

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

September 25, 2014

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

In 1978, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approved the Hawaii Coastal Zone Management (CZM) Program. As a result, federal agency activities, federal license or permit activities, and federal financial assistance projects that have reasonably foreseeable effect on any land, water, or natural resource within Hawaii's coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the Hawaii CZM Program.

The Hawaii State Legislature designed the State's CZM implementation framework to build upon the existing functions of State and county agencies. The Hawaii 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's coastal zone.

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. In this regard, the Hawaii CZM Program is proposing federal consistency procedures for emergency proclamations issued by the Governor or a mayor, and incorporation of changes in State's planning statutory laws listed below. To assure that the proposed action is in keeping with the State's CZM law, Hawaii 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 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 the proposed action 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 CZM Program will increase the ability of the State of Hawaii to manage, preserve, and sustain coastal resources.

Accordingly, this notice summarizes the routine program change (RPC) action to the Hawaii 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 Hawaii CZM Program.

ADDED:

Not subject to Hawaii CZM Program federal consistency procedures when the Governor or a mayor issues an emergency proclamation:

- a) Federal Agency Activities (15 CFR Part 930, Subpart C)
- b) U.S. Army Corps of Engineers Permits required under Rivers and Harbors Act of 1899, Sections 9, 10 and 11; Marine Protection, Research and Sanctuaries Act of 1972, Section 103; and Federal Water Pollution Control Act of 1972 and amendments, Section 404. Department of Transportation, U.S. Coast Guard – Permits and Licenses for construction of bridges under 33 USC 401, 491-507, and 523-534; and Permits and Licenses for deepwater ports under the Deepwater Port Act of 1974.
- c) U.S. Department of Transportation, Federal Highway Administration (FHWA), funding under 20.205 Highway Planning and Construction; state and county activities required to provide disaster or emergency relief in response to a proclamation issued by the Governor.

Incorporation of HRS Chapter 226, Hawaii State Planning Act, into the Hawaii CZM Program as program policies, Act 100, SLH 1978, effective 05/22/1978 and 05/01/1979, and as amended as of 2014, Act 133, SLH 2014, effective 07/01/2014; Act 155, SLH 2014, effective 06/30/2014

MODIFIED:

HRS Chapter 225M, State Planning, was amended by adding HRS 225M-2(b)(9), Act 83, SLH 2014, effective 07/01/2014

DELETED:

HRS Chapter 225, Policy Planning, was repealed, Act 100, SLH 1978, effective 05/22/1978

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 October 17, 2014, to the Office of Ocean and Coastal Resource Management (OCRM), NOAA, on whether the subject proposed action should constitute an RPC as defined in 15 CFR § 923.84. OCRM 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:

Jackie Rolleri, Coastal Management Specialist
Stewardship Division, OCRM/CSC
National Oceanic and Atmospheric Administration
1305 East West Hwy., 10th Floor
Silver Spring, MD 20910

A copy of the comments should also be submitted to the State of Hawaii Office of Planning, Attention: Routine Program Change, P.O. Box 2359, Honolulu, Hawaii 96804. For more information, please call John Nakagawa of the Hawaii CZM Program at (808) 587-2878.