

PUBLIC NOTICE
STATE OF HAWAII OFFICE OF PLANNING
HAWAII COASTAL ZONE MANAGEMENT PROGRAM

To: Hawaii CZM Program Resource Agencies and Public at Large
From: Jesse K. Souki, Director, State of Hawaii Office of Planning
Subject: Notice of Routine Program Changes to the Hawaii Coastal Zone Management Program

The National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce in 1978 approved the Hawaii Coastal Zone Management (CZM) Program. As a result, 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 approved Hawaii CZM Program.

The Hawaii State Legislature designed the Hawaii CZM law to build upon the existing functions of agencies that comprise Hawaii's CZM network. The Hawaii 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.

From time to time, statutory and regulatory changes to the legal mechanisms for the Hawaii CZM network agencies are necessary to address new challenges, strengthen the management regime, clarify provisions, or otherwise modify management of activities affecting coastal resources. To assure that these statutory and regulatory changes are in keeping with the State's CZM law, and the National CZM objectives and policies (CZM Act, 16 USC §1456), federal regulations require changes to be submitted for federal review and concurrence before they are officially incorporated into the State's CZM program. The regulations also require a public notice that lists the changes to be posted for the general public and affected parties.

The Hawaii CZM Program concludes that incorporation of the submitted changes will not result in a substantial change to one or more of the five program approvability areas identified in Subpart B-F of 15 Code of Federal Regulations (CFR) Part 923. The incorporation of the submitted changes will increase the ability of the State of Hawaii to manage, preserve, and sustain the coastal resources.

Accordingly, this notice summarizes the routine program changes to the Hawaii CZM Program that are being submitted for federal review and concurrence. 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 submitted changes for request for incorporation into the Hawaii CZM Program.

ADDED:

Hawaii Revised Statutes (HRS) §171-6(19), Act 153, Session Laws of Hawaii (SLH) 2011, relating to Special Management Areas (SMA), effective 07/01/2011

HRS §188-22.8, Act 293, SLH 2006, Limu Management Area, effective 12/31/2006

HRS §205A-2(16), Act 76, SLH 2004, relating to Civil Defense Sirens, effective 05/17/2004

Hawaii Administrative Rules (HAR) Chapter 3-180, Rules regulating State Building Code, effective 04/16/2010

HAR Chapter 13-60.7, Rules Regulating Kahekili Herbivore Fisheries Management Area, Maui, effective 07/25/2009

HAR Chapter 13-126, Rules Regulating Wildlife Sanctuaries, effective 01/22/2010

HAR §19-42-126, Rules relating to Littering or Polluting Land Areas Prohibited, effective 05/20/1982

HAR §19-42-127, Rules relating to Littering or Polluting of Water Prohibited, effective 05/20/1982

Kauai County Ordinance 863, Article 27, Chapter 8, Kauai County Code 1987, relating to Shoreline Setback and Coastal Protection, effective 02/25/2008

MODIFIED:

Kauai County Ordinance 887, §§8-27.1, 8-27.3, 8-27.7, 8-27.8 and 8-27.10, Chapter 8, Kauai County Code 1987, effective 01/01/2010

HRS §§171-6(12) and 171-6(15), Act 215, SLH 2008, Civil Penalties for Violations on Public Lands, effective 07/07/2008

HRS §183C-7(b), Act 217, SLH 2008, Penalties for Violations within the Conservation District, effective 07/07/2008

HRS §205A-22, Act 153, SLH 2011, relating to SMAs, effective 7/01/2011

HAR §§11-54-4(b)(3) and 11-54-8(b), Rules regarding Water Quality Standards, effective 06/15/2009

HAR §§13-5-6, 13-5-22, 13-5-24, 13-5-39, and 13-5-41, Rules Regulating Conservation District, effective 12/5/2011

Revised Ordinance of Honolulu (ROH) 11-28, §§25-1.3 and 25-3.3(e), Ordinance relating to the SMAs, effective 10/20/2011

Hawaii County Ordinance 07-56, Hawaii County Code §§23-92 and 25-2-71(e), 25-2-72(3), Subdivision Code and Zoning Code regarding Storm Water Management, effective 04/12/2007

Special Management Area Rules and Regulations of the County of Kauai §§1.4(F), (U) and (V), effective 11/05/2011

Hawaii List of Federal Assistance Programs Subject to Federal Consistency Review
20.205 Highway Planning and Construction, U.S. Department of Transportation, Federal Highway Administration (FHWA), Activities not subject to federal consistency review by CZM Hawaii, upon NOAA OCRM concurrence

Submittal of Federal Assistance Applications and Review Time Frame, upon NOAA OCRM concurrence

Discontinuance of Intergovernmental Review Process under Presidential Executive Order 12372, effective July 1, 1993

Required Necessary Data and Information for Consistency Reviews of Activities Requiring a Federal License or Permit, upon NOAA OCRM concurrence

DELETED:

HAR §§11-55-38, and 11-55-04(f), 11-55-34.08(n), Rules regarding Water Pollution Control, effective 06/15/2009

HAR Chapter 13-125, Rules Regulating Wildlife Sanctuaries, effective 01/22/2010

Interested parties have three (3) weeks from the date of this notice to submit their comments, by November 13, 2012, 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 7:45 a.m. – 4:00 p.m., at the Office of Planning, 6th Floor, Leiopapa A Kamehameha Building (State Office Tower), 235 S. Beretania Street, Honolulu. For more information, please call the Hawaii CZM Program at (808) 587-

2846. The submittal report and all documents may also be viewed online at http://hawaii.gov/dbedt/czm/program/program_doc.php.

Comments should be submitted to:

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

We would appreciate copies of the comments to OCRM also be sent to Office of Planning, P.O. Box 2359, Honolulu, Hawaii 96804, Attention: Routine Program Changes.