

**NOTICE OF APPROVAL**  
**CHANGES TO THE HAWAII COASTAL ZONE MANAGEMENT PROGRAM**

March 31, 2021

Pursuant to 15 CFR Part 923, the Hawaii Coastal Zone Management (CZM) Program hereby gives notice that the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM) has issued its approval, dated March 25, 2021, on the request, which is subject to the qualifications, clarifications and exceptions, for the following changes to the Hawaii CZM Program.

As of **March 25, 2021**, the enforceable policies identified in the **Table of Approved Changes** below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR Part 930.

The NOAA OCM's concurrence and the notice of approval are available at the NOAA Program Change Website at <https://coast.noaa.gov/czmprogramchange/#/public/home>, and the Hawaii CZM Program Website at <http://planning.hawaii.gov/czm/federal-consistency/>

For further information, please contact the Hawaii CZM Program at (808) 587-2846.

Attachment: Table of Approved Changes HI-2020-1

## TABLE OF APPROVED CHANGES TO THE HAWAII COASTAL ZONE MANAGEMENT PROGRAM (HI-2020-1)

Please see the March 25, 2021 OCM’s decision letter for qualifications, clarifications and exceptions pertaining to this approval.

### Approved Changes from the Hawaii Coastal Zone Management Program

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy <i>Yes or No</i>	Enforceable mechanism citation
1. Act 59, Session Laws of Hawaii (SLH) 2003 Establish a South Kona Wilderness Area on the Island of Hawaii	Hawaii Revised Statutes (HRS) Chapter 6E, Part VI South Kona Wilderness Area	Deleted	07/01/2003; Subsequently repealed 12/31/2007	Yes	Repealed by Act 215, SLH 2006
2. Act 178, SLH 2011 Establish a South Kona Wilderness Area on the Island of Hawaii	HRS Chapter 6E, Part VI South Kona Wilderness Area	New	07/01/2011	Yes	HRS § 6E-10.5 Enforcement HRS § 6E-11 Civil and administrative violations HRS § 6E-11.5 Civil penalties HRS § 6E-11.6 Administrative penalties HRS § 6E-13 Injunctive relief
3. Act 224, SLH 2015 Relating to Residential Property	HRS § 6E-42.2 Excluded activities for private-owned single-family detached dwelling units and townhouses	New	07/01/2015	Yes	HRS § 6E-10.5 Enforcement HRS § 6E-11 Civil and administrative violations HRS § 6E-11.5 Civil penalties HRS § 6E-11.6 Administrative penalties HRS § 6E-13 Injunctive relief
4. Hawaii Administrative Rules (HAR) Chapter 13-275	Rules governing procedures for historic preservation review for governmental projects covered under HRS §§ 6E-7 and 6E-8	New	12/11/2003	Yes	HAR § 13-275-14 Penalty HRS § 6E-11 Civil and administrative violations

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5. HAR Chapter 13-276	Rules governing standards for archaeological inventory surveys and reports	New	12/11/2003	Yes	HAR § 13-276-9 Penalty HRS § 6E-11 Civil and administrative violations
6. HAR Chapter 13-277	Rules governing requirements for archaeological site preservation and development under HRS Chapter 6E	New	12/11/2003	Yes	HAR § 13-277-8 Penalty HRS § 6E-11 Civil and administrative violations
7. HAR Chapter 13-278	Rules governing standards for archaeological data recovery studies and reports under HRS Chapter 6E	New	12/11/2003	Yes	HAR § 13-278-6 Penalty HRS § 6E-11 Civil and administrative violations
8. HAR Chapter 13-279	Rules governing standards for archaeological monitoring studies and reports under HRS Chapter 6E	New	12/11/2003	Yes	HAR § 13-279-7 Penalty HRS § 6E-11 Civil and administrative violations
9. HAR Chapter 13-282	Rules governing permits for archaeological work under HRS Chapter 6E	New	12/11/2003	Yes	HAR § 13-282-5 Penalty HRS § 6E-11 Civil and administrative violations
10. HAR Chapter 13-283	Rules governing standards for osteological analysis of human skeletal remains under HRS Chapter 6E	New	12/11/2003	Yes	HAR § 13-283-6 Penalty HRS § 6E-11 Civil and administrative violations
11. HAR Chapter 13-284	Rules governing procedures for historic preservation review to comment on Section 6E-42, HRS, projects	New	12/11/2003	Yes	HAR § 13-284-13 Penalty

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12. HAR Chapter 13-76	Non-Indigenous Aquatic Species	New	10/12/2007	Yes	HAR § 13-76-4 Penalties HRS § 187A-12.5 General administrative penalties HRS § 187A-13 General penalty
13. HAR Chapter 13-168	Rules relating to water use, wells, and stream diversion works	New	05/27/1988; Amended 03/21/1997, and 08/09/2018	Yes	HAR § 13-168-3 Penalties
14. HAR Chapter 13-171	Designation and regulation of water management areas	New	5/27/1988; Amended 02/18/1994, and 06/10/1995.	Yes	HAR § 13-171-24 Revocation of water use permit Authority of the State Attorney General
15. Hawaii State Building Code	Hawaii State Building Code, based on International Building Code (IBC), 2012 Edition.	New	11/13/2019	Yes	HRS § 107-31 State building code; compliance
16. Act 97, SLH 2012, Relating to Geothermal Resources	HRS § 182-1 Definitions under HRS Chapter 182 Reservation and Disposition of Government Mineral Rights	New	04/30/2012	Yes	HRS § 182-17 Penalty for violation
17. Act 97, SLH 2012 Relating to Geothermal Resources	HRS § 183C-4 Zoning; amendments, under HRS Chapter 183C Conservation District	Revised	04/30/2012	Yes	HRS § 183C-7 Penalty for violation

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18. Act 97, SLH 2012 Relating to Geothermal Resources	HRS § 205-2 Distributing and classification of lands § 205-4.5 Permissible uses within the agricultural districts, and § 205-5 Zoning under HRS Chapter 205 Land Use Commission	Revised	04/30/2012	Yes	HRS § 205-12 Enforcement HRS § 205-13 Penalty for violation
19. Act 97, SLH 1996 Relating to Aviation Artifacts in Hawaii	HRS § 6E-2 Definitions § 6E-3 Historic preservation program § 6E-6 Depositories for certain specimens and objects § 6E-7 State title to historic property § 6E-8 Review of effect of proposed state projects § 6E-12 Reproductions, forgeries and illegal sales § 6E-42 Review of proposed projects	Revised	06/12/1996	Yes	HRS § 6E-10.5 Enforcement HRS § 6E-11 Civil and administrative violations HRS § 6E-11.5 Civil penalties HRS § 6E-11.6 Administrative penalties HRS § 6E-13 Injunctive relief
20. Act 85, SLH 2013 Relating to the Review of Historic Preservation Projects	HRS § 6E-2 Definitions § 6E-8 Review of effect of proposed state projects § 6E-42 Review of proposed projects	Revised	05/21/2013	Yes	HRS § 6E-10.5 Enforcement HRS § 6E-11 Civil and administrative violations HRS § 6E-11.5 Civil penalties HRS § 6E-11.6 Administrative penalties HRS § 6E-13 Injunctive relief
21. Act 56, SLH 2012, Relating to Accreted Lands	HRS § 171-2 Definition of public lands under HRS Chapter 171 Public Lands, Management and Disposition of	Revised	04/23/2012	Yes	HRS § 171-6.4 General administrative penalties

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22. Act 203, SLH 2002 Relating to Ocean Leasing	HRS § 190D-2 Findings and purpose § 190D-3 Definitions § 190D-11 Conservation District Use Application § 190D-22 Leasing Procedures § 190D-23 Leasing Provisions § 190D-33 Revenues, and § 190D-34 Penalties under HRS Chapter 190D Ocean and Submerged Lands Leasing	Revised	06/25/2002	Yes	HRS § 190D-31 Enforcement HRS § 190D-34 Penalties HRS §190D-35 Civil liability HRS §190D-36 Criminal liability
23. Act 16, SLH 2020 Relating to Coastal Zone Management	HRS § 205A-1 Definitions § 205A-2 Objectives and policies § 205A-22 Definitions § 205A-26 Special management area guidelines § 205A-43 Establishment of shoreline setbacks § 205A-44 Prohibitions § 205A-46 Variances under HRS Chapter 205A Coastal Zone Management	Revised	09/15/2020	Yes	HRS § 205A-5 Compliance HRS § 205A-6 Cause of action HRS § 205A-28 Permit required for development HRS §205A-32 Penalties HRS § 205A-33 Injunctions