funding mechanisms to support managed retreat efforts. Lastly, Chair Fernandez shared that the Tetra Tech project for Regional Shoreline Management, which explored how to define regions and sub-regions, was very interesting.

**IX. Report Back from MACZAC Member Attendance at the July 26, 2022 Focus Area #1 ACT Regional Shoreline Management Workshop #1**

Chair Fernandez and Mr. Sullivan attended the July 26, 2022, meeting of the Focus Area #1 ACT Regional Shoreline Management Workshop #1. Mr. Sullivan noted that Tetra Tech provided a review of existing information but had not yet developed a methodology for Hawai'i for defining regions.

**X. Public Input**

No public input was provided.

**XI. New Business**

**A. Hotspots**

1. Article 8/25/2022: *Maui Managed Retreat Fund*, Maui News Now

Chair Fernandez noted that the article indicates that the counties are aware that managed retreat will be expensive and are starting to develop funding mechanisms to implement managed retreat when it becomes necessary.

2. MACZAC Member Identification of Estuaries

- a. Estuaries on East Hawai'i Island: Waiakea Pond/Wailoa River - Dr. Nishimoto shared that most surface streams in Hawai'i are on the windward sides of the islands and are a function of the geological profiles of the islands. Waiakea Pond/Wailoa River Estuary is a significant mullet fishing area, and various juvenile gamefish species are found in this area. The area is ontogenetically connected because it is a juvenile fish habitat, and it is ecologically connected because there is tidal incursion of gamefish. The area contains subsurface springs, which are rich in silica, and are subject to red tides due to dinoflagellates. The area is also adult habitat connected because it is a feeding and refuge area. There is a correlation between mullet species reproductive behaviors and increased supply of chain diatoms, pointing to the role of algae as a source of nutrients for these species. Dr. Nishimoto noted that by educating fishers about the importance of the estuaries, we can gain their support in public meetings and efforts to protect these areas.

- b. Estuaries on Maui: Kanahā Pond, Kealia Pond, Waihe'e – MACZAC Member Rich Brunner provided information about the condition of Kealia Pond. The pond is being managed by the National Fish and Wildlife Foundation, and is on life-support, with two pumps running 24/7 to keep a

little bit of water in the pond. Historically, there was more water that ran into the pond from the streams. There's a ten-foot sand berm between the pond and the ocean, and it's been a long time since there was enough water in the pond to breach the sand. Mr. Brunner added that tilapia used to come down the streams and fill the pond when there was more water in it. The pond is currently being used as habitat for endangered Hawaiian stilts and coots. Ms. Brown shared that there are restoration efforts at Waihe'e being done by the Hawai'i Land Trust, which include planting native Hawaiian plants, and the area is looking healthy. Ms. Brown added that future efforts at Waihe'e may include fishpond restoration. Ms. Brown also shared that Kanahā Pond is in bad shape, the water is yellowish-green and has a foul odor, possibly due to dinoflagellate blooms. The water levels are also very low.

- c. Estuaries on West Hawai'i Island: Makeahea Stream, Puako Bay, Waiulua Bay, Honokohau Bay, entire Kekaha area – Chair Fernandez shared that Puako Bay has surface water runoff from Waimea Stream, and that cattle grazing as well as development in the Parker Ranch area is causing erosion, leading to red dirt runoff which kills the coral. This is a well-known issue and there is a watershed management team working on dealing with this. Waiulua Bay, which is right next to the Hilton Waikōloa, is the most polluted bay in West Hawai'i due to the nutrient runoff from the Hilton's golf course. Honokohau Bay, which is fed by groundwater springs, seems to be suffering from a reduction of fresh groundwater springs, leading to algal blooms. The Kekaha area, from Waikōloa down to the Kona Airport, contains many anchialine ponds, which are effectively brackish water ponds, fed both by salt water and fresh water. These ponds used to hold a lot of red opae, which are mostly dead now. With the opening of the resorts back in the 1970s, these ponds became undiscovered 'queen's baths', with tourists using them as swimming holes, which destroyed the freshwater shrimp. Chair Fernandez added that DLNR believes that the ponds can be restored, but people would have to stop swimming in them. There has also been a reduction in the amount of freshwater coming to the ponds, which has increased their salinity, which is not ideal for the anchialine ecosystem. Imagery was taken along the coastline in the 1960s which was able to detect the cold freshwater springs feeding the coastal estuary areas, and it would be interesting to repeat the study and look for changes.

## **B. Next Meeting Date**

The next MACZAC Quarterly Meeting will be held on Friday, December 2<sup>nd</sup>, at 9:30 am, and will be a hybrid in-person and Zoom meeting. The following meeting will be held at the end of March 2023.

### **C. Suggestions for Agenda Items for Next Meeting**

Mr. Coon would like to discuss sand replenishment at Kā'anapali Beach as a hotspot at the next MACZAC meeting. Mr. Ostrander noted that studies that have been done in the past and that have relevance to a particular place which has great value could be duplicated to look for changes over time. Ms. Sakai noted that as part of environmental assessments, studies were done to determine current conditions of ecosystems prior to development and submitted to public agencies, and these may still be available.

### **XII. Adjournment**

The meeting was adjourned at 12:10 pm.