
CHAPTER 8: General Recommendations for Implementation

I. INTRODUCTION

The management measures in Chapters 2 through 7 address polluted runoff problems sectorally by land use categories and subcategories. These chapters also describe specific recommended implementation actions, generally on a sector-specific basis. Because the coastal nonpoint pollution control program will be implemented by a network of State and county agencies, it is also important to look at those general recommendations that cross all sectors. These are recommendations that will help define roles and responsibilities, streamline administrative processes, and provide opportunities to pool resources. The implementation of these recommendations will require close collaboration among State and county agencies and officials, the Legislature, the Judiciary, land users and owners, non-governmental organizations and interested citizens, and long-term public, political, and institutional support.

To varying degrees, the Office of State Planning (OSP) addresses these four mechanisms through its current policy initiatives. The Coastal Zone Management (CZM) Program may incorporate other components of these mechanisms into its policy initiatives. These mechanisms include: strengthening existing regulations; improving coordination and enforcement among State, federal, and county agencies; continuing to develop and implement best management practices (BMPs) to control or reduce polluted runoff; and supporting and facilitating community-based watershed management efforts. They are described in more detail below.

1. Strengthening Existing Regulations

Hawaii's coastal nonpoint pollution control program emphasizes a mix of regulatory and voluntary approaches to control polluted runoff, building on existing statutes, rules, regulations, ordinances, and programs. There is still a need, however, to review the State's regulatory programs to ensure that they are effective. This review will allow the State to update, clarify, and strengthen its polluted runoff control mechanisms. There are several areas in which nonpoint source pollution control regulations can be strengthened.

(a) Include nonpoint source pollution control mechanisms in State land leases: At a minimum, all lands owned by the State should be in compliance with the goals and objectives of the coastal nonpoint pollution control program. The Department of Land and Natural Resources (DLNR) and other appropriate State and county officials and/or legislators, and State leaseholders should work together to accomplish this goal. Within this process, the following measures should be considered:

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- State land leases should include minimum polluted runoff control performance standards and require development and implementation of management plans specifying management practices to be installed and maintained.
- Because the front-end, capital expenses of installing some BMPs (particularly for erosion control) can be significant, the length of some State land leases should be increased to allow enough time for the lessees to recover their costs of installing nonpoint source pollution control structures. Longer leases would ensure long-term stewardship of the land.
- The fee structure for leasing State lands should be re-examined. Through different fee levels, the State may be able to develop incentives for low impact uses and/or disincentives for high impact uses.

(b) Review regulatory and non-regulatory mechanisms and programs:

Chapters 2 through 7 identify a spectrum of regulatory and non-regulatory mechanisms which implement aspects of Hawaii's coastal nonpoint pollution control program. It is already apparent that some existing mechanisms will have to be amended and new regulatory and non-regulatory mechanisms and programs developed in order to fully address the management measures specified in this program management plan. There may be other mechanisms and programs, however, that under closer examination will reveal impediments, such as inadequate staffing and funding levels, to carrying out their intent relative to the coastal nonpoint pollution control program. A critical review and discussion of existing mechanisms will not only point out weaknesses, but also reveal duplications among existing mechanisms, the resolution of which may facilitate improved coordination among agencies.

Such an evaluation of regulatory and non-regulatory mechanisms and programs comprising the coastal nonpoint pollution control program network will be most successfully accomplished through a collaborative effort among State and county officials. The Executive Planning Council, consisting of the Governor and the four County mayors, may provide a forum in which to discuss issues relevant to the implementation of the coastal nonpoint pollution control program. The CZM Program's Marine And Coastal Zone Management Advisory Group may be another appropriate forum for these discussions.

2. Improving Coordination and Enforcement Among State, Federal, and County Agencies

Past assessments indicate that Hawaii's environmental and resource management agencies have sufficient legal authority, but often lack the financial and human resources necessary to implement and/or enforce their mandates (OSP 1991). Consequently, there is a need for the State to improve coordination among State agencies responsible for environmental management programs, including the coastal nonpoint pollution control program.

(a) Clearly define the roles and responsibilities of each agency: As discussed in Part II, the coastal nonpoint pollution control program will be implemented by a network of State, federal, and county agencies. Chapters 2 through 7 describe the lead and supporting agencies for each management measure, though some of the management measures have no one clear agency with the lead role. Individual agency roles and responsibilities for both program implementation and enforcement need to be clarified and agreed upon. It is critical that the CZM Program, as network coordinator, provide a forum through which agencies can discuss shared responsibilities, exchange information, resolve conflicts, and undertake collaborative efforts. This type of collaborative mechanism will also be useful in planning and implementing regional and watershed projects, and in seeking federal and private grants to fund specific program elements.

(b) Facilitate and formalize interagency agreements: A majority of the State, federal, and county agencies that will be implementing the coastal nonpoint pollution control program participated in its development through their involvement on the Section 6217 working group and focus groups discussed in Part V. And while these groups provided opportunities for agencies to coordinate their efforts at the staff level, there is a need to develop cooperative arrangements among agencies at the director level. The CZM Program should facilitate the development of necessary agreements and arrangements between agencies to implement the program. This includes building upon existing memoranda of agreement and understanding, if appropriate.

In the future, there may also be interest in formalizing collaborative arrangements with non-governmental organizations that are assisting in the implementation of the coastal nonpoint pollution control program.

(c) Create a coordinated agency review process for development plans: A coordinating agency should be designated to “shepherd” permit applications through the agency review and comment process. The intent of a coordinating agency is to (1) ensure that a variety of agencies have the opportunity to comment in their fields of technical expertise as part of a continuum of review, and (2) provide checks and balances to increase the chances of identifying and resolving potential problem issues early in the permit application process.

In addition, a consistent and standardized routing process for review of permit applications between the relevant federal, State, and county agencies should be developed to ensure adequate opportunity for review and comment by agencies knowledgeable in assessing specific types of impacts.

(d) Improve enforcement mechanisms: Enforcement of regulations is an important part of the coastal nonpoint pollution control program. County agencies indicate that lack of enforcement often undermines the effectiveness of their permitting processes and the use of conditional permits (OSP 1991). State, federal, and county officials, in a forum or collaborative process described above, should develop strategies to improve compliance monitoring. State and county agencies could monitor for compliance by tracking permits (*i.e.*, ensuring that appropriate management practice and mitigative measures are in place). The

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Department of Health (DOH) should also monitor or require land users to monitor water quality near project sites.

It is also recommended that the CZM program educate the State Judiciary about the coastal nonpoint pollution control program and about the value of levying appropriate penalties against individuals who violate nonpoint source pollution regulations.

3. Developing and Implementing Best Management Practices

The focus of Hawaii's coastal nonpoint pollution control program is on encouraging or requiring the use of BMPs to control polluted runoff from specific land and water use activities. The assumption is that if land and water users install and maintain appropriate BMPs, then polluted runoff will be minimized and water quality will improve. Many land and water users already implement BMPs. Often, these practices are even economical for land users. An objective of Hawaii's program is to develop readily-available BMP manuals and training programs for land and water users. These resources will help ensure that individuals do not pollute out of ignorance.

(a) Develop BMPs and BMP manuals specific to Hawaii's environment:

Because Hawaii's climate, geology, and ecosystems differ significantly from those of other states, the coastal nonpoint pollution control program should ensure the continued development of BMPs appropriate for Hawaii. Where possible, government officials, land and water users, local experts, and university extension agents and researchers should work together to develop BMPs for specific land use activities in Hawaii. While BMPs developed in other states can be used as models, they should be tested for their appropriateness in Hawaii and tailored to local conditions. BMP manuals for each land use categories should be developed that describe appropriate BMPs. Although the development of BMPs and BMP manuals should be a cooperative process, overall coordination of this process should be managed by DOH, which has significant technical expertise in nonpoint source pollution control.

Where possible, BMP manuals should not only include a catalog of practices, but also workbook and/or decision tree sections with sample calculations, multiple objective decision-making criteria, etc. Documents combining manual and workbook would provide not only the information of what practices to use, but also information on how to choose appropriate practices for local conditions and how to implement a set of practices to accomplish specified goals.

(b) Determine the costs of implementing BMPs: The focus groups concluded that if BMPs are not cost-effective for land or water users, then their application will be limited. Nevertheless, the focus groups also concluded that, in many cases, BMPs reduce long-term operation costs. Thus, an important component in the process of developing Hawaii-specific BMPs is to determine the costs of their installation and the value of the long-term benefits derived. This information should be included in the BMP manuals.

(c) Develop a process to determine effectiveness of BMPs: A process for evaluating the effectiveness of BMPs should be developed and undertaken by appropriate agency and university personnel and knowledgeable land and water users. Both the effectiveness of BMPs in controlling polluted runoff and their cost-effectiveness should be evaluated. This information may then be used to revise BMPs.

4. Encouraging and Facilitating Community-Based Watershed Management

Because many of the components of Hawaii's coastal nonpoint pollution control program go beyond the scope and resources of government agencies, communities in individual watersheds will play important roles in helping to implement the program. One of the program's objectives should be to build a sense of community and stewardship among individuals within watersheds. Community-based watershed management projects provide opportunities for resource managers to comprehensively address nonpoint source pollution problems within watersheds and involve communities in being part of the solution. Watershed planning and management approaches can involve agencies and law-makers from different levels of government, as well as land owners, land users, non-governmental organizations, and interested citizens. Citizens can work cooperatively with government to prioritize and address pollution problems within their communities.

Several different types of community-based watershed management efforts are already being undertaken in Hawaii. For more information on local watershed management projects, see Appendix C. In implementing the coastal nonpoint pollution control program, DOH and the CZM Program should: (1) identify the roles of communities in watershed management; (2) identify ways to duplicate the successful components of current and past projects in other watersheds; and (3) encourage the development of other community-based watershed management projects that will help protect coastal water quality.

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