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

July 15, 2016

To: Hawaii'i Coastal Zone Management (CZM) Program Agencies and the Public at Large
From: Leo R. Asuncion, Director, State of Hawaii'i Office of Planning 
Subject: Notice of Routine Program Change to the Hawaii'i CZM Program

The Hawaii'i State Legislature designed the State's CZM implementation framework to build upon the existing functions of State and county agencies. The Hawaii'i CZM Program is a network management regime that presents the State's overall perspective on the effective management, beneficial use, protection, and development of Hawaii'i's coastal zone. In 1978, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approved the Hawaii'i CZM Program.

Periodic changes to an approved CZM Program 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, Hawaii'i Revised Statutes (HRS) Chapter 205A, 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 Hawaii'i 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'i CZM Program concludes that the submitted changes to the Hawaii'i CZM Program will not result in a substantial change to one or more of the five program approvability areas identified in of 15 CFR Part 923, Subparts B - F. The incorporation of the submitted changes to the Hawaii'i CZM Program will increase the ability of the State of Hawaii'i to manage, preserve, and sustain coastal resources.

Accordingly, this notice summarizes the routine program change (RPC) action to the Hawaii'i CZM Program that is being submitted for federal review and concurrence. The report of subject RPC submittal is available for review during office hours, 7:45 a.m. - 4:30 p.m., at the Office of Planning, Leiopapa A Kamehameha Building, 235 S. Beretania Street, 6th Floor, Honolulu, and can also be viewed online at <http://planning.hawaii.gov/czm/federal-consistency/>.

The following are brief descriptions of the submitted changes for request for incorporation into the Hawai'i CZM Program.

ADDED:

- HRS §§ 115-5(b), 115-9(a)(4), 115-9(b)(8), and 115-10, relating to beach transit corridors, effective 06/02/2010
- HRS §§ 205A-2(c)(9)(D) and 205A-2(c)(9)(E), relating to beach transit corridors, effective 06/02/2010
- HRS § 266-2.2, relating to exemption from conservation district permitting and site plan approval requirements, effective 05/21/2013
- Hawai'i Administrative Rules (HAR) § 11-23-24, relating to timely processing for underground injection construction, effective 10/21/2000
- HAR § 11-54-4(e), relating to pesticide application, effective 10/21/2012
- HAR §§ 11-54-4(b), 11-54-11, 11-54-12, and 11-54-15, relating to basic water quality criteria; schedule of compliance; intake credits; and field citations, effective 11/15/2014
- HAR Chapter 11-55, Appendix M, relating to NPDES general permit authoring point source discharges from the application of pesticides, effective 10/21/2012
- HAR §§ 11-55-34.05(b) to (f), relating to requiring an individual NPDES permit, effective 12/06/2013
- HAR §§ 11-55-19(a)(9) and 11-55-19(a)(10), relating to intake credits, recreational criteria for State waters, effective 11/15/2014
- HAR Chapter 13-60.4, relating to West Hawai'i Regional Fishery Management Area, Hawai'i, effective 12/26/2013
- HAR Chapter 13-60.8, relating to Hā'ena Community-Based Subsistence Fishing Area, Kaua'i, 08/14/2015
- HAR Chapter 13-95.1, relating to Island-based Fisheries Rules, Maui, effective 11/01/2014
- HAR §§ 13-124-11, 13-124-12, and 13-124-13, relating to endangered and threatened wildlife -- prohibited activities; scientific, propagation and educational permits; penalty, effective 02/27/2015
- HAR Chapter 13-190.1, relating to Dams and Reservoirs, effective 02/20/2012
- HAR §§ 13-251-33 to 13-251-35, and § 13-251-53, relating to use permit; reissuance of a registration certificate or commercial use permit; Waikīkī catamarans, effective 09/25/2014
- Title MC-15, Chapter 111, relating to Design of Storm Water Treatment Best Management Practices, effective 11/25/2012
- Maui County Ordinance 3902, Maui County Code (MCC) § 18.20.135, relating to Post-construction Stormwater Quality Best Management Practices, effective 07/07/2012
- Maui County Ordinance 3903, MCC § 16.26.3306, relating to Post-construction Stormwater Quality Best Management Practices, effective 07/07/2012

MODIFIED:

- Kaua'i County Ordinance 979, Article 27, Chapter 8, Kaua'i County Code 1987, relating to Shoreline Setback and Coastal Protection, effective 12/05/2014
- HAR §§ 11-54-1, 11-54-1.1, 11-54-4(b), 11-54-5.1, 11-54-5.2, 11-54-6 to 11-54-9, 11-54-9.1, and 11-54-10, relating to Water Quality Standards, effective 12/06/2013
- HAR §§ 11-54-1, 11-54-5.1, 11-54-6, and 11-54-8, relating to definitions; inland water areas to be protected; uses and specific criteria applicable to marine waters; recreational criteria for state waters, effective 11/15/2014
- HAR §§ 11-55-01, 11-55-04, 11-55-19, 11-55-34.02, 11-55-34.04, and 11-55-34.08, relating to Water Pollution Control, effective 10/21/2012
- HAR §§ 11-55-01, 11-55-04, 11-55-15, 11-55-34.02(b), 11-55-34.04(b), 11-55-34.06, 11-55-34.08(j), 11-55-34.09(d) and (e), 11-55-34.11, 11-55-40, Appendices A through L amended, relating to Water Pollution Control, effective 12/06/2013
- HAR § 11-55-40, relating to field citations; non-compliance with NPDES requirements, effective 11/15/2014
- HAR §§ 11-62-03, 11-62-05, 11-62-06, 11-62-07.1, 11-62-08, 11-62-09, 11-62-11, 11-62-24, 11-62-26, 11-62-27, 11-62-28, 11-62-31.1, 11-62-31.2, 11-62-32, 11-62-33.1, 11-62-34, 11-62-36, 11-62-37, 11-62-41, 11-62-42, 11-62-43, 11-62-44, 11-62-54.08, 11-62-55.03, 11-62-56, 11-62-57.02, 11-62-57.04, 11-62-82, and 11-62-83, relating to Wastewater Systems, effective 03/21/2016
- HAR §§ 13-124-2, 13-124-3, 13-124-4, 13-124-7, 13-124-8, and Exhibits 1-5 relating to Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds and Introduced Wildlife, effective 02/27/2015
- HAR §§ 13-231-2 to 13-231-6, 13-231-8, 13-231-11, 13-231-13, 13-231-15, 13-231-21 to 13-231-27, 13-231-45, 13-231-55 to 13-231-67, 13-231-70, and 13-231-85.5 to 13-231-89, relating to Small Boat Facilities and Provisions Generally Applicable to All State Navigable Waters, effective 09/25/2014
- HAR §§ 13-251-36 to 13-251-46, 13-251-48 to 13-251-52, 13-251-57, 13-251-58, and 13-251-76, relating to Waikīkī and Kā'anapali catamarans; Waikīkī and Kā'anapali beach and ocean waters; commercial activities, effective 09/25/2014
- HAR §§ 13-256-3 and 13-256-4, relating to commercial operator permit requirements; commercial vessel and water sports equipment registration requirements, effective 09/25/2014
- HAR § 13-256-73.13, relating to Ahu O Laka Safety Zone, effective 07/25/2015

DELETED:

- HAR Chapter 13-60.3, relating to West Hawai'i Regional Fisheries Management Area, Hawai'i, effective 12/26/2013
- HAR § 13-126-22, relating to aircraft, effective 01/22/2010

HAR Chapter 13-190, relating to Dams and Reservoirs, effective 02/20/2012

HAR §§ 13-231-72, 13-231-76, and 13-231-90, relating to small inter-island passenger vessel permit; Kewalo basin; offer of Category I Berth Ala Wai harbor, effective 09/25/2014

HAR §§ 13-251-31 to 13-251-32, 13-251-47, 13-251-56, 13-251-59 to 13-251-60, and 13-251-68, relating to owner of passenger-carrying vessels; operations of vessels without proper identification; rules of the road; intoxication; catamarans, mooring of, effective 09/25/2014

In accordance with 15 CFR § 923.84(b)(2), the public and affected parties have three weeks from the date of this notice to submit their comments, by August 8, 2016, to the Office for Coastal Resource Management (OCM), NOAA, on whether the subject proposed action should constitute an RPC as defined in 15 CFR § 923.84. OCM will determine the significance of the action and decide whether it will be incorporated into the State's approved CZM Program.

Comments should be submitted to:

Mr. Kerry Kehoe, Federal Consistency Specialist
Office for Coastal Management, NOAA
1305 East West Hwy., 10th Floor (N/ORM3)
Silver Spring, MD 20910

A copy of the comments should also be submitted to the State of Hawai'i Office of Planning, Attention: Routine Program Change, P.O. Box 2359, Honolulu, Hawai'i 96804. For more information, please call the Hawai'i CZM Program at (808) 587-2846.