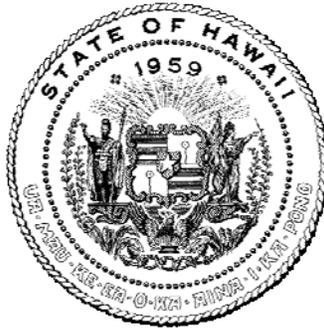


**FISCAL YEAR 2008 - 2009**

**HAWAII COASTAL ZONE MANAGEMENT PROGRAM**

**REPORT TO THE TWENTY-FIFTH LEGISLATURE**

**REGULAR SESSION OF 2010**



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**DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM**  
**STATE OF HAWAII**

In response to Section 205A-3(10), Hawaii Revised Statutes

Honolulu, Hawaii  
January 2010

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**ANNUAL REPORT TO THE TWENTY-FIFTH LEGISLATURE  
HAWAII COASTAL ZONE MANAGEMENT PROGRAM  
REGULAR SESSION OF 2010**

**I. PURPOSE**

Section 205A-3(10), Hawaii Revised Statutes (HRS), requires the Office of Planning (OP) to prepare an annual report on the Hawaii Coastal Zone Management (CZM) Program and to submit this report to the Governor and Legislature. This report describes the Program's activities and accomplishments for the period July 1, 2008 to June 30, 2009. As a required document, the report represents a vehicle for informing the Legislature of programmatic accomplishments, issues, and needs. The report also provides the community with descriptions of programmatic activities.

**II. INTRODUCTION**

The genesis of coastal zone management was the 1969 Report of the Commission on Marine Science, Engineering and Resources, better known as the Stratton Commission. The report stressed that coastal areas were the backbone of the nation's economy, but were not managed properly. It also underscored the need for a national policy and management system highlighting the population shift to the coast which intensified competition for and conflict over resources, and coastal degradation resulting from multiple management regimes. Both trends are still in effect rendering a more pronounced need for CZM.

Recognizing the need to coordinate and regulate coastal resources with a common focus, Congress enacted the national CZM Act (CZMA) in 1972 to preserve, protect, develop, and restore or enhance the resources of the coastal zone. Congress determined that the state, rather than federal or local government, was in the best position to manage the coastal zone because the state exercises discretion in land use policies and holds claim to the waters and submerged lands in the territorial sea. The CZMA, designed to be voluntary and flexible, identifies the basic principles a program must contain, but leaves the substance to the states. Congress encouraged each state to participate in the national program by offering planning and implementation grants, and the privilege of administering the federal consistency review program.

In 1977, Hawaii's CZM Program was enacted as the State's policy umbrella for facilitating and assuring interrelated and comprehensive coastal resource management. The Program is the guiding perspective for, the design and implementation of allowable land and water uses and activities throughout the State.

The Hawaii CZM law, Section 205A, HRS, is the State's framework for assuring good resource management practices. Rather than duplicating or usurping the authorities

and responsibilities of the State and County agencies, the Hawaii CZM law builds upon them to form a team or network. The Hawaii CZM Program network has working relationships with over 30 federal, State, and County agencies, as well as businesses, environmental organizations, educational institutions, non-profit organizations, special interest organizations, and the general public. To effectuate the network concept, the Hawaii CZM law requires legal and operational compliance. Within the scopes of their authorities, all State and County agencies must assure their statutes, ordinances, rules, and actions comply with the Hawaii CZM Program objectives and policies. In this way, the State and County agencies bound by the Hawaii CZM statute help carry out the multi-functional purposes and requirements of CZM.

The Hawaii CZM Program objectives, with their supporting policies, were established to guide planning and management of uses and activities toward a well-balanced coastal environment. The Program's ten objectives and supporting policies (enumerated in Section 205A-2, HRS) deal with recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, beach protection, and marine resources.

Because there is no point of land more than 30 miles from the ocean, the entire State was designated as the CZM area. What occurs on land, even on the mountains, will impact and influence the quality of the coastal waters and marine resources. Seaward, the Hawaii CZM area extends to the limit of the State's police power and management authority to include the territorial sea, a legal definition that is consistent with historic claims over the Hawaiian archipelagic waters based on ancient transportation routes. Given the inclusiveness of the coastal zone, there are many complex issues and challenges.

### III. PROGRAM ADMINISTRATION

Section 205A-1, HRS, designated the Office of Planning (OP) as the lead agency to oversee the overall administration of the Hawaii CZM Program. OP's primary responsibility is to monitor and assure agencies' actions are in compliance with the Program objectives and policies. Under Section 205A-3, HRS, OP is also responsible for the following ongoing tasks: receipt and disbursement of Program funds, support and assistance to networked agencies, federal consistency review, monitoring and enforcement of actions for consistency and compliance, public participation, preparation and issuance of guidelines and reports, coordinating the implementation of the Ocean Resources Management Plan (ORMP), and others.

The Hawaii CZM Program carries out a number of broad-based administrative tasks that are consistent with its objectives and policies. Grant administration is a key work task since federal CZM funds underwrite most State and County Hawaii CZM Program personnel costs. The Program monitors proposals for Congressional and State legislative consideration that potentially impact its program and initiatives. At the same time, the Program coordinates responses to legislative proposals with affected State and County agencies. Routinely, the Program reviews and analyzes bills and prepares testimonies on them.

Guidance and policy documents are developed for various Program-related interests, such as interpretation of the Hawaii CZM Program law, submarine cable landings, marina development, public access, and others. In addition to coordination with and training sessions for County personnel on the Hawaii CZM Program and the Special Management Area (SMA) permit system, the Program periodically responds to requests for policy and legal interpretations of Hawaii CZM Program provisions.

#### A. **Grant Funding**

OP receives federal and State funds for the Hawaii CZM Program. The funds are dispersed annually through federal CZM cooperative agreement awards from the National Oceanic and Atmospheric Administration (NOAA) for basic program administration, program enhancement, and implementation of approved polluted runoff management measures.

**Section 306 Program Administration:** Section 306 grant funds underwrite most Hawaii CZM Program administration costs. They require a one-to-one non-federal match. The funds support State and County Program personnel and important projects. A limited amount of State funds to help match the federal funds is provided in the State budget. However, due to the significant reductions in State funds, Hawaii requires the use of other non-federal funds and services-in-kind to meet the match requirement. The

decline in State matching funds has been raised as a concern by the Federal government. The State's reliance on federal funds for State civil service positions is a major federal concern because it detracts from using federal CZM funds for priority Program-related projects.

**Section 309 Coastal Zone Enhancement Grant Program:** Section 309 enhancement grants program encourages states to develop program changes in one or more of the nine designated coastal zone enhancement areas to achieve certain national objectives. The enhancement areas include wetlands, public access, coastal hazards, cumulative and secondary impacts, energy and government facility siting, marine debris, ocean resources, special management planning, and aquaculture. Although Section 309 funds do not require a State match, they must be used for activities that enhance specified CZMA objectives which result in a measurable program change (i.e., rules, laws, etc.).

A State-prepared five-year assessment and strategy in effect July 2006 to June 2011, determine how the grant funds will be allocated. The funds will underwrite priority enhancement area projects related to coastal hazards, ORMP implementation and update projects, and cumulative and secondary impacts.

**Section 310 Technical Assistance for the Coastal Nonpoint Pollution Control Program (CNPCP) Implementation:** The Section 310 program provides financial support for the implementation of federally-approved management measures of the State's CNPCP.

## **B. Special Management Area (SMA) and Shoreline Area**

The Hawaii CZM Program is responsible for monitoring and enforcing State and County SMA. Under Part II and III of Chapter 205A, HRS, the Counties administer the SMA permit and shoreline setback variance (SSV) approval systems. Development in the SMA requires a permit from the County authority, except in a Community Development District (CDD) where the SMA Use Approval is administered by OP (Kakaako in urban Honolulu and Kalaeloa in West Oahu). The SMA permit or Use Approval is a management tool to assure that development in geographically designated SMAs are designed and carried out in compliance with the Program objectives and policies and SMA Guidance.

During this report period, OP conditionally approved six SMA minors and continued to process two major SMA Use Approvals.

With the help of student internship, the Hawaii CZM Program and Geographic Information System (GIS) Program designed and developed interactive GIS layers. The GIS layers incorporate tax map keys and SMA Use Approvals in the makai area of the Kakaako CDD. This product enables Hawaii CZM Program staff to quickly research information effectively and efficiently in the Kakaako makai area.

The Hawaii CZM Program initiated housekeeping amendments to Chapter 15-150, Hawaii Administrative Rules (HAR), governing developments in CDDs, to assure conformance with current enabling legislation. The amendments also include authorization of OP to waive the shoreline certification requirement in specific instances where the shoreline has been hardened and fixed by an artificial structure or structures. Following a 30-day public notice and public hearing, OP obtained the Governor's approval for formal adoption of the HAR amendments effective June 1, 2009.

The Program monitors the Office of Environmental Quality Control's bimonthly bulletin, *The Environmental Notice*, for all State and County shoreline development permits, and reviews applications and proposals to ensure the network agencies consider the Program objectives and policies in their reviews.

Partnerships with the Counties and network agencies continue to be strengthened through coordination and collaboration in coastal and ocean planning and management activities. A statewide program coordinator is dedicated to oversee SMA matters by serving as the liaison to the Counties and communicating with the public. Site visits are undertaken periodically to validate reports and better understand critical Program issues.

The Program continues to increase the awareness of the SMA permit process by providing the SMA training sessions and encouraging public participation. On May 12, 2009, a presentation was made to the Kauai Planning Commission and public on the Program and SMA permit system. In addition, a slide presentation on climate change and the Program's activities in response was presented. Both presentations were well received.

During this reporting period, a meeting was held with County Planning Directors. The meeting agenda included proposed amendments to Chapter 205A, HRS, nexus of SMA permit conditions with CZM objectives and policies and SMA guidelines, shoreline vegetative overgrowth, and legal provisions for public access.

There have been numerous community complaints that human-induced vegetation is blocking public access along the shoreline. Kahala Beach was selected as the reference for illustrative purposes in response to emerging complaints of human-induced overgrowth of vegetation along the shorelines throughout the State. In the 2008 legislative session, Hawaii Concurrent Resolution (HCR) No. 258 requested OP to coordinate the City and State agencies in addressing the overgrowth of vegetation on Kahala Beach. During this reporting period, a meeting of the working group (September 4, 2008) and a meeting with County Planning Directors (November 26, 2008) was held to discuss and evaluate this issue. A report was submitted to the 2009 Legislature in response to HCR 258, detailing specific legal provisions and cooperation among agencies to address the overgrowth of vegetation along the beach corridor.

The dissemination and disclosure of legal and educational information on beach access is important and can be provided through an interactive website. The Hawaii CZM Program endorsed the University of Hawaii Sea Grant Program's proposal to adapt Maine's coastal access website for application in Hawaii. In May 2009, the Hawaii Sea Grant Program was awarded the coastal access website grant from the Maine Sea Grant Program. The Hawaii CZM Program will provide a web link to the beach access website and spread this website to local citizen groups and non-profits that are actively involved in public access issues.

### C. Federal Consistency Program

The CZMA requires federal agencies to conduct their planning, management, development, and regulatory activities in a manner consistent with federally-approved state CZM programs. The informational and procedural requirements for CZM federal consistency reviews are prescribed by federal regulations.

Because there is a significant federal presence in Hawaii, federal consistency is a valuable State management tool. Federal planning, regulatory, and construction activities have direct and significant effects on land and water environments statewide. The federal government controls vast tracts of land. The range of federal activities and permits reviewed is extensive and includes harbor projects, beach nourishment projects, military facilities and training exercises, fisheries management plans and regulations, open ocean aquaculture, and dredge and fill operations. In addition, projects funded by certain federal grant programs are reviewed for potential impacts to CZM resources. Public notices for all federal consistency reviews are published in *The Environmental Notice*.

The following are noteworthy examples of federal consistency activities:

**Papahānaumokuākea Marine National Monument Management Plan, Northwestern Hawaiian Islands:** CZM consistency concurrence was issued for the Papahānaumokuākea Marine National Monument Management Plan, which describes a comprehensive and coordinated management regime for the Monument Management Board agencies to achieve the Monument's vision, mission, and guiding principles and to address priority management needs over the next 15 years.

**Advanced Radar Detection Laboratory (ARDEL), Pacific Missile Range Facility, Barking Sands, Kauai:** The U.S. Naval Sea Systems Command proposed to construct and operate an ARDEL facility to conduct land-based developmental testing and operational assessments of the Air and Missile Defense Radar (AMDR) Suite prior to installation onboard Navy surface vessels. The proposed facility will consist of a 75-foot tall radar antenna structure and a two-story, 16,149 square foot, support building. CZM conditional concurrence was issued for this federal agency activity.

**Hilo Harbor Inter-Island Cargo Facility Dredging Phase, Island of Hawaii:** The State Department of Transportation, Harbors Division, submitted a proposal to dredge within Hilo Harbor and construct a shore revetment in preparation for development of the Pier 4 Inter-Island Cargo Facility, which is in the Hawaii Commercial Harbors 2020 Master Plan. Approximately 162,300 cubic yards of sand and coral detritus material are expected to be dredged and disposed of at the Hilo Ocean Disposal Site. The proposed revetment will be 600 feet long and constructed of articulated concrete blocks to stabilize the shoreline at the proposed Pier 4 site. CZM conditional concurrence was issued for this Department of the Army Permit application.

**American Recovery and Reinvestment Act (ARRA) of 2009 Funds:** There was an increase in the number of federally-funded projects reviewed due to federal economic stimulus funds provided under the ARRA. State and County transportation improvement projects accounted for all of the federal assistance applications reviewed for CZM consistency.

**Navy Intern:** The Hawaii CZM Program hosted an environmental engineering intern from the Naval Facilities Engineering Command Pacific, Environmental Planning Division. The Navy's intern program is intended to give their civilian employees a comprehensive perspective of the agencies the Navy works and interacts with. The Hawaii CZM Program is the only non-federal agency in the rotation for Navy interns. Previously we hosted three interns with significant benefits to our federal consistency program. The primary benefit is that the Navy interns gain an in-depth understanding and working knowledge of the Hawaii CZM Program, which results in improved federal-state relations.

The Hawaii CZM Program facilitates cooperation among government agencies in reviewing applications for federal, State, and County permits. Also, pre-application consultation is highly encouraged. Consultations occur by telephone and email, as well as through meetings involving applicants and agencies.

The Hawaii CZM Program continued its involvement with the federal and State agency coordination initiative involving quarterly meetings with regulatory and resource agencies, and various branches of the military. The meetings are hosted by the U.S. Army Space and Missile Defense Command and the U.S. Navy. This forum provides the participating agencies an opportunity to discuss and coordinate on current and future projects, activities, and issues. For example, Hawaii CZM Program staff made a presentation to the Federal and State Agency Coordination Group on federal consistency and the approved routine program changes.

**Program Changes:** The Hawaii CZM Program was enacted as the State's policy umbrella to guide and regulate coastal resource uses, and was designed to build upon

network agencies by having them implement the Program through the statutes, ordinances, and rules they are responsible for. From time to time, changes to the legal mechanism are made to address new challenges, strengthen the management regime, clarify provisions, or otherwise modify management of activities affecting coastal resources. In order for these changes to be incorporated into the State's federally-approved CZM program, they must be submitted in accordance with federal regulations (15 CRF 923) for approval. The Hawaii CZM Program received concurrence from the NOAA Office of Ocean and Coastal Resource Management (OCRM) for its routine program changes on March 12, 2009. The changes are amendments to the Hawaii CZM Program related statutes, ordinances, and rules to carry out the Program's multi-functional purposes and requirements. Two significant changes include (1) updating the descriptions and lists of marine life conservation districts and similar management areas and (2) clarifying shoreline and water quality rules. A summary of each Program change and its enforceable policies was sent to interested parties, and published in the *Honolulu Star-Bulletin*, *Hawaii Tribune-Herald*, *The Maui News*, and *The Garden Island* on November 5, 2008. The changes took effect for our federal consistency review program on March 31, 2009.

#### **D. Citizen Participation**

Public participation and outreach is an ongoing Hawaii CZM Program activity. Participation in numerous organizations, events, and conferences continue to educate others of the Program's perspective about public involvement in integrated ocean and coastal resource management. Citizen involvement is important because stewardship is essentially a community function, and success in resource planning and management is enhanced with community partnerships.

**Hawaii CZM Program Website:** The Program website ([hawaii.gov/dbedt/czm](http://hawaii.gov/dbedt/czm)) was redesigned and reorganized to be more consistent and user-friendly. The site also works well on most hand held internet terminals such as the iPhone, Treo, Blackberry, and various cell phones. The site is continually updated and provides important information and resources about Program initiatives and projects.

**Sponsorship and Participation:** The Program funded the annual "Get the Drift and Bag It!" cleanup event. The event is part of the Ocean Conservancy's International Coastal Cleanup and is held worldwide on the third Saturday of each September. The project attracts hundreds of volunteers statewide and removes thousands of pounds of trash from the shoreline areas. Tabulated data are displayed on the Ocean Conservancy website ([www.oceanconservancy.org](http://www.oceanconservancy.org)).

The Program funded the printing of *My Hawaii Story Project 2009*, a collection of stories and poems written by Hawaii middle school students. The project supports the ORMP Perspective 3 on promoting collaboration and stewardship by developing education

and outreach programs to educate residents and visitors on natural and cultural resource values, regulations, and best practices.

Outreach, education, and presentations on the Hawaii CZM Program and its initiatives were presented to a wide variety of audiences at various events, some of which include:

- Marine and Coastal Zone Advocacy Council
- Hawaiian Islands Humpback Whale National Marine Sanctuary's Advisory Council
- NOAA's Annual Program Managers' Meeting
- The Nature Conservancy
- 2008 Hawaii Conservation Conference
- 2008 Hawaii Congress of Planning Officials Conference on Maui
- U.S. Coral Reef Task Force meeting in Kona
- Hanalei, Kauai community event;
- Graduate courses at University of Hawaii
- Lanai community event

**Marine and Coastal Zone Advocacy Council (MACZAC):** Section 205A-3(6), HRS, established a formal public participation component in the Program. To further this aim, MACZAC was established as a public advisory body to identify coastal management problems and to provide policy advice and assistance to the Program and OP.

Mandated under Section 205A-3(5), HRS, MACZAC is to work toward implementing an integrated and comprehensive management system for marine and coastal zone resources. MACZAC is tasked with supporting OP by providing advice regarding marine and coastal zone management planning, coordination, and facilitation of functions of the Program. MACZAC is statutorily tasked with the following functions: evaluating the Program, including activity of the network agencies, and making recommendations for improvements; advocating for the Program to the public and the executive and legislative branches of government; and advocating, providing for, and acting upon citizen input.

MACZAC is composed entirely of community members recruited from each of the main Hawaiian Islands. Members have diverse backgrounds in business, environment, native Hawaiian cultural practices, terrestrial and marine commerce, recreation, research, and tourism. The members (maximum of twelve members) serve as volunteers, and provide both broad subject matter representation as well as statewide distribution. MACZAC activities are coordinated by a project administrative assistant.

MACZAC generally holds meetings at least quarterly, while its investigative working groups may meet more often, as needed. Typically, three to four meetings are held on

Oahu each year, while one to two meetings are held on another Island. Conference attendance and site visits are often incorporated into the Neighbor Island meetings. During the current reporting period, MACZAC held meetings on September 12, 2008 (Wailea, Maui), October 17, 2008 (Honolulu, Oahu), December 2, 2008 (Honolulu, Oahu), February 6, 2009 (Honolulu, Oahu), April 17, 2009 (Honolulu, Oahu), and June 12, 2009 (Hanalei, Oahu). As MACZAC activities are governed by the State's Sunshine Law codified at Chapter 92, HRS, MACZAC meetings are open to the public and follow the publicly noticed agenda. MACZAC's meeting minutes are posted on the MACZAC page of the Hawaii CZM Program's website.

Seeking to uphold its statutory duties as well as address specific marine and coastal zone management topics, members were active during the current reporting period in the following MACZAC investigative working groups: CZM Evaluation Group; Advocacy Group; Community Input Group; ORMP Implementation Group; Shoreline Access/Coastal Parking Working Group; Boating Working Group; Marine Managed Areas Working Group; Regulatory Review Working Group; Wastewater Working Group; Lua/Compost Toilets Working Group; Moku Management/Hui Kuleana Working Group; and Legislative Working Group.

MACZAC members have also agreed to play a key role in spearheading public participation in the implementation phase of the ORMP through outreach and educational activities, thereby helping to bridge the gap between State government and local communities on these issues. MACZAC's Chair serves on the ORMP Policy Group, while MACZAC's Vice-Chair serves on the ORMP Working Group.

## IV. CZM INITIATIVES

### A. CZMA Performance Measurement System (PMS)

Under the CZMA PMS, each federally-approved CZM program across the nation is required to collect and report on performance measures. The purpose is to track the performance and effectiveness of the coastal management programs and estuarine research reserves at the national level. Based on NOAA's Office of Ocean and Coastal Resource Management CZMA Performance Measures Guidance of May 2009, the performance measures were prepared and submitted for review under the following six categories:

1. Government Coordination & Decision Making
2. Public Access
3. Coastal Habitat
4. Coastal Water Quality
5. Coastal Hazards
6. Coastal Dependent Uses & Community Development

Phase 1 collected data for the first two categories which was completed in July 2006. The next two categories, along with other changes, were added to Phase 2. The Phase 2 Final Report was completed and submitted to NOAA's OCRM in October 2007. To further enhance the data, graphic displays of the public access data were prepared. Phase 3 collected data for all six categories. The Phase 3 Final Report was completed and submitted to NOAA's OCRM in July 2008.

Data collected from source agencies will be used to communicate with stakeholders, including Congress, the importance of the national CZM Program. Qualitative and quantitative reporting and analyses provide information and document trends on how the national program is responding to environmental, economic, and social challenges to balance development with the protection and restoration of coastal resources.

### B. Ocean Resources Management Plan (ORMP)

The ORMP sets forth guiding principles and recommendations for the State to achieve comprehensive and integrated ocean and coastal resources management. Section 205A-62, HRS, charges the Hawaii CZM Program with the review and periodic update of the ORMP, as well as coordination of the overall implementation of the plan. The ORMP is an integrated, place-based approach to management of ocean resources in the islands, based on recognition of the ecological connections between the land and sea, the link between human activities and its impacts on the environment, and the need for improved collaboration and stewardship in natural resources governance.

An executive-level Policy Group and a manager/staff-level Working Group were established to oversee and coordinate the implementation and further development of the ORMP. The Policy Group meets twice annually to recommit staff time and support for ORMP implementation, to guide the Working Group, and to approve their work tasks and recommendations.

The Working Group continues to meet monthly to coordinate agency efforts, streamline implementation, and further develop the ORMP. The Working Group is truly the catalyst of ORMP implementation. In order to address the numerous tasks of the Working Group, members decided to focus their efforts in break-out groups, or caucuses. Based upon the ORMP Consolidated State Work Plan, the members formed the four caucuses: ORMP Outreach; Climate Change/Coastal Hazards; Watersheds; and Policy/Legislation.

At the Policy Group meeting of September 15, 2008, the Working Group presented proposals pertaining to global climate change and data integration. The Policy Group unanimously passed motions to accept the following proposals:

- Data integration for the purpose of improved data management in Hawaii with the condition that non-State funding will be sought.
- Studying the impacts of global climate change in Hawaii with the conditions that non-State funding will be sought.

### **Promoting Collaboration and Stewardship**

One of the primary objectives of the Hawaii CZM Program is to coordinate the implementation of the ORMP by promoting collaborative governance and stewardship. Federal approval was granted to reprogram funds for direct support of coordinated implementation activities to support the ORMP. The Program issued a statewide solicitation notice of available funding and requested proposals for partnership projects between government (State or County) and the community with the primary objective of implementing the management goals and strategic actions of the ORMP. Six proposals were received and evaluated by an evaluation committee comprised of three Program staffers, two ORMP Working Group members, and one MACZAC member. This evaluation process was an excellent opportunity for collaboration and valuable input by our major ORMP partners.

Successful applicants demonstrated collaboration among State and County government agencies and community entities to cooperatively implement the ORMP; identified how the project would implement one or more specific management goals and strategic actions in the ORMP; and provided a timeline of project activities and deliverables, a detailed narrative budget justification, and non-federal matching funds or services-in-kind on a one-to-one basis.

OP accepted the evaluation committee's recommendation to fund the Hawaii Community Development Authority's (HDCA) proposal titled, *Mahuahua Ai o Hoi*. HCDA's community partners include Kako'o 'Oiwi and the Ko'olaupoko Hawaiian Civic Club. The project site is on Oahu's windward coast at the He'eia wetlands (*hoi*). In order to restore the He'eia wetlands and reduce non-point source pollution at the shoreline, the partners plan to incorporate a traditional Hawaiian ahupua'a concept to land management throughout the project. The planning and training phase of the project, for which Hawaii CZM Program funds were requested, is a model implementation project for the ORMP and will be implemented in the next fiscal year.

### **C. Community-Based Resource Management (CBRM)**

The goal of the CBRM project is to refine and institutionalize an integrated planning approach for the Hawaii CZM Program to guide the State toward natural and cultural resource management that is grounded by place, culture, and community.

#### **Capacity-Building Workshops**

In addition to building capacity of community stewardship groups, workshops help the Hawaii CZM Program to refine the draft integrated planning approach as places, communities, and needs change. Having communities come together enhances and ensures the viability and relevancy of the project. Workshops also fostered the beginning of important partnerships with various non-governmental agencies and community-based organizations to implement the ORMP.

In October 2008, the Program co-sponsored a three-day workshop with four other organizations: the Community Conservation Network, the Harold K. L. Foundation, the Hawaii Community Foundation, and the National Fish and Wildlife Foundation. About 20 community-based leaders participated in the "Community Capacity-Building for Community-Based Resources Management" Workshop in Honolulu. The workshop provided tools for community-based resource management organizations and practitioners to develop the organizational capacity to manage projects and then raise funds to support those projects.

#### **Hawaii Community Stewardship Directory**

The Hawaii Community Stewardship Directory is an ongoing effort of the Hawaii CZM Program to help community stewardship organizations connect with each other to share their experiences and lessons learned in natural and cultural resources management. The Directory was updated at the end of April 2009. There are now 90 entries in the directory, up from 58 in the previous year. In addition, at least ten additional groups have already requested to be included in future updates. These are good indications that the directory is useful to the various community groups.

#### **D. Coastal Nonpoint Pollution Control Program (CNPCP)**

Section 6217 of CZARA requires states and territories with federally-approved CZM Programs to develop Coastal Nonpoint Pollution Control Program (CNPCP). Hawaii's CNPCP is jointly administered by the U.S. Environmental Protection Agency (EPA) and NOAA. Locally, its development and administration are the responsibilities of the State Department of Health's (DOH) Polluted Runoff Program and the Hawaii CZM Program. The CNPCP's mission is to control, reduce, or treat polluted runoff through implementation of structural, operational, or vegetative management practices; coordinate local regulatory, outreach, and funding programs that foster management practices for sources of pollutants that potentially impair coastal receiving waters; and undertake local coordination and implementation activities on a watershed basis.

In February of 2009, the CNPCP completed the development on Phase II of the Hawaii Conservation Planner (HCP), formally known as the Hawaii OnePlan. The HCP is a computer-based GIS application tool. It was developed to address erosion and sedimentation control issues on agricultural lands. The Hawaii Department of Agriculture, the Hawaii Department of Land and Natural Resources, the federal Natural Resource Conservation Service (NRCS), local Soil and Water Conservation Districts, and State funded NRCS-trained conservation specialists all played a crucial role in the development of this user friendly online tool.

From September 2008 to June of 2009, the CNPCP embarked on a project titled, "Targeted Watershed Prioritization," to identify watersheds that are in need of restoration and/or protection. Included in this project was a Watershed Summit. Over 30 various federal, State, County and non-governmental agencies participated in this summit to review criteria, identify relevant stressors, and discuss areas of common or overlapping interest and needs with regard to watershed planning and conservation efforts. This project resulted in the List of Priority Watersheds that are in need of restoration and/or protection, a preliminary implementation schedule for watershed plans over the next 15 years, and an agreement between DOH, CZM and EPA on the resources that will be dedicated towards watershed planning. The 30 watershed summit participants also agreed to pre-test Hawaii's Watershed Planning Guidance Handbook (WPGH).

Proposals regarding the WPGH were received and reviewed in December 2008. The consultant was awarded the contract in June 2009. The WPGH is intended to assist watershed groups in creating and implementing watershed plans. It will summarize pertinent information and assist those interested in developing watershed plans in identifying the necessary requirements for federal funding. Hawaii's WPGH will provide a step by step guide and provide a mechanism to ensure that as watershed plans are developed and updated, the CNPCP management measures will be incorporated as appropriate. The WPGH is scheduled to be completed in August 2010.

## E. Coastal Hazards

Hawaii is threatened by numerous hazards, many of which affect the near shore area. These hazards include coastal erosion, earthquakes, tsunamis, hurricanes, sea level rise, flooding, subsidence, lava flows, and wildfires. These hazards can result in significant loss of life, property and environmental damage, business loss and interruption, and damage to historical and cultural resources.

An objective of the Hawaii CZM law is to reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution. A related objective deals with the improvement of the development review process in the management of coastal hazards. The hazard mitigation work of the Hawaii CZM Program is focused on meeting these objectives to achieve greater community resilience to natural hazards.

The following are coastal hazard mitigation highlights of this fiscal year:

**Hurricane-Wind Speed Mapping and Building Code Amendments Completed Statewide and Incorporated into Proposed State Building Code:** During this period, the GIS-based wind speed mapping products and enabling code amendments developed under this project were transmitted to the State Building Code Council and offered as technical amendments to the 2006 International Building Code (IBC). The Hawaii CZM Program funded the work done for the Counties of Hawaii and Maui, and the Federal Emergency Management Agency funded the work done for Oahu and Kauai. The Council's Subcommittee of County Building Code Officials met on numerous occasions to consider amendments to the IBC, including the wind speed code amendments for all four counties (hereafter "Hawaii wind standards"). After a lengthy review and discussion period, the four County building code chiefs approved the Hawaii wind standards, without amendment. The Program provided testimony requesting a one-step action by the Counties to adopt the Hawaii wind standards, which was adopted by the Council. These actions are significant as they indicate strong support of the technical aspects of the Hawaii wind standards and a willingness to implement a streamlined adoption process at the County levels.

The State Building Code will go to public hearing in the second half of 2009. One year after adoption, all state buildings will be constructed in accordance with the Hawaii wind standards specific to each County. The Counties will use the Hawaii wind standards specific to its jurisdiction, no later than two years after adoption of the State Building Code, unless a County acts to specifically amend the code.

**National Recognition of the Hawaii Wind Standards:** During this period, the American Society of Civil Engineers (ASCE) 7 Standards Committee revised the 2005

Edition of ASCE 7 by designating the State of Hawaii as a Special Wind Region. This designation is significant as it represents a national acceptance of the technical accuracy of the Hawaii wind standards and it recognizes that for Hawaii, those standards supersede the more generalized national wind standards.

**International Building Code Training:** Realization of the full value of the latest building codes requires well-trained and highly qualified design, building, and regulatory communities. In April 2009, training took place in Honolulu on the 2006 IBC and 2006 International Residential Code (IRC). Approximately 120 design professionals and government building officials participated in the training. The Hawaii CZM Program co-sponsored these two sessions in partnership with the City and County of Honolulu's Building Division, and the Hawaii Chapters of the Construction Specifications Institute and the American Institute of Architects.

The Hawaii Association of County Building Officials (HACBO) Conference was held on Kauai in May 2009. HACBO is the association of building officials of each of the four Counties that comprise the State of Hawaii. The Hawaii CZM Program co-sponsored this event as part of its Section 309 Coastal Hazards strategy to provide building code training to State, County, and building industry professionals on the application and interpretation of the new codes. The HACBO Conference was a large step toward this goal as it featured many training sessions on various relevant code topics. These were attended by county engineers, building plan examiners, building code enforcement officers, electrical and plumbing inspectors, building permit clerks, construction and maintenance supervisors, fire chiefs, fire prevention inspectors, planners, and many other related building professionals. The training was comprehensive and necessary for the County of Kauai, as it was the first neighbor island County to adopt the International Codes (the 2003 IBC and the 2003 IRC).

**Building Code Training: 2009 Cooperation Award from the Construction Specifications Institute:** In June 2009, Hawaii CZM Program was presented with the Honolulu Chapter of the Construction Specifications Institute 2009 Cooperation Award for Support of Building Code Seminars. This award was presented at the CSI Annual Installation and Awards Ceremony in Honolulu. The building code seminars were attended by public sector building professionals, as well as contractors, engineers, architects, and material suppliers.

## F. Special Projects

**Rural Policy and Best Practices Project:** The rural project was initiated in 2006 to provide local governments, public, and State decision-makers with information on policies, planning tools, and practices that could be used to better plan and manage the cumulative and secondary impact of development in the State's rural areas. Though this project, the Rural Planning Guidebook for Hawaii was developed. The Guidebook

provides rural land use policies and planning techniques, and a compilation of information on various tools and case studies to manage cumulative and secondary impacts of development in rural watersheds, and fostering planning for and implementation of coastal and estuarine lands protection. OP staff continues to work on finalizing the web, print, and disc versions of the Guidebook.

**Coastal and Estuarine Land Conservation Program (CELCP):** To address the need for long-term protection of significant coastal and estuarine resources, CELCP was created to assist the Hawaii CZM Program in protecting and preserving coastal scenic and open space resources and valuable coastal ecosystems. CELCP continues to work with local land trusts and government agencies to refine the Hawaii Plan. The Plan provides a framework for identifying coastal and estuarine land conservation priorities, and defines the State process for evaluating project proposals.

The Hawaii CZM Program has been using the State CELCP Plan, in partnership with interested government, private for-profit and not-for-profit organizations, and the public, to identify and develop proposals to submit for annual competitive NOAA CELCP grants.

During the last year, three grant proposals were developed working in conjunction with local land trusts, County governments, and State agencies. All three proposals were accepted and ranked for funding. One proposal in particular, Lapakahi Marine Life Conservation District Extension, received the top-ranking nationally from amongst all projects in the competition. This is an accomplishment for which the Hawaii CZM Program and its local partners can be especially proud.

**Climate Change Initiatives:** During fiscal year 2009, the Hawaii CZM Program hosted an undergraduate student intern from the University of Hawaii at Manoa. The Program recognized the need for formal coordination of efforts related to climate change in Hawaii and the CZM intern assisted the Program in compiling a document entitled, "Global Climate Change Initiatives." This document has been shared with the members of the ORMP Working Group as well as other CZM partners, and is the first step toward a more cohesive approach toward climate change in the State. Numerous agencies have expressed gratitude for such a document and have provided additional and updated information.

## V. CLOSING

Coastal zone management is a concept also known by other terms, such as resource and ecosystem management. However, natural resources do not need to be managed. When left undisturbed, nature will naturally fix and heal itself. Resource management is really about managing human activities that affect the delicate balance of use and conservation of resources.

Hawaii is a beautiful place, a unique environment composed of an intimate connection between land and sea. The quality of life is derived from a vibrant and healthy sea, a rich and resourceful ocean. However, through generations of continuous ocean harvesting and land development, the ocean and coastal environment is being rapidly degraded and depleted. Regional and global circumstances create new challenges such as climate change, sea level rise, ocean acidification, and increased frequency and severity of coastal hazards. Land is becoming less available because population growth and economic expansion require more land for homes, work, infrastructure, and food production.

The need to achieve a sustainable balance for the island ecosystem is more pronounced than ever. Developing and maintaining a strong and healthy economy, protecting the environment, educating the people, and creating new conservation tools to protect the land and coastal resources are worthy pursuits and need to be effectuated. The goal is to make Hawaii a better place to live, for today and future generations. Everyone must work together to achieve this goal. It is by respecting and taking care of nature that nature, in return, can provide the rich resources that everyone wants to enjoy.

## VI. LEGISLATIVE PROPOSALS

During this fiscal year, the administration submitted BED-12(09)/HB1049/SB867. This measure is the product of extensive collaborations with the four County Planning Directors who are responsible for administering the Hawaii CZM Program locally via the establishment of shoreline setbacks and via the SMA permit system. The proposed amendment clarifies what “development” is and is not, requires a rational nexus of SMA permit conditions to the Hawaii CZM Program objectives and policies, and encourages the use of shoreline change rates to reduce the threat to loss of property from coastal hazards in establishing shoreline setbacks. It also recommends a number of housekeeping changes.

The proposed amendment also includes a time provision for when developments commence or are completed to prevent situations where developments are excessively delayed and changes in the environment during the delay may alter the development’s consistency and compliance with the regulatory provisions upon which the permit was issued. In addition, the provision would also have the effect of deterring the application for and receipt of the SMA permit for speculation. Moreover, it would improve the information available for future planning efforts like development and community plans and zoning programs. At the close of this legislative session, House Bill 1049 was carried over to the 2010 legislative session.

## VII. ACRONYMS

CBRM	Community-Based Resource Management
CDD	Community Development District
CELCP	Coastal and Estuarine Land Conservation Program
CNPCP	Coastal Nonpoint Pollution Control Program
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act
DOH	Department of Health
HAR	Hawaii Administrative Rules
HCDA	Hawaii Community Development Authority
HCP	Hawaii Conservation Planner
HRS	Hawaii Revised Statutes
GIS	Geographic Information System
IBC	International Building Code
MACZAC	Marine and Coastal Zone Advocacy Council
NOAA	National Oceanic and Atmospheric Administration
OCRM	Office of Ocean and Coastal Resource Management
OP	Office of Planning
ORMP	Ocean Resources Management Plan
PMS	Performance Measurement System
SMA	Special Management Area
SPA	Shoreline Public Access
SSV	Shoreline Setback Variances
WPGH	Watershed Planning Guidance Handbook
UH	University of Hawaii