

PUBLIC NOTICE
PROGRAM CHANGE TO THE HAWAII'I COASTAL ZONE
MANAGEMENT PROGRAM

January 14, 2025

The Hawai'i State Legislature designed the State's Coastal Zone Management (CZM) implementation framework to build upon the existing functions of State and county agencies. In 1978, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approved the Hawai'i CZM Program as meeting federal requirements under the Coastal Zone Management Act (CZMA) to receive grants and exercise CZMA review authority over federal actions that may affect the uses and resources of the Hawai'i 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. To assure continued federal approval of the CZM Program and its enforceable policies, these statutory and regulatory changes must be submitted for federal review and concurrence before they are officially incorporated into the federally approved Hawaii CZM program. The federal regulations also require a public notice that lists the changes to be posted for the public and affected parties, and an opportunity for public comment.

The Hawai'i CZM Program concludes that the following statutory and regulatory changes submitted to NOAA Office for Coastal Management (OCM) for approval will not result in substantive changes to the five program approval areas, including 1) Uses Subject to Management; 2) Special Management Areas; 3) Boundaries; 4) Authorities and Organization; and 5) Coordination, Public Involvement and National Interest. No changes or additions are submitted this time to the Hawaii Federal consistency list of geographic location descriptions.

The following are brief descriptions of the submitted statutory and regulatory changes that are being submitted for NOAA OCM's concurrence. The changes include changes to enforceable policies that, once approved by NOAA, will be applicable to the review of federal actions for consistency with the enforceable policies of the Hawai'i CZM Program.

Act 35, SLH 2020, Relating to Aquatic Resources, effective 7/1/2022

- Hawai'i Revised Statutes (HRS) § 187A-12.5 General administrative penalties for violations of aquatic resources
- HRS § 187A-13 General penalty; community services for violations of aquatic resources
- HRS § 188-70 Penalties for violations of fishing rights and regulations
- HRS § 189-4 Penalties for violations of commercial fishing
- HRS § 190-5 Penalty for violations of marine life conservation program

Act 59, SLH 2023, Relating to Transportation, effective 6/5/2023

- HRS § 266-31 Restriction of use of facilities

Act 73, SLH 2020, Relating to Waste Management, effective 9/15/2020

- HRS § 183C-4 Zoning; amendments
- HRS § 342H-52 Prohibitions; buffer zones

Act 112, SLH 2008, Relating to Federal Fisheries Regulations, effective 5/27/2008

- HRS § 187A-5.5 Consistency of state and federal fisheries regulations

Act 157, SLH 2022, Relating to Underground Storage Tanks, effective 6/27/2022

- HRS § 342L-4.2 Large capacity underground tank systems; prohibited

Act 179, SLH 2016, Relating to Underground Storage Tanks, effective 7/1/2016

- HRS § 342L-4.5 Permits new shoreline prohibited; exception

Act 212, SLH 2022, Relating to Historic Preservation, effective 6/27/2022

- HRS § 6E-11 Civil and administrative violations
- HRS § 6E-11.5 Civil penalties
- HRS § 6E-12 Reproductions, forgeries and illegal sales

Act 213, SLH 2022, Relating to Abandoned Wells, effective 6/27/2022

- HRS § 174C-81 Definition of “Abandoned wells”
- HRS § 174C-87 Sealing of abandoned wells

Marine Fisheries Management Areas, Kīpahulu, Maui, effective 3/25/2024

HAR Chapter 13-60.11 Kīpahulu Community-Based Subsistence Fishing Area, Maui

HAR Chapter 13-74 License and Permit Provisions and Fees for Fishing, Fish, and Fish Products, effective 5/2/2024

- § 13-74-1 Definitions
- § 13-74-4 Penalties, generally
- § 13-74-20 Commercial marine license
- § 13-74-22 Bait license
- § 13-74-23 Commercial marine vessel license
- § 13-74-43 Aquaculture license
- § 13-74-45 Commercial marine dealer license

Ordinance No. 1134 (2022), An Ordinance to Amend Chapter 8, Article 12, Kaua‘i County Code 1987, Relating to Constraint Districts, effective 10/14/2022

- Sec. 8-12.5 Sea Level Rise District (S-SLR)

Ordinance No. 23-3 Relating to Shoreline Setbacks, Revised Ordinances of Honolulu (ROH) Chapter 26 Shoreline Setbacks, effective 7/1/2024

Ordinance No. 23-4 Relating to Special Management Area, ROH Chapter 25 Special Management Areas, effective 3/9/2023

County of Hawai‘i Rule 8 Shoreline Setback Variance, effective 7/2/2023

- § 8-3 Definitions
- § 8-10 Waiver of public hearing and action
- § 8-11 Criteria for approval of a variance

County of Hawai‘i Rule 9 Special Management Area, effective 7/2/2023

- § 9-4 Definitions
- § 9-11 Special management area use permit procedures

MC-12, Chapter 203, Shoreline Rules, effective 8/25/2024

- § 12-203-4 Definitions
- § 12-203-6 Establishment of shoreline setback lines
- § 12-203-7 Request for an amendment to a shoreline setback line
- § 12-203-8 Determination of the shoreline
- § 12-203-9 Development plans
- § 12-203-11 Prohibited activities within the shoreline area
- § 12-203-12 Allowable structures and activities within the shoreline area
- § 12-203-12.1 Abandoned structures or structures imminently threatened by erosion
- § 12-203-13 Request for approval of structures and activities in the shoreline area
- § 12-203-14 Variance application
- § 12-203-15 Criteria for approval of a variance
- § 12-203-16 Enforcement
- § 12-203-18 Appeal of director’s decision; filing the notice of appeal

City and County of Honolulu, Ordinance No. 14-9 Relating to Flood Hazard Areas, ROH Chapter 21A Floodplain Management, effective 5/22/2014

Ordinance No. 07-169 Amending Chapter 27, Flood Control, Hawai‘i County Code 1983, As Amended, Relating to Stormwater Management; Ordinance No. 17-56 Amending Chapter

27, Flood Control, Hawai'i County Code 1983, As Amended, to Comply with National Flood Insurance Program Regulations, effective 11/30/2007; 8/14/2017

Ordinance No. 1091, A Bill for An Ordinance to Amend Chapter 15, Article 1, Kaua'i County Code 1987, As Amended, Relating to Floodplain Management, effective 2/10/2021

Ordinance No. 5603, 2023, An Ordinance to Replace Chapter 19.62, Maui County Code, and Create a New Chapter 16.29, Maui County Code, Relating to Flood Hazard Areas, effective 9/1/2024

This notice summarizes the program change action to the Hawai'i CZM Program that is being submitted for federal review and concurrence. The submittal and supporting documents are available for review at the NOAA Program Change Website at <https://coast.noaa.gov/czmprogramchange/#/public/home> under file number HI-2025-1, and the Hawai'i CZM Program Website at <https://planning.hawaii.gov/czm/federal-consistency/>

Any comments on the Program Change should be submitted by **February 4, 2025**, within 21 days of the date of this Notice to the NOAA Program Change Website at <https://coast.noaa.gov/czmprogramchange/#/public/home>

Further information on this action may be obtained by contacting the Hawai'i CZM Program at (808) 587-2846.