

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

April 17, 2009

9:45 a.m. - 3:00 p.m.

Hawaii Office of Planning, Conference Room

235 South Beretania Street, 6th Floor

Honolulu, Hawaii 96813

MINUTES

ATTENDANCE

- Members Present: Donna Brown, James Coon, Michael Gleason, Makaala Kaaumoana, Robin Kaye, Walter Ritte, Susan Sakai, Kanoa Withington, Donna Wong
- Members Absent: Henry Lau, Rhoda Libre, Jessica Stabile (MACZAC staff)
- OP/CZM Staff Present: Susan Feeney, Melissa Iwamoto, Mary Lou Kobayashi, Shichao Li, Abbey Seth Mayer, Marnie Meyer, Ann Ogata-Deal, Dawn Omoto, Kenneth Roberts
- Others Present: Dana Okano (County of Hawaii Planning), Elizabeth Reilly (Livable Hawaii Kai Hui), Steve Russo (HDOA), Gary Weller (Livable Hawaii Kai Hui)

DISTRIBUTED MATERIAL

- Meeting Agenda for April 17, 2009
- Minutes from February 6, 2009 Meeting (draft)
- Hawaii CZM Report for April 16, 2009
- RCUH Agreement for MACZAC Administrative Services: Budget Update
- Letter - Notice of Routine Program Changes to Hawaii's Coastal Zone Management Program
- Suggested Work Plan: MACZAC and the Evaluation Working Group
- *Maui News*, April 6, 2009, Today's Editorial, "Ocean Needs the Help of All"
- ORMP Editorial, "Dock Talk" (draft)
- Conservation Matters to Everyone
- Packet of information on the proposed Costco Wholesale Fuel Facility

Call to Order

Chair Donna Brown called the meeting to order at 9:53 a.m.

Introductions & Announcements

All meeting attendees introduced themselves.

OP Director Abbey Seth Mayer announced that he is unable to make the entire meeting. It was therefore decided to reorganize the order of some of the agenda items. Abbey noted that one of the comments in the email that he received from MACZAC was that members missed his participation in the meetings so he wants to make himself available for any of the relevant agenda items. Abbey mentioned that the main source of his scheduling conflict is that MACZAC tends to hold their meetings on Fridays, which is the day for LUC hearings. If the MACZAC members still intend to have their meetings on Fridays, maybe they could choose those particular Fridays that LUC did not have hearings calendared.

Approval of the February 6, 2009 Meeting Minutes

Minutes were unanimously approved.

Hawaii CZM Report

See attached.

During the CZM Report given by CZM Program Manager Douglas Tom, there were several areas that came up for discussion.

Special Management Area (SMA) Permit System:

The amendments to the rules were basically to comply with statutory changes. The rules which take effect on June 1, 2009, will be made available to MACZAC.

Legislation:

SB 1318 was amended and all provisions that dealt with disbanding OP and repealing HRS 205A were taken out of the bill and a provision similar to HB 593 was put in its place. How OP survives is still up in the air since there are several other bills pending. HB1260, HD1, SD1 proposes that OP move to DLNR as an attached agency. SB 294, SD2, HD1 keeps OP attached to DBEDT. In HB 200, the budget bill, OP is moved to DLNR as an attached agency.

Kanoa Withington asked for discussion on the implications if OP moved to DLNR. Sue Sakai mentioned that several years ago, there was a move by Peter Young to put OP in DLNR. MACZAC met with Peter Young because the missions of DLNR and OP/CZM were totally different and it would not be a good fit. OP encompasses all the Departments. Putting an over-arching program under a lesser agency does not make sense. OP is the only one that does overall, integrated State planning and had the highest level of efficiency while under the Governor's Office.

Jim Coon suggested that MACZAC's mandate is as an advocacy council. MACZAC is the only entity empowered by statute to weigh in on this issue. Jim would like to see one of the action items where MACZAC comes out with a strong statement on this. They have the power to contact people on the legislative committees.

It was asked whether MACZAC always came under OP. MACZAC is administratively attached to OP. They get staff support from OP but they are an independent entity. Where ever OP goes, MACZAC goes also. For further clarification, the attack on OP was SB 1318 which was to repeal HRS Chapter 205A, the Hawaii State CZM law. It is the whole basis for the SMA process and the shoreline setback process. It would not only affect OP, but the counties as well.

Ocean Resources Management Plan (ORMP):

Jim Coon noted that DLNR has not been participating at the level that is needed. DLNR is one of the major players and carries the most responsibilities on this and they are not even coming to the ORMP Working Group meetings. At Laura Thielen's confirmation hearing, she said that she wanted to head DLNR and that one of the reasons was to work on the ORMP. MACZAC needs to say something, maybe in a letter about that. Part of the reason for not showing up is that they have an internal process for addressing the ORMP. They do an intra-agency collaboration on ORMP demonstration projects around the State. So they may not be ignoring the ORMP but are doing it their own way without the rest of us.

Hawaii Congress of Planning Officials (HCPO 2009):

MACZAC members agreed that they should attend this year's HCPO conference. The conference will be in Honolulu. Walter Ritte mentioned that it would be a good idea to bring community members from Molokai to give them a chance to present their plans and maybe get some monies. He also suggested that maybe they could have an exhibit table.

Presentation: Proposed Costco Super Gas Station Near Maunalua Bay (Elizabeth Reilly and Gary Weller, Livable Hawaii Kai Hui)

Elizabeth Reilly gave a presentation on the Costco Super Gas Station. Is there anything that MACZAC can do to help or point them in a direction as it relates to any proposed super gas station on marina front land that is also less than 1/4 mile from Maunalua Bay? The proposal is for 17 to 25 gas pumps on P-2 land. Gas stations like that should not be near water (oceans, rivers, streams).

In 2005, everyone was in favor of improvements to the Costco store. Trying to squeeze in the gas station was where they were stopped. After a controversy within the community, Costco met with members of the community and came up with a document that discussed the top questions raised by the Livable Hawaii Kai Hui and also discussed additional operational features, the design features, as well as the regulatory agencies and all the issues that they would have to follow.

Currently, Costco's plans are back and are really interested in adding that gasoline station to their formula on how they service the community. They have not gone to the neighborhood

board yet or even met with their Councilman. They have aligned themselves with other groups such as the marina. This time they have offered the marina some fueling dock stations for the boats. The fueling dock stations would be for private use.

Decisions are not made locally, the process takes place in Washington DC. Therefore, the Livable Hawaii Kai Hui will have to apply pressure in Washington like they did in 2005. The marina office will poll their membership to see how they feel about this. Indications that many would like to have some sort of fueling gas station.

Jim Coon stated that there are more trailer type boats than those that are docked in the water. The trailer type boats can fuel at regular gas stations in Hawaii Kai while those docked in the water have to haul gas on their own which is inconvenient. They would probably be the ones interested in having a fueling dock station.

Kanoa Withington wanted to know where in the permitting process they are currently at. It is a zone change. Doug Tom mentioned that if the project is situated within the SMA, then they would have to comply with the provisions of the law. Arguments can be made at the zone change hearing. The City has made decisions in the past and CZM has supported them on a spill-over concept. In 2005, the Honolulu City & County Department of Planning and Permitting passed an opinion that relates to the traffic congestion and had some serious concerns about that.

One of the things that Costco has in their favor is that using the old gas stations is worse. If they could replace those old aging leaking stations with a reduced size, or better location, or better containment station, then they may have more support. New stations are more carefully designed and contained. The Livable Hawaii Kai Hui thought of having that conversation with Costco but corporate Costco has a very tight formula about how it works regarding how close the gas station is, what the size is, etc. Costco wants the gas station connected to the store but the marina wants the fueling stations to be located somewhere else on the marina. Some smaller gas stations are replacing their old tanks with the 3-walled tanks. The reality is that small gas stations are going away because there is such a slim profit margin and the ones that have a chance to survive have a larger volume where they have other assets like a convenience store. But larger super gas stations have no place in bedroom communities or along the water.

There is a change of zone requirement and Costco is not the landowner but are leasing the land. Kamehameha Schools is the landowner. It is in the agreement and if Costco was successful in getting the zone change, then the rest of the arrangements with the landowner would go through.

As Costco stations get refueled three to four times a day, that would mean three to four more times fuel trucks are coming into Hawaii Kai. It would increase the chances of a fuel spill. The local gas stations in Hawaii Kai are all family owned. There is a possibility that when Costco comes in with the super gas station, they would put those smaller business out. Costco has a nationwide agreement on their gas prices. They can sell gas less expensively than the local dealer can even buy it.

Livable Hawaii Kai Hui would like permission to let Costco know that they spoke with MACZAC, that they informed the members and that they spoke to others, and hopefully Costco will not pursue it. Permission was given since the topic is right within MACZAC's scope. Livable Hawaii Kai Hui also asked if MACZAC would write a letter indicating that they have some reservations about the proposed Costco gas station. Nothing has been filed, and the Councilman has indicated that this is not the proper use. They just met with the landowner to discuss the concerns of the community. Nothing was decided as yet. There is a lot of activity of this type on the coastal zone. MACZAC should take the objectives of CZM seriously. At least MACZAC can make that kind of statement since MACZAC's statutory objective is to uphold the objectives of coastal zone management.

Discussion of Ocean Resources Management Plan and Community-Based Resource Management Project

There was a spirited discussion about the recent misunderstanding between MACZAC and OP regarding the proposals for the ORMP demonstration project. To avoid future misunderstandings, clarification was sought about the particular project as well as the relationship between MACZAC and OP.

The ORMP remains a guidance document that is solely for government and governmental agencies. OP Director Abbey Mayer sees MACZAC as having a critical potential of bringing the ORMP back to local communities, finding ways in which communities can involve themselves, whether on specific projects or on a larger scale. Being a vehicle for outreach on the ORMP is critical. The ORMP is the flag ship of the CZM Program.

MACZAC inquired to OP how their advice is considered. Abbey explained that in retrospect, a fair enough process for project selection was not formulated, one that was comprehensive enough to lay out the ground rules. However, OP/CZM staff have subsequently developed a formalized guidance document for the selection of the demonstration project where there are ground rules so that the process is transparent. The process will be carried out by an Evaluation Committee. MACZAC's role on the Evaluation Committee was then discussed.

Regarding the selection of the ORMP demonstration project proposals, MACZAC feels that it should get a vote. CZM gives out a lot of grants and MACZAC has not been on any of the reviews for any of their grants. MACZAC realizes that for many issues, it does not need to be involved, but MACZAC feels that it should be involved in the ORMP demonstration project because it is community based. If OP/CZM is organizing an Evaluation Committee on the ORMP demonstration project proposals, then MACZAC would like to be involved in that selection process. OP/CZM agreed and explained that the ORMP project proposals will be evaluated in the first half of June. MACZAC sought to have 2 of its members be on the Evaluation Committee, emphasizing the point that they are both advisory to OP and also represent the viewpoints of their respective communities. OP proposed that the Evaluation Committee would be composed of 1 MACZAC member, 2 ORMP Working Group members, and 3 CZM staff.

Discussion of MACZAC's Policies and Procedures

Regarding deciding on MACZAC meeting agenda items and guest presenters: Send items to Jessica Stabile who will collect and send them to Chair Donna Brown for decision on what will be placed on the agenda.

MACZAC's Investigative Working Group Updates

Hawaii CZM Evaluation Working Group

Robin Kaye explained that he, Jim Coon and Donna Wong would split up 3 key OP officials, Abbey Seth Mayer (OP Director), Doug Tom (CZM Program Manager), and Mary Lou Kobayashi (Planning Program Manager), and interview them. Robin will interview Abbey, Donna will interview Doug, and Jim will interview Mary Lou. In addition, they decided to do other agencies and Donna will interview Laura Thielen (DLNR Chairperson). The rest of the MACZAC members will interview their own respective County Planning Directors along with their key CZM staff. The interviews should be completed within the next 2 1/2 months. A formal letter will be drafted to send to the interviewees. Looking at the Hawaii Community Stewardship Directory, MACZAC each member can select 4 community groups whose opinion really matters for interviews. There should also be some sort of reporting form.

Advocacy Working Group

Makaala Kaaumoana pointed out that the draft MACZAC business cards need to be changed because the email address is supposed to be the MACZAC address and not the members' personal ones. She also passed out a draft of the MACZAC brochure for members to review. There were some minor changes suggested. A finalized draft of the brochure will be presented to members at the next meeting for their approval.

Community Input Working Group

Kanoa Withington announced that there are two aspects to the group's plan. The first is using email to make it easier for the public to get information to MACZAC members. There should be an email address on the MACZAC brochure, the generic one that goes to Jessica Stabile. The second component is how to reach the community in such a way that people know how to contact MACZAC. Members need to identify themselves as MACZAC representatives so that people know that they are a venue for giving input to OP.

ORMP Implementation Working Group

Jim Coon noted that it is really the counties that are doing the most work on the ORMP because a lot of the state stakeholders have not been attending the meetings on a regular basis. Jim passed out to the members a draft editorial that he wrote, "Dock Talk", as part of community outreach efforts.

RCUH Budget Status Report

CZM staff Susan Feeney reported that there is enough money in the RCUH account for MACZAC to do what it needs to do in the near future. The group decided that it will have further discussions about the budget at the next meeting.

New Business

It was moved (by member Jim Coon) and seconded that MACZAC write letters, with guidance from Abbey Mayer, to the chairs of DLNR and DOH inquiring as to why there is such a lack of participation on their part in the ORMP process. It was decided that Robin Kaye, with assistance from Jim Coon, would draft a letter from MACZAC to DLNR Chairperson Laura Thielen regarding the importance of DLNR having representation at the monthly ORMP Working Group meetings, and asking that she take action to insure DLNR's active participation in the ORMP Working Group.

Member Robin Kaye moved that MACZAC write a letter of comment or support to the presentation group (Livable Hawaii Kai Hui) regarding the Costco gas station. MACZAC is charged with supporting the ORMP and some direction could be given in the letter without MACZAC getting involved. It was moved and seconded.

Adjournment and Next Meeting Date

The next MACZAC meeting is scheduled for Friday, June 12, 2009 on Kauai. In addition to the meeting, members will likely have a field trip to Hanalei. Jim Coon mentioned that he will be on the mainland and so is unable to attend.

Chair Donna Brown adjourned the meeting at 3:08 p.m.

April 16, 2009

To: MACZAC

From: Doug Tom 

Subject: CZM Report

National CZM Act. The Coastal States Organization (CSO) submitted a proposal for reauthorizing the national CZM Act. However, it may not generate much attention in Senate and House deliberations. Ms. Madeleine Bordallo of Guam, non-voting chairperson of the House Natural Resources Subcommittee, introduced and is shepherding a measure. The Senate is drafting its own version. Common in both chambers' proposals is a requirement to plan and carry out adaptation measures do deal with the impacts of climate change.

In March, CSO embarked on a campaign for congressional signatures on a Dear Colleague letter in the House to support a higher appropriation for the national CZM Act. The sponsor is Representative Shea-Porter of New Hampshire. CZM informed Hawaii's congressional delegation about the campaign and solicited its support. Under the present \$66 million level of funding, Hawaii receives just over \$2.1 million by formula, which considers coastal population, miles of shoreline, and other factors. At the \$100 million level, Hawaii would receive about \$2.7 million. As of this date, we have not learned about its progress nor a listing of the signators.

Special Management Area (SMA) Permit System. Following a 30-day public notice in the newspaper, a public hearing was held in March on the proposed amendments to Chapter 15-150, Hawaii Administrative Rules, the SMA rule governing developments in community development districts. The amendments are housekeeping measures to conform the rule with changes made to the enabling legislation. In addition, there is an amendment to authorize the lead agency to waive the requirement of a shoreline certification in specific instances where the shoreline has been hardened and fixed by an artificial structure or structures, and for which engineering drawings exist to locate the interface between the shoreline and the structure. Since the entire Kakaako shoreline is hardened with man made revetments or structures, the requirement for a shoreline certification would be unnecessary and only serve to delay and add to repair and maintenance costs. Moreover, this provision assures lead agency equity with the county authorities that already have the authority. The Small Business Regulatory Review Board approved our Small Business Impact Statement report and request to proceed with soliciting gubernatorial approval for formal adoption of the rule amendments. Gubernatorial approval has also been obtained. The effective adoption date of the rule amendment is June 1, 2009.

Routine Program Changes. On March 12, 2009, the federal Office of Ocean and Coastal Resource Management issued its approval of Hawaii's routine program change submittal. The changes are amendments to the CZM related statutes, ordinances, and rules that make up the legal network to carry out CZM's multi-functional purposes and requirements. Public notice of the federal action was sent to interested parties and also published in newspapers statewide. The changes took effect for our federal consistency review program on March 31, 2009.

According to federal regulations (15CFR 923), changes to program provisions must be submitted for federal review and concurrence before they can be officially incorporated into the state's federally approved CZM program. Therefore, amendments to the statutes, ordinances, and rules that comprise the CZM legal network or new legal provisions that relate to the CZM objectives and policies are routinely identified, assessed, and submitted for federal concurrence. The submittal is also sent to a number of interested parties which includes MACZAC and published in newspapers statewide to allow comment directly to the federal office. In subsequent submittals, we will include each member of MACZAC on the list of interested parties to assure each member has the opportunity to review and comment on the information. With federal concurrence, the state can use the amendments as enforceable policies in the administration of the federal consistency review program. However, substantive changes to the CZM area and statutory objectives and policies are defined as program amendments and are subject to federal determination as to whether an environmental impact statement is required.

For your reference and use, a copy of the notice to interested parties published in the newspapers is attached.

Legislation. Three bills relating to CZM appear destined for conference committee deliberations. HB 593, HD2, SD 1 would grant DLNR the authority to designate a construction moratorium zone along the beach area until erosion rates can be better understood. Although the initial target of the proposal was Kailua Beach, the Senate draft extends the authority statewide.

SB 266, SD 2, HD 2 proposes a task force to address global warming. From an operational perspective, both proposals lack substantive comprehensiveness and relevancy as well as financial support. Although CZM prepared a comprehensive testimony, including a redraft to assure a more relevant composition of members and meaningful and practical product, the Governor's Office did not permit its submission. As a result, there are overlaps and potential conflicts between the measure and the work of the ORMP Working Group on global climate change.

SB 468, SD 2, HD 1 has a number of amendments to the CZM statute, Chapter 205A, in spite of CZM comments and suggestions to the contrary. CZM believes the measures are counter-productive and are inconsistent with the umbrella concept in which implementation is carried out by the functional agencies in the legal network, in which case amendments to the relevant functional statutes are necessary. Unfortunately, however, this important omission cannot be dealt with since conference committee deliberations, by rule, can focus only on the differences in the bills.

Ocean Resources Management Plan (ORMP). The ORMP Working Group continued to meet monthly. Through caucuses, work on watershed planning, global climate change, outreach strategy, and policy and legislative matters has progressed.

The climate change caucus is preparing a general framework on adaptation measures to stimulate thought about the potential impacts of climate change, especially for each agency, what each agency needs to understand about an adaptation response, and how collaboration can be

assured to address adaptation options. The planning areas thus far identified include agriculture, economic development, emergency management, fire, flood control, natural resource/environmental protection, parks and recreation, forestry and forest resources, planning and zoning, public health, stormwater management, transportation, wastewater treatment, water supply, coastal zone management, port and harbor management, and others.

As climate change and integrated watershed management are important items of focus, Peter Rappa of Sea Grant and Maxine Burkett of the University of Hawaii's new Center for Island Climate Adaptation and Policy were invited and presented their thoughts and interests to the Working Group. CZM anticipates working closely with them to maximize collaboration, knowledge, and productivity in both areas.

Update of the ORMP work plan has not been completed. Working Group members have been encouraged to complete their updates as soon as possible so CZM can compile them and send a complete report to the ORMP Policy Group.

A solicitation notice for ORMP implementation projects has been prepared. The notice and accompanying forms will be posted on our CZM website for government-community partnership proposals. This was made possible by reprogramming CZM grant funds due to budget changes. NOAA has strongly supported CZM's priority consideration for the expenditure of grant funds to support the ORMP.

The release of the updated community stewardship directory is being delayed due to additional requests for inclusion by community groups. At present, there are 90 entries, up from 58 the previous year, and more requests for inclusion are anticipated. This is a good indication of the directory's value to various community groups.

The community based resource management RFP on the legal framework for natural and cultural resource management was published on March 16. The deadline for proposals was April 8. We are awaiting notification from DBEDT about the proposals to begin the assessment and selection process with a team approved by the DBEDT director.

Coastal Hazards. CZM cosponsored with the City and County of Honolulu and the Hawaii Chapters of the Construction Specifications Institute and American Institute of Architects training in Honolulu for more than 120 professionals and government building officials on the 2006 International Building Code and 2006 International Residential Code, the latter of which covers single family dwellings and duplexes. This activity conforms with the existing Section 309 assessment and strategy, which builds community resilience through the adoption of the most recent building codes and training for professionals in code interpretation and application. Follow up assessment of the training will be held to evaluate the training program and determine possible next steps.

In May, CZM will also be cosponsoring the Hawaii Association of Building Code Officials conference on Kauai. This activity also implements the Section 309 coastal hazards strategy on building code training. Six training sessions over a two-day period will be held covering the topics of wind, seismic, fire, plumbing, and energy code provisions. Kauai's

adoption of the International Building Code was second to the City and County of Honolulu's action. Kauai is also on schedule in updating and adopting the 2006 version of the International codes as well as the Kauai-specific wind speed amendments and maps. Although it is a technical-based event, one MACZAC member may attend without charge. If there is interest in this, MACZAC should inform CZM as early as possible so arrangements can be made.

Coastal Nonpoint Pollution Control Program (CNPCP). The Conservation Planner project, previously referred to as the Idaho OnePlan project, is complete. DLNR and the Department of Agriculture are presently sharing the cost for ONYX management of the system until the system host is decided. Its utility will be gauged from the user count and content of inquiries during the year. Importantly, the system provides help in developing erosion and sediment control plans that farm operators can submit to their local Soil and Water Conservation Districts for approval, which will obviate the need for county grading and grubbing permits and approvals. The Hawaii Conservation Planner can be accessed through the following link (<http://hawaii.onyxgroup.com/ConservationPlanner/Default.aspx>).

CZM and DOH are collaborating on a watershed prioritization project, focusing on selecting the parameters to determine priorities for the more than 550 watersheds. The leading factors are stressors, sensitive areas, assets, indicators, and local capacity. An additional important consideration is federal approval of the State's CNPCP to avoid fiscal penalties given the State's woeful budget situation. In addition, a watershed planning guidance handbook is being prepared to guide and provide information to community watershed groups about the requirements for federal funding to restore and/or protect water quality.

Federal Consistency. As a result of the federal economic stimulus program, there was a recent rush of federal consistency submissions. Since the last report, CZM has not reviewed a project of controversy. Relative to the U.S. Supreme Court ruling regarding Navy use of sonar for its marine exercises, we are waiting to learn whether the Navy will alter its USWEX project design to allow more extensive and intensive use of sonar and whether there will be a claim of NOAA preemption of our federal consistency review program for the Navy activity.

National Performance Measurement System. Work on all development phases has been completed. Although in the implementation phase, NOAA is proposing additional informational requirements, to which nearly all states are questioning the merit and resisting acceptance. States have openly and repeatedly questioned the value of having to provide metadata and the rationale for their use at the national level. On the local front, collaboration with the counties continues toward simplifying the data forms and determining how to convert the data for county utility.

Hawaii Congress of Planning Officials (HCPO). This year's event will be held during September 23-25, 2009 and is being hosted by the State. The 23rd will be the activities day, and the one and a half day formal session will be on the 24th and 25th at the Waikiki Sheraton. A room has been tentatively reserved for MACZAC to conduct its meeting during the afternoon of the 25th if MACZAC decides to have one. A MACZAC decision on this as early as possible should be made and conveyed to OP as early as possible so all accommodations and costs can be determined and accounted for.

Ref. No.

Date, 2008

To: Interested Parties

From: Abbey Seth Mayer, Director

Subject: Notice of Routine Program Changes to Hawaii's Coastal Zone
Management Program

Hawaii's CZM Program is a management guide for the use, protection, and development of the land and water resources in the State's coastal zone. Essentially, the CZM Program is a shared management regime of State and County regulatory systems that present the State's perspective on uses of the coastal zone. Hawaii's coastal zone area encompasses the entire State with an administrative exception of federal lands. It includes all archipelagic waters, submerged lands and extends seaward to the limit of the State's jurisdiction, as defined in Chapter 205A, Hawaii Revised Statutes (HRS).

In 1978, Hawaii's CZM Program was formally approved by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. As a result, Hawaii became eligible and has been receiving federal CZM Program funds to assist in the administration of its approved management program. In addition, federal actions which have reasonably foreseeable effect on any land, water, or natural resource within the coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the CZM Program's approved management program.

From time to time, clarification and improvements are made to the CZM Program. To assure that the changes are in keeping with the State's CZM law (205A, HRS) and the National CZM objectives and policies (CZMA, 16 USC § 1456), Federal regulations require the changes to be submitted for federal review and concurrence before they are officially incorporated into the State's program. The regulations also require a public notice to the general public and affected parties that lists the changes. The Hawaii CZM Program believes that the proposed changes are routine in nature and will not result in a substantial change to one or more of the five program approvability areas identified in Part 923, subparts B through F. Accordingly, this notice summarizes the proposed CZM-

related legal routine program changes that are being submitted for federal review and concurrence. This proposal of routine program changes is based on the understanding that the 1990 update of the CZM Program supersedes all other CZM Program documents.

The federal office of Ocean and Coastal Resource Management (OCRM) of NOAA will determine the significance of the changes and decide whether they will be incorporated into the State's approved CZM Program. The following are brief descriptions of the proposed changes.

STATUTORY ADDITONS

Enforceable Policy: Chapter 342E, HRS
Reference: SLH 1993, Act 345
Relating to: Non-point Source Water Pollution

HAWAII ADMINISTRATIVE RULES (HAR) ADDITIONS

Marine Life Conservation District and Marine Fisheries Management Area (FMA)
HAR Chapter 13-38--Waiopae Tidepools Marine Life Conservation District, Hawaii
HAR Chapter 13-49--Hanamaulu Bay and Ahukini Recreation Pier, Kauai Marine FMA
HAR Chapter 13-49.5--Port Allen, Kauai Marine FMA
HAR Chapter 13-49.6--Nawiliwili Harbor, Kauai Marine FMA
HAR Chapter 13-50--Waimea Bay and Waimea Recreational Pier, Kauai Marine FMA
HAR Chapter 13-51--Kahului Harbor, Maui, Marine FMA
HAR Chapter 13-52--Kailua Bay, Hawaii, Marine FMA
HAR Chapter 13-53--Manele Harbor, Lanai, Marine FMA
HAR Chapter 13-54--Puako Bay and Puako Reef, Hawaii, Marine FMA
HAR Chapter 13-55--Kawaihae Harbor, Hawaii, Marine FMA
HAR Chapter 13-56--Kaunakakai Harbor, Hawaii, Marine FMA
HAR Chapter 13-57--Keauhou Bay, Hawaii, Marine FMA
HAR Chapter 13-58--Kona Coast, Hawaii, Marine FMA
HAR Chapter 13-60--Kiholo Bay, Hawaii, Marine FMA

HAR Chapter 13-60.5, Northwestern Hawaiian Islands Marine Refuge
HAR Chapter 13-92, Opihi, Protected Marine Fisheries Resources
HAR Chapter 13-100, Oopu and Hinana, Protected Freshwater Fisheries Resources
HAR Chapter 13-104, Activities within Forest Reserves

Interested Parties
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COUNTY RULE AND ORDINANCE ADDITIONS

County of Hawaii, Planning Department Rule, Chapter 11, Shoreline Setbacks, Effective 01/19/1997

City and County of Honolulu, City Ordinance 07-022, Relating to International Building Code & International Residential Code, Effective 09/18/2007

STATUTORY MODIFICATIONS

Enforceable Policy: Chapter 6E, Hawaii Revised Statutes (HRS)

Reference: SLH 2005, Act 128

Relating to: Violations of Chapter 6E

Enforceable Policy: Chapter 115, HRS

Reference: SLH 2004, Act 169

Relating to: Public Access

Enforceable Policy: Chapter 205A-71, HRS

Reference: SLH 2005, Act 224

Relating to: Coastal Light Pollution

Enforceable Policy: Chapter 342D, HRS

Reference: SLH 2005, Act 217

Relating to: Cruise Ships

HAWAII ADMINISTRATIVE RULES MODIFICATIONS

HAR Chapter 11-55, Water Pollution Control, Effective 07/14/2005

HAR Chapter 11-62, Wastewater Systems, Effective 12/09/2004

HAR Chapter 13-60.3, West Hawaii Regional Fisheries Management Area, Effective 04/22/2005

HAR Chapter 13-75, Rules Regulating the Possession and Use of Certain Fishing Gear, Protected Fisheries Resource Management, Effective 01/11/2002

HAR Chapter 13-222, Shoreline Certifications, Effective 03/29/2003

HAR Chapter 13-232, Sanitation & Fire Safety, Effective 04/22/2004

HAR Chapter 13-261, Kahoolawe Island Reserve, Effective 07/06/2002

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COUNTY RULE AND ORDINANCE MODIFICATIONS:

County of Maui, Maui County Code (MC)

MC 12-202, SMA Rules for the Maui Planning Commission, Effective 01/01/1994
MC 12-203, Shoreline Rules for the Maui Planning Commission, Effective 11/27/2003
MC 12-402, SMA Rules for the Lanai Planning Commission, Effective 01/30/1994
MC 12-403, Shoreline Setback Rules for Lanai Planning Commission, Effective 01/01/1996
MC 12-302, SMA Rules for the Molokai Planning Commission, Effective 03/12/1994
MC 12-04, Shoreline Setback Rules for the Molokai Planning Commission, Effective 08/10/1991
MC 20, Soil Erosion and Sedimentation Control, Effective 07/14/2003

County of Hawaii, Planning Commission Rule 9, SMA Rules for the Planning Commission, Effective 09/22/2006

Interested parties have three (3) weeks from the date of this memorandum to submit their comments to OCRM on whether these should be considered Routine Program Changes as defined in 15 CFR 923.84. Copies of the entire statutes, ordinances and rules are available for review during office hours at the Office of Planning's CZM Office, 6th Floor, Leiopapa A Kamehameha Building (State Office Tower), 235 S. Beretania, Honolulu. For more information, call the CZM Program at 587-2846.

Comments should be submitted to:

Mr. Kerry Kehoe
Coastal Programs Division, N/ORM3
Office of the Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Spring, MD 20910

Copies of the comments to OCRM can be sent to the Office of Planning, P.O. Box 2359, Honolulu, Hawaii 96804.