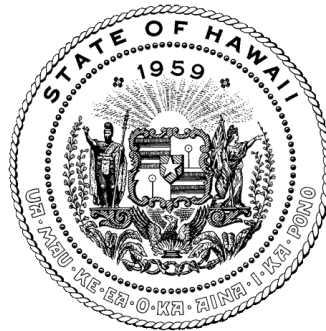


FISCAL YEAR 2009 - 2010
HAWAII COASTAL ZONE MANAGEMENT PROGRAM
REPORT TO THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2011



Prepared by
OFFICE OF PLANNING
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
STATE OF HAWAII

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

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**ANNUAL REPORT TO THE TWENTY-FIFTH LEGISLATURE
HAWAII COASTAL ZONE MANAGEMENT PROGRAM
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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, 2009 to June 30, 2010. 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 reporting period, OP conditionally approved ten SMA minor and two SMA permits. An SMA permit was approved for repairs and improvement in Kakaako Waterfront Park. The other SMA permit was for proposed parking and gravel-capping at the Kakaako Makai area. Requests for a contested case hearing for the proposed parking area have been denied due to lack of constitutional interest. OP determined that the petitioners did not have a constitutional interest for which a hearing is required.

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 CZM staff member has been designated as the statewide SMA program coordinator. The coordinator is dedicated to overseeing 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. In December 2009, the Hawaii CZM program conducted a joint training session for the Hawaii Leeward and Windward Planning Commissions. The Hawaii CZM Program continues to work with the county planning departments to ensure that SMA permit conditions relating to county general plan and zoning also have clear nexus to the CZM objectives and policies.

During this reporting period, a meeting was held with County Planning Directors. The meeting agenda included discussions on major and minor SMA permit applications and exemption determinations, monitoring and enforcement implementation, and rule provisions for contested case hearings.

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. As a result of collective efforts between the CZM network agencies and local communities, House Bill HB1808 became a law (Session Laws of Hawaii 2010, Act 160) on June 2, 2010. This new law requires the Department of Land and Natural Resources to maintain beach transit corridors by prohibiting landowners' human-induced vegetation that interferes with public access, and authorizes the department to issue notice to landowners, and take any action authorized under Section 183C-7, HRS, as necessary.

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 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 and uses. Public notices for all federal consistency reviews are published in the Office of Environmental Quality Control publication *The Environmental Notice*.

The following are noteworthy examples of federal consistency activities:

1. Navy De Minimis Activities List

In a cooperative effort with the CZM Program, the Navy updated and expanded its list of de minimis activities that can be excluded from federal consistency review because the activities, with corresponding mitigation measures, are expected to have negligible coastal effects. Existing categories were amended to broaden eligible activities, new categories were added, and the coverage areas were expanded to include Marine Corps Base Hawaii at Kaneohe Bay and Camp Smith. The Navy's de minimis list significantly streamlines the federal consistency process for both the Navy and the Hawaii CZM Program.

2. Heeia Watershed Restoration Workshop, Kaneohe, Oahu

Kakoo Oiwi, a non-profit organization, is proposing to restore the 420 acre Heeia Wetland, located in Kaneohe, Oahu, into productive organic taro fields for research, education, biological resiliency and cultural purposes. The Hawaii CZM Program participated in the Heeia Watershed Restoration Workshop, hosted by The Nature Conservancy and Kakoo Oiwi, to inform the project stakeholders about the regulatory requirements and procedures that would apply to the project. CZM staff gave a presentation on the federal consistency process and requirements. In addition to the CZM Program, various State and federal agencies made presentations on their regulatory programs.

3. Pacific Missile Range Facility (PMRF) Intercept Test Support Facility, Kauai

The Navy proposed to update the capabilities of PMRF to support future tests of missile intercept technologies. The proposal includes the construction and modification of PMRF facilities to test new land-based interceptor systems, such as the Aegis Ashore Missile Defense program, and the enhancement of current intercept test capabilities at PMRF. Additional land-launched systems would be placed at PMRF, including the installation of missile launchers, radars, and support facilities.

4. **Kaula Island Seabird Monitoring Plan, County of Kauai**
The Navy submitted the Kaula Island Seabird Monitoring Plan in fulfillment of conditions set by previous federal consistency reviews for the Navy's use of Kaula Islet as a target for training exercises. The monitoring plan was required by the Hawaii CZM Program to assess the impact of firearms and bombing exercises.
5. **Federal Highway Administration (FHWA) Exemptions**
The Hawaii CZM Program established federal consistency review exemptions for FHWA funded activities, which were previously approved by the federal Office of Ocean and Coastal Resource Management in 2004. The exemptions are based on broad categories of activities. Therefore, to streamline the review process for this source of federal funds, we issued a clarification letter to the FHWA identifying specific types of activities that are exempt from federal consistency review requirements.
6. **Federal Consistency Workshop, Honolulu**
CZM staff assisted with the federal Office of Ocean and Coastal Resource Management Federal Consistency Workshop in Honolulu on March 16, 2010. The workshop was attended by representatives of State and federal agencies.
7. **Pre-Application Consultations**
Efforts to encourage and increase pre-application consultations for federal consistency reviews are ongoing. Pre-application consultations help to identify potential concerns and informational requirements early in the process. This allows time for proposals to be modified, if necessary, to ensure consistency with CZM enforceable policies. Both the applicant and the CZM program benefit from early consultation because reviews encounter fewer problems, are more predictable, and are often completed faster. During the report period 88 consultations were conducted.
8. **Resource and Regulatory Agency Coordination**
The Hawaii CZM Program continued to coordinate and meet with resource and regulatory agencies at the federal, state and county level of governments on federal consistency reviews. Agency coordination is a regular and important part of our federal consistency program. For example, the CZM Program is a participating member on the U.S. Army Corps of Engineers Interagency Review Team for the Corps' In-Lieu Fee Program and U.S. Navy Integrated Natural Resources Management Plans working group.

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 Hawaii CZM Program website (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 the Hawaii CZM Program initiatives and projects.

Sponsorship and Participation: The Hawaii CZM Program funds 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).

The Hawaii CZM Program funded the printing of *My Hawaii Story Project 2010*, 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.

The Hawaii CZM Program also funded the re-printing of the "Homeowner's Handbook to Prepare for Natural Hazards", a publication by the University of Hawaii Sea Grant College Program, in preparation for the start of this year's hurricane season. There has been steady and strong interest in the book since the first printing in 2007, and the interest continues today, partly driven by the recent natural hazards locally, and in the United States and worldwide. For example, the recent near misses in Hawaii, such as Hurricane Felicia, which hit the Hawaiian Islands as a Tropical Depression in 2009, and the tsunami warning on February 28th, 2010, have raised interest in being prepared. The book has had 3 print runs with over 30,000 copies distributed. In addition, WalMart has printed their own copies and is selling at their costs. A version of this book is now being developed for Mississippi, Alabama and Florida.

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
- NOAA's West Coast Program Managers' Meeting
- The Nature Conservancy

- 2009 Hawaii Conservation Conference
- Graduate courses at University of Hawaii

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 Hawaii CZM 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 charged with the following functions: evaluating the CZM Program, including activity of the network agencies, and making recommendations for improvements; advocating for the Hawaii CZM 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 hold meetings quarterly, while its investigative working groups 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 August 7, 2009 (Honolulu, Oahu), September 25, 2009 (Waikiki, Honolulu, Oahu), December 3, 2009 (Lanai City, Lanai), February 24, 2010 (Honolulu, Oahu), and April 26, 2010 (Honolulu, 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. Members of the general public along with employees of nongovernment (NGO) and government agencies regularly attend MACZAC's meetings, and are provided the opportunity for public comment. MACZAC's meeting agendas and meeting minutes are posted on the MACZAC page of the CZM Program's website (<http://hawaii.gov/dbedt/czm/maczac/maczac.php>), as well as widely distributed in electronic and hardcopy form.

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 Working Group; Advocacy Working Group; Community Input Working Group; ORMP Implementation Working Group; and Budget Working Group. The CZM Evaluation Working Group generated a report entitled "Report on the 2009 Interviews and Evaluation Findings," which was distributed to interviewees and posted on the MACZAC page of the CZM Program's website. The Advocacy Working Group created MACZAC brochures to widely distribute as well as poster boards to display at conferences and community meetings. The Community Input Working Group printed business cards for each member so that their respective constituents would have local contact information for MACZAC, and also reserved the domain name www.maczac.org for future development of an interactive MACZAC website. The Budget Working Group developed a budget proposal to OP regarding development of multimedia outreach materials (including its website) on MACZAC, the CZM Program and the ORMP, although this proposal was ultimately unsuccessful. The ORMP Implementation Working Group members have been widely distributing copies of the ORMP statewide as well as giving presentations and writing articles about the ORMP, while MACZAC as a whole funded the production of laminated ORMP posters, assisted the CZM Program in its distribution of a DVD about using the ORMP as a foundation for adapting to climate change in Hawaii, and via letters and testimony promoted the incorporation of ORMP principles into plans created by the national Ocean Policy Task Force, the Hawaii DLNR Natural Area Reserves System (NARS), and the Kalaupapa National Historic Park.

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 and attends its semi-annual meetings, while MACZAC's Vice-Chair serves on the ORMP Working Group and attends its monthly meetings. MACZAC will continue to participate in the ORMP update process that is scheduled to take place during 2011.

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 2010, 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

During this reporting period, the Program coordinated the collection, analysis and submittal of the data for meeting the requirements of NOAA/OCRM performance measures reporting for FY09-10 with boilerplate Excel spreadsheets. The 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.

ORMP Policy and Working Groups

Charged with coordinating meaningful interagency and multi-sectoral engagement for plan implementation, the Hawaii CZM Program established an ORMP Policy Group and an ORMP Working Group in the summer of 2007. The Policy Group consists of the Directors of State and County resource management agencies, the University of Hawaii, federal partners, and the Marine and Coastal Zone Advocacy Council. The Working Group consists of managers and staff of the same offices that are tasked with coordinating their respective agency's implementation efforts. These groups have been meeting consistently since they originated in 2007, and have continuously reached out to new partners and grown stronger as it becomes more evident that collaborative governance is essential for effective natural and cultural resource management. The full list of agencies and groups represented and participating in the ORMP to date are:

Federal Partners include NOAA Office of National Marine Sanctuaries, Pacific Islands Region (ONMS); NOAA Office of Ocean & Coastal Resource Management (OCRM); NOAA Pacific Services Center (PSC); United States Army Corps of Engineers (USACE); United States Coast Guard (USCG); and United States Environmental Protection Agency (EPA).

State Partners include State of Hawai'i Departments of Agriculture (DOA), Civil Defense (SCD), Health (DOH), Land & Natural Resources (DLNR), Transportation (DOT), and Office of Hawaiian Affairs (OHA).

University Partners include University of Hawai'i, School of Ocean & Earth Science & Technology (SOEST); University of Hawai'i, Sea Grant College Program (UH Sea Grant); University of Hawai'i, Center for Island Climate Adaptation & Policy (ICAP); and Pacific Islands Ocean Observing System (PacIOOS).

County Partners include County of Hawai'i, Planning Department; County of Kaua'i, Department of Planning; County of Maui, Department of Planning; and Honolulu Board of Water Supply (BWS).

Community Partners include the Marine & Coastal Zone Advocacy Council (MACZAC).

In our collective efforts to improve the conservation and management of our ocean and coastal resources, it became evident that streamlining our efforts, resources, and time would be crucial for success. At the February 3rd, 2010 ORMP Policy Group meeting, both Policy and Working Group members requested that the Policy Group meet more frequently and increase engagement with the Working Group. As a result, CZM

developed a two-day strategic planning meeting for the Policy Group and the Working Group. The result was the Joint ORMP Policy & Working Group Strategic Planning Meeting, to be held at the Waikiki Beach Marriott on July 8-9, 2010. The purpose of the joint meeting was to reinvigorate the ORMP Policy & Working Groups and refocus members on collaborative governance and stewardship. Alignment of our strengths and goals for the ORMP was essential, especially as we began preparing for the upcoming transition in the State administration, and therefore, turnover in about half of the Policy Group members.

The ORMP Working Group continues to focus its efforts within four caucuses: climate change/coastal hazards; watersheds; outreach; and policy/legislation. The following describes the efforts of each caucus during this reporting period:

Climate Change/Coastal Hazards

The Hawaii CZM Program understands that climate change has serious implications for the ORMP's efficacy and the success of the initiatives responding to its management goals and strategic actions. During this reporting period, the ORMP Working Group's Climate Change Caucus coordinated with the rest of the ORMP Working Group and with assistance from the University of Hawaii, Center for Island Climate Adaptation (ICAP), to finalize the document, *A Framework for Climate Change Adaptation in Hawaii*. The framework provides meaningful context for a number of key areas that climate change will continue to affect, such as shoreline erosion, coastal development, coastal hazards, and the preservation of our natural and cultural resources. It lays out a proposed step-by-step process by which the State can begin to develop plans and make informed decisions on climate change adaptation.

The Working Group presented the framework to the ORMP Policy Group in February of 2010 for official endorsement. The Climate Change Caucus will continue to move forward by working with ICAP, UH Sea Grant, and other partners to implement the different steps in the framework. The framework is downloadable from the Hawaii CZM Program website at: http://hawaii.gov/dbedt/czm/ormp/reports/climate_change_adaptation_framework_final.pdf.

Watersheds

The Watershed Caucus was created due to several watershed activities included as ORMP implementation priorities. The caucus was a starting point for coordinating watershed activities and was to be used as a sounding board for projects in CZM, DOH, the Honolulu Board of Water Supply, counties, and other partners. During this reporting period, CZM and DOH collaborated on efforts that will result in a watershed guidance document to assist with the development and implementation of watershed plans. The State is interested in making sure that the elements of this guidance are useful to groups, agencies and individuals who are or will be developing and implementing watershed plans. Near-term activities for the Watershed Caucus moving

forward include providing feedback on the elements of the State's watershed guidance with longer-term activities.

ORMP Outreach

During this reporting period, the Hawaii CZM Program staff worked with the ORMP Working Group outreach caucus to develop a graphical spread to accompany the "Man, Land, and Sea" article in the Sunday, September 27, 2009, issue of the Honolulu Advertiser. The same text ran concurrently in the Honolulu Star Bulletin. The outreach spread was very well-received. The GIS program put the spread into a PDF format that can be used repeatedly for outreach efforts. This ORMP mini outreach poster is now another visually appealing and succinct tool to assist CZM, ORMP working group members, and MACZAC members in their outreach efforts. The ORMP outreach poster is available for download at: http://hawaii.gov/dbedt/czm/ormp/outreach/ormp_poster_white_background_hi.pdf.

Promoting Collaboration and Stewardship

ORMP Implementation Projects

One of the primary objectives of the Hawaii CZM Program is to coordinate the implementation of the ORMP by promoting collaborative governance and stewardship. One of the ways CZM accomplishes this is by allocating discretionary funds toward coordinated implementation activities to support the ORMP. During FY09-10, CZM funded a partnership between the Hawaii Community Development Authority's (HDCA) and a community-based non-profit, Kako'o 'Oiwī, to implement a project in the He'eia wetlands on the windward coast of O'ahu. In order to restore the He'eia wetlands and reduce non-point source pollution at the shoreline, the partners are incorporating a traditional Hawaiian ahupua'a concept to land management. The planning and training phase of the project, for which Hawaii CZM Program funds were requested and awarded, is a model implementation project for the ORMP and is being implemented in FY09-11.

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.

This fiscal year, the Hawaii CZM Program co-sponsored a hands-on, capacity-building and networking workshop on Maui during this reporting period. The Hawaii CZM Program collaborated with the Hawaii Community Stewardship Network (formerly the Community Conservation Network), the Office of Hawaiian Affairs, the Harold K. L. Foundation, and the Hawaii Department of Land and Natural Resources to provide a capacity-building workshop focusing on ahupua'a management and youth engagement. CZM staff also produced an Ecosystem-Based Management Resources Guide for workshop participants. This guide is also available on the Hawaii CZM Program website. More than 80 participants, almost 30 of them youth, represented 22 communities from across the Main Hawaiian Islands.

In order to assure that community-based efforts and issues were included in the 2009 Hawaii Congress of Planning Officials (HCPO) / Hawaii Geographic Information Coordinating Council (HIGICC) Conference, funds were used to support a breakout session titled, "The Importance of Place: Exploring the Opportunities in Local Efforts and Communities for Building Resilient Communities." With Carlos Andrade (Kamakakuokalani Center for Hawaiian Studies) moderating, Eric Enos (Ka'ala Farm, Inc.), Cindi Punihaole and Gregory Smitman (The Kohala Center), Kanekoa Kukea-Shultz (*Mahuahua 'Ai o Hoi, He'eia*), presented their efforts and experiences related to engaging the community, the youth, and *na kupuna*; developing food sovereignty; and learning and implementing the framework of *ahupua'a*. As they shared their stories on various efforts to foster resiliency and promote community values and goals, each panelist explained the philosophies employed; strategies implemented; challenges encountered; lessons learned; and successes enjoyed.

CZM staff also developed and coordinated a mobile workshop for the HCPO. The mobile workshop, titled, "A Behind-the-Scenes Look at Coconut Island and He'eia Fishpond: Contributions to Resource Management from Science to the Field." This workshop examined how science and field experience informs institutional and community efforts for ecosystem management through discussion during the tours of these two educational locations on the windward side of O'ahu.

Hawaii Community Stewardship Directory

During this reporting period, the *Hawaii Community Stewardship Directory* was updated for 2010. The Directory now lists 114 participating community-based organizations, which is more than double the number that participated during the first year (2008). The Directory is available for download on the Hawaii CZM Program website at: http://hawaii.gov/dbedt/czm/initiative/community_based/May2010_HawaiiCommunityStewardshipDirectory.pdf.

Feedback on the Directory continues to be extremely positive and grateful. Local organizations use the directory to network with similar organizations, learn what other groups are doing on the same island, lessons learned, successes achieved, how they

overcame certain challenges, and who could use volunteer or *pro bono* help. In addition, the Program is using the Directory as a means to identify recipients of various products, email notifications, and other relevant materials.

D. Coastal Nonpoint Pollution Control Program (CNPCP)

Section 6217 of Coastal Zone Act Reauthorization Amendments (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 primarily focuses on pollution prevention, minimizing the creation of polluted runoff rather than cleaning up already contaminated water – a very difficult and expensive process.

CNPCPs establish a set of management measures to use as a means to reduce the polluted runoff that reaches our surface, ground and marine waters. Management measures are the best available, economically achievable practices or combinations of practices that can be used to address nonpoint source pollution. The management measures are designed to control runoff from six main sources: forestry, agriculture, urban areas, marinas, hydromodification (shoreline and stream channel modification), and wetlands and vegetated shorelines, or riparian areas. These measures are backed by enforceable state policies and actions that will ensure implementation of the program. Hawaii has 12 remaining management measures and two administrative requirements pending Federal approval. The CZM Program continues to work with DOH to address the outstanding issues and gain full federal approval of the CNPCP. The central point of CNPCP activities for the year 2010 was to develop a Watershed Planning Guidance (Guidance) document. This required engaging local and national partners in the development of the Guidance to insure it met the needs of all parties.

The Guidance promotes the application of management measures from the broader concept of watershed planning. It was created to help local community organizations understand and prepare watershed plans in compliance with EPA guidelines for funding through Section 319 of the Federal Clean Water Act and also serve as a means to reintroduce several unapproved management measures.

Over the course of the year, the consultant Tetra Tech EM, Inc. submitted several drafts of the document for review by EPA, NOAA, DOH and CZM. The consultant also pre-tested the Guidance by circulating and receiving feedback from several NGO's. The ultimate goal of the Guidance is to present a user friendly, step by step guide to ensure that as watershed plans are developed and updated in Hawaii, appropriate CNPCP management measures will be considered to achieve water quality improvements. The

Guidance is scheduled for completion and submittal to NOAA and EPA in November 2010.

An Outreach Strategy (OS) was also prepared and submitted concurrently with the Guidance. The OS is a marketing plan which outlines how the State will inform target audiences of the release of the Guidance. The target audience consists of a number of government and quasi-governmental organizations where existing relationships must be utilized for cost-effective and successful implementation. Multiple agency support and coordination is required for the various types of projects that occur simultaneously in watershed planning.

The CNPCP continued supporting efforts of the Maui County Department of Public Works. Maui has been developing stormwater ordinances which would bring the county in line with the requirements for CZARA 6217 New Development. The Subdivision Engineering Standards Committee (SESC) reviews and makes recommendations to the County Council on the proposed subdivision and building ordinances. The SESC has recommended approval of the proposed ordinances with only minor revisions. The stormwater ordinances are now scheduled for consideration by Council and then for public hearings and final adoption of rules.

The CNPCP also supports several activities related to nonpoint source pollution and other environmental issues by providing comments on a variety of projects and environmental studies and by attending conferences, meetings, and training workshops. Staff participated in the following events: Local Action Strategy - Land Based Pollution (LAS-LBP) meetings, Hawaii Conservation Conference, Ala Wai Watershed Stakeholder meetings, meetings, and Storm Water Regulations Seminar.

During the solicitations for Ocean Resources Management Plan (ORMP) implementation projects, two ORMP projects were selected that also implement federally-approved management measures of the Hawaii Coastal Nonpoint Pollution Control Program (CNPCP). A contract has been drafted for both of the projects, and implementation will begin during the next fiscal year.

The first of these projects is titled, *Building Community Capacity through Education and Outreach to Address Land-Based Pollution in Maunalua Bay*. This project is a partnership between the University of Hawaii Sea Grant College Program and Malama Maunalua and implements the *Urban Pollution Prevention Management Measure* by collaborating with the National NEMO Network and local partners to design and conduct at least one workshop on low impact development and tools the community can use to reduce nonpoint source pollution. The partners will also build off the workshop(s) by developing outreach materials for the community. The proposal illustrates a strong link to ORMP as well as the CNPCP. Community outreach and education is an essential element to the CNPCP program and CZM's broader efforts. The elements of this

project are greatly needed throughout the islands, lending itself as an example for other community stewardship groups.

The other project, *Wetlands Habitat Restoration Plan for Honu'apo Estuary*, is a project is a partnership between the County of Hawai'i and the community group Ka 'Ohana O Honu'apo. The partners are developing an integrated habitat restoration plan for Honu'apo estuary, a significant natural and cultural feature of the county's Honu'apo Park. CZM funding will be used to help support planning, baseline surveys, topographic/bathymetric mapping, and GIS mapping of important wetland features and planned restoration activities. This project is part of a broader resource management plan for the park and implements the *CNPCP Management Measure for Restoration of Wetland and Riparian Areas in WETLANDS*. A BMP the partners are using is to "plan restoration as part of a naturally occurring aquatic ecosystem."

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:

State Building Code adopted with Hawaii Wind Design Standards. The State Building Code was adopted by the State of Hawaii as administrative rules, and became effective as of April 16, 2010 (Hawaii Administrative Rules, Title 3, Subtitle 14, Chapter 180 State Building Code). Appendix W of the Code consists of the Hawaii wind design standards developed through Section 306 and 309 funds and FEMA hazard mitigation grant funds and cover all counties in the State of Hawaii. One year after adoption, all state buildings will be constructed in accordance with the Code. The four counties will follow the Code, no later than two years after adoption of the State Building Code, unless a county acts to specifically amend the code. The adoption of the State Building Code with Hawaii wind design standards is a key program change under the current Section 309 Coastal Hazards Strategy.

International Building Code Training. During this period CZM staff was appointed as co-chair of the State Building Code Council's new investigative subcommittee on building code training. The goal for this year was to hold relevant building code training in each of the four counties. This would ensure meaningful training of personnel in the governmental management agencies that have oversight responsibility for proper implementation of the new building codes.

In November 2009, training in the International Building Code and International Residential Code was held in the County of Hawaii. In December 2009, International Building Code nonstructural and significant changes were studied in the City and County of Honolulu. The events were co-sponsored with the County of Hawaii, the City and County of Honolulu, and the State Department of Accounting and General Services. Trainees included state and county building inspectors, plan reviewers, commercial plan reviewers, building permit clerks, architects, engineers, building chiefs, project managers, architectural drafting technicians, and park planners. In April 2010, training in the performance of commercial building inspections was held in the County of Hawaii. In June 2010, training on the transition from the 1997 Uniform Building Code to the 2006 International Building Code and International Residential Code took place in the County of Maui and training on the 2006 International Energy Conservation Code (IECC) took place in the County of Kauai. The 2006 IECC was adopted as part of the State Building Code and as an ordinance in the County of Kauai in May 2010. These training events were co-sponsored with the counties of Hawaii, Maui, and Kauai, as well as the Contractor's Association of Kauai. Trainees included state and county building inspectors, plan reviewers, commercial plan reviewers, building permit clerks, architects, engineers, building chiefs, project managers, architectural drafting technicians, and park planners. Course workbooks and code books and commentaries were also provided to state and county agencies.

In addition to the targeted county-by-county training, we co-sponsored the Hawaii Association of County Building Officials (HACBO) Conference, which was held on April 28-30, 2010 in Makena, Maui. HACBO is the association of building officials of each of the four counties that comprise the State of Hawaii. The HACBO Conference was attended by all four counties and featured 12 training sessions on various 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.

Design Guide to Hawaii Wind Design Standards. Work began on the *Design Guide to the State of Hawaii Wind Engineering Provisions* during this fiscal year. This Guide will instruct and provide direction to users of the Hawaii-specific wind engineering standards found in Appendix W of the State Building Code. This work complements our Section 309 Coastal Hazards Strategy. The *Design Guide* will include explanation of

the technical bases of the standards and numerical, structural, and glazing protection examples. Hawaii hurricane sheltering provisions for new construction for community storm shelters and residential safe rooms also will be included with explanations and examples. Inclusion of the sheltering provisions will result in a complete package of Hawaii's customized wind standards.

F. Special Projects

Coastal and Estuarine Land Conservation Program (CELCP): CELCP has assisted the Hawaii CZM Program in protecting and preserving coastal scenic and open space resources and valuable coastal ecosystems. The Hawaii CZM Program supplemented the funds provided by NOAA for the development of a state CELCP plan. The plan provides an assessment of priority land conservation needs and clear guidance for nominating and selecting land conservation projects within the State. The CELCP Advisory Group, which consisted of several coastal land trust and conservation organizations and the public, provided support in developing this plan. They also assisted in addressing the recent Section 312 evaluation program suggestion to access options to acquire and maintain significant shoreline areas.

The NOAA Ocean and Coastal Resource Management office reviewed and provided suggested changes for the final draft plan. Based on work with the CELCP Advisory Group, the plan established a set of evaluation criteria and methodology for prioritizing between land acquisition proposals that incorporates federal program guidelines and Hawaii-derived values.

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 2009, 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. That is an accomplishment for which the CZM Program and its local partners can be especially proud.

This year the Hawaii CZM program was invited to submit a final application for the Lapakahi Marine Life Conservation District Extension by NOAA. The Department of Land and Natural Resources, assisted by the Hawaii CZM program and the Trust For Public Lands, filed the final application. We are thrilled to relay that the application and supporting information has been accepted and fully approved by NOAA for the

CELCP grant. The project will be ready for closing soon. This is a major accomplishment.

Also, during this year, a grant proposal was developed for submittal by the Trust For Public Lands and the State Department of Hawaiian Home Lands (DHHL) for the Paukukalo Wetland project. Acquisition of the property by DHHL will protect the property as a great community asset for the island of Maui and the State. The Paukukalo coastal wetland property is one of the few remaining undeveloped shoreline parcels of this once famous and vast network of loi and fishponds; its sand dunes, beaches, and fringing coral reef are crucial habitats for many endemic aquatic species that are Aquatic Wildlife Species of Greatest Conservation Need, as determined by DLNR. These include oopu and aholehole (native fish) and hihiwai and hapawai (native snails) that spawn in Paukukalo estuary areas, kumu (whitesaddle goatfish), wawaeiole (a federally listed endangered edible seaweed), and at least three kinds of rare coral. An endangered Hawaiian monk seal has been observed resting on Paukukalo's beaches, which have provided nesting grounds for threatened green sea turtles. Restoration efforts of the wetlands and springs could provide critical habitat for endangered and threatened native shorebirds. The project was accepted and ranked for funding.

Climate Change Initiatives: In addition to the collaborative effort under the ORMP to develop *A Framework for Climate Change Adaptation in Hawaii* mentioned above, Hawaii CZM Program staff also collaborated with NOAA Pacific Services Center to develop and host a full-day workshop, titled *Coastal Community Resilience for Climate Change*. The workshop was an interactive learning experience that introduced the topics of community resiliency, understanding the climate impacts and risks in Hawaii, the fundamentals of planning for climate change adaptation, and the opportunities abound. The 30 participants representing local community groups, state and federal agencies, private consultants, and various non profits, reported that the workshop was extremely useful and valuable for them as they begin to incorporate adaptation to climate change into their work. At the debriefing after the workshop, an informal climate hui was established. Since then, the climate hui has gathered roughly on a quarterly basis to talk story about any climate change projects they are working on or know about. These informal sessions are an effective way to stay connected and identify opportunities for collaboration on climate change efforts.

The Hawaii CZM Program staff also helped vet several of the climate change adaptation training modules that the NOAA Pacific Services Center (PSC) began developing after the success of the one-day workshop described above. The Hawaii CZM staff also delivered a presentation at one of the dry-runs on the state's efforts to mitigate and adapt to climate change. The ten (10) training modules being developed are interactive learning experiences that start with climate adaptation concepts, elements, and science and move into climate governance, collaboration, and

communication before delving into risk assessments, planning, and implementation and monitoring. These modules are going to be available for NOAA PSC partners to implement with their stakeholders.

At the 2009 Hawaii Conservation Conference, the Hawaii CZM Program Manager delivered a presentation entitled, "Utilizing Coastal Zone Management and the Hawaii Ocean Resources Management Plan as a Foundation for Adapting to Climate Change in the Islands." Mr. Doug Tom contended that before we identify and address the impacts of climate change in Hawaii, it is essential to ground efforts in a shared concept that is useful for all manners of research, planning and implementation. The Hawaii CZM Program provides a context that is designed to be broad enough to encompass the issues faced in natural and cultural resources management and conservation while simultaneously addressing the needs for economic development. The presentation focused on the importance of a comprehensive vision for the state and concludes with an overview of the ongoing and planned efforts of the ORMP policy and working groups to develop and implement an operational planning framework to foster adaptation to climate change impacts in Hawaii.

MACZAC requested the presentation be put on to CDs in order to share with community members throughout the state. They felt that it is essential for a broader range of stakeholders to hear the educational and moving message provided in the presentation. The CZM Program has uploaded the presentation to the CZM website (http://hawaii.gov/dbedt/czm/initiative/adapting_to_climate_change_in_hawaii_vid_eo.php) and used funds to duplicate 1,000 copies of the CD with an attractive mailer. CZM staff assisted MACZAC to create a cover letter to accompany the CDs in the mail, and during this reporting period, the first batch was mailed out to stakeholders. This list included elected officials sitting on relating committees, groups listed in the 2010 Hawaii Community Stewardship Directory, county Planning Departments, and various other stakeholders that MACZAC believes will be interested in the topic. Additional CDs will be mailed during the next reporting period to teachers of related subjects.

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, Act 160 (HB1808 HD3 SD1 CD1/SB1144) relating to coastal areas was enacted. This measure requires the Department of Land and Natural Resources to maintain beach transit corridors by prohibiting landowners' human-induced vegetation that interferes with access within the corridor. It establishes access within the corridors as a policy of the Coastal Zone Management Program. The purpose of this Act is to reaffirm a longstanding public policy of extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible by ensuring the public's lateral access along the shoreline, by requiring the removal of the landowner's induced or cultivated vegetation that interferes or encroaches seaward of the shoreline.

VII. ACRONYMS

CBRM	Community-Based Resource Management
CDD	Community Development District
CELCP	Coastal and Estuarine Land Conservation Program
CNPCP	Coastal Nonpoint Pollution Control Program
CZARA	Coastal Zone Act Reauthorization Amendments (CZARA)
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act
DOH	Department of Health
HAR	Hawaii Administrative Rules
HCDA	Hawaii Community Development Authority
HRS	Hawaii Revised Statutes
ICAP	Center for Island Climate Adaptation
GIS	Geographic Information System
MACZAC	Marine and Coastal Zone Advocacy Council
NGO	Non-governmental Organizations
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