

PART VI - ADMINISTRATIVE COORDINATION

Section 6217(b)(6) of the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990 requires “the establishment of mechanisms to improve coordination among State agencies and between State and local officials responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety, through the use of joint project review, memorandum of agreement, or other mechanisms.”

EPA and NOAA’s *Program Development and Approval Guidance* elaborates on this requirement:

For program approval, the coastal nonpoint program must include administrative coordination mechanisms. At a minimum, the coastal nonpoint program must include a list of state, regional and local agencies that will play a role in developing and implementing the state nonpoint program. The list should describe the mission, structure and operation of the agencies as they relate to nonpoint source pollution control, and identify the specific role to be played by each agency in the coastal nonpoint program (p. 33).

The following four items characterize the philosophy underlying the administrative coordination efforts to be undertaken by Hawaii in implementing the coastal nonpoint pollution control program:

- a. All federal, State and local agencies that have a role in coastal nonpoint pollution control and related issues, whether regulatory or non-regulatory, will be included;
- b. The coordination process will rely, to the maximum extent possible, on already existing processes or, where needed, modifications to those existing processes or structures;
- c. The presumption is that the full range of coordination mechanisms -- those listed in EPA and NOAA’s *Program Development and Approval Guidance* and others -- will be used to coordinate among agencies and others. As such, there will not be one exclusive method for assuring coordination; and
- d. An important element of the coordination process will be the development of a method to review and discuss the effectiveness of the coordination efforts of various groups and agencies. This will highlight effective measures for use by others, and provide opportunities for improving those coordination mechanisms that fail to achieve their goals.

Numerous federal, State, and county agencies are responsible for implementing components of the coastal nonpoint pollution control program. The lists of agencies and groups noted below-- whether federal, State or local -- include organizations that will have widely varying levels of involvement in the coastal

nonpoint pollution control program. The intent of the following listing is to characterize the range of parties who need to be advised of the development of the coastal nonpoint pollution control program and to develop, over time, the linkages and contact with agencies at all levels of government that will assure that those who have an interest in or can contribute to the improvement of coastal water quality are not left behind.

1. Involved Federal Agencies

(a) U.S. Environmental Protection Agency (EPA): EPA administers the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act. EPA jointly administers the federal implementation of the coastal nonpoint pollution control program with the National Oceanic and Atmospheric Administration (NOAA). EPA also implements a number of watershed planning projects, including the joint EPA and State of Hawaii Department of Health West Maui Watershed Planning Project. In addition, EPA, either directly or through State and local governments, manages a number of other water quality programs aimed at reducing polluted runoff.

(b) U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA):

(i) Coastal Zone Management Program: For more than twenty years, this program has been a vehicle for protecting and managing coastal resources. With the addition of the coastal nonpoint pollution control program, a new emphasis has been placed on the evaluation and control of polluted runoff in the coastal zone and on merging the water quality interests of the CZM Program and the Clean Water Act nonpoint source pollution control program.

(ii) National Marine Fisheries Service (NMFS): NMFS provides management and research for the protection and rational use of living marine resources for their aesthetic, economic, and recreational value. One of the noteworthy responsibilities of NMFS is the administration of the Endangered Species Act (ESA) as it relates to some marine species such as the humpback whale.

(c) U.S. Department of Interior:

(i) U.S. Fish and Wildlife Service (USFWS): USFWS administers the Endangered Species Act (ESA) and the Fish and Wildlife Coordination Act. It provides comments on federal and State permit applications regarding potential impacts on endangered species, anadromous fish, and migratory birds and their habitats. Federal projects that modify waterbodies require consultation with USFWS. Projects that may affect endangered species or their habitats require approval from USFWS before the project may begin.

(ii) U.S. Geologic Survey (USGS): USGS provides scientific information on the Nation's water, energy and mineral resources. A major part of their mission is to assess the quantity and quality of the Nation's water resources and to

provide information to assist resource managers and policy-makers at the federal, State and local levels in making sound management decisions.

(d) U.S. Department of Agriculture:

(i) Natural Resources Conservation Service (NRCS): NRCS, formerly known as the Soil Conservation Service or SCS, provides technical assistance primarily to land owners and users on privately-owned agricultural lands. They assist their clients in inventorying the natural resources on their land, in preparing conservation plans for their property, in assisting with the implementation of best management practices, and in promoting community resource management. During their planning process, they consider the effects of their conservation practices on soil, water, animals, plants, and air while also addressing the human element. They work closely with the 16 Soil and Water Conservation Districts in the State to promote stewardship of the land. The programs administered by NRCS are non-regulatory. Land users have the option of participating in these programs.

(ii) Farm Services Agency (FSA): This newly reorganized agency is responsible for most of the federal financial support of farming activities, such as the implementation of farm plans to reduce erosion or control animal impacts on water.

(iii) U.S. Forest Service (USFS): The USFS has the responsibility for national leadership in forestry. Their Institute of Pacific Islands Forestry provides research and extension services to its constituents in Hawaii and several island groups in the Western Pacific. Locally, USFS research is conducted on State land in collaboration with the State Department of Land and Natural Resources, Division of Forestry and Wildlife (DLNR-DOFAW). USFS does not own land or have land management responsibilities in Hawaii. The Institute's Forest Management Services unit provides a broad range of extension services that include technology transfer to reduce polluted runoff. The unit also provides technical advice on forest management practices and offers grants through DLNR-DOFAW for reforestation on State and private lands.

(e) U.S. Department of Defense: The Departments of the Navy, Air Force, and Army are signatories to a Memorandum of Understanding (MOU) relating to the Pearl Harbor Estuary Program. The purpose of the MOU is to define the roles and responsibilities of each agency in the Pearl Harbor Estuary Program Interagency Committee.

(i) U.S. Army Corps of Engineers (USACOE): USACOE administers Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. As part of these responsibilities, it regulates construction activities in navigable waters and the dredging of harbors. It also regulates the discharge of dredge and fill materials in wetlands and the waters of the United States. In addition, it regulates the transportation and ocean disposal of dredged soils. Finally, the USACOE conducts various water quality studies.

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(f) U.S. Department of Transportation (USDOT):

(i) U.S. Coast Guard (USCG): The Coast Guard administers a maritime protection program to prevent and control pollution in U.S. navigable waters. The Coast Guard also enforces laws against individuals and companies that pollute marine waters.

2. Involved State Agencies

As discussed in Part III of this document, all of the following State agencies noted below are already part of the Hawaii CZM network. As such, their rules, programs and activities must comply with the CZM objectives and policies pursuant to Chapter 205A, HRS. A short description of each State agency's role and responsibilities pertaining to the coastal nonpoint pollution control program follows. For more information on specific regulatory and non-regulatory mechanisms, please refer to the *Review and Inventory of Regulatory and Non-Regulatory Nonpoint Source Pollution Control Mechanisms in Hawaii*, prepared by Pacific Environmental Research for the Office of State Planning.

(a) Hawaii Coastal Zone Management (CZM) Program: The CZM Program administers Chapter 205A, HRS, and is implemented through a network of State and county plans, policies, laws, ordinances and programs. The CZM network, as it exists and, in some instances, as it will be strengthened, forms the framework within which many of the requirements of the coastal nonpoint pollution control program are or will be met.

(b) Hawaii Department of Health (DOH): DOH is responsible for regulating sewage treatment and disposal systems, hazardous and solid waste, noise, and air and water quality. As the water quality agency for the State, it is a lead agency for both point and nonpoint source pollution control. It also administers the National Pollutant Discharge Elimination System (NPDES) permit process; prepares the State's Section 305(b), Clean Water Act (CWA), water quality monitoring reports; and assists the counties in preparing the Section 208, CWA, water quality management plans. DOH also administers the Section 319, CWA, nonpoint source pollution control grants program.

The following statutes contain provisions that authorize DOH to implement polluted runoff control measures:

- Chapter 149A HRS "Hawaii Pesticide Law"
- Chapter 180C HRS "Soil and Erosion Control"
- Chapter 339 HRS "Litter Control"
- Chapter 340E HRS "Safe Drinking Water"
- Chapter 342D HRS "Water Pollution"
- Chapter 342E HRS "Nonpoint Source Pollution Management and Control"
- Chapter 342G HRS "Integrated Solid Waste Management"
- Chapter 342H HRS "Solid Waste Pollution"

- Chapter 342I HRS “Lead Acid Battery Recycling”
- Chapter 342J HRS “Hazardous Waste”
- Chapter 342L HRS “Underground Storage Tanks”
- Chapter 342N HRS “Used Oil Transport, Recycling, and Disposal”

DOH also administers Chapter 11-54, Hawaii Administrative Rules (HAR), which establishes State water quality standards, and Chapter 11-55, HAR, which establishes point source water pollution control measures. DOH is the agency responsible for enforcing and revising water quality standards.

Chapter 342E, HRS, authorizes DOH, through the Environmental Planning Office, to administer a Polluted Runoff Control (PRC)¹ Program. Administrative rules have not yet been developed to implement Chapter 342E, HRS. These rules will be developed in conjunction with the further development and implementation of the coastal nonpoint pollution control program. DOH-PRC, which started in 1987, administers regulatory, non-regulatory, and public participation programs to control polluted runoff. This program has and will continue to rely heavily on voluntary efforts to correct pollution problems. It works closely with several interagency committees, local advisory committees, and task forces that address nonpoint source pollution problems. Current watershed projects include the Pearl Harbor estuary, Kaiaka-Waiialua Bay, and the West Maui watersheds. This program has also assisted the CZM Program in developing Hawaii’s coastal nonpoint pollution control program.

DOH also established the Hawaii Technical Committee on Nonpoint Source Pollution Control, which conducts its meetings in conjunction with Hawaii Association of Conservation Districts (HACD) meetings. The committee advises DOH staff on strategies to control polluted runoff and assists DOH in increasing public awareness and understanding about nonpoint source pollution problems. The committee also assists DOH in facilitating interagency efforts to implement effective nonpoint source pollution management programs. Furthermore, it provides a forum for agencies and groups to share information, improve coordination, and plan strategies to address polluted runoff problems.

DOH has developed MOUs to coordinate polluted runoff control programs with all 16 of the State’s Soil and Water Conservation Districts (SWCDs). It has a MOU with numerous agencies to carry out the Coordinated Resource Management Plan for the Kaiaka-Waiialua Bay Hydrologic Unit Area Project. DOH also has a MOU for the Pearl Harbor Estuary Program. Recently, DOH developed a MOU with HACD, NRCS, and EPA Region IX to work together to reduce polluted runoff and improve water quality. On Maui, DOH developed a MOU with the Molokai-Lanai, Hana, Olinda-Kula, Central Maui, and West Maui SWCDs and the County of Maui Department of Public Works to support a nonpoint source pollution research project.

¹Department of Health’s Nonpoint Source Pollution Control Program has recently changed its name to Polluted Runoff Control (PRC) Program.

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DOH implements components of the urban, marinas and recreational boating, hydromodifications, and wetland management measures for the coastal nonpoint pollution control program.

(c) Hawaii Department of Land and Natural Resources (DLNR): DLNR is the State's principal agency for the management of state-owned terrestrial and submerged lands, and the regulation of uses in designated conservation districts. Under the direction of the Board of Land and Natural Resources, DLNR manages and administers state parks, historic sites, forests, fish and game reserves, recreational boating program and ocean recreation management plan, endangered species, and all public lands.

In addition to regulating uses in the conservation district, DLNR administers the State's designated marine life conservation districts (MLCDs), marine and freshwater fisheries management areas (FMAs), wildlife sanctuaries, and natural area reserves (NARs). DLNR also provides funding to the 16 local SWCDs through the Hawaii Association of Conservation Districts.

The following statutes contain provisions that authorize the DLNR to administer polluted runoff control measures:

- Chapter 174C HRS "Hawaii Water Code"
- Chapter 180 HRS "Soil and Water Conservation Districts"
- Chapter 183 HRS "Land Use Activities in Conservation District"
- Chapter 190 HRS "Marine Life Conservation Program"
- Chapter 200 HRS "Ocean Recreation and Coastal Areas Program"
- Chapter 339 HRS "Litter Control"

A number of divisions within DLNR administer rules and programs that pertain to the management measures addressed by the coastal nonpoint pollution control program. DLNR's Water and Land Development Branch regulates well construction and maintenance, and dam safety (hydromodifications and wetland management measures). The Commission on Water Resource Management (CWRM) administers the Hawaii Water Code. It has oversight responsibilities for activities that affect surface and ground waters (hydromodification management measures). The Division of Forestry and Wildlife (DOFAW) has broad responsibilities related to public and private forest lands in the State (forestry management measures). The Division of Aquatic Resources (DAR) manages components of the hydromodification management measures. The Division of Boating and Ocean Recreation (DOBOR) establishes boating regulations and rules to control littering and pollution from boaters (marinas and recreational boating management measures).

(d) Soil and Water Conservation Districts (SWCDs): Chapter 180, HRS, establishes Soil and Water Conservation Districts around the State as quasi-agencies. While these non-regulatory SWCDs receive funding from DLNR, they are directed by volunteer directors and associate directors. Since 1978, the SWCDs have provided technical assistance for land users in agricultural areas. They promote the conservation of soil and water by assisting land users in developing conservation

plans. They also conduct educational programs for polluted runoff control. The local SWCDs approve conservation plans which allow agricultural operations to receive an exemption from the county grading ordinances. These SWCDs will play a critical role in the proposed implementation of the agriculture management measures.

There are currently sixteen SWCDs around the State:

- Hamakua SWCD
- Mauna Kea SWCD
- Puna SWCD
- Kona SWCD
- Kau SWCD
- Waiakea SWCD
- Molokai-Lanai SWCD
- Hana SWCD
- Olinda-Kula SWCD
- West Maui SWCD
- Central Maui SWCD
- Windward Oahu SWCD
- South Oahu SWCD
- West Oahu SWCD
- East Kauai SWCD
- West Kauai SWCD

(e) Office of Environmental Quality Control (OEQC): OEQC administers the Environmental Impact Statement (EIS) system established under Chapter 343, HRS. It coordinates and directs State agencies in matters concerning environmental quality. Its functions include recommending programs for long-range implementation of environmental quality control, initiating public educational programs, reporting on environmental conditions, and providing staff support for the Environmental Quality Council.

(f) Hawaii Department of Transportation (DOT): State transportation facilities, including public highways and trails, airports, and commercial harbors, are under the jurisdiction of DOT, who is responsible for developing and maintaining a State transportation policy and a comprehensive long-range plan for a multi-modal transportation system for the State. Through the highway division, DOT is responsible for the planning, construction and maintenance of State highways., and will be involved in developing and implementing strategies to control polluted runoff from transportation facilities.

The following statutes contain provisions that authorize DOT to enforce polluted runoff control mechanisms for commercial harbors, highways, roads, and bridges:

- Chapter 266 HRS “Harbors Enforcement”
- Chapter 286 HRS “Highway Safety”
- Chapter 291C HRS “Statewide Traffic Code”

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DOT may enforce provisions during the planning and construction of infrastructure projects. It may also enforce provisions prohibiting or requiring specific activities (*i.e.*, prohibiting littering or requiring individuals to immediately report and clean-up spills or releases of hazardous substances into highways, streets, storm drains, gutters, waterways, canals, lakes, and ocean shorelines).

(g) Hawaii Department of Agriculture (DOA): DOA carries out programs to conserve, develop and utilize the agricultural resources of the State. It enforces laws, and formulates and enforces rules and regulations to further control the management of these resources. DOA regulates activities to protect agricultural industries and natural resources against insects, diseases and pests; controls all eradication services directed against weed and insect pests; and controls the sale and use of pesticides.

Specifically, Chapter 149A, HRS, authorizes DOA to establish standards and guidelines for the use of pesticides. These standards and guidelines specify pesticide uses that have adverse effects on the environment. Chapter 4-66, HAR, establishes the rules for the registration, licensing, certification, record-keeping, and other activities related to the safe and effective use of pesticides. DOA and DOH implement and enforce most of these rules.

(h) Department of Business, Economic Development, and Tourism (DBEDT): Chapter 228, HRS, "Ocean Resources Management," directed DBEDT to encourage sound environmental development of ocean resources. The Hawaii Ocean and Marine Resource Council, with staff support from the Ocean Resources Branch, developed a Hawaii Ocean Resources Management Plan (ORMP) that includes recommendations for comprehensive coastal resource planning and management, with recommendations for protecting coastal water quality. Act 104 of the 1995 legislative session incorporates the implementation of the ORMP into the Hawaii CZM Law (Chapter 205A, HRS) by adding an objective and supporting policies pertaining to marine resources. DBEDT, however, remains a CZM coordinating agency.

(i) Land Use Commission (LUC): The LUC is a quasi-judicial body administratively assigned to DBEDT. The Commission designates all land in the State into one of four land use classifications: urban, rural, agricultural, or conservation, and administrates changes between districts, etc.

(i) University of Hawaii Cooperative Extension Service (CES) and Sea Grant Program: As one of 19 land-grant and sea-grant universities in the United States, the University of Hawaii has a special responsibility for education and research. The CES has a delivery system that reaches a large number of land users and is the extension unit of the College of Tropical Agriculture and Human Resources (CTAHR) at the University of Hawaii. Its mission is to enable people to improve their lives through an educational process that uses scientific knowledge to address issues and needs. This process involves transferring and expressing scientifically-based research knowledge in practical, usable educational programs, presentations, and services.

Hawaii CES is dedicated to supporting and fostering the efforts of agricultural practitioners and communities to transform Hawaii's agriculture into an appropriate, sustainable, diversified agriculture that contributes to Hawaii's economy, is safe for consumers and the environment, and enhances Hawaii's appeal for tourism. CES provides a number of services at the local level, with offices and technical experts on all islands.

The University of Hawaii Sea Grant Program's mission is to increase understanding of the marine and coastal environment to facilitate better management and wise decision-making with regard to ocean and coastal resources. Hawaii Sea Grant serves a geographic area that includes the Hawaiian archipelago and the U.S.-affiliated Pacific Islands. During the past 25 years, it has supported science that is beneficial to industry while promoting public education and transferring technology to Hawaii and the Pacific Region. The emphasis of the program has changed over the years to reflect shifting State and national priorities. Currently, Hawaii Sea Grant supports research and extension efforts in three broad areas: marine technology, coastal ecosystem health, and deep ocean environments.

3. Involved County Agencies

The counties of Hawaii, Maui, Kauai and the City and County of Honolulu are responsible for planning and zoning in urban districts, local transportation, solid waste disposal, subdivision and grading regulation, recreation, and water supply development. They have additional responsibilities which include state-mandated county regulatory programs dealing with erosion control, urban design, beach access, and park dedication.

In addition, they are also responsible for delineating the boundaries of their respective Special Management Areas (SMAs) and for ensuring all development (with some minor exceptions) are consistent with the Hawaii CZM Program. Although each county has its own procedures for administering SMA permits, the requirements and review processes for SMA applications are similar for all four counties. Each county requires a permit applicant to describe the proposed development in terms of the State CZM objectives and policies, and SMA guidelines. In addition, all counties have established specific legal authority to require special studies as necessary, including water quality analysis. The counties also administer and enforce the shoreline setback law.

The components of the coastal nonpoint pollution control program to be administered by the counties include management measures for urban activities and hydromodifications, and, to a lesser extent, some for agriculture, forestry, and marinas and recreational boating. The county planning departments and departments of public works will have the primary responsibilities.

(a) Maui County: The following regulations provide the legal framework for Maui County to implement polluted runoff control measures:

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- Chapter 291C HRS “Statewide Traffic Code”
- Chapter 339 HRS “Litter Control”
- Chapter 6.04 MCC “Dog Control”
- Chapter 8.04 MCC “Refuse Collection”
- Chapter 19 MCC “Comprehensive Zoning Ordinance”
- Chapter 20.08 MCC “Soil Erosion and Sediment Control”
- Chapter 20.20 MCC “Litter Control”

The Maui County Planning Department and the Department of Public Works are the primary agencies responsible for implementing these mechanisms. Maui County recently received a Section 319, CWA, grant from EPA to revise its grading ordinance and train inspectors to inspect for erosion controls. Maui County will also revise its drainage standards. In addition, Title 19 of the Maui County Code, relating to the Comprehensive Zoning Ordinance, is currently under revision. Other zoning concepts are being explored, including performance zoning which includes impervious surface ratio as a development standard.

(b) Kauai County: The following regulations provide the legal framework for Kauai County to implement polluted runoff control measures:

- Chapter 291C HRS “Statewide Traffic Code”
- Chapter 339 HRS “Litter Control”
- Chapter 8 KCC “Comprehensive Zoning Ordinance”
- Chapter 9 KCC “Subdivision Ordinance”
- Chapter 15 KCC “Building and Construction Code”
- Chapter 20 KCC “Litter Control”
- Chapter 21 KCC “Grading, Grubbing, and Stockpiling Ordinance”
- Chapter 22 KCC “Safety and Welfare Code”

The Kauai County Planning Department and the Department of Public Works are the primary agencies responsible for implementing these mechanisms.

(c) Hawaii County: The following regulations provide the legal framework for Hawaii County to implement polluted runoff control measures:

- Chapter 291C HRS “Statewide Traffic Code”
- Chapter 339 HRS “Litter Control”
- Chapter 4 HCC “Animals Code”
- Chapter 5 HCC “Building Code”
- Chapter 10 HCC “Erosion and Sediment Control”
- Chapter 20 HCC “Refuse Disposal”
- Chapter 23 HCC “Subdivisions”

The Hawaii County Planning Department and the Department of Public Works are the primary agencies responsible for implementing these mechanisms.

(d) City and County of Honolulu: The following regulations authorize the Department of Land Utilization and the Department of Public Works of the City and County of Honolulu to implement polluted runoff control mechanisms:

- Chapter 291C HRS “Statewide Traffic Code”
- Chapter 339 HRS “Litter Control”
- Chapter 2 ROH “Executive Agencies”
- Chapter 9 ROH “Collection and Disposal of Refuse”
- Chapter 14 ROH “Public Works Infrastructure Requirements”
- Chapter 16 ROH “Building Code”
- Chapter 21 ROH “Land Use Ordinance”
- Chapter 23 ROH “Shoreline Setbacks”
- Chapter 24 ROH “Development Plans”
- Chapter 25 ROH “Shoreline Management”
- Chapter 29 ROH “Litter Control”
- Chapter 41 ROH “Maintenance of Channels, Streambeds, Streambanks, and Drainageways”

The Department of Public Works also administers volunteer programs such as the “Adopt a Stream” program, which organizes public clean-up of streams, and a volunteer water quality monitoring program for streams.

4. Coordination Strategies

(a) Land and Water Use Planning Program:

(i) Local Plans and Periodic Update Process: Hawaii’s State and county agencies have approximately 20 years experience in land use planning under State laws. The Hawaii State Plan provides the overall policy framework to guide future development in the State (Chapter 226, HRS). It is a comprehensive document consisting of three parts: Part I provides the general theme, goals, objectives and policies of the State; Part II establishes the statewide planning system and its coordination and implementation; and Part III contains the priority guidelines of statewide concern. The Plan coordinates the State’s planning process through functional plans, agencies and departments, boards, commissions, and county general and development plans.

The State Plan requires the development of State functional plans for specific areas. To date, there are 12 functional plans for the following areas: (1) agriculture; (2) conservation lands; (3) education; (4) energy; (5) health; (6) higher education; (7) historic preservation; (8) housing; (9) recreation; (10) tourism; (11) transportation; and (12) water resources. These functional plans implement State Plan objectives and provide the “link” between State policy and the various agency and departmental programs and activities. The plans identify major statewide priority concerns; define current strategies for each functional area; identify major relationships among these areas; provide the direction and strategies for agency and departmental policies, programs and priorities; provide a guide for allocating resources to carry out various State activities; and assist in coordinating State and county roles and responsibilities in implementing the State Plan.

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Implementation of both the State and functional plans is carried out by a number of governmental agencies through an elaborate management system. At the apex of this system is the Hawaii Land Use Law which places all land in the State into one of four districts - urban, rural, agricultural and conservation - and establishes a Land Use Commission (LUC), appointed by the governor, to review petitions for changes in district boundaries submitted by landowners or public agencies (Chapter 205, HRS).

Each of the State land use districts is characterized by different permissible uses. The rural district consists of those areas primarily in small farms mixed with low-density residential lots. The agricultural district includes lands with a high capacity for intensive cultivation. The conservation district includes lands in forest and water reserves, national or state parks, lands with a general slope of 20% or more, and marine waters and offshore islands. The urban district consists of those lands already in urban use with a reserve to accommodate foreseeable growth. Permissible uses in the urban district are defined primarily by the counties through their plans and zoning and subdivision ordinances and regulations, but are subject to conditions imposed by the LUC at the time the land is classified as Urban. As of 1994, about 4.6% of all State land is in the urban district (188,000 acres), 47.6% percent in agriculture (1,956,000 acres), 47.6% percent in conservation (1,959,000 acres), and less than 1% percent in rural (10,000 acres).

The four counties exercise the full panoply of planning, zoning, subdivision and other development controls. Coordination of the State Plan at the county level is through the county general and development plans. County general plans are authorized by county charters and provide a framework based on the unique needs of each county. They direct various activities and specify further the State Plan's objectives and policies. County development plans provide detailed guidelines to implement the objectives and policies of the general plans and direct development and population distribution consistent with those general plans. Ordinances, programs and activities at the county level must also be consistent with the State coastal zone management objectives and policies.

(ii) Federal Consistency Provisions of the Coastal Zone Management Act:

One of the hallmarks of the Coastal Zone Management Act is the requirement that federal actions in the coastal zone be consistent with the State's coastal zone management objectives and policies. As the State's CZM Program is updated to reflect new approaches or requirements for water quality management, it is expected that federal agencies will assure that their actions comply with the program. In this regard, the federal managers of the coastal nonpoint pollution control program - EPA and NOAA - can be instrumental in helping to keep federal agencies apprised of the development and requirements of the plan.

(b) Interagency Initiatives:

(i) Marine and Coastal Zone Management Advisory Group: Act 104, Session Laws of Hawaii 1995, provides for the establishment of a marine and coastal zone management advisory group. The advisory group, which is comprised of individuals from State and county agencies and the general public, and which utilizes the expertise and advise of several ex officio federal agency representatives, advises the CZM Program, and State and county agencies on planning and management policy issues related to coastal and ocean resources in Hawaii. The advisory group will deal with the broader resource planning and program issues including: reviewing CZM annual workplans; facilitating implementation of the Ocean Resources Management Plan; reviewing proposed State and federal coastal legislation; informal monitoring of State and county coastal management programs for potential problems; and anticipating and addressing critical, emerging issues and potential problems in coastal and marine resources management.

(ii) Executive Planning Council: Given the limited fiscal resources of the counties and State, there is a real need for greater coordination of planning and programming activities among State agencies and between State and county governments. The Office of State Planning (OSP) has initiated development of a planning system that promotes State and county partnerships, identifies State program priorities, and enhances efficiency and accountability in the delivery of services that will ensure better use of public resources. As part of this initiative, an Executive Planning Council, comprised of the Governor and mayors of the four counties, has been developed to work on State and county priorities and concerns and to resolve intergovernmental conflicts.

(c) Memoranda of Understanding (MOUs): There are instances where two or more agencies continually interact to develop or implement certain programs. Often these relationships do not call for the active participation of the governor, or agency boards or commissions in that policy issues have been resolved and policy direction given. What remains is the need for consistent application of that policy direction in ways understood by all parties. Interagency MOUs can be a good way to memorialize the process and to provide standards against which to measure the performance of the parties. The following are examples of instances where a MOU will be used to help accomplish the desired results from the coastal nonpoint pollution control program.

(i) DOH/NRCS/SWCDs MOUs: In 1988, DOH and NRCS entered into MOUs with each SWCD to establish a cooperative relationship for polluted runoff control, to promote soil and water conservation, and to improve water quality. These MOUs facilitated DOH's efforts to develop and successfully complete its nonpoint source pollution assessment and management plan.

(ii) DOH/SWCDs/County DPWs MOUs: In 1991, DOH, along the department of public works for each county entered into MOUs with the SWCDs of each island. A total of five MOUs were developed. These MOUs fostered a

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cooperative effort to conduct the Nonpoint Source Pollution Research Project. This project was designed to determine how well the land users comply with each county's grading ordinance and what additional resources, if any, were needed to implement the program.

(iii) DOH/SWCDs/NRCS MOUs: In 1991, another set of MOUs were developed with the same purpose of conducting a Nonpoint Source Pollution Research Project. DOH, along with NRCS, entered into MOUs with the SWCDs of each island. A total of five MOUs were developed. These MOUs fostered a cooperative effort to conduct the Nonpoint Source Pollution Research Project. This project was designed to determine how well the land users comply with each county's grading ordinance and what additional resources, if any, were needed to implement the program.

(iv) DOH/HACD/NRCS/EPA Region IX MOU: In 1994, a MOU was developed between DOH, HACD, NRCS, and EPA which further established a cooperative effort among the agencies to reduce polluted runoff and improve water quality (together with associated ecosystems), benefiting the environment, economy, lifestyle, and future.

(v) DOH/NRCS/HACD/ South Oahu SWCD/ West Oahu SWCD/ USGS/ USFWS/ U.S. Navy/ U.S. Army/ U.S. Air Force/ USACOE/ DLNR/ CTAHR/ University of Hawaii Water Resources Research Center (WRRC)/ DOT Highway Division/ City and County of Honolulu Department of Public Works/ City and County of Honolulu Board of Water Supply MOU: The purpose of this MOU is to define roles and responsibilities of each member organization of the Pearl Harbor Estuary Program Interagency Committee. The mission of this committee is to develop pollution runoff prevention projects, seek funding for these projects, and guide project implementation and evaluation. It was implemented in 1993.

(vi) West Oahu SWCD/ USDA-FSA/ USDA-NRCS/ CTAHR/ WRRC/ DOH/ DLNR/ DOA/ USGS/ U.S. Army/ USFWS/ Hawaii Sugar Planters Association MOU: The purpose of this MOU is to coordinate resources and personnel of the signatory agencies in carrying out the Coordinated Resource Management Plan for the Kaiaka-Waiialua Bay HUA project. It was implemented in 1992.

(d) Agency Permitting and Rule-making Processes:

(i) Administrative Procedures Act Requirements (Chapter 91, HRS): One of the opportunities for involvement in State agency activities is at the point of adoption of specific policies in the form of rules. At that time, the Administrative Procedures Act requires that notice of the activity be given in a standard form and place. In addition to the required notice, most agencies maintain and rely on specific mailing lists to notify interested parties and agencies of their undertaking. This not only provides other State agencies an opportunity to review and comment on the rules under consideration, but it also provides the same opportunity to all interested parties. Agency rules

must also be reviewed for compliance with the CZM objectives and policies as appropriate.

(ii) Specific Statutory Requirements: In addition to the coordination engendered by the Administrative Procedures Act in rule-making generally, there are natural resources decisions where the enabling State or federal law not only defines who the managing agency is, but also establishes a specific statutory process to guarantee that other agencies have the opportunity to be aware of and participate in the decision. Examples of such specific statutory processes are:

- DOH NPDES Permits and Section 401, CWA, Certification Process
- CZM Federal Consistency
- Environmental impact statement review

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