

PUBLIC NOTICE
PROGRAM CHANGE TO THE HAWAII COASTAL ZONE
MANAGEMENT PROGRAM

December 1, 2020

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. 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. In 1978, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approved the Hawaii 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 Revised Statutes (HRS) Chapter 205A, and the National CZM objectives and policies (CZM Act, 16 USC §1456), federal regulations 15 CFR Part 923 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 following statutory and regulatory changes submitted to NOAA Office for Coastal Management (CCM) for approval are changes to enforceable policies previously approved by NOAA, including modifications, additions, and deletions. The changes submitted this time 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.

DELETED:

HRS Chapter 6E, Part VI South Kona Wilderness Area, under HRS Chapter 6E Historic Preservation, effective 07/01/2003; subsequently repealed 12/31/2007

ADDED:

HRS Chapter 6E, Part VI South Kona Wilderness Area, effective 07/01/2011
HRS § 6E-42.2 Excluded activities for private-owned single-family detached dwelling units and townhouses, effective 07/01/2015
Hawaii Administrative Rules (HAR) Chapter 13-275, Rules governing procedures for historic preservation review for governmental projects, effective 12/11/2003
HAR Chapter 13-276, Rules governing standards for archaeological inventory surveys and reports, effective 12/11/2003
HAR Chapter 13-277, Rules governing requirements for archaeological site preservation and development, effective 12/11/2003
HAR Chapter 13-278, Rules governing standards for archaeological data recovery studies and reports, effective 12/11/2003
HAR Chapter 13-279, Rules governing standards for archaeological monitoring studies and reports, effective 12/11/2003
HAR Chapter 13-282, Rules governing permits for archaeological work, effective 12/11/2003
HAR Chapter 13-283, Rules governing standards for osteological analysis of human skeletal remains, effective 12/11/2003
HAR Chapter 13-284, Rules governing procedures for historic preservation review to comment on Section 6E-42, HRS, projects, effective 12/11/2003
HAR Chapter 13-76, Rules relating to non-indigenous aquatic species, effective 10/12/2007
HAR Chapter 13-168, Rules relating to water use, wells, and stream diversion works, effective 05/27/1988; amended 03/21/1997 and 08/09/2018
HAR Chapter 13-171, Designation and regulation of water management areas, effective 05/27/1988; amended 02/18/1994 and 06/10/1995
Hawaii State Building Code, based on International Building Code, 2012 Edition, effective 11/13/2019
HRS § 182-1 Definitions, under HRS Chapter 182 Reservation and Disposition of Government Mineral Rights, effective 04/30/2012

REVISED:

HRS § 183C-4 Zoning, under HRS Chapter 183C Conservation District, effective 04/30/2012
HRS § 205-2 Distributing and classification of lands
 § 205-4.5 Permissible uses within the agricultural districts
 § 205-5 Zoning, under HRS Chapter 205 Land Use Commission, effective 04/30/2012
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, effective 06/12/1996 and 05/21/2013

HRS § 171-2 Definition of public lands, under HRS Chapter 171 Public Lands, Management and Disposition of, effective 04/23/2012
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, effective 06/25/2002
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, effective 09/15/2020

This notice summarizes the program change action to the Hawaii CZM Program that is being submitted for federal review and concurrence. The subject submittal and supporting documents are available for review 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/>

Any comments on the Program Change should be submitted by **December 22, 2020**, **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.