

PUBLIC NOTICE
PROGRAM CHANGE TO THE HAWAII COASTAL ZONE
MANAGEMENT PROGRAM

October 12, 2022

The Hawaii 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 Hawaii 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 Hawaii 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 Hawaii 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 Hawaii CZM Program.

DELETED:

Hawaii Administrative Rules (HAR) Chapter 13-51 Marine Fisheries Management Areas,
Kahului Harbor, Maui
§ 13-51-3 Fisher Check Station Requirements, repealed 11/27/2021

ADDED:

HAR Chapter 11-56 Nonpoint Source Pollution Control, effective 06/25/2021
HAR Chapter 13-60.10 Miloli‘i Community-Based Subsistence Fishing Area, Hawai‘i, effective
08/13/2022
Ordinance No. 1085, An Ordinance to amend Chapter 8, Kauai County Code 1987, Article 11
Special Treatment Districts, effective 12/03/2020

HAR Chapter 13-104 Rules Regulating Activities within Forest Reserves, effective 01/16/2021
§ 13-104-5.5 Abandoned and unattended property
§ 13-104-7.5 Closing of areas
§ 13-104-25 General statement
§ 13-104-26 Payment
§ 13-104-27 Camping and cabin rental fees
§ 13-104-28 Commercial use permit fees
§ 13-104-29 Kiln fees
§ 13-104-30 Permit processing fees
§ 13-104-31 Parking and entrance fees

REVISED:

HAR Chapter 13-104 Rules Regulating Activities within Forest Reserves, effective 01/16/2021
§ 13-104-2 Definitions
§ 13-104-3 Penalty
§ 13-104-11 Vehicles and transportation
§ 13-104-16 Camping
§ 13-104-18 General provisions for permits
§ 13-104-19 Camping permits
§ 13-104-20 Special use permits
§ 13-104-21 Collecting permits
§ 13-104-22 Commercial permits
§ 13-104-23 Access permits

Ordinance No. 1088, An Ordinance to Amend Chapter 8, Kauai County Code 1987, Article 27
Shoreline Setback and Coastal Protection, effective 02/04/2021
Revised Ordinances of Honolulu (ROH) § 25-5.1 Required materials, effective 08/25/2021
Hawaii Revised Statutes (HRS) § 46-161 Findings and purpose
§ 46-163 Conditions for the transfer of development rights, effective 06/27/2022
HRS § 171-55 Permits, effective 07/01/2022
HRS § 342D-6 Permits; procedures for, effective 07/01/2021
HAR 11-280.1 Underground Storage Tanks (UST), effective 07/08/2021
HAR Chapter 13-34 Pupukea Marine Life Conservation District, Oahu, effective 08/27/2021
HAR Chapter 13-51 Marine Fisheries Management Areas, Kahului Harbor, Maui
§ 13-51-1 Definitions, § 13-51-2 Regulated activities, effective 11/27/2021
HAR Chapter 13-95.1 Island-Based Fisheries, effective 11/27/2021
HRS § 189-2 Commercial marine and commercial marine vessel license, effective 06/08/2021
HAR § 13-256-73 Kaneohe Bay Ocean Waters, effective 07/08/2021

This notice summarizes the program change action to the Hawaii 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-2022-1, and the Hawaii CZM Program Website at <https://planning.hawaii.gov/czm/federal-consistency/>

Any comments on the Program Change should be submitted by **November 2, 2022, 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 Hawaii CZM Program at (808) 587-2846.