

## Resource Protection – Streamlined Permitting

### Problem Statement

One of the issues raised at the HOCC meetings is the need to streamline the permitting process in the ocean/land interface of the coastal zone. There is frustration about overlapping jurisdictions and multiple permitting requirements, as well as the effort and resources required in terms of time and money. MACZAC has identified need for the following:

1. An expedited approval process for certain beneficial uses and activities. The intent is not to bypass necessary environmental review but to establish a way for applicants to receive a review commensurate to expected outcomes of such projects. Following are examples of activities that could be considered for this process:
  - Hawaiian fishpond repairs and restoration
  - Installation of mooring pins for day-use moorings to prevent anchor damage to coral
  - Mangrove and other invasive species removal
  - Artificial reef installation

Current and past efforts to streamline permitting have not been successful. The State DLNR recently developed a system to approve certain beach nourishment projects, but we understand that this is not moving forward pending DOH action. Fishpond projects have long been targeted for streamlining, but the complex, lengthy, and expensive permitting process remains to this day. Applicants seeking to remove noxious alien plants—even when supported by federal grants—are faced with an array of permitting requirements that increase the cost of removal by an order of magnitude. Another example—a City and County agency with questionable jurisdiction was instrumental in halting a mangrove removal project approved by both the Corps of Engineers and DLNR. Modifying the process for projects involving work in water will require Corps of Engineers, DOH, and EPA concurrence and approval. MACZAC contends that the long-term benefits of the above-listed types of projects (enhancement/protection of the natural or cultural environment) far outweigh short-term adverse impacts during construction or installation (temporary water quality degradation).

2. Expediting the Conservation District Use Application (CDUA) process for selected minor uses and activities. Other than identifying specific exemptions, the CDUA process does not have a provision for major and minor permits, and all applications require Board approval. The concept of a minor permit would be similar to the minor SMA permits issued by the counties and the categorical exclusions allowed under the National Environmental Policy Act (NEPA), whereby agencies identify actions that do not require an EA or EIS but a simpler environmental review. Following are examples of activities that could be considered for minor Conservation District Use Permits:

- Establishment of an outrigger canoe staging/storage area for use by canoe clubs (Note: The applicant must be a canoe club, not a commercial operator or other entity, and this would not apply to canoe halau structures, which would require a regular CDUP.)
- Construction of lifeguard stands
- Repair/maintenance of existing “grandfathered” boating facilities such as docks, piers, ramps, and related infrastructure
- Utility maintenance and repair
- Removal of invasive species

## **Recommendations**

1. Establish a general permit system for selected uses/activities such as those listed above, similar to the U.S. Army Corps of Engineers nationwide permit and DOH/EPA general permits for some NPDES activities. As a first step, mobilize a working group to develop a framework for the system and to recommend changes in the law and administrative rules to implement the system. The working group should include representatives from key agencies (e.g., DOH, DLNR, Corps of Engineers, EPA) and other stakeholders.
  - Consider authorizing a single agency to issue the general permit, with input from other agencies as appropriate.
  - Design a process for identifying types of projects that qualify for the general permit. Develop criteria such as: (1) beneficial long-term impact on the natural or cultural environment, and (2) environmental impacts limited to temporary construction-related impacts.
  
2. Amend the Conservation District administrative rules to include a provision for minor permits for selected uses/activities such as those listed above. A working group similar to that described above could be established. MACZAC recommends the following:
  - Shorter timeframe for processing of the minor permit. The existing CDUA process has the potential to be very lengthy.
  - Administrative review and approval of the minor permit, not requiring Board action.
  - Exemption from the Chapter 343 HRS process, to be replaced by environmental review similar to the categorical exclusions.
  - Alternative approach: expand/liberalize the site plan approval process and amend the Chapter 343 exemption list.