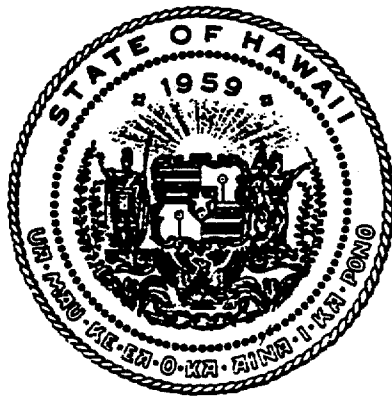


HAWAII COASTAL ZONE MANAGEMENT PROGRAM



Office of the Governor

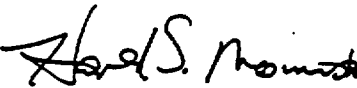
OFFICE OF STATE PLANNING

PREFACE

The Hawaii Coastal Zone Management Program is about managing the State's coastal areas and resources. Coastal resources include beaches, fishponds, scenic areas, marinas, wetlands, recreational areas, anchialine ponds, fish, open spaces, whales, sea turtles, harbors, historic sites, and ecosystems. Because the coastal areas and their resources have traditionally been and continue to be an integral part of the lifestyle of the people of Hawaii, their management is important. Effective management requires Federal, State, and County governments working together in a partnership arrangement. This is a key component of the Hawaii Coastal Zone Management Program.

The Hawaii Coastal Zone Management Program is based on the premise that coastal resource use and development must be environmentally sound, socially acceptable, and economically beneficial to the people of Hawaii. Balance and effective management are primary purposes.

This document provides a description of the Hawaii Coastal Zone Management Program. It discusses the linkages between the Federal, State, and County governments, Hawaii's land use and environmental management system, and the special components of the Hawaii Coastal Zone Management Program.


Harold S. Masumoto
Director

HAWAII COASTAL ZONE MANAGEMENT PROGRAM

TABLE OF CONTENTS

I. SUMMARY	1
II. INTRODUCTION	2
A. National Coastal Zone Management Act	
B. Hawaii's Response	
III. HAWAII'S LAND USE AND ENVIRONMENTAL MANAGEMENT SYSTEM	7
IV. HAWAII COASTAL ZONE MANAGEMENT PROGRAM	10
A. Management Area	
B. Hawaii Coastal Zone Management Network	
C. Citizen Participation	
V. FEDERAL CONSISTENCY	25
A. Federal Consistency Requirements	
VI. NATIONAL REQUIREMENTS	34
A. Management Authority	
B. Permissible Land & Water Uses	
C. Areas of Particular Concern & Priorities of Use	
D. Uses of Regional Benefit	
E. Energy Facility Siting, Beach Access & Shoreline Erosion	
<i>Abbreviations</i>	<i>61</i>
<i>Glossary</i>	<i>62</i>
<i>References</i>	<i>65</i>

LIST OF APPENDICES

- A: Hawaii Management System**
- B: Hawaii Coastal Zone Management Objectives & Policies**
- C: Federal Licenses & Permits Subject to Federal Consistency**
- D: Federal Assistance Programs Subject to Federal Consistency**
- E: Federally-Excluded Lands**
- F: Laws & Statutes**
- G: Administrative Rules & Regulations**

I. SUMMARY

This Hawaii Coastal Zone Management (CZM) Program document provides an overview of the key state and county laws, programs and agencies responsible for managing coastal development in Hawaii.

The document is organized into three sections. The first section describes how Hawaii's CZM Program came about and where it fits within the State's overall environmental and resource use and management system. It includes:

- A brief historical account of the federal Coastal Zone Management Act (CZMA) and Hawaii's response to the nationwide concern for coastal resources;
- An overview of the state and county laws and programs used to guide appropriate land and water uses and activities in suitable locations;
- A description of Hawaii's CZM Program, the coastal management area and organizational structure;
- An explanation of the mechanism used to coordinate the activities of federal agencies within Hawaii's CZM area; and
- A description of how Hawaii's CZM Program meets federal requirements.

Section two consists of appendices which describe in more detail some of the laws and programs introduced in the first section. In addition, they explain how the State's program meets the federal CZM requirements and addresses national concerns and issues. Section three includes a compendium of the various federal, state and county legal authorities included in Hawaii's CZM Program.

II. INTRODUCTION

A. National Coastal Zone Management Act

In the late 1960s and early 1970s, Congress enacted several complex pieces of environmental legislation. The National Environmental Policy Act (1969), the Federal Water Pollution Control Act (1972), the Marine Mammals Protection Act (1972), the Endangered Species Act (1973), the Marine Protection, Research and Sanctuaries Act (1972) and the Coastal Zone Management Act (1972) were part of the national response to a worldwide change in consciousness about environmental issues. This increasing concern was triggered by environmental disasters such as the Torrey Canyon oil tanker spill off the coast of England in 1968, the Santa Barbara Channel oil blowout of 1969, and by dire predictions of impending environmental doom by writers such as Rachel Carson, whose 1962 book *Silent Spring* focused attention on the potentially disastrous ecological consequences of using herbicides and pesticides.

Passage of these environmental laws meant new responsibilities for all levels of government. In some cases, new legislation was based on an explicit critique of previous governmental efforts at environmental management. This was particularly true of coastal management. In 1969 the Commission on Marine Sciences, Engineering and Resources — the Stratton Commission — issued its report entitled *Our Nation and the Sea*. The report cited several key factors thought to be impeding effective coastal management, including the low priority given to marine matters by local governments, the diffusion of responsibilities among various state agencies, the inability of states to assess their interests in their coastal zones, and the failure of states to develop and implement long-range coastal management plans. The Coastal Zone Management Act (CZMA) was enacted to respond to some of these jurisdictional gaps in the existing management of coastal areas. However, unlike other federal environmental programs enacted at this time, participation by states in the national Coastal Zone Management (CZM) program was voluntary. Congress devised a program of incentives in the form of grants-in-aid to encourage states to both develop and implement CZM programs for the better management of their coastal zones. The CZMA provided states with up to four years of matching planning grants to develop their coastal programs. The federal government reviews the programs developed by the states for consistency with the general Congressional goals and administrative guidelines. Once approved, the state programs are then eligible for implementation grants.

In addition to the financial incentives, the CZMA provides states with limited review powers over federal activities in and/or affecting each state's coastal zone. Under the federal consistency provision, the CZMA requires that all federal actions undertaken in or affecting the state's coastal zone be consistent with the state's approved coastal program. Where national defense or other over-riding national interests are concerned, they must at least be consistent "to the maximum extent practicable" [15 CFR 930.32]. In addition, federally-licensed and permitted activities as well as federally-funded state and local government projects must be consistent with the state's coastal program if the proposed activity affects the state's coastal zone. Hence, federal consistency affords states the opportunity to review, influence and modify federal agency decisions affecting coastal land and water resources. This review process represents an important modification of traditional federal supremacy since federal agencies can no longer act independently of or in conflict with state coastal programs.

The national CZM program is administered by the Office of Ocean and Coastal Resource Management (OCRM) (previously the Office of Coastal Zone Management), an office within the National Oceanic and Atmospheric Administration, under the U.S. Department of Commerce. Thirty-five coastal states, commonwealths and territories surrounding the Great Lakes, Gulf Coast, West Coast, East Coast and the Pacific qualify for participation in the CZM program.

Prior to qualifying for program implementation grants, a CZM program is developed by the state to implement the provisions of the CZMA. The program must:

1. Identify and evaluate those coastal resources recognized in the CZMA that require management or protection by the state;
2. Examine existing policies or develop new policies to manage these resources. The policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;
3. Determine specific uses and special geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. The basis for management uses (or their impacts) and areas should be based on resource capability and suitability analyses, socio-economic considerations and public preferences;
4. Identify the inland and seaward boundaries of the coastal zone subject to the management program;
5. Provide for consideration of the national interest in planning for and siting of facilities that are necessary to meet requirements which are beyond the local interest; and
6. Include sufficient legal authorities or organizational arrangements to implement the program and to insure conformance to it.

Although the CZMA regulations provide much more specificity to these requirements, they are still sufficiently vague that substantial federal-state negotiations over whether the state program meets the criteria are required.

The CZMA also requires local government and citizen participation during the development of a state program. The extent of citizen participation prescribed by the CZMA goes beyond the usual requirements provided for by state administrative procedures, requiring active participation by a range of public groups including business, community, labor and environmental representatives. Federal agencies are also consulted during the program's development.

In principle and in design, the national CZMA is a striking example of what has been called "cooperative federalism." This cooperative federalist approach seemed most appropriate to the policy problem since coastal states confront widely varying types of coastal resource management problems and have different historical and political traditions for dealing with those problems.

B. Hawaii's Response

The State of Hawaii consists of eight major and 124 minor islands extending over 1,700 miles of the North Pacific Ocean with a total land area of 6,425 square miles and a general coastline of 750 linear miles (Hawaii Databook, 1988). The eight major islands form a four hundred mile arc at the southeastern end of the Hawaiian archipelago and comprise more than 99 percent of the State's land mass. Not all the land area of these eight islands is usable however — 12 percent of the total is too steep for development or lacks productive capacity and about four-fifths of the usable area is devoted to extensive and intensive agricultural uses, of which about 75 percent is forest and grazing land (Atlas of Hawaii, 1983). Ownership of usable land is highly concentrated. The state, county and federal governments together are the biggest landowners, controlling about

38 percent of the total land area, four-fifths of which belong to the State (Hawaii Databook, 1988). Almost half of the land is within five miles of the shoreline and most urban development is located in near-shore areas. There is no point in the State that is more than 29 miles from the ocean.

Due to its physical location, configuration and climate, Hawaii is rich in a number of valuable coastal ecosystems, such as wetlands and reef flats, embayments and sheltered coves, sand beaches and coral reefs. They serve important natural functions, providing habitat and breeding grounds for wildlife and living marine resources, natural buffers to the action of storm waters and a natural laboratory for scientific and biological research. In addition, they provide the basis for recreational and commercial fishing businesses.

These same resources, however, are subject to a number of stresses resulting from activities occurring within or near the ecosystems. These activities can deplete nearshore fish and other marine life; destroy coral reefs and fish habitat, wetlands, and nearshore upland ecosystems; interfere with natural sand movements; reduce groundwater and aquifer recharge areas; and pollute coastal waters.

Hawaii's recreational resources, especially its beaches, reefs and surfing sites, are exceptional in quality and are subject to increasing pressures. Almost half of the peak weekend recreational activity in the State occurs at offshore and shoreline areas. The demand for coastal recreational opportunities for beach use and water sports continues to rise as a result of population growth, increased affluence, greater leisure time and increased tourism.

Since 1970, tourism has been Hawaii's primary industry. Tourism is highly dependent on the natural and scenic features of the islands. A number of tourist attractions, such as fishing, boating, scuba-diving, swimming and surfing, are totally dependent on coastal locations. Others, such as hotels and restaurants, are greatly enhanced by coastal locations. However, Hawaii's urban growth patterns reduce public access to the shoreline and damage valuable recreational areas. These conditions threaten the capacity of the State's coastal resources to provide recreational opportunities of the quality and abundance expected by Hawaii residents and visitors. Decisions about the appropriate locations for future development and uses have important implications both for the current economic health of the State and for the long-term attractiveness of the islands as a place to live and visit.

Because of the relevance of coastal zone management in Hawaii, it was one of the first states to participate in the national program. In 1973, as a response to the establishment of the U.S. Office of Coastal Zone Management (OCZM) and initiation of rulemaking for the CZM grant program, the Governor designated the Hawaii Department of Planning and Economic Development (DPED) to be the "lead agency" responsible for Hawaii's CZM Program and charged it with developing a grant proposal to OCZM. DPED followed the development of the CZMA closely and was prepared to assume the responsibilities for program planning as the State's chief planning agency. In fact, as early as 1970, DPED held statewide planning conferences on the subject of coastal zone management. During that time the initiative was largely administrative and the Hawaii Legislature was hardly aware that a "CZM program" existed.

In 1974, DPED received its first federal planning grant and began its first of four years of CZM program development. A coastal planning staff and five consultants were assembled to design the program and funds were provided to the counties to hire staff to work with DPED. In addition, DPED set up what was perhaps the most significant citizen participation program the State has ever had.

To formalize its responsibilities as the State's lead agency for coastal management, a bill was submitted by the Governor and passed by the Legislature in 1973 which declared DPED as the lead agency for the Hawaii CZM Program [Act 164, 1973 SLH]. However, as the State administration began the task of developing a coastal program, a group of citizen activists

concerned that developers would rush to develop the shoreline as the State prepared its coastal program, lobbied for an interim coastal protection legislation. The proposed legislation, modeled after California's coastal program, provided for interim controls within an area 1,000 yards landward of the shoreline to be administered by a "coastal commission", which would also have a strong role in the development of the program. The proposed legislation was promoted by a group called the Shoreline Protection Alliance (SPA). The SPA received strong support from environmentalists, especially the Council of Presidents — a community organization representing a large number of leaders from various community and environmental groups.

During the 1975 legislative session, a bill calling for the creation of a coastal commission was introduced at the request of the SPA. This bill was the Legislature's first significant exposure to the CZM program. Fearing loss of control over the development of the program, state administrators lobbied for continued state authority over the program. They were joined by the four county planning directors who argued that there were already sufficient controls on coastal developments, and that if legislation were necessary, they (the counties) should be responsible for its implementation. Business and labor interests lobbied vigorously for no controls.

In 1975, a compromise bill known as the Shoreline Protection Act was passed which continued to designate the DPED as the lead state agency for plan/program formulation, but, in addition, created a "special management area" (SMA) to be established and managed by the counties until a statewide CZM program was enacted. The Shoreline Protection Act stipulated that no development could occur within the SMA unless the appropriate county had first issued a permit. Statutory policies and guidelines for reviewing SMA development applications were also established by the Act. In addition, the Act gave any citizen the power to ask for court review of whether county SMA permit decisions complied with the Act's policies and guidelines [Act 176, 1975 SLH].

In the meantime, DPED continued to develop proposals to meet the substantive requirements of the national CZMA, discussing each phase of the program with a Statewide Citizen's Forum (SCF). Members of the SCF were appointed by the Governor and represented most of the active environmental, industrial, development and recreation interests. In addition, citizen committees were established on each island, with members nominated by the county mayors and appointed by the Governor. For over a year and a half, from 1975 to late 1976, the DPED, its advisory committees, federal officials and consultants conducted numerous meetings on various aspects of the Hawaii CZM Program. The groups met as frequently as twice a month to discuss in great detail the problems and issues of the coastal zone and to formulate coastal management policies.

The principal work of the committees was to identify and reach consensus about the primary coastal problems confronting the State and to review specific policies developed by the DPED and its consultants to deal with these problems. A CZM policy plan was developed in the fall of 1976 and, after extensive review and revision, was presented to the Legislature as the work of the department, the citizen committees and the consultants.

Legislation based on the plan was reviewed during the 1977 legislative session. After further compromises and revisions, it was enacted into law [Act 188, 1977 SLH]. The new CZM Law retained the basic structure and institutional arrangements established by the Shoreline Protection Act, but made significant additions with newly developed objectives and policies.

The policies of the Shoreline Protection Act were general regarding what coastal resources were to be protected and how resource protection was to be balanced against other uses. The CZM Law is more specific in identifying recreational, historic, scenic and open space, coastal ecosystems, hazards and economic uses as being the "resources" to be managed. However, the objectives and policies developed for these seven resource areas continue to provide a very broad management framework (Refer to Appendix B for the Hawaii CZM Program objectives and

policies). The generality of these objectives and policies is the result, in part, of the program development process. This process relied heavily on committees comprised of a wide variety of interest groups to identify coastal problems and policies, to address these problems, and most importantly, to reach consensus among the groups. However, consensus could only be acquired at the expense of policy specificity. Indeed, legislative enactment of even these broad policies proved to be uncertain until committee members representing all the various interests appeared at the legislative committee hearings and lobbied for passage of the policy package.

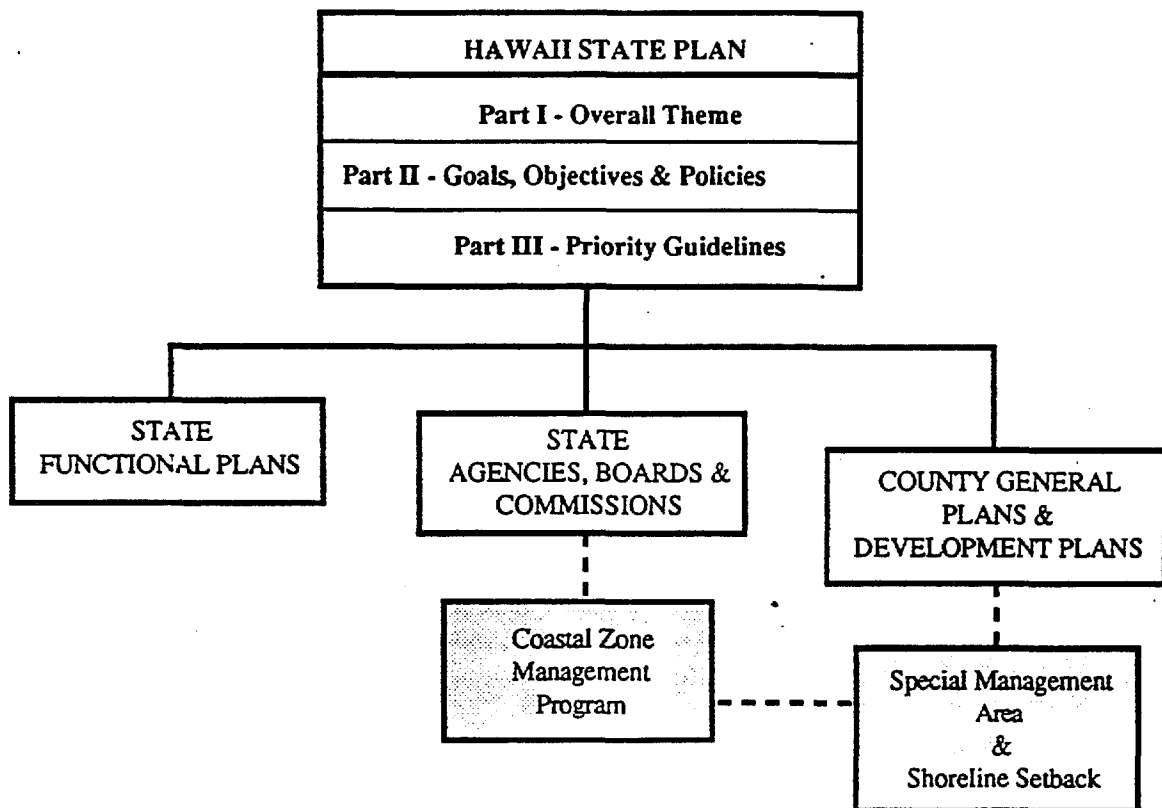
Although the counties retained primary authority for management in the SMA, they were not given exclusive management responsibility in the coastal zone. Management authority over uses and activities outside the SMA and in State coastal waters continues to be distributed among various state agencies. Both the counties and these state agencies are a part of Hawaii's CZM management framework. Within this framework, DPED was given responsibility for administering the program and ensuring that state and county agencies comply with the CZM program objectives and policies.

Hawaii's CZM Law remained relatively unchanged until 1986, when the State shoreline setback provisions (described in Section IV.A) were added to the CZM Law. Then, in 1987, DPED was reorganized into two separate entities: the Office of State Planning (OSP) was created and assigned the planning functions previously housed in DPED; while the remainder of the programs remained in the department, under its new title, the Department of Business and Economic Development (DBED). Administration of the Hawaii CZM Program remained with DBED until 1988 when it was transferred to OSP. Although the responsibilities have remained essentially the same, since its transfer the program has begun to move towards a stronger role in advocacy, planning, policy development and special projects. In addition, OSP is beginning a major assessment of the Hawaii CZM Program to reflect the many changes that have occurred in the State since the program's formulation in 1975 as well as to respond to emerging coastal issues. Extensive participation by government, private and public interest groups is expected and will be required to aid in this ambitious undertaking.

III. HAWAII'S LAND USE & ENVIRONMENTAL MANAGEMENT SYSTEM

In Hawaii, the CZM Program is one of several state and county laws and programs used to guide appropriate land and water uses and activities in suitable locations. The Hawaii State Plan provides the overall policy framework to guide future development in the State [Chapter 226, HRS]. It is a comprehensive document consisting of three parts — Part I provides the general theme, goals, objectives and policies for the State; Part II establishes the statewide planning system and its coordination and implementation; and Part III consists of the priority guidelines of statewide concern. The Plan coordinates the State's planning process through functional plans, agencies and departments, boards, commissions, and county general and development plans (see Figure III.1).

FIGURE III.1:
State of Hawaii
Management Framework



The State Plan requires the development of State functional plans for specified areas. To date, there are twelve functional plans for the following areas: (1) agriculture; (2) conservation lands; (3) education; (4) energy; (5) health; (6) higher education; (7) historic preservation; (8) housing; (9) recreation; (10) tourism; (11) transportation; and (12) water resources. These functional plans implement State Plan objectives and provide the "link" between State policy and the various agency/departamental programs and activities. The plans identify major statewide

priority concerns; define current strategies for each functional area; identify major relationships among these areas; provide the direction and strategies for agency/departmental policies, programs and priorities; provide a guide for allocating resources to carry out various State activities; and assist in coordinating State and county roles and responsibilities in implementing the State Plan.

Implementation of both the State and functional plans is carried out by a number of governmental agencies through an elaborate management system. At the apex of this system is the Hawaii Land Use Law which places all land in the State into one of four districts — urban, rural, agricultural and conservation — and establishes a Land Use Commission, appointed by the governor, to review petitions for changes in district boundaries submitted by landowners or public agencies [Chapter 205, HRS].

Each of the State land use districts is characterized by different permissible uses. Rural districts are those areas primarily in small farms mixed with low-density residential lots. Agricultural districts include lands with a high capacity for intensive cultivation. Minimum lot sizes and other rules for rural and agricultural districts are established by the Commission and administered by the counties. Conservation districts include lands in forest and water reserves, national or state parks, lands with a general slope of 20 percent or more and marine waters and offshore islands. Land uses within conservation districts are governed by the Department of Land and Natural Resources¹. Urban districts include those lands already in urban use, with a reserve to accommodate foreseeable growth. Permissible uses in the urban districts are defined primarily by the counties through their plans and zoning and subdivision ordinances and regulations, but are subject to constraints and conditions imposed by the Commission at the time the land is classified as Urban. Permissible uses within each district are summarized in Table III.1. As of 1988, about four percent of all state land is in the urban district, 48 percent in agriculture, 48 percent in conservation and less than one percent in rural (Hawaii Databook, 1989).

The four counties — Kauai, Maui, Hawaii and the City and County of Honolulu — exercise the full panoply of planning, zoning, subdivision and other controls that are characteristic of American jurisdictions. Coordination of the State Plan at the county level is through the county general and development plans. County general plans are authorized by county charters and provide a framework based on the unique needs of each county. They direct various activities and specify further the State Plan's objectives and policies. County development plans provide detailed guidelines to implement the objectives and policies of the general plans and direct development and population distribution consistent with those general plans. Although land use designations are also established in county development plans and are more specific than those specified for urban districts by the Land Use Commission, they are still fairly broad. Specific land use designations and permissible uses are further defined in county zoning codes through their land use ordinances and rules. Refer to Appendix A for a summary of the primary state and county departments included in Hawaii's land use and environmental management system.

¹In some areas, the counties have extended their boundaries of the SMA inland into designated conservation districts, and thus share authority with the Department of Land and Natural Resources in those areas of overlap.

**TABLE III.1:
Hawaii State Land Use Law
Permissible Uses**

PERMISSIBLE USES	AUTHORITY
<p>Urban</p> <p>Any and all uses permitted by county ordinance/regulations, subject to LUC conditions</p>	<p>County Ordinance & Regulations</p>
<p>Agricultural</p> <p>Utility lines, roadways & small buildings ancillary to agricultural practices Crop cultivation, livestock, fish and game propagation Farm buildings or activities Public institutions necessary for agricultural practices Sites of historic or scenic interests and "open-area" recreation uses Roadside stands for sale of agricultural products</p>	<p>LUC: Admin. Rules, Title 15, Subtitle 3, Ch. 15</p>
<p>Rural</p> <p>Any and all uses permitted in agricultural districts Low density residential uses with a minimum lot size of one-half acre</p>	<p>LUC: Admin. Rules, Title 15, Subtitle 3, Ch. 15</p>
<p>Conservation</p> <p><u>PROTECTIVE "P" SUBZONE:</u> Establish sanctuaries, refuges, wilderness, scenic areas and historic & archaeological sites Programs for vegetation, animal and marine population control Sites of historic or scenic interests and "open-area" recreation uses</p> <p><u>LIMITED "L" SUBZONE:</u> All uses allowed under the "P" subzone Forestry, flood, erosion/siltation and emergency communications systems</p> <p><u>RESOURCES "R" SUBZONE:</u> All uses allowed under the "P" and "L" subzones Aquaculture, artificial reefs and commercial fishing operations</p> <p><u>GENERAL "G" SUBZONE:</u> All uses allowed under the "P", "L" and "R" subzones Surface and groundwater facilities</p>	<p>DLNR: Admin. Rules, Title 13, Subtitle 1, Ch. 2</p>

IV. HAWAII COASTAL ZONE MANAGEMENT PROGRAM

A. Management Area

Hawaii's coastal zone includes the waters from the shoreline¹ to the seaward limit of the State's jurisdiction and all lands excluding those lands designated as state forest reserves [Chapter 205A, HRS]. In addition, on the landward side of the coastal zone two "belts" circling the islands — the Special Management Area and the Shoreline Setback Area — are also established for more intensive management by the four counties. Figure IV.1 illustrates the Hawaii CZM area (including the SMA) as well as the areas excluded from the State's coastal zone. These spatial limits and management systems are further described below.

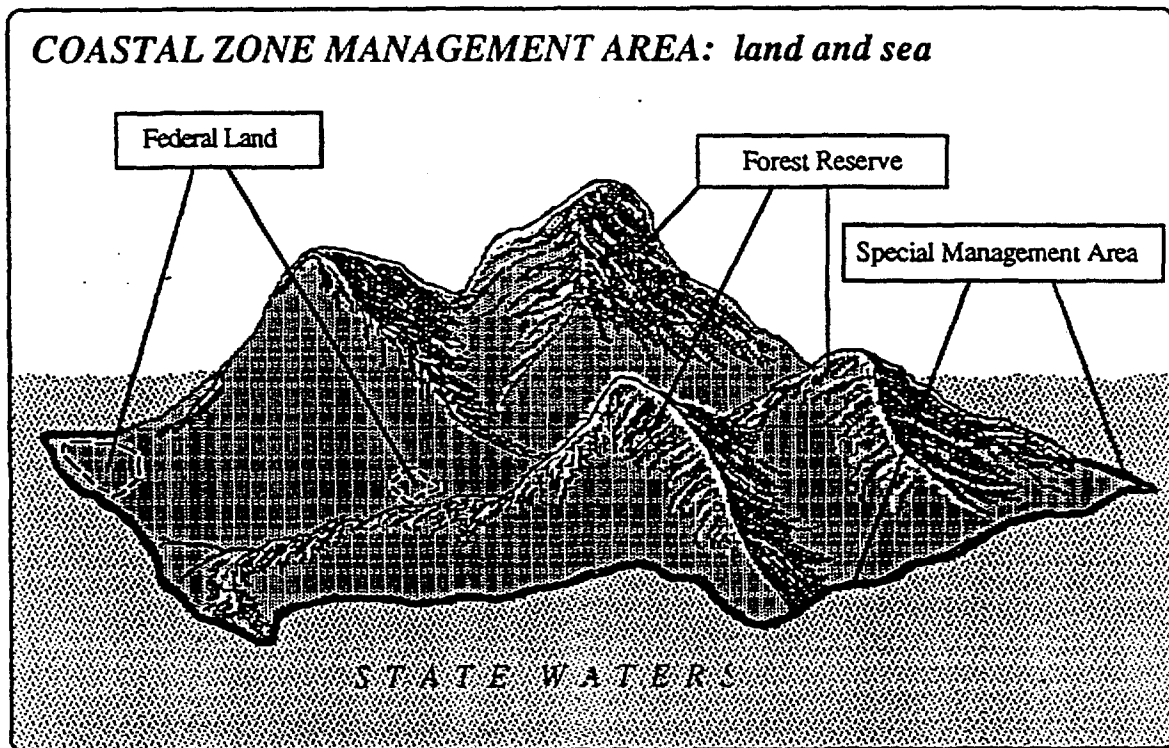


Figure IV.1

Forest Reserves

Forest reserves are established by the Governor [Chapter 183, HRS] and include lands set aside for watershed protection, forest products, forest recreation, protection of native plants, and maintenance of fish and wildlife habitat. Hawaii has nearly 2 million acres (3,102 square miles) of forest land — almost one-half the area of the State (Hawaii Databook, 1988). Of this, about 1.2 million acres are held in forest reserves with most lying on mountain slopes (Hawaii Databook, 1988). The State has direct control over forest reserve uses and is therefore responsible for assuring that activities on these lands will have minimal impact on or in coastal lands or waters.

¹"Shoreline" is defined as the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves [§205A-1].

Federal Lands

The national CZM requires that those lands owned, leased, held in trust, or whose use is otherwise subject solely to the discretion of the federal government, its officers or agents be excluded from the coastal zone management area² [15 CFR 923.33(a)]. However, while this area is *administratively* excluded from the State's CZM area, federal actions on these lands may be subject to federal consistency requirements when they generate spillover impacts that significantly affect the CZM area, uses or resources within the purview of the Hawaii's management program [15 CFR 923.33(c)]. An inventory of federally-excluded lands in the State is included in Appendix E and a description of the federal consistency provisions is presented later in Section V.

Special Management Area

Prior to developing the Hawaii CZM Program, the Shoreline Protection Act designated a "special management area" (SMA) and gave the counties authority to issue permits for development activities in the SMA. The 1975 Act states that it shall be the policy of the authority through its programs and activities and resources to:

1. *Maintain the undeveloped portion of the special management area of the State where needed for recreation, scenic, educational and scientific uses in a manner that protects resources and is of maximum benefit to the general public;*
2. *Encourage public and private agencies to manage the natural resources within the State in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent;*
3. *Protect the shorelines of the State where needed from encroachment of man-made improvements and structures;*
4. *Encourage the definition and development of operational criteria and standards for the special management area which lead to progressive enhancement of the relationship between mankind and the natural environment;*
5. *Carry out a program of intergovernmental and private-public interaction and coordination on the special management area planning and management; and*
6. *Encourage citizen participation in the planning process for the special management area so that it continually embraces more citizens and more issues [Act 176, 1975 SLH].*

Designation of the SMAs is left to the discretion of each county, provided that the SMAs include lands extending "not less than 100 yards³ inland from the 'shoreline' including undeveloped lands surrounding bodies of surface water subject to salinity intrusion or tidal influences and the waters themselves" [Act 176, 1975 SLH]. The counties were directed to adopt SMA boundaries by December 1, 1975. In some areas the SMAs extend several miles inland to

²In excluding federal lands from Hawaii's coastal zone, the State does not impair any rights or authorities that it may have over federal lands that exist separate from this program [15 CFR 923.33(c)(2)].

³SMA designations were amended in 1979 to include "the land extending inland from the shoreline as delineated on the maps filed with the authority as of June 8, 1977" [Act 200, 1979 SLH].

cover areas in which coastal resources are likely to be directly affected by development activities (detailed maps of the SMAs are available at the Planning Departments of Kauai, Maui, and Hawaii counties, and at the Department of Land Utilization of the City and County of Honolulu). The counties may amend their boundaries at any point in time; amendments *removing* areas from an SMA are subject to State review for compliance with the coastal law. Since the initial boundary designations in 1975, routine amendments are made by each of the four county authorities, as necessary.

The Shoreline Protection Act also stipulated that no development could occur in the SMA unless the appropriate county first issued a permit. "Development" was defined to include all land uses which had a market value exceeding \$25,000⁴ or "significantly" affected the coastal zone, other than construction of an isolated single family residence. However, developments that received county subdivision or planned development permits prior to December 1, 1975, were exempt from the requirements of the Shoreline Protection Act.

The Act established statutory policies and guidelines to be followed by the counties when issuing SMA permits. In addition, it gave any citizen the power to ask for court review of whether county SMA permit decisions complied with the Act's policies and guidelines. The guidelines included the following:

1. *All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:*
 - A. *Adequate access, by dedication or other means to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;*
 - B. *Adequate and properly located public recreation areas and wildlife preserves are reserved;*
 - C. *Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and*
 - D. *Alterations to existing land forms and vegetation except crops, and construction of structures shall cause minimum adverse effect to water resource and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.*
2. *No development shall be approved unless the authority has first found:*
 - A. *That the development will not have any substantial adverse environmental or ecological effect except as such adverse effect is clearly outweighed by public health and safety. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options; and*
 - B. *That the development is consistent with the findings and policies set forth in this part.*

⁴This value was amended by the 1982 Legislature to \$65,000 [Act 126, SLH 1982].

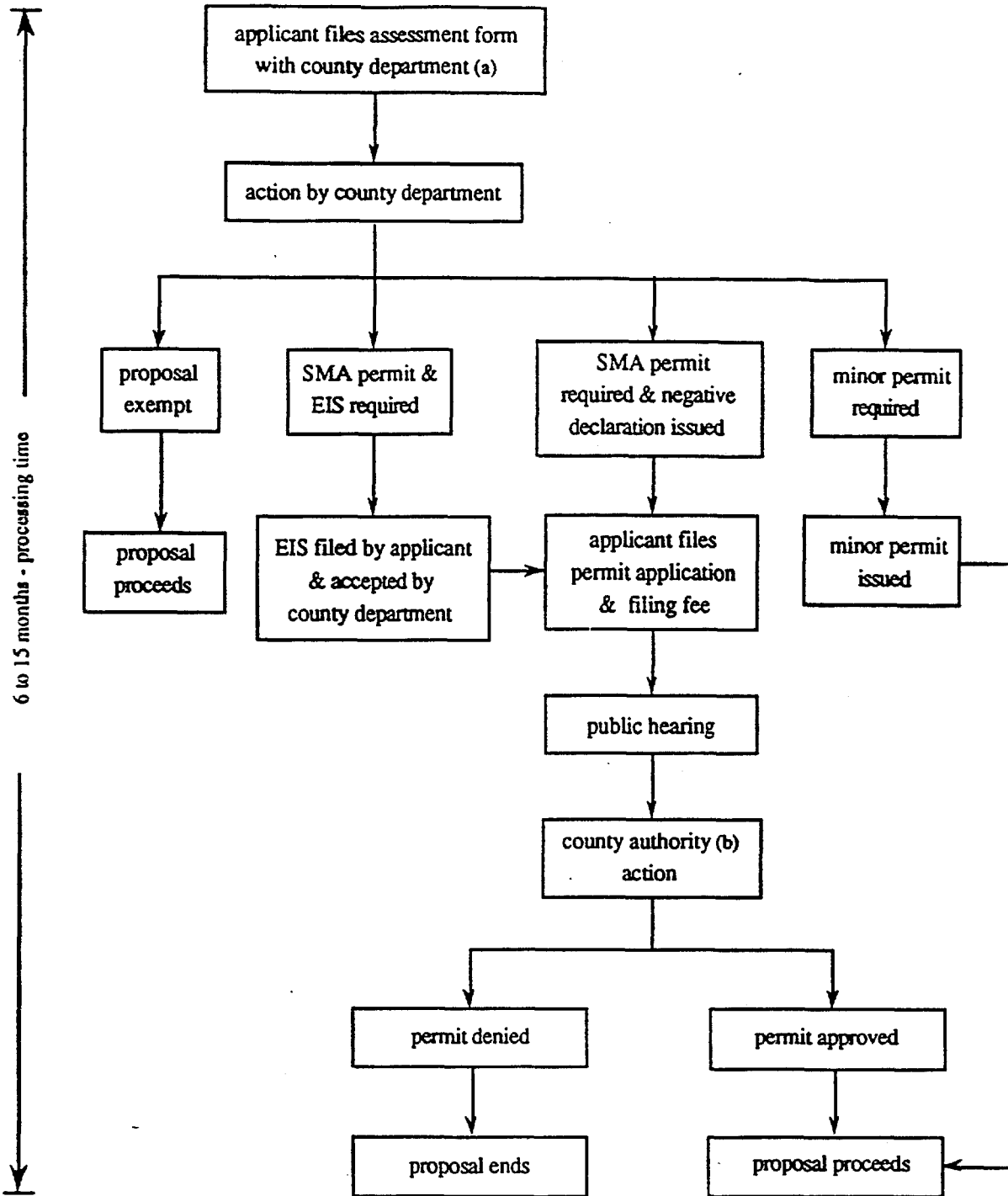
3. *The authority shall seek to minimize, where reasonable:*
- A. *Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;*
 - B. *Any development which would reduce the size of any beach or other area usable for public recreation;*
 - C. *Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and to the mean high tide line where there is no beach;*
 - D. *Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and*
 - E. *Any development which would adversely affect water quality, existing areas of open water from visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land [Act 176, 1975 SLH].*

In 1977, the Hawaii Coastal Zone Management Law, Chapter 205A, HRS, was passed, retaining the basic structure and institutional arrangements established by the Shoreline Protection Act.

Although each county has its own procedures for administering SMA permits, the requirements and review processes for SMA applications are similar for all four counties. Each county requires a permit applicant to describe the proposed development in terms of the State CZM objectives and policies and SMA guidelines. In addition, all counties have established specific legal authority to require special studies as necessary, including archaeological/historic reconnaissance, coastal hazards, viewplanes, traffic, biological and/or water quality analysis. Figure IV.2 illustrates generally the review process for SMA permit applications.

FIGURE: IV.2

Special Management Area
Permit Process



- (a) Planning Departments for the counties of Maui, Kauai and Hawaii; Department of Land Utilization for the City & County of Honolulu.
- (b) Planning Commissions for the counties of Maui, Kauai and Hawaii; City Council for the City & County of Honolulu.

The number of major and minor permits processed by the four counties since 1976 is shown in Table IV.1.

TABLE: IV.1

Special Management Area
Major & Minor Permits

1976 - 1988
(by county)

YEAR	HONOLULU		MAUI		HAWAII		KAUAI		STATEWIDE	
	Major	Minor	Major	Minor	Major	Minor	Major	Minor	Major	Minor
1976	81	94	21	112	26	116	11	9	139	331
1977	58	94	28	160	29	130	7	20	122	404
1978	49	86	26	117	44	109	24	14	143	326
1979	25	74	54	117	14	77	20	10	113	278
1980	35	50	42	120	25	37	12	20	114	227
1981	31	67	38	132	22	33	10	24	101	256
1982	34	50	30	236	12	28	4	9	80	323
1983	13	36	13	188	10	48	9	59	45	331
1984	20	53	29	311	13	69	4	19	66	452
1985	26	55	37	328	9	23	5	11	77	417
1986	27	86	34	361	27	51	17	32	105	530
1987	26	76	48	309	25	53	13	31	112	469
1988	36	81	41	227	13	33	17	11	107	352
TOTAL	461	902	441	2,718	269	807	153	269	1,324	4,696

The counties have approved about 98 percent of their SMA permit applications. However, this high rate of approval masks the degree to which informal negotiation and consultation between county officials and applicants precede the granting of SMA permits. In addition, the data do not represent the number applications for projects that are withdrawn following consultation with county officials nor does it reflect "conditional approvals" which require applicants to modify their proposals and/or undertake specific actions to make the proposed use or action consistent with the CZM objectives and policies. Such conditions have included dedicating beach access, site design modifications to minimize visual impacts, archaeological salvage operations and flood hazard mitigation.

Shoreline Setback

Near-shore areas are the most dynamic region of the coastal zone. Poorly-sited or improperly constructed seawalls, docks or other structures can interfere with natural sand transport systems thus increasing coastal erosion in some areas and/or accretion in others. To protect these near-shore areas, the Hawaii Land Use Law was amended in 1970, establishing shoreline setbacks of not less than 20 feet and not more than forty feet inland from the shoreline. With some minor exceptions, the Act prohibited the mining or taking of sand, dead coral or corral rubble, rocks, soil, or other beach or marine deposits from the shoreline area, or within 1,000 feet seaward from the shoreline, or in water of 30 feet or less in depth in the territorial sea [§205-33, HRS]. In addition, structures (or portions of a structure), including but not limited to seawalls, groins and revetments, were not permitted within the shoreline area without a variance by the particular county authority. Approval of a variance application by the county planning commissions (City Council for Honolulu) is based on the following conditions: (1) that the structure, activity or facility was in the public interest; or (2) that hardship would result to the applicant if the proposed structure, activity or facility was not allowed within the shoreline area.

In 1986, the shoreline setback provisions were transferred from the Hawaii Land Use Law [Chapter 205, HRS] to the Hawaii CZM Law [Chapter 205A - Part III, HRS], however, no significant alterations were made to the substance of the law. In 1989, major additions were made to the setback provisions with two new sections [Act 356, 1989 SLH]. First, the county authorities are required to hold a public hearing prior to any action on a variance application unless it involves:

1. *Stabilization of shoreline erosion by the moving of sand entirely on public lands;*
2. *Protection of a legal structure costing more than \$20,000; provided the structure is at risk of immediate damage from shoreline erosion;*
3. *Other structures or activities; provided that no person or agency has requested a public hearing within 25 calendar days after public notice of the application; or*
4. *Maintenance, repair, reconstruction and minor additions or alterations of legal boating, maritime, or watersports recreational facilities, which result in little or no interference with natural shoreline processes [§205A-43.5].*

Second, enforcement guidelines were created to remove or correct any structure or activity prohibited in the setback area without a variance approval from the appropriate county authority. The revised law also establishes additional conditions for setback variance approval, requiring that

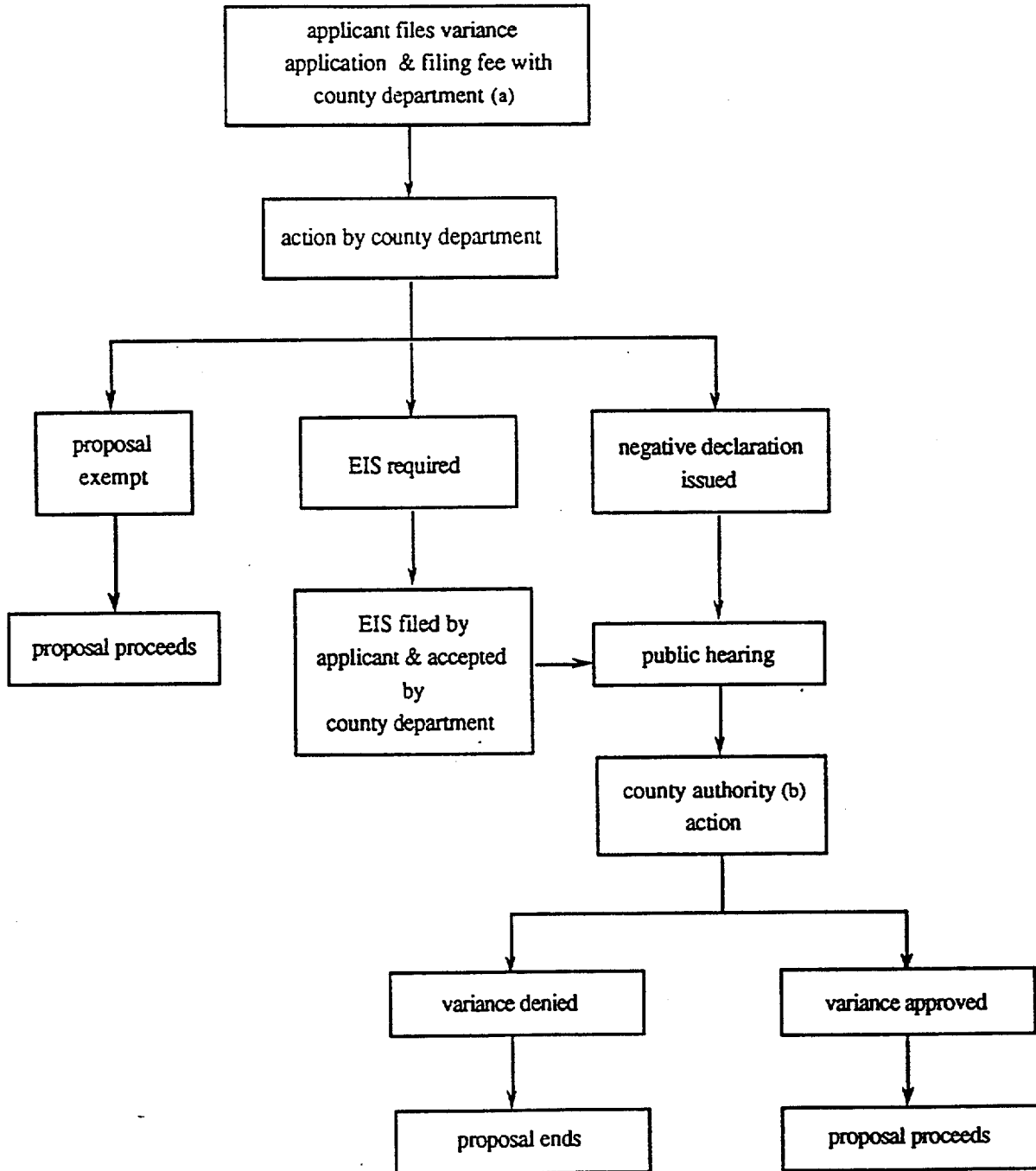
- (a) *A variance may be granted for a structure or activity otherwise prohibited by this part if the authority finds in writing, based on the record presented, that the proposed structure or activity is necessary for or ancillary to:*
 - (1) *Cultivation of crops;*
 - (2) *Aquaculture;*
 - (3) *Landscaping; provided that the authority finds that the proposed structure or activity will not adversely affect beach processes and will not artificially fix the shoreline;*
 - (4) *Drainage;*

- (5) *Boating, maritime, or water sports recreational facilities;*
 - (6) *Facilities or improvements by public agencies or public utilities regulated under §269;*
 - (7) *Private facilities or improvements that are clearly in the public interest;*
 - (8) *Private facilities or improvements which will neither adversely affect beach processes nor artificially fix the shoreline; provided that the authority also finds that hardship [see part (b) below for definition of 'hardship'] will result to the applicant if the facilities or improvements are not allowed within the shoreline area;*
 - (9) *Private facilities or improvements that may artificially fix the shoreline; provided that the authority also finds that shoreline erosion is likely to cause hardship to the applicant if the facilities or improvements are not allowed within the shoreline area; provided further that the authority imposes conditions to prohibit any structure seaward of the existing shoreline unless it is clearly in the public interest; or*
 - (10) *Moving of sand from one location seaward of the shoreline to another location seaward of the shoreline; provided that the authority also finds that moving of sand will not adversely affect beach processes, will not diminish the size of a public beach, and will be necessary to stabilize an eroding shoreline.*
- (b) *Hardship shall be defined in rules adopted by the authority under Chapter 91. Hardship shall not be determined as a result of county zoning changes, planned development permits, cluster permits, or subdivision approvals after the effective date of this Act, or as a result of any other permit or approval listed in rules adopted by the authority.*
- (c) *No variance shall be granted unless appropriate conditions are imposed:*
- (1) *To maintain safe lateral access to and along the shoreline or adequately compensate for its loss;*
 - (2) *To minimize risk of adverse impacts on beach processes;*
 - (3) *To minimize risk of structures failing and becoming loose rocks or rubble on public property; and*
 - (4) *To minimize adverse impacts on public views to, from, and along the shoreline [§205A-46].*

In addition, the 1989 Legislature authorized the counties through rules adopted pursuant to Chapter 91, HRS or ordinance to expand the shoreline setback area to include the area between mean sea level and the shoreline. The shoreline setback variance process is shown below in Figure IV.3 and the number of shoreline variances reviewed by the counties since 1986 is shown in Table IV.2.

FIGURE: IV.3

Shoreline Setback
Variance Process



- (a) Planning Departments for the counties of Maui, Kauai and Hawaii; Department of Land Utilization for the City & County of Honolulu.
- (b) Planning Commissions for the counties of Maui, Kauai and Hawaii; City Council for the City & County of Honolulu.

TABLE: IV.2

Shoreline Setback Variances
1986 - 1988
(by county)

COUNTY	VARIANCES PROCESSED 1986 - 1988
Honolulu	62
Maui	19*
Hawaii	10
Kauai	15
STATEWIDE	93

*Of the 19 variances, 13 were processed "administratively," 6 through the planning commission.

B. Hawaii Coastal Zone Management Network

In designing a management system for Hawaii's CZM area, a major consideration was whether new permits or other regulatory mechanisms would be required. Because of the State's extensive system of land use and environmental controls, the Legislature, in enacting the CZM Law in 1977, noted that ". . . Hawaii's environment is both under-managed and over-regulated; that new regulatory mechanisms must not be added onto, but rather combined with the existing system . . ." As a result, an alternative approach was proposed which involved incorporating existing state and county land and water use controls and environmental and resource protection laws into a "network" to implement the program. This approach allowed the State, which already had substantial control over coastal activities and areas, to bind its existing array or "network" of management controls to achieve coastal management objectives.

The network is a coordinative device intended to insure that state and county agencies address coastal management objectives and policies. To implement the network, the Hawaii CZM Law requires that the objectives and policies of the Hawaii CZM Program be binding on all agencies (to include any agency, board, commission, department or officer of a county or state government), and all are required to ensure that their rules comply with the law [§205A-4, 5, HRS]. As a result, at least 58 state laws and county ordinances and rules are incorporated into the Hawaii CZM Program. State agencies included in Hawaii's CZM management network are the Office of State Planning, the Land Use Commission, the Department of Land and Natural Resources, the Department of Health, the Office of Environmental Quality Control, the Department of Transportation, the Department of Business and Economic Development, and the Department of Agriculture. Some of the primary laws and programs in the network are illustrated in Figure IV.4.

In addition to the various state agencies, a series of state-mandated county regulatory programs are incorporated into Hawaii's CZM Program and include erosion control programs subject to review and approval by the State Department of Health [Ch. 180C, HRS] and programs

to ensure beach access and park dedication [CH. 46-6, HRS]. Most importantly, the county planning departments play a major role in implementing the CZM program through the SMA and shoreline setback provisions, discussed earlier (Refer to Appendix A for a more detailed description of state and county agency responsibilities).

Hawaii CZM Program Lead Agency

Within this management framework, the Office of State Planning is the "lead agency" and is responsible for a number of on-going activities. Some of the functions include:

- *Receiving, disbursing, using, expending, and accounting for all funds that are made available by the U.S. and the State for the Hawaii CZM Program;*
- *Providing support and assistance in the administration of the Hawaii CZM Program;*
- *Reviewing federal programs, permits, licenses, and development proposals for consistency with the Hawaii CZM Program;*
- *Preparing guidelines as necessary to further specify and clarify the objectives and policies of Chapter 205A, HRS, in consultation with the counties and the general public;*
- *Facilitating public participation in the Hawaii CZM Program; and*
- *Preparing an annual report to the governor and the legislature which includes recommendations for enactment of any legislation necessary to require any agency to comply with the objectives and policies of Chapter 205A, HRS and any guidelines enacted by the legislature [Act 356, 1989 SLH].*

OSP is also responsible for ensuring compliance with Hawaii's CZM Program by all state and county agencies. As a result, OSP monitors CZM-related activities and permit approvals of the various network agencies including: Land Use Commission's land use district boundary amendments (LUDBA); Department of Land and Natural Resources' conservation district use applications (CDUA); and environmental impact assessments (EIA) and statements (EIS). Table IV.3 summarizes the reviews that were conducted by the lead agency for consistency with the CZM Program objectives and policies.

MAJOR LAND & ENVIRONMENTAL AUTHORITIES - a spatial perspective

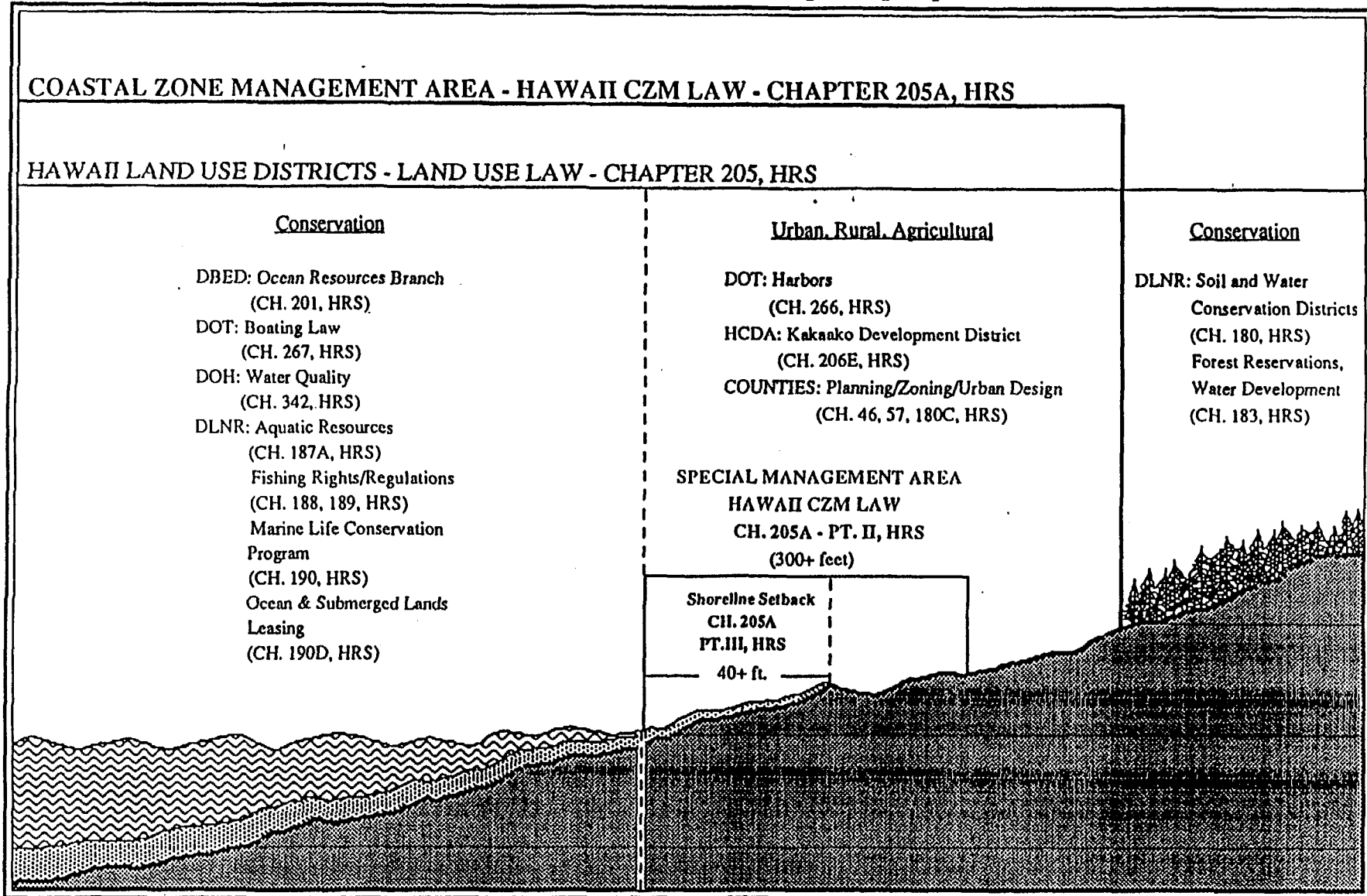


Figure IV.4

TABLE: IV.3

Hawaii CZM Office
Administrative Reviews
1980 - 1988

YEAR	CDUA	LUDBA	EIA	Negative Declaration	EIS Prep Notice	Draft EIS	Final EIS
1980	0	4	1	0	1	11	6
1981	3	15	3	0	16	13	6
1982	11	19	3	0	11	13	2
1983	44	16	1	0	13	24	4
1984	48	27	9	1	8	7	7
1985	73	11	9	0	12	17	6
1986	76	9	19	0	23	30	5
1987	85	9	23	1	25	23	12
1988	70	17	15	4	16	25	3
TOTAL	410	127	83	6	125	163	51

As lead agency, OSP also undertakes a number of diverse projects to carry out CZM objectives and policies. Projects conducted by OSP since 1985 include:

- *Hawaii Ocean Management Plan*
- *Kawainui Marsh Resource Management Plan*
- *An Applicant Guide to State Permits & Approvals for Land & Water Use & Development*
- *A Consolidated Application Process for Land & Water Use Permits (brochure)*
- *Effects on Hawaii of a Worldwide Rise in Sea Level Induced by the "Greenhouse Effect"*
- *Beach Erosion Conference*
- *Public Awareness Video Spots*
- *Aerial Photographs for Beach Erosion Analysis*
- *Beach Erosion Management Study*

In addition, OSP supports other state and county agencies by aiding in the design of and providing additional funding for special projects and studies. Some recent projects conducted by the various agencies and funded by the Hawaii CZM lead agency include:

- *Department of Land & Natural Resources Hawaiian Fishpond Study*
- *Department of Land and Natural Resources Biological Database for Rare Plant & Animal Species*

- *City & County of Honolulu Inventory of Oahu Shoreline Structures*
- *City & County of Honolulu Guide to Oahu's Beaches & Ocean Recreational Resources*
- *City & County of Honolulu Shoreline Setback Study*
- *City & County of Honolulu Coastal View Study*

- *County of Kauai Coastal Activities Resource Management Plan*
- *County of Kauai Beach Warning Sign Program*
- *County of Kauai Historical Resources Management Plan*
- *County of Kauai Inventory of Shoreline Properties & Structures*

- *County of Maui Public Access Project*
- *County of Maui Adopt-an-Access Program*
- *County of Maui Shoreline Access Signage Program*
- *County of Maui Shoreline Structure Inventory*

- *County of Hawaii Anchialine Pond Study*

C. Citizen Participation

In formulating the Hawaii CZM Program, the State developed one of the most significant citizen participation programs in the history of state planning. A Statewide Citizens Forum (SCF) was appointed by the Governor, composed of representatives of environmental, industrial and recreation interests. In addition, citizen committees were also created, made up of individuals from each island, nominated by the county mayors and appointed by the Governor. Together, with representatives from federal, state and county agencies, these groups identified coastal resource problems and issues and worked with DPED officials to develop policies to deal with these problems. Once the program was developed, their participation continued into the legislative session, where they lobbied for the policy plan and eventual passage of Hawaii's CZM Law.

Following program approval by the federal government and the State Legislature, the Hawaii CZM Program Statewide Advisory Committee (SAC) was established. As the successor of the SCF, the SAC includes representatives from various special interest groups and state and county government agencies⁵. SAC was established to give the public an opportunity to participate in activities and decisions affecting the coastal zone and in cooperation with the CZM Program, to increase public awareness of coastal issues and the activities and accomplishments of Hawaii's CZM Program. Members of SAC have assisted the Hawaii CZM Program by:

- *Bringing specific coastal issues to the attention of the OSP;*
- *Assisting the OSP in formulating program goals and objectives;*
- *Participating in and reviewing special projects and studies (e.g., Kawainui Marsh Resource Management Plan, Hawaii Ocean Management Plan, beach erosion studies, etc.);*
- *Reviewing proposed State and federal coastal legislation and offering testimony on these proposals;*
- *Informal monitoring of the coastal management activities of state and county agencies; and*
- *Evaluating program activities.*

⁵Currently, there are 18 SAC members representing the following agencies, organizations or interests: (1) Environmental; (2) Landowners; (3) Development/Economic; (4) Public; (5) City & County of Honolulu Citizen Member; (6) County of Kauai Citizen Member; (7) County of Maui Citizen Member; (8) County of Hawaii Citizen Member; (9) Director, Hawaii Department of Transportation; (10) Director, Hawaii Department of Health; (11) Director, Hawaii Department of Land and Natural Resources; (12) Director, Hawaii Office of Environmental Quality Control; (13) Land Use Commission; (14) Director, City & County of Honolulu, Department of Land Utilization; (15) Director, City & County of Honolulu, Department of General Planning; (16) Director, County of Kauai, Planning Department; (17) Director, County of Maui, Planning Department; and (18) Director, County of Hawaii, Planning Department.

V. FEDERAL CONSISTENCY

Land and water uses in coastal areas throughout the nation are greatly influenced by the planning, regulatory and construction activities of federal agencies. Federal harbor projects, military facilities, offshore oil, gas and mineral development, ocean waste disposal, and dredge and fill operations, affect coastal resources. In addition, federal agencies issue permits and licenses for a number of coastal activities and developments and own vast tracts of land.

In Hawaii, the federal government (both civilian and military) is one of the largest landowners and land users, accounting for almost 100,000 acres (24 percent) of Oahu, a similar area on Hawaii (four percent) and all of Kahoolawe and Kure Atoll (less than one percent of all other islands, however, is owned by or under the control of the military services). An inventory of federally-held lands is summarized in Appendix E.

For coastal states such as Hawaii, a sizable federal presence poses a dilemma: How can states manage coastal land and water resources without an effective role in federal development, planning and regulatory activities? The national CZMA provides a mechanism to coordinate federal and state objectives and activities in the coastal zone and outer continental shelf (OCS). It is based on the premise that the management of the nation's coastal resources should be achieved through a federal-state partnership, with the states as the focus for responsibility and the central link joining the many participants to manage coastal areas effectively and to resolve problems of competing uses (U.S. House, 1969).

The CZMA requires direct federal activities and development projects to be consistent with approved state coastal programs "to the maximum extent practicable" [15 CFR 930.32]. In contrast, federally-permitted, licensed or assisted activities undertaken in or affecting the State's coastal zone must be "consistent" with Hawaii's CZM Program objectives and policies. Where such development and licensing activities are inconsistent with state management program objectives and policies, states can issue objections. With this modification of the supremacy clause, federal agencies can no longer act without regard for, or in conflict with state policies and related resource management programs that have been officially incorporated into state CZM programs.

The CZMA stipulates that those lands owned, leased, held in trust, or whose use is otherwise subject solely to the discretion of the federal government, its officers or agents, are excluded from state coastal zones. This exclusion, however, does not remove federal agencies from the obligation of complying with the consistency provisions when federal actions have spillover impacts that significantly affect coastal zone areas, uses or resources within the authority of a state's management program [15 CFR 923.33].

A. Federal Consistency Requirements

Under the CZMA, states are empowered to review four general federal program categories for consistency with their coastal management program:

- 1) *Federal activities directly affecting the coastal zone involving any functions performed by or on behalf of a federal agency and development projects in the coastal zone involving the planning, construction, modification or removal of public works, facilities, or other structures, and the acquisition, utilization, or disposal of land or water resources [§307(c)(1); (c)(2)];*

- 2) *Federal licenses and permits, including any authorization, certification, approval or other form of permission which any federal agency is empowered to issue to an applicant [§307(c)(3)(A)];*
- 3) *Outer Continental Shelf (OCS) exploration, development and production activities requiring a federal license or permit which the Secretary of the Interior determines must be described in detail within an OCS plan [§307(c)(3)(B)]; and*
- 4) *Federal assistance through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other form of financial aid [§307(d)].*

The process and criteria for determining whether an activity is consistent with a state coastal program vary with each type of federal action. The procedures for each category are summarized below.

Direct Federal Activities

Any federal development project in the coastal zone or any federal activity conducted or supported by a federal agency and directly affecting the coastal zone must "be conducted in a manner which is, to the maximum extent practicable, consistent with approved state management programs" [15 CFR 930.32]. Federal activities on lands which have been excluded from the coastal zone solely by reason of federal ownership, but which directly affect private and public lands and water resources within the coastal zone are subject to this provision, as are federal activities beyond the landward and seaward boundaries of the coastal zone which directly affect these resources [15 CFR 930.35].

Once satisfied that a proposed activity meets the consistency requirements (i.e., it directly affects the coastal zone) and unless both the federal and state agency agree to an alternative notification schedule, the federal agency submits its consistency determination at least 90 days prior to final federal agency approval of the activity [15 CFR 930.34]. The state has 45 days from receipt of the consistency determination from the federal agency to agree or disagree with the federal agency's consistency determination, although one request for a time extension not to exceed 15 additional days will be granted by the federal agency if requested [15 CFR 930.41]. If the State concludes that a proposed activity or development project is not consistent with the coastal program, either party may request Secretarial Mediation [15 CFR 930.43]. A description of the mediation process is outlined on page 32. Hawaii's experience with consistency submissions for direct federal activities are summarized in Table V.1.

TABLE: V.1

Hawaii CZM Program: 1978 - 1988
Direct Federal Activities

YEAR	*TOTAL NUMBER REVIEWED	CONCUR		†CONCUR(2)		OBJECT	
		No.	%	No.	%	No.	%
1978	1	1	100%	0	0%	0	0%
1979	7	6	86%	1	14%	0	0%
1980	29	24	83%	5	17%	0	0%
1981	16	9	56%	5	31%	2	13%
1982	14	12	86%	2	14%	0	0%
1983	13	7	54%	5	36%	1	7%
1984	21	15	71%	5	24%	0	0%
1985	28	23	82%	2	7%	0	0%
1986	26	26	96%	0	0%	0	0%
1987	18	15	83%	0	0%	2	6%
1988	9	5	56%	3	33%	0	0%
TOTAL	182	143	79%	28	15%	5	3%

Note: *Total Number Reviewed: includes incomplete, withdrawn and/or pending submissions, however, these reviews are not represented in the data on federal consistency in Hawaii.

†Concur(2) = concurrence given after consultation with the applicant and subsequent modification of the project, as agreed to by both the state and federal agencies.

In Hawaii, the consistency provisions have been useful and effective for reviewing federal agency actions which would otherwise not be subject to state requirements. The following case illustrates the coordination and cooperation which have resulted.

Kahawainui Stream Flood Control Project

In April, 1984 the U.S. Army Corps of Engineers proposed construction of two earthen berms along the Kahawainui Stream on Oahu to protect the town of Laie from 50-year riverine flooding. Following review of the Corps' federal consistency determination, CZM officials concluded that the activity was not fully consistent with the program's objectives and policies, particularly those relating to the protection of life and property from coastal hazards.

The proposed project was designed to contain riverine floods equal to or smaller than the 50-year event. Without the persistent threat of flood damage and the cost of conforming with the Federal Flood Insurance Program, the CZM Office believed that the Laie community could expect a period of rapid development. However, as designed, there was a 64 percent chance that flooding could exceed the project structure, resulting in minor but chronic surface ponding, punctuated by rare but major inundation. In a more highly developed Laie, greater numbers of structures would

be vulnerable to this flooding and fewer would be built flood resistant. The Office, therefore, determined that the proposed project would provide an unacceptably low level of flood protection to Laie town residents and would not ensure a reduction of damages from flooding.

In addition, the proposed activity required filling in portions of a wetland known to support endangered species and the relocation of several Hawaiian burial sites. These actions were inconsistent with the CZM objectives and policies requiring protection of coastal ecosystems and historic resources. The CZM Office objected to the Corps' consistency determination.

In July, 1985 the Corps proposed a modified version of the original Kahawainui Stream project consisting of containment levees. The redesigned project conformed with the earlier recommendation for a larger flood control project developed to the standard 285-year flood event. Revisions to minimize impacts to the nearby wetland and burial sites were also included. Considering the project's revised scale and configuration, the CZM Office concurred that the proposed project was consistent with Hawaii's CZM Program.

Federal Permits and Licenses

The CZMA requires that any applicant for a federal license or permit to conduct an activity affecting land or water uses in the coastal zone must certify that the proposed activity will comply with and be conducted in a manner consistent with Hawaii's CZM Program [15 CFR 930.58]. The federal permits and licenses likely to affect Hawaii's coastal resources and subject to federal consistency review are listed in Appendix C. However, if in the future, the State determines that the issuance of other federal permits and licenses could affect its coastal resources, the Hawaii CZM Program will expand its list to include those additions, subject to OCRM approval.

Federal regulations also allows the Hawaii CZM Program to monitor *unlisted* federal license and permit activities that affect the State's coastal zone [15 CFR 930.54]. The State agency must inform the federal agency and applicant within 30 days from notice of the license or permit application, otherwise waive its right to review the unlisted activity (*ibid*). Notification must also be provided by the State agency to the Assistant Administrator. The federal agency and the applicant have 15 days from receipt of the State agency notice to provide comments to the Assistant Administrator. The Assistant Administrator's approval or disapproval is based solely on whether the proposed activity can be reasonably expected to affect the State's coastal zone. A decision by the Assistant Administrator will be provided within 30 days from receipt of the State's notification, during which time the federal agency may not issue the license or permit (*ibid*). In the event of a disapproval, the applicant need not comply with the consistency requirement. However, if approved by the Assistant Administrator, the applicant must amend its federal application and include a consistency certification following the procedures outlined below.

Upon application for a federal license or permit, an applicant must supply a copy of its consistency certification to the state along with all necessary information [15 CFR 930.58]. The state then reviews the application and at the earliest possible time, but within six months of receipt of a complete consistency submission, notifies the federal agency and the applicant of its concurrence or objection to a consistency certification [15 CFR 930.63]. Concurrence is conclusively presumed if the State fails to respond within six months following commencement of the State's review (*ibid*). If a decision is not issued within three months after its receipt, the State must notify the applicant and the federal agency of its status and the basis for further delay. "No license or permit shall be granted by the federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act (within six months), the concurrence is conclusively presumed" [15 CFR 930.65]. If the State concludes that the activity requiring a federal permit or license is not consistent with the Hawaii CZM Program, the State will attempt to consult informally with the applicant and the federal agency to resolve any consistency concerns. If the parties involved are unable to come to an agreement as to how

consistency may be attained, the Hawaii CZM Program will issue a formal objection to the consistency certification. The consistency objection will describe how the proposed project is inconsistent with specific elements of the Hawaii CZM Program and specify alternative measures, if they exist, which would make the proposed activity consistent. The applicant, federal agency and the Director of OCRM will be notified by the Hawaii CZM Program of its objection. In addition, the applicant will be informed of its right to appeal to the Secretary of Commerce. Refer to page 32 for a description of the Secretarial Mediation process.

The following table summarizes Hawaii's experience with consistency submissions for federally-permitted and licensed activities.

TABLE: V.2

Hawaii CZM Program: 1978 - 1988
Federally-Permitted & Licensed Activities

YEAR	*TOTAL NUMBER REVIEWED	CONCUR		†CONCUR(2)		OBJECT	
		No.	%	No.	%	No.	%
1978	2	2	100%	0	0%	0	0%
1979	32	27	84%	4	13%	0	0%
1980	20	16	80%	3	15%	0	0%
1981	24	17	71%	4	17%	2	8%
1982	18	14	78%	4	22%	0	0%
1983	43	22	51%	18	42%	0	0%
1984	26	12	46%	11	42%	0	0%
1985	31	20	65%	9	26%	1	3%
1986	42	35	83%	2	5%	0	0%
1987	47	33	60%	8	15%	1	4%
1988	26	21	83%	2	10%	0	0%
TOTAL	311	219	70%	65	21%	4	2%

Note: *Total Number Reviewed: includes incomplete, withdrawn and/or pending submissions, however, these reviews are not represented in the data on federal consistency in Hawaii.

†Concur(2) = concurrence given after consultation with the applicant and subsequent modification of the project, as agreed to by both the state and federal agencies.

The following case illustrates the consistency process for federally-licensed or permitted activities.

Wailua River Hydroelectric Development

In 1986, Island Power Company, Inc. proposed to develop a hydropower facility along the Wailua River on Kauai. If approved, the facility would divert most of the river's flow before

Wailua Falls and would deposit the water back into the river after the falls. Given that the proposed development was within the conservation district, a Conservation District Use Application (CDUA) was submitted by the applicant to the Hawaii Department of Land and Natural Resources (DLNR) and was subsequently approved in August. In December, in association with a Department of the Army permit application, a federal consistency determination was submitted to the CZM Office. As part of the review process, all affected agencies included in the CZM management network were requested to comment on the submission. Although DLNR had previously reviewed this proposal, their comments and recommendations were also requested.

In reviewing the applicant's proposal, the CZM Office determined that Wailua Falls is a valuable scenic resource known for its impressive quality during periods of heavy flow. The applicant acknowledged that the project would affect the falls, and therefore, proposed a level of stream flow sufficient to preserve the scenic attributes of that resource. Although this measure would help to retain some of the beauty that had made the falls attractive for first-hand viewing, it was not adequate to maintain the quality that had made the falls a desirable subject for filming.

An additional concern was whether the project structures, such as its penstock, would be visible from the Wailua Falls scenic lookout. CZM officials felt that the visibility of such structures would detract from the natural attributes of the area and would be contrary to their policy requiring new developments to be visually compatible with the surrounding environment with minimal alteration of natural land forms.

CZM officials believed that these impacts could be sufficiently mitigated if the proposal included two additional measures. First, the applicant would make reasonable allowances for temporary, short-term release of heavier flows for filming or special circumstances. Second, the penstock design would be modified so it would not be visible from the Wailua Falls lookout. Following incorporation of these two additional mitigation measures into the project development procedures, the CZM Office issued its concurrence with the project.

Although the project was previously reviewed and approved by DLNR, a network agency responsible for carrying out the program's objectives and policies, CZM policies regarding scenic resources had not been addressed. The federal consistency process was therefore essential in assuring that CZM concerns were not only considered but also incorporated into the project's final design.

Outer Continental Shelf (OCS) Exploration, Development and Production Activities

The CZMA requires that all federal license or permit activities described in detail plans for the exploration, development of, or production from any area which has been leased under the Outer Continental Shelf Lands Act [43 USC 1331 et. seq.] and its accompanying regulations and which affect the coastal zone, be conducted in a manner consistent with Hawaii's CZM Program [15 CFR 930.70]. To date, the State has not reviewed any OCS activities. However, should any OCS activities be conducted in the future, the following provision authorized under Subpart E of the national federal consistency regulations would apply.

The applicant must supply a copy of its consistency certification along with an OCS plan to the Secretary of the Interior (Interior), who in turn, will forward a copy of the plan and certification to the state program agency [15 CFR 930.76]. The state then reviews the application and at the earliest possible time, but within six months of receipt of a complete consistency submission, notifies the applicant, Interior and the Assistant Administrator (OCRM) of its concurrence or objection [15 CFR 930.79]. However, if within three months of receipt of a complete consistency submission, a decision has not been made, the state agency will notify the applicant, Interior, and the Assistant Administrator of the status and the basis for any further delay [15 CFR 930.79]. Concurrence by the state will be conclusively presumed if notification is not provided [15 CFR

930.79]. Concurrence by the state will also be conclusively presumed if a decision has not been provided within six months following commencement of state agency review [15 CFR 930.79]. Following state agency objection to one or more of the federal license or permit activities described in detail in the OCS plan, the federal agency shall not issue any license or permit [15 CFR 930.81]. If the State objects to the consistency determination, the applicant has a right of appeal to the Secretary of Commerce [15 CFR 930.79]. A description of the Secretarial Mediation process is outlined on page 32.

Federal Assistance

Applications for federal assistance grants are also subject to federal consistency review by state coastal programs, however the process by which each program reviews application are developed in accordance with Executive Order 12372 and their implementing regulations [15 CFR 930.94]. The federal assistance projects likely to affect Hawaii's coastal resources are listed in Appendix D. However, unlike licenses and permits, states can still review federal assistance applications even if they are not specified in this listing.

In Hawaii, all federal assistance applications are processed through the State Clearinghouse which is also housed in OSP. Notices of proposed federal grant applications are provided to state and local government agencies for review. Individual review periods are determined by the clearinghouse on a project-by-project basis. In the event of a state objection, the applicant has a right of appeal to the Secretary of Commerce [15 CFR 930.96]. A description of the Secretarial Mediation process is outlined on page 32.

Table V.3 summarizes the activities reviewed under this category since 1978. Thus far, activities falling under this category have resulted in minimal State concerns or conflicts. As indicated, of the 124 federal assistance projects reviewed by Hawaii's CZM Program since its inception in 1978, only five percent have required modifications and none has been denied. The following example illustrates the process.

Kealakehe Houselots

In September, 1983 the County of Hawaii proposed construction of a community center in Waimea, South Kohala and a housing development (houselots) in Kealakehe, North Kona, both financed with federal Community Development Block Grant (CDBG) funds. In February, 1984, following a review of the two projects, the CZM Office determined that the Waimea Community Center project was consistent with its CZM Program. However, the Office requested additional information on the Kealakehe Houselots.

The County proposed developing about 40 single-family dwelling units in Kealakehe in an area previously determined by the State to be of high archaeological sensitivity. Concerned with the protection of possible historic or archaeological resources, the CZM Office recommended that a reconnaissance survey be conducted and that the County coordinate its efforts with the State Historic Preservation Officer. Based on a survey completed in March, 1984, no significant archaeological or historic sites were found and no additional investigation was required. The project was subsequently determined to be consistent with the CZM Program.

TABLE: V.3

**Hawaii CZM Program: 1978 - 1988
Federally-Assisted Activities**

YEAR	*TOTAL NUMBER REVIEWED	CONCUR		†CONCUR(2)		OBJECT	
		No.	%	No.	%	No.	%
1978	1	1	100%	0	0%	0	0%
1979	3	2	67%	1	33%	0	0%
1980	12	12	100%	0	0%	0	0%
1981	23	22	96%	1	4%	0	0%
1982	0	0	0%	0	0%	0	0%
1983	4	2	50%	2	50%	0	0%
1984	16	14	88%	2	12%	0	0%
1985	17	17	100%	0	0%	0	0%
1986	25	25	100%	0	0%	0	0%
1987	14	13	93%	0	0%	0	0%
1988	9	6	67%	0	0%	0	0%
TOTAL	124	114	92%	6	5%	0	0%

Note: *Total Number Reviewed: includes incomplete, withdrawn and/or pending submissions, however, these reviews are not represented in the data on federal consistency in Hawaii.

†Concur(2) = concurrence given after consultation with the applicant and subsequent modification of the project, as agreed to by both the state and federal agencies.

Secretarial Mediation

In the event of a serious disagreement that cannot be resolved through informal negotiations, the head of a federal agency, Governor or state coastal resources management agency may request in writing Secretarial mediation [15 CFR 930.112(a)]. A copy of this request is also sent to the agency with which the requesting agency disagrees and to the Assistant Administrator. Within 15 days following its receipt, the disagreeing agency must respond in writing to both the Secretary and the requesting agency indicating whether it wishes to participate in the mediation process. If the disagreeing agency declines the offer to enter into mediation efforts, the basis for its refusal must be included in its response and the Secretary will cease efforts to provide mediation assistance [15 CFR 930.112(b)]. If, however, all parties agree to participate in the process, the Secretary appoints a hearing officer that schedules a public hearing to be held in the local area concerned. Public notice of the hearing is made, and the public is provided with convenient access to information related to the disagreement. The hearing must be informal and after the hearing, the record is submitted to the Secretary. A mediation conference attended by representatives from the Office of the Secretary, the disagreeing federal and state agencies, and any other interested parties deemed necessary by the Secretary is scheduled. Mediation will terminate under the following circumstances:

VI. NATIONAL REQUIREMENTS

Although participation in the national Coastal Zone Management Program is voluntary, those states choosing to participate must meet specific requirements outlined by the CZMA and federal regulations including:

1. Demonstrating adequate authority to carry out the objectives and policies of the CZM Program;
2. Identifying permissible land and water uses in the management area;
3. Designating areas of particular concern and priorities of uses;
4. Considering land and water uses of regional benefit; and
5. Developing a planning process for siting energy facilities, providing access to public beaches and other valuable coastal areas; and assessing the effects and controlling/lessening the impacts of shoreline erosion.

This section illustrates how Hawaii's CZM Program meets these requirements.

A. Management Authority

It is the national policy to preserve, protect, develop and where possible, to restore or enhance, the resources of the National coastal zone for this and succeeding generations [and] to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development, which programs should at least provide for . . . [CZMA, §303].

The CZMA requires states to address and carry out this national policy through their coastal management objectives and policies. The objectives and policies of the Hawaii CZM Program were developed to address seven resource areas — recreational, historic, scenic and open space, coastal ecosystems, coastal hazards, economic uses and managing development — and are carried out through the various state and county authorities of the CZM management network. The objectives, policies and implementing authorities are summarized in Table VI.1

TABLE VI.1
AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Recreational Resources</p> <p><u>OBJECTIVE:</u> Provide coastal recreational opportunities accessible to the public.</p>	<p>DLNR: HRS 115, 171 HRS 173A DBED: HRS 201</p> <p>LUC: HRS 205 ALL: HRS 101, 343, HRS 344</p>	<p>HRS 46, 115, 205, 205A-Part II, III</p>
<p><u>Policy 1:</u> Improve coordination and funding of coastal recreation planning and management; and</p>	<p>DLNR: HRS 173A DOT: HRS 266 DBED: HRS 201</p>	
<p><u>Policy 2:</u> Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:</p> <p>(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;</p>	<p>DLNR: HRS 173A, 183D DOH: HRS 180C LUC: HRS 205 DOT: HRS 266</p>	<p>HRS 205A-Part II, III</p>
<p>(ii) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;</p>	<p>DLNR: HRS 173A LUC: HRS 205</p>	
<p>(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;</p>	<p>DLNR: HRS 115, 171 HRS 173A DOT: HRS 266</p>	<p>HRS 46, 115, 205A- Part II, III</p>
<p>(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;</p>	<p>DLNR: HRS 184, Rule §13-145 DOT: HRS 266 DOH: HRS 321, Rule §11-6</p>	<p>HRS 46, 205A- Part II, III</p>

AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Recreational Resources - continued</p> <p>(v) Encouraging expanded public recreational use of county, state and federally-owned or controlled shoreline lands and waters having recreational value;</p>	<p>DLNR: HRS 183, Rule §13-2 DBED: HRS 201</p>	
<p>(vi) Adopting water quality standards and regulating non-point sources of pollution in order to protect and where feasible, restore the recreational value of coastal waters;</p>	<p>DOH: HRS 174C, 180C HRS 342D, Rules §11-54; 55; 62</p>	<p>HRS 180C, 205A- Part II</p>
<p>(vii) Developing new shoreline recreational opportunities where appropriate, such as artificial reefs for surfing and fishing; and</p>	<p>DLNR: HRS 173A LUC: HRS 205</p>	
<p>(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the Land Use Commission, Board of Land and Natural Resources, county councils and planning commissions, and crediting such dedication against the requirements of §46-6, HRS.</p>	<p>LUC: HRS 205</p>	<p>HRS 46, 205A- Part II, III</p>
<p>Historic Resources</p> <p>OBJECTIVE: Protect, preserve and where desirable, restore those natural and man-made historic and pre-historic resources in the CZM area that are significant in Hawaiian and American history and culture.</p>	<p>CONST: Article III-5 DLNR: HRS 6E, 171 HRS 173A, Rule §11-145 LUC: HRS 205 ALL: HRS 101, HRS 203-3, 343 HRS 344</p>	<p>HRS 46, 57</p>
<p>Policy 1: Identify and analyze significant archaeological resources;</p>	<p>DLNR: HRS 6E, 173A DBED: HRS 201 ALL: HRS 343, 344</p>	
<p>Policy 2: Maximize information retention through preservation of remains and artifacts or salvage operations; and</p>	<p>DLNR: HRS 6E, 184 LUC: HRS 205 ALL: HRS 343, 344</p>	

AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Historic Resources (continued)</p> <p><u>Policy 3:</u> Support State goals for protection, restoration, interpretation and display of historic resources.</p>	<p>CONST: Article VIII-5 DLNR: HRS 6E,173A HRS 184, Rule §11-2 LUC: HRS 205 ALL: HRS 343 HRS 344</p>	<p>HRS 57</p>
<p>Scenic and Open Space Resources</p> <p><u>OBJECTIVE:</u> Protect, preserve and where desirable, restore or improve the quality of coastal scenic and open space resources.</p>	<p>CONST: Article VIII DLNR: HRS 173A, 183 HRS 184 DBED: HRS 201 LUC: HRS 205 ALL: HRS 101, 343 HRS 344</p>	<p>HRS 57</p>
<p><u>Policy 1:</u> Identify valued scenic resources in the coastal zone management area;</p>	<p>DBED: HRS 201</p>	<p>HRS 57</p>
<p><u>Policy 2:</u> Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;</p>	<p>LUC: HRS 205</p>	<p>HRS 57</p>
<p><u>Policy 3:</u> Preserve, maintain and where desirable, improve and restore shoreline open space and scenic resources; and</p>	<p>CONST: Article VIII DLNR: HRS 173A, 183 HRS 184 LUC: HRS 205 ALL: HRS 344</p>	<p>HRS 205, 205A- Part II, III</p>
<p><u>Policy 4:</u> Encourage those developments which are not coastal dependent to locate in inland areas.</p>	<p>CONST: Article VIII LUC: HRS 205 ALL: HRS 343, 344</p>	<p>HRS 57</p>

AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Coastal Ecosystems</p> <p><u>OBJECTIVE:</u> Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.</p>	<p>CONST: Article X-1 DLNR: HRS 171, 173A HRS 183, 183D HRS 187A, 190 HRS 195, 195D, Rule §11-2 DOA: HRS 149A DOT: HRS 266 LUC: HRS 205 OEQC: HRS 341 OSP: HRS 225M ALL: HRS 101, 343</p>	<p>HRS 205A- Part II, III</p>
<p><u>Policy 1:</u> Improve the technical basis for natural resource management;</p>	<p>DLNR: HRS 195 DOH: HRS 180C, 342A HRS 342D, 342F HRS 342H, 342J HRS 342L, 342N OEQC: HRS 341</p>	<p>HRS 180C</p>
<p><u>Policy 2:</u> Preserve valuable coastal ecosystems of significant biological or economic importance;</p>	<p>DLNR: HRS 173A, 183 HRS 183D, 187A HRS 188, 189 HRS 190, 195 HRS 195D, Rules §13-28; 29; 30; 31; 124; 125 DOA: HRS 149A LUC: HRS 205 DOH: HRS 349, Rule §11-54</p>	<p>HRS 205A-Part II, III</p>
<p><u>Policy 3:</u> Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and</p>	<p>DLNR: HRS 183 DOH: HRS 180C, 342D DOT: HRS 266</p>	<p>HRS 180C, 205A- Part II, III</p>
<p><u>Policy 4:</u> Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate state water quality standards.</p>	<p>DLNR: HRS 183, Rule §13-2 DOH: HRS 180C, 342D, Rule §11-54 LUC: HRS 205 DOT: HRS 266 OEQC: HRS 341 OSP: HRS 225M</p>	<p>HRS 180C, 205A- Part II, III</p>

AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Economic Uses</p> <p>OBJECTIVE: Provide public or private facilities and improvements important to the State's economy in suitable locations.</p>	<p>DLNR: HRS 171, 174 HRS 176, 183 DBED: HRS 196, 206E DOT: HRS 279A OSP: HRS 225M ALL: HRS 101, 344</p>	<p>HRS 205</p>
<p>Policy 1: Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy;</p>	<p>DLNR: HRS 171, 174 HRS 176 LUC: HRS 205 DBED: HRS 196 DOT: HRS 279A OSP: HRS 225M</p>	
<p>Policy 2: Insure that coastal dependent development such as harbors and ports, visitor industry facilities and energy generating facilities are located, designed and constructed to minimize adverse social, visual and environmental impacts in the coastal zone management area; and</p>	<p>DOT: HRS 266 LUC: HRS 205 DBED: HRS 196, 206E ALL: HRS 343, 344</p>	<p>HRS 57, 205, 205A- Part II</p>
<p>Policy 3: Direct the location and expansion of coastal dependent development to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:</p> <ul style="list-style-type: none"> (i) Utilization of presently designated locations is not feasible; (ii) Adverse environmental effects are minimized; and (iii) Important to the State's economy. 	<p>DLNR: HRS 171, 174 HRS 176, 183 LUC: HRS 205 DOT: HRS 266, 279A OSP: HRS 225M ALL: HRS 343, 344</p>	<p>HRS 205, 205A- Part II</p>
<p>Coastal Hazards</p> <p>OBJECTIVE: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.</p>	<p>DLNR: HRS 179, 180 DOH: HRS 180C DOT: HRS 266 ALL: HRS 101</p>	<p>HRS 180C, 205, 205A-Part II, III</p>
<p>Policy 1: Develop and communicate adequate information on storm wave, tsunami, flood, erosion and subsidence hazard;</p>	<p>DLNR: HRS 179, 180</p>	<p>HRS 46</p>

AUTHORITIES MATRIX

CZM OBJECTIVES AND POLICIES	STATE AUTHORITY	STATE-MANDATED COUNTY AUTHORITY
<p>Coastal Hazards (continued)</p> <p><u>Policy 2:</u> Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;</p>	<p>DLNR: HRS 179, 180 DOT: HRS 266 DOH: HRS 180C ALL: HRS 343</p>	<p>HRS 180C, 205, 205A- Part II, III</p>
<p><u>Policy 3:</u> Ensure that developments comply with requirements of the Federal Flood Insurance Programs; and</p>	<p>DLNR: HRS 179</p>	<p>HRS 46, 180C</p>
<p><u>Policy 4:</u> Prevent coastal flooding from inland projects.</p>	<p>DLNR: HRS 180 DOH: HRS 180C</p>	<p>HRS 180C, 205A- Part II</p>
<p>Managing Development</p> <p><u>OBJECTIVE:</u> Improve the development review process, communication, and public participation in the management of coastal resources and hazards.</p>	<p>OSP: HRS 225M B&F: HRS 37 ALL: HRS 91,92, 344</p>	
<p><u>Policy 1:</u> Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;</p>	<p>OSP: HRS 225M B&F: HRS 37</p>	<p>HRS 46</p>
<p><u>Policy 2:</u> Facilitate timely processing of application for development permits and resolve overlapping or conflicting permit requirements; and</p>	<p>B&F: HRS 37</p>	<p>HRS 46</p>
<p><u>Policy 3:</u> Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the general public to facilitate public participation in the planning review process.</p>	<p>LUC: HRS 205 ALL: HRS 91, 92 HRS 343, 344</p>	

B. Permissible Land and Water Uses

The CZMA requires that states identify those land and water uses allowed in the management area and include in their management programs, those enforceable policies, legal authorities, performance standards or other techniques or procedures that will govern whether and how uses will be allowed, conditioned, modified, encouraged or prohibited [15 CFR 923.11].

In Hawaii, no uses have been prohibited on a statewide basis; however, some uses have been restricted, limited or controlled as to the manner or area in which they may occur. The Hawaii Land Use Law sets forth the general categories of permissible land uses within its four district classifications (refer to Section C); however, the management authorities included in the State's CZM Program impose additional constraints on the types of activities permitted and the specific conditions under which such uses are allowed. Table VI.2 summarizes the various uses that are subject to special management controls.

**TABLE VI.2:
LAND & WATER USES
SUBJECT TO SPECIAL MANAGEMENT CONTROLS**

MANAGEMENT SYSTEM	SPECIAL CONSTRAINTS/CONDITIONS	AUTHORITY
Irrigation Projects	DLNR may organize and administer irrigation projects exclusively for farming purposes.	DLNR: Ch. 174, HRS
Wildlife Areas	<p>DLNR is responsible for establishing, maintaining, managing and operating game management areas, wildlife sanctuaries and public hunting areas to preserve, protect, conserve and propagate wildlife.</p> <p>Rules established by the department concern:</p> <ul style="list-style-type: none"> • Preserving, protecting, regulating and extending the use of and conditions for entry into wildlife sanctuaries, game management areas and public hunting areas; • Protecting, conserving, monitoring, propagating and harvesting wildlife; • Size limits, bag limits open and closed seasons and specifications of hunting gear which may be used or possessed. 	DLNR: Ch. 183D, HRS
Aquatic Resources	<p>In addition to managing MLCs and the NARS, the DLNR is responsible for establishing, managing and regulating all public fishing areas, artificial reefs, fish aggregating devices, shoreline fishery management areas, refuges and marine life propagating stations.</p> <p><u>FISHING RIGHTS AND REGULATIONS:</u></p> <p><i>Konohiki Rights:</i> By ancient regulations, fishing grounds extending landward, from the reefs (and where there happens to be no reefs, from the distance of one geographical mile seaward of the beach at low watermark) are the private fishery of the <i>konohiki</i>.</p> <p>"Konohiki" is a Hawaiian term meaning 'headman' of a land division, under the chief, who is vested with special fishing rights for the private fishery are established by proceedings in the State Circuit Court and cannot be disturbed.</p> <p>Specific aquatic life is set apart and is for the exclusive use of the konohiki within a specified period, whereby neither the tenants nor others may take the reserved aquatic life within the private fishery.</p>	<p>DLNR: Ch. 187A, HRS</p> <p>DLNR: Ch. 187A, HRS</p>

PERMISSIBLE USES

MANAGEMENT SYSTEM	SPECIAL CONSTRAINTS/CONDITIONS	AUTHORITY
<p>Aquatic Resources (continued)</p>	<p>Fishing rights and regulations are adopted by the department concerning: the size limits and specifications of fishing and taking gear; size limits and conditions for fishing and taking of specific aquatic species; and conditions for fishing and taking of aquatic species in certain waters in the State.</p> <p>Commercial fishing requirements have also been adopted by DLNR.</p>	<p>DLNR: Ch. 188, HRS</p> <p>DLNR: Ch. 189, HRS</p>
<p>Marine Life Conservation Districts (MLCD)</p>	<p>The DLNR establishes MLCDs as necessary to conserve, supplement and increase the State's marine resources.</p> <p>Once established, the department will adopt rules governing: the taking or conserving of fish and other marine life; prohibiting activities that may disturb, degrade or alter the marine environment; establishing open and closed seasons; designating areas where certain species of fish or marine life may not be taken; prescribing and limiting the methods of fishing (i.e., type and mesh and other description of nets, traps and appliances); and otherwise regulating the fishing and taking of marine life.</p> <p>As of 1989, nine MLCDs have been established and include:</p> <p><i>Hanauma Bay, Oahu</i> <i>Kealakekua Bay, Hawaii</i> <i>Manele-Hulopoe, Lanai</i> <i>Molokini Shoal, Maui</i> <i>Honolua-Mokuleia Bay, Maui</i> <i>Lapakahi, Hawaii</i> <i>Pupukea, Oahu</i> <i>Wailea Bay, Hawaii</i> <i>Waikiki, Oahu</i></p>	<p>DLNR: Ch. 190, HRS</p> <p>DLNR Admin. Rules: Title 13, Subtitle 4</p> <p>Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32 Chapter 33 Chapter 34 Chapter 35 Chapter 36</p>
<p>Ocean Leasing</p>	<p>BLNR in agreement with DOT, may lease state marine waters and submerged lands for marine activities.</p> <p>The Board will not lease any areas when existing programs of the DLNR such as MLCDs, shoreline fisheries management areas or natural area reserves will suffer adverse impact as a result of the proposed activities. Other leasing restrictions, procedures and provisions have been adopted and are administered by DLNR.</p>	<p>DLNR: Ch. 190D, HRS</p>

PERMISSIBLE USES

MANAGEMENT SYSTEM	SPECIAL CONSTRAINTS/CONDITIONS	AUTHORITY
<p>Natural Area Reserve System (NARS)</p>	<p>NARS was established to protect and preserve the unique natural assets of the State, including geological and volcanic features and distinctive marine and terrestrial plants and animals. To date, there are 21 reserves, managed by DLNR and include:</p> <p><i>Waiakea 1974 Lava Flow, Hawaii</i> <i>Ahihi-Kinohi, Maui</i> <i>Puu O Umi, Hawaii</i> <i>Laupahoehoe, Hawaii</i> <i>Mauka Kea Ice Age, Hawaii</i> <i>Puu Makaala, Hawaii</i> <i>Manuka, Hawaii</i> <i>Kipahoehoe, Hawaii</i> <i>Kaena Point, Oahu</i> <i>Pahole, Oahu</i> <i>Mount Kaala, Oahu</i> <i>Hono O Pali, Kauai</i> <i>Kuui, Kauai</i> <i>Honowai, Maui</i> <i>Kahukuloa, Maui</i> <i>Hookowai, Maui</i> <i>Panaewa, Maui</i> <i>Lihau, Maui</i> <i>Oloki, Molokai</i> <i>Puu Aalii, Molokai</i> <i>Kahaualea, Hawaii</i></p>	<p>DLNR: Ch. 195, HRS</p> <p>DLNR Admin. Rules: Title 13, Subtitle 9, Chapter 209</p>
<p>Conservation of Aquatic Life, Wildlife and Land Plants</p>	<p>A Wildlife Sanctuaries Program managed by DLNR was developed to conserve, manage and protect indigenous wildlife of the State. To date, 11 sanctuaries have been established and include:</p> <p><i>Paiko Lagoon, Oahu</i> <i>Kipuka Ainahou, Hawaii</i> <i>Kahuku Nene Sanctuary, Hawaii</i> <i>Keauhou Nene Sanctuary, Hawaii</i> <i>Keauhou and Nene Sanctuary, Hawaii</i> <i>Nuihia Ponds, Oahu (Marine Corps)</i> <i>Ulupau Crater, Oahu (Marine Corps)</i> <i>Naval Ammunition Depot - Lualualei, Oahu (Navy)</i> <i>Hawaii State Seabird Sanctuary, (offshore islands around the State)</i> <i>Kanaha Pond, Maui</i> <i>Puu Waa Waa, Hawaii</i></p> <p>The Waimanu Estuarine Sanctuary was also established by DLNR to protect and preserve a Hawaiian estuarine sanctuary for scientific and educational use.</p>	<p>DLNR: Ch. 195D, HRS</p>

PERMISSIBLE USES

MANAGEMENT SYSTEM	SPECIAL CONSTRAINTS/CONDITIONS	AUTHORITY
Special Management Area (SMA)	Special controls and guidelines for reviewing proposed developments are established by the counties for developments within their designated SMAs	Counties: Ch. 205A, Part II, HRS County Ordinances and Regulations
Shoreline Setback	Shoreline setback areas are designated on each island, where no development or activity may occur without prior approval by the appropriate county authority.	Counties: Ch. 205A, Part III, HRS County Ordinances and Regulations
Hawaii Community Development Authority (HCDA)	HCDA was established by the legislature to renew, renovate or improve areas that are substantially underdeveloped or blighted and are an economic and/or social liability to the State. Housed in DBED, HCDA establishes rules for designated improvement districts. To date, one improvement district has been established -- the Kakaako Community Development District in central Oahu.	HCDA: Ch. 206E, HRS HCDA: Ch. 206E, Part II, HRS
Harbors	No person may erect or place, sink or abandon any structure, type of watercraft or other sizeable object in or within the shores or shore waters of the State without permission from DOT. Specific restrictions were established for the Ala Wai and Keehi boat harbors. In addition, the department establishes and enforces mooring requirements in state harbors.	DOT: Ch. 266, HRS

C. Areas of Particular Concern and Priorities of Use

The CZMA requires that states include in their management programs an inventory and designation of areas of particular concern (APCs) or interest within the coastal zone as well as a priority of uses in these areas, including those of lowest priority [15 CFR 923.21]. Criteria for designating APCs include:

areas of high natural productivity or essential habitat for living resources, including fish, wildlife...areas where development and facilities are dependent upon the utilization of, or access to, coastal waters [15 CFR 923.21(b), (c)].

Hawaii has several programs that are similar to and meet the requirements of the APC concept noted above. General provisions for the use and/or protection of these areas are included

in Hawaii CZM Program's objectives and policies relating to coastal ecosystems, historic resources and coastal development. However, additional and more specific use restrictions are accomplished by applying specific plan and zone designations to these APCs. The state and county authorities responsible for an area's management, preservation and/or development have established priorities of use by permitting, regulating, encouraging or prohibiting particular uses and activities in these areas. Hawaii's APCs are discussed below and include: the Natural Area Reserves Systems; the Marine Life Conservation Districts Program; the Wildlife Sanctuaries Program; the Waimanu National Estuarine Research Reserve; the Shoreline Setback Area; and programs falling within the purview of the Hawaii Community Development Authority.

Areas for Preservation and Restoration

The CZMA establishes provisions to preserve or restore areas for their conservation, recreational, ecological or aesthetic values [15 CFR 923.22]. In Hawaii, most areas considered to be of particular concern are designated for these purposes. These include the Natural Area Reserves Systems, the Marine Life Conservation Districts Program, the Wildlife Sanctuaries Program, the Waimanu National Estuarine Research Reserve and the Shoreline Setback Areas.

Natural Area Reserves Systems (NARS): NARS was established by the State Legislature to protect unique geological, volcanic and other natural areas with distinctive marine, animal and terrestrial features from any loss due to human population and technological growth. A NARS Commission appointed by the Board of Land and Natural Resources recommends areas for inclusion into the NARS. Subsequent rules specifying the use, control and protection of an area established by the Commission are subject to Board approval. At present, 21 sites have been established under the NARS program.

Marine Life Conservation District (MLCD): The NARS counterpart on the water side of the coastal zone is the Marine Life Conservation District Program. This program was established to preserve unique areas of Hawaii's marine environment such as bays, shoals and estuaries, which are vulnerable to human activities if left unattended. To date, nine MLCDs have been designated.

Wildlife Sanctuaries: The purpose of this program is to conserve, manage and protect indigenous wildlife of the State. Sanctuaries are created and administered by the Board of Land and Natural Resources. To date, 11 sanctuaries have been established.

Waimanu National Estuarine Research Reserve: Waimanu Valley, located on the island of Hawaii, is a unique Hawaiian sanctuary, preserved for the protection of indigenous flora and fauna for scientific and educational purposes. The Board of Land and Natural Resources designated this area as a sanctuary in 1980 and developed administrative rules governing permissible (and impermissible) uses in the area.

Shoreline Setback Areas: The final APC included in the program to protect and conserve coastal resources are the shoreline setback areas designated in each county. Because of the importance of the shoreline to the economy and environment, the shoreline setback provisions included in the CZM Law establish a restrictive zone 40 feet¹ inland from the shoreline, where construction and other activities are generally prohibited except by a variance process. The

¹The counties, through rules adopted pursuant to Chapter 91, HRS or ordinance, may require that shoreline setback lines be established at greater distances [§205-45, HRS]. In addition, the 1989 Legislature authorized the counties through rules pursuant to Chapter 91, HRS or ordinance, to expand the shoreline setback areas to include the area between mean sea level and the shoreline [Act 356, 1989 SLH].

counties are responsible for carrying out the setback provisions and are authorized to issue the shoreline setback variances.

Other Areas of Particular Concern - Areas for Coastal Development

In addition to establishing APCs for preservation and restoration, the CZMA allows state coastal programs to designate other areas that require additional or special management (15 CFR 923.23). Although most of Hawaii's APCs are concerned primarily with the preservation and restoration of areas for their conservation, recreational, ecological or aesthetic values, an important program qualifying as an APC under this provision is the Kakaako Community Development District.

Hawaii Community Development Authority: The Authority is charged with developing and implementing community development plans and programs in underdeveloped or blighted areas designated by the legislature, with powers to override county controls and regulations as necessary to better serve the public interest of the State.

To date, only one district has been established — the Kakaako Community Development District — an underdeveloped service and light industrial area centrally located in Honolulu between the island's central business district/government center and Waikiki, the State's major tourist destination. Because of its proximity to the coast, shoreline utilization and water uses in this area are highly competitive. Serious consideration of coastal resources is required in the redevelopment of this "New-Town-In-Town." Hawaii's APCs and their respective priorities or prohibitions of use are summarized in Table VI.3.

TABLE VI.3:

Areas of Particular Concern
Priorities of Uses

MANAGEMENT SYSTEM	NATURE OF CONCERN/PURPOSE	AUTHORITY FOR DESIGNATION OF SITES	PRIORITY OF USES
<p>Natural Area Reserves System</p>	<p>Protection and preservation of unique natural resources such as geological and volcanic, and distinctive marine and terrestrial features.</p>	<p>Areas are recommended by the Natural Area Reserves Commission.</p>	<p>High Priority: Uses which preserve and enhance existing ecosystems, the area's geological features, historic resources and endangered species.</p> <p>Low Priority: Uses generally prohibited by the Department of Land and Natural Resources' administrative rules including, harm to plant or animal life, construction and/or polluting activities.</p>
<p>Marine Life Conservation Districts</p>	<p>Preserve, protect and conserve marine (life) and geological features in furtherance of Hawaii's policy to conserve, supplement and increase the State's marine resources.</p>	<p>Established by the Board of Land and Natural Resources through administrative rules.</p>	<p>High Priority: Uses which preserve, protect, conserve and/or propagate marine resources and geological features.</p> <p>Low Priority: Uses generally prohibited by the Department of Land and Natural Resources' administrative rules including, polluting, construction and certain types of fishing.</p>
<p>Wildlife Sanctuaries</p>	<p>Conserve, manage and protect indigenous wildlife.</p>	<p>Established by the Board of Land and Natural Resources through administrative rules.</p>	<p>High Priority: Uses which preserve and enhance indigenous wildlife in the area.</p> <p>Low Priority: Uses generally prohibited by the Department of Land and Natural Resources' administrative rules including, polluting, construction and certain types of hunting.</p>

Areas of Particular Concern - Priorities of Uses

MANAGEMENT SYSTEM	NATURE OF CONCERN/PURPOSE	AUTHORITY FOR DESIGNATION OF SITES	PRIORITY OF USES
Walmanu National Estuarine Research Reserve	Protect indigenous flora and fauna to preserve a Hawaiian estuarine sanctuary for future scientific and educational purposes.	Established by the Board of Land and Natural Resources through administrative rules.	<p>High Priority: Uses which preserve, protect, conserve or study the area's historic resources and native animal and plant communities.</p> <p>Low Priority: Uses generally prohibited by the Department of Land and Natural Resources' administrative rules including, polluting, construction and certain types of fishing and hunting.</p>
Shoreline Setback	Protect shoreline resources recognized as vital to the economy and environment of the State.	Counties establish setback areas.	<p>High Priority: Uses which preserve and enhance coastal resources.</p> <p>Low Priority: Any structures, to include (but not limited to), seawalls, groins and revetments.</p>
Hawaii Community Development Authority	Replan, renew or redevelop an urban area to alleviate conditions which may make the area a social or economic liability.	State Legislature designates sites as necessary.	<p>High Priority: Mixed-uses providing significant employment and low-cost housing, parks and open space, and enhancing compatible, industrial and commercial activity.</p> <p>Low Priority: Uses incompatible with surrounding districts which would detract from historic and/or cultural resources, or decrease utilization of public transportation or pedestrian facilities.</p>

D. Uses of Regional Benefit

To assure that "local land and water use regulations ... do not unreasonably restrict or exclude land or water uses of regional benefit," the national CZMA requires that uses of regional benefit be given appropriate consideration [15 CFR 923.12]. This requirement needs special interpretation when applied to Hawaii since its local government structure is made up of four counties each of which covers one or several entire islands. The provision of regional benefit is therefore interpreted to apply to land and water uses of statewide benefit or of benefit to more than one county.

The objectives and policies of the Hawaii CZM Program were formulated in order to protect or where possible, enhance coastal resources of statewide importance. In addition, these objectives and policies are supplemented by the various state authorities included in the CZM management network to ensure that uses of statewide benefit are given appropriate consideration by local land and water management authorities.

Examples of activities using and/or requiring locations near the coast and having impacts or benefits beyond a county's jurisdiction are summarized below in Table VI.4.

**TABLE VI.4:
Uses of Regional Benefit**

TYPE OF ACTIVITY	EXAMPLE OF USES
Scientific Field Research	Investigations and studies undertaken in areas such as astronomy; volcanic observation; wetlands; endangered species; and natural hazards.
Marine-Related Research Facilities	Investigations and studies undertaken in areas such as aquaculture; energy conversion (i.e., waves, tides, currents, osmotic salinization); fisheries development; reefs/marine life conservation; water quality and waste management; and seabed mining.
Energy Research and Development Facilities	Research and development activities for hydroelectric power plants; municipal and agricultural solid wastes power conversion; geothermal energy conversion; biomass conversion; wind and solar energy; and various ocean energy resources (i.e., waves, tides, currents, osmotic salinization).
Communication and Transportation Facilities	Facilities include telephone and television networks and transoceanic cables; airports, highways and small boat harbors; and deepdraft ports and ancillary facilities.
Processing Facilities	Developments include extraction and processing plants for fisheries, forestry and aquaculture resources; sand, marine minerals, lava rock and ferrous bauxite mining; and jet fuel and gasoline refining.
National Defense and Coastal Protection Facilities	Facilities include the Pacific Headquarters for the U.S. Armed Forces; the U.S. Coast Guard; civil defense warning system; and aerospace and tracking facilities.

E. Energy Facility Siting, Beach Access and Shoreline Erosion

The 1976 amendments to the CZMA required three new elements to be included in state coastal management programs: a planning process for (1) siting of energy facilities and identifying their impacts; (2) protecting and maintaining access to public beaches; and (3) assessing the effects of and evaluating ways to control shoreline erosion. As with other elements of the program, Hawaii relies upon the existing state and local government authorities and activities to meet these federal requirements.

Planning for Energy Facilities

Hawaii depends almost entirely on imported petroleum as its primary energy source. In 1988, about 90 percent of Hawaii's energy was derived from external fossil fuels (DBED, 1988). Given the many uncertainties associated with the future of petroleum as a resource, Hawaii has continued to explore and develop alternative sources of energy and energy self-sufficiency. The thrust of planning for energy facilities has since shifted from fossil fuel-based facilities to a number of indigenous, renewable, natural resources including solar, ocean, wind, biomass and geothermal. This continued interest in energy planning and development is expressed in the State's environmental policy encouraging efficient use of energy resources and in the CZM program's objectives and policies relating to economic resources.

The CZMA requires that state coastal programs include a planning process for energy facilities likely to be located in, or which may significantly affect the coastal zone. In addition, the CZMA has identified specific energy facilities which must be addressed by the coastal program. The national interests in siting facilities and the corresponding coastal objectives which respond to this concern are summarized in Table VI.5a.

TABLE VI.5a:
Facility Siting
Consideration of National Interests

FACILITY SITING FOR:	ASSOCIATED FACILITIES	FEDERAL AGENCY (adapted from 15 CFR 923.15)	RELEVANT HAWAII CZM RESOURCE CATEGORY
Energy Production and Transmission	Oil & gas wells; storage & distribution facilities; refineries; nuclear, conventional & hydroelectric power plants; deepwater ports	Department of Energy, Department of Transportation, Federal Energy Regulatory Commission, Department of the Interior, Nuclear Regulatory Commission, Maritime Administration, Coast Guard, Corps of Engineers	Economic Uses Coastal Hazards Managing Dvmt
Recreation	National seashores; parks & forests; large & outstanding beaches & recreational waterfronts; wildlife reserves; wilderness & recreation areas	National Park Service, Forestry Service, Fish & Wildlife Service, Bureau of Land Management, Heritage Conservation & Recreation Service	Recreational Historic Scenic/Open Space Coastal Ecosys Coastal Hazards
Interstate Transportation	Airports; interstate highways; aids to navigation; ports & harbors; railroads	Corps of Engineers, Department of Transportation, Interstate Commerce Commission, Maritime Administration	Coastal Ecosys Scenic/Open Space Economic Uses Coastal Hazards
Production of Food and Fiber	Prime agricultural land & facilities; forests; mariculture facilities; fisheries	Department of Agriculture, Fish & Wildlife Service, National Marine Fisheries Service	Coastal Ecosys Scenic/Open Space Economic Uses Coastal Hazards
Preservation of Life and Property	Flood & storm protection; disaster & warning facilities	Corps of Engineers, Federal Flood Insurance Administration, National Oceanic & Atmospheric Administration, Soil Conservation Service, Housing & Urban Development	Coastal Hazards
National Defense and Aerospace	Military installations; defense manufacturing and aerospace launching & tracking facilities	Department of Defense, National Aeronautic & Science Administration	Economic Uses Scenic/Open Space
Historic, Cultural and Aesthetic Values	Historic sites & natural areas; areas of unique cultural significance, species and habitat preservation; wildlife refuges	Register of Historic Places, National Park Service, Fish & Wildlife Service, National Marine Fisheries, Housing & Urban Development	Historic Coastal Ecosys Scenic/Open Space
Mineral Resources	Mineral extraction support facilities	Geological Survey, Bureau of Mines	Economic Uses Coastal Ecosys

Although addressed by the CZM objectives and policies, the primary responsibility for developing a state program for energy planning falls under the authority of the Department of Business and Economic Development (DBED) and consists of short and long-term planning for conserving energy and fuels as well as developing new or alternative sources of such energy and fuels. In addition, the director of DBED serves as the State's energy coordinator, responsible for coordinating the efforts of all federal, state and local governments and private agencies engaged in or expressing an interest in various aspects of the exploration, research, distribution, conservation and production of all forms of energy resources. Additional state and county authorities are involved in the siting of energy facilities and vary, depending on the resource impacts on the proposed facility. Combined, these agencies and departments satisfy the federal requirements for an energy facility siting planning process. The various agencies which address energy facilities siting are summarized in Table VI.5b.

**TABLE VI.5b:
Energy Policies**

AGENCY	POLICY	AUTHORITY
<p>All offices, departments, boards and commissions of the state and county governments</p>	<p>It is the State's policy to encourage productive and enjoyable harmony between the people of Hawaii and the environment to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of the people, and enrich the understanding of the ecological systems and natural resources important to the State.</p> <p>To protect and enhance Hawaii's environment and reduce the drain on non-renewable resources the State, through its programs, authorities and resources, will encourage efficient use of energy resources.</p>	<p>Ch. 344, HRS</p>
<p>Office of State Planning</p>	<p>It is an objective of the Hawaii CZM Program to provide public or private facilities and improvements important to the State's economy in suitable locations by:</p> <p>Concentrating in appropriate areas, the location of coastal dependent development necessary to the State's economy;</p> <p>Insuring that coastal dependent development such as harbors and ports, visitor industry facilities and energy generating facilities are located, designed and constructed to minimize adverse social, visual and environmental impacts in the coastal zone management area; and</p> <p>Directing the location and expansion of coastal dependent development to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:</p> <ul style="list-style-type: none"> (i) Utilization of presently designated locations is not feasible; (ii) Adverse environmental effects are minimized; and (iii) Important to the State's economy. 	<p>Ch. 205A-Part I, HRS</p>

Energy Policies

AGENCY	POLICY	AUTHORITY
<p>Department of Business and Economic Development (DBED)</p>	<p>DBED is responsible for developing a state program for energy planning and conservation. The programs consist of short and long-range planning to encourage voluntary conservation of energy and fuels, and to develop new or alternative sources of such energy and fuels.</p> <p>The director of DBED serves as the State's energy resources coordinator, coordinating the efforts of all federal, state, county and private agencies engaged in or interested in the exploration, research, distribution, conservation and production of all forms of energy resources in Hawaii. Responsibilities include:</p> <ul style="list-style-type: none"> Formulating plans for the optimum development of Hawaii's energy resources; Conducting systematic analyses of existing and proposed energy resource programs; Formulating and recommending specific proposals for conserving energy and fuel; Developing programs to encourage private and public exploration and research of alternative energy resources which will benefit the State. 	<p>Ch. 201, HRS</p> <p>Ch. 196, HRS</p>
<p>Department of Land and Natural Resources (DLNR)</p>	<p>The Board of Land and Natural Resources may designate geothermal resource subzones within the four land use districts. Only those subzones may be used for geothermal development activities.</p> <p>An assessment of potential geothermal resource subzones is conducted by the Board prior to its designation. The Board's assessment includes:</p> <ul style="list-style-type: none"> The area's potential for producing geothermal energy; The prospects for using geothermal energy in the area; The geologic hazards that potential geothermal projects would encounter; The compatibility of geothermal development and related industries with present uses and environment of surrounding areas; and The potential economic benefits of geothermal development and related industries. 	<p>Chs. 196D, 205, HRS</p>
<p>Counties</p>	<p>Each county may participate in developing alternative energy resources--geothermal, solar, wind, ocean, biomass or solid wastes--in joint venture with an end user or public utility. Should a joint venture not be available, the counties may proceed alone.</p>	<p>Ch. 46, HRS</p>

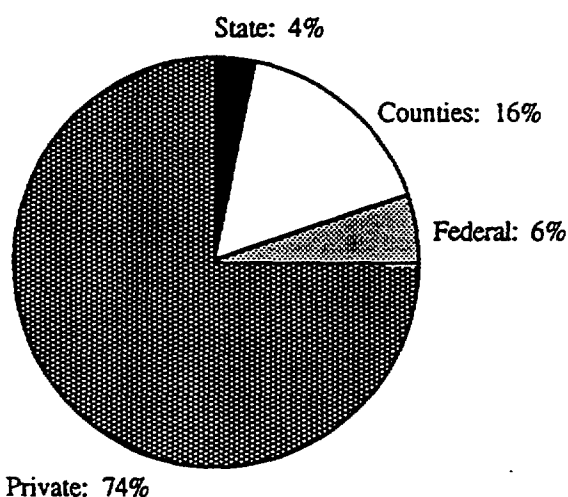
Shorefront Access Planning

The CZMA requires that each state include in its coastal program, (a) a definition of the term "beach" and (b) a planning process for the protection and access to public beaches and other public coastal areas of environmental, recreational, historic, aesthetic, ecological or cultural value [15 CFR 923.24].

The general coastline of Hawaii's major and minor islands total 750 miles, varying greatly in physical characteristics from island to island as well as from one part of an island to another. The lands abutting Hawaii's 185 miles of sandy beach² on the six major islands — Hawaii, Oahu, Maui, Kauai, Molokai, and Lanai — are owned and managed by both public agencies and private individuals.

FIGURE VI.1:

Management of Upland Areas Adjacent to Beaches



According to the 1975 State Comprehensive Outdoor Recreation Plan (SCORP), counties manage 30.2 linear miles of upland areas adjacent to sandy beaches; state agencies manage 6.2 linear miles and the federal government manages 10.5 linear miles. The balance, roughly 137 linear miles of sandy beach, is abutted by privately owned or managed lands.

This is a major problem in Hawaii since adjoining landowners exercise control over perpendicular access to the shoreline. Therefore, in addition to the CZM policies regarding recreational resources, scenic and open space resources and coastal ecosystems, the State manages shorefront access and protection using two principal authorities.

The first and by far the most important means of government control is through the individual county planning departments and the Special Management Area and shoreline setback provisions. Under Part II and Part III, respectively, of Hawaii's Coastal Zone Management Law, each county has designated special management areas along their shorelines and has developed special conditions and guidelines for any development proposed in these areas. The shoreline setback areas running from the shoreline to a distance of not less than 20 feet and not more than 40

²For purposes of the Hawaii CZM Program, "beach" is defined as all lands up to the upper reaches of the wash of the waves, other than storm and tidal waves, at high tide during the season of the year in which the highest was of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of the debris left by the wash of the waves [Chapter 205A-1, HRS].

feet inland were established to minimize any construction or development that would interfere with the natural shoreline processes and safe public shoreline access. Another mechanism vested with the counties are the subdivision and development rules administered under Chapter 46, HRS which require subdividers and/or developers to dedicate land for public access by right-of-way or easement for pedestrian travel.

In addition, the Department of Land and Natural Resources is responsible for acquiring and maintaining public access to the sea, shorelines and inland recreational areas, and providing public rights-of-way and transit corridors along the shorelines. The various authorities included in Hawaii's CZM Program to address shoreline access are summarized in Table VI.6.

**TABLE VI.6:
Shorefront Access and Protection Policies**

AGENCY	POLICY	AUTHORITY
Office of State Planning (OSP)	<p>It is an objective of the Hawaii CZM Program to provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:</p> <p>Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;</p> <p>Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;</p> <p>Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value; and</p> <p>Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation.</p>	Ch. 205A-Part I, HRS
Counties	<p>In cases where public access is not already provided, each county requires subdividers and/or developers to dedicate land for public access by right-of-way or easement for pedestrian travel from a public highway or street to land below the high-water mark on any coastal shoreline.</p>	Ch. 46, HRS
	<p>Each county has designated Special Management Areas (SMAs) along their shorelines and have developed special controls and guidelines for reviewing developments proposed in these areas to include:</p>	Ch. 205A-Part II, HRS

Shorefront Access and Protection Policies

AGENCY	POLICY	AUTHORITY
<p>Counties (continued)</p>	<p>Providing adequate access to publicly owned or used beaches, recreation areas and natural reserves to the extent consistent with sound conservation; and</p> <p>Minimizing where reasonable, any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the SMA, and the mean high tide line where there is no beach.</p>	<p>Ch. 205A-Part II, HRS</p>
	<p>In order to protect shoreline resources vital to the economy and environment of the State, 20 to 40-ft (greater in some areas) setbacks are established along the shorelines of each county.</p> <p>Except as provided in Part III of the Hawaii CZM Law, no structure is permitted within the designated shoreline area without prior authorization from the respective county. A shoreline setback variance may be issued provided that the proposed development meets the following conditions:</p> <p>(a) If the authority finds in writing, based on the record presented, that the proposed structure or activity is necessary for or ancillary to:</p> <ol style="list-style-type: none"> (1) Cultivation of crops; (2) Aquaculture; (3) Landscaping; provided it will not adversely affect beach processes and will not artificially fix the shoreline; (4) Drainage; (5) Boating, maritime, or water sports recreational facilities; (6) Facilities or improvements by public agencies or utilities regulated under §269; (7) Private facilities or improvements that are clearly in the public interest; (8) Private facilities or improvements which will neither adversely affect beach processes nor artificially fix the shoreline; provided that the authority also finds that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area; 	<p>Ch. 205A-Part III, HRS</p>

Shorefront Access and Protection Policies

AGENCY	POLICY	AUTHORITY
<p>Counties (continued)</p>	<p>(9) Private facilities or improvements that may artificially fix the shoreline; provided that the authority also finds that shoreline erosion is likely to cause hardship to the applicant if the facilities or improvements are not allowed within the shoreline area; provided further that the authority imposes conditions to prohibit any structure seaward of the existing shoreline unless it is clearly in the public interest; or</p> <p>(10) Moving of sand from one location seaward of the shoreline to another location seaward of the shoreline; provided that the authority also finds that moving of sand will not adversely affect beach processes, will not diminish the size of a public beach, and will be necessary to stabilize an eroding shoreline.</p> <p>(b) Hardship shall be defined in rules adopted by the authority under Chapter 91. Hardship shall not be determined as a result of county zoning changes, planned development permits, cluster permits, or subdivision approvals after the effective date of this Act, or as a result of any other permit or approval listed in rules adopted by the authority.</p> <p>(c) No variance shall be granted unless appropriate conditions are imposed:</p> <p>(1) To maintain safe lateral access to and along the shoreline or adequately compensate for its loss;</p> <p>(2) To minimize risk of adverse impacts on beach processes;</p> <p>(3) To minimize risk of structures failing and becoming loose rocks or rubble on public property; and</p> <p>(4) To minimize adverse impacts on public views to, from, and along the shoreline.</p>	<p>Ch. 205A-Part III, HRS</p>

Shorefront Access and Protection Policies

AGENCY	POLICY	AUTHORITY
<p>Department of Land and Natural Resources (DLNR)</p>	<p>It is the State's policy to guarantee the right of public access to the sea, shorelines and inland recreational areas, and the right of transit along the shoreline below the private property line.</p> <p>When the provisions of §46-6.5, HRS are not applicable the various counties can purchase land for public rights-of-way to the shorelines, the sea and inland recreational areas. In addition, "public transit corridors" of not less than six feet wide will be established in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline.</p> <p>DLNR will enter into agreements with the council of any county to provide for the acquisition of public rights-of-way and public transit corridors, provided that the county can match the funds which have been appropriated by the Legislature to DLNR.</p>	<p>Ch. 115, HRS</p>
	<p>Although the Board has the authority to dispose of public lands, prior to any disposition, the Board will lay out and establish over and across such lands, a reasonable number of rights-of-way from established highways to the public beaches, game management areas, public hunting areas and public forests and forest reserves to insure public access and use of these areas.</p>	<p>Ch. 171, HRS</p>

Shoreline Erosion and Mitigation Planning

The CZMA requires that state management programs include a planning process for assessing the effects of shoreline erosion and studying and evaluating ways to control or lessen the impact, and if possible, restore areas adversely affected by erosion [15 CFR 923.25].

The loss of land along the shoreline due to natural forces or man's actions is a significant problem requiring attention by the State's coastal planning efforts. The authorities and management techniques included in Hawaii's CZM Program are intended to minimize the cost and extent of structural improvements needed to treat shoreline erosion problems. Planning and management practices consistent with and in furtherance of CZM's objective to reduce coastal erosion hazards fall primarily under the counties' authorities through the Special Management Area and shoreline setback provisions of the Hawaii CZM Law. Other authorities included in Hawaii's CZM Program to address shoreline erosion are summarized in Table VI.7.

TABLE VI.7:

Policies Relating to Shoreline Erosion

AGENCY	POLICY	AUTHORITY
<p>Office of State Planning (OSP)</p>	<p>It is an objective of the Hawaii CZM Program to reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence by:</p> <p>Developing and communicating adequate information on storm wave, tsunami, flood, erosion and subsidence hazard;</p> <p>Controlling development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;</p> <p>Ensuring that developments comply with requirements of the Federal Flood Insurance Program; and</p> <p>Preventing coastal flooding from inland projects.</p>	<p>Ch. 205A-Part I, HRS</p>
<p>Counties</p>	<p>Each county has designated Special Management Areas (SMAs) along their shorelines and have developed special controls and guidelines for reviewing developments proposed in these areas to include:</p> <p>Ensuring that alterations to existing land forms and vegetation, except crops; and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquakes.</p>	<p>Ch. 205A-Part II, HRS</p>
	<p>In order to protect shoreline resources recognized as vital to the economy and environment of the State, 40-ft (greater in some areas) setbacks are established along shorelines of each county.</p> <p>Within the designated shoreline setback area, no structures or any portion of a structure, including but not limited to seawalls, groins and revetments, are permitted without prior authorization from the respective county.</p> <p>A shoreline setback variance may be issued provided that the proposed development will cause minimum interference with natural shoreline processes and will provide for safe public shoreline access.</p>	<p>Ch. 205A-Part III, HRS</p>
<p>Department of Land and Natural Resources (DLNR)</p>	<p>No structure, retaining wall, dredging, grading or other use which interferes or may interfere with the future natural course of the beach including further accretion or erosion, is permitted on accreted land.</p>	<p>Ch. 183, HRS</p>

ABBREVIATIONS

APC	-	Area of Particular Concern
CAC	-	Citizens' Advisory Committee
CFR	-	Code of Federal Regulations
CIP	-	Capital Improvements Program
CZM	-	Coastal Zone Management
CZMA	-	National Coastal Zone Management Act of 1972
DLNR	-	Department of Land and Natural Resources
DOA	-	Department of Agriculture
DOH	-	Department of Health
DBED	-	Department of Business and Economic Development
DPED	-	Department of Planning and Economic Development
HCDA	-	Hawaii Community Development Authority
HRS	-	Hawaii Revised Statutes
LUC	-	Land Use Commission
MLCD	-	Marine Life Conservation District
NARS	-	Natural Area Reserve System
NOAA	-	National Oceanic and Atmospheric Administration
OCS	-	Outer Continental Shelf
OCRM	-	Office of Ocean and Coastal Resource Management
OEQC	-	Office of Environmental Quality Control
OSP	-	Office of State Planning
SAC	-	Statewide Advisory Committee
SCF	-	Statewide Citizens Forum
SLH	-	Session Laws of Hawaii
SMA	-	Special Management Area
SPA	-	Shoreline Protection Alliance

GLOSSARY*

Anchialine Pools: Shoreline pools without surface connection to the sea having waters of measurable salinity and showing tidal rhythms. Examples may be found on the Kona Coast of Hawaii and Cape Kinau on Maui.

Beach: All land up to the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

Coastal Dependent Development: Developments which, if not located adjacent to coastal resources, would result in a loss of quality in the goods or services provided. Examples include harbors, ports, and visitor industry and energy facilities.

Coastal Ecosystems: Groupings of living organisms and their physical environments which together, form an interacting system — e.g., coral reefs.

Coastal Hazards: Natural hazards such as storm waves, tsunamis, stream flooding, erosion and subsidence.

Coastal Open Space Resources: Vegetated or landscaped land with minimal man-made structures, generally used for recreational, agricultural or forestry purposes.

Coastal Recreational Resources: Natural and man-made resources necessary to support recreational activities in near-shore waters (e.g., ocean sailing, swimming, canoeing, fishing, biological and wildlife observations), rocky marine beaches, mud flats and mangrove areas (e.g., sunbathing, camping, hang gliding, biological and wildlife observations), coastal wetlands (e.g., biological and wildlife observations), and near-shore lands (e.g., hiking, camping, recreational housing).

Coastal Scenic Resources: Viewlands and sites, both man-made and natural, which are generally perceived as visually and mentally pleasing.

Coral Communities: Hard bottom communities (with scattered sand channels and patches) dominated by living coral thickets, mounds or platforms, and found at depths of 10 to 30 meters along protected leeward coasts or in shallow water (up to sea level), in sheltered lagoons behind atoll or barrier reefs, and in calm reaches of bays or coves. One of the best examples is Kaneohe Bay on Oahu.

Economic Uses: Public and private facilities and improvements important to the State's economy, including but not limited to ports, harbors, and visitor industry, energy, and aquaculture facilities.

Ecosystem: All natural elements, physical and biological, of a habitat or site where any flora and/or fauna is found and is dependent upon.

* Adapted and updated from: "State of Hawaii Coastal Zone Management Program and Environmental Impact Statement." 1978.

Embayments: Coastal waters with an entrance of some sort which restricts the exchange of water with the open ocean. As a consequence, the water in embayments has a residence time of a few days, during which time the plankton content increases substantially making the water turbid and giving it a green color. Examples include Pearl Harbor and Kaneohe Bay on the Island of Oahu.

Energy Facilities: Any equipment or facility which is or will be used primarily in the exploration for or the development, production, conversion, storage, transfer, processing and/or transportation of an energy resource; for the manufacture, production or assembly of equipment, machinery, products or devices which are involved in any activity described above.

Erosion: The group of processes where earth or rock material is worn away, loosened or dissolved, and removed from any part of the earth's surface.

Estuaries: Distinct, semi-enclosed bodies of water along a coast, open to the sea and subject to the rise and fall of the tide, displaying a mixture of sea water diluted by freshwater from inland drainage. Examples include Lumahai on Kauai and Waimanu on Hawaii.

Natural and Man-Made Historic and Prehistoric Resources: *Prehistoric resources* are archaeological remains dating prior to the arrival of Captain Cook in 1778 and include large or impressive remains (e.g., temples, burial areas, fishponds), artifacts (e.g., adzes, fishhooks, tooth pendants associated with specific time periods), and the spatial pattern of structures and artifacts (e.g., pattern of villages and other settlements); *Historic resources* are sites/structures which illustrate the cultural changes that have occurred in Hawaii since Captain Cook's arrival — e.g., buildings displaying eastern or western architectural styles adapted to Hawaii's climate or culture, districts comprised of structures which collectively, have significant historic, cultural, architectural or environmental importance, or sites associated with historic events.

Objectives: Expressions of actions which satisfy program goals and can be used to measure the effectiveness of the management program.

Policies: Action-oriented statements that guide general management procedures to achieving program objectives.

Public Access: Right-of-way across privately-owned or otherwise restricted property which enables the public to reach, pass through or use a specific public coastal area or resource.

Reef Flats: Shallow platforms of reef rock, rubble and sand extending from the shoreline. Smaller, younger flats project out as semi-circular aprons while older, larger flats form wide continuous platforms. Examples include Puako, Hawaii and Kaneohe Bay, Oahu.

Sand Dune: A low hill or bank of drifted sand. High quality examples include Kaena Point on Oahu and Waiehu Point on Maui.

Shoreline: The upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

Storm Waves: Wind driven waves that cause flooding of coastal areas.

Subsidence: A downward movement of ground surface caused by a collapse of subsurface. Often triggered by earthquakes, subsidence occurs primarily on the Island of Hawaii.

Tsunami: Commonly called "tidal waves", these large waves may be generated by earthquakes, subsidence, landslides or volcanic eruptions occurring undersea or in coastal areas. Able to travel great distances across the Pacific Ocean, tsunamis can cause damage and destruction in low-lying areas along Hawaii's coasts.

Valuable Coastal Ecosystem: Ecosystems along the coast which are unique, particularly scenic (e.g., marshes, streams, beaches, reef areas) or which serve some especially useful function (e.g., tidal areas where fish breed, marsh areas where silt from runoff may settle and prevent destruction of offshore reefs, littoral cells which are the source of sand for beaches).

Wetlands: Shallow, sea-level ponds, pools or marshes with perennial, tidal or seasonal water of variable salinity and whose surface connection to the ocean is absent or rare. Heeia Meadows on the Island of Oahu is one example.

REFERENCES

- H. Mogi Planning & Research, Inc. 1975. *Hawaii Coastal Zone Management Program Document 2 - Inventory of Federally Controlled Land in Hawaii.*
- State of Hawaii, Department of Business and Economic Development. 1988. *State of Hawaii Databook.*
- State of Hawaii, Department of Planning and Economic Development & U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. 1978. *State of Hawaii Coastal Management Program and Environmental Impact Statement.*
- U.S. House. 1969. "Our Nation and the Sea, a Plan for National Action." Report of the Commission on Marine Science, Engineering and Resources (The Stratton Commission). *House Document No. 91-42, 91st Congress, 1st Session.* Washington, DC: U.S. Government Printing Office.
- University of Hawaii, Department of Geography. 1983. *Atlas of Hawaii - Second Edition.* Hawaii: University of Hawaii Press.

HAWAII
CZM
PROGRAM

Appendix A: HAWAII MANAGEMENT SYSTEM

HAWAII MANAGEMENT SYSTEM

Land Use and Environmental Authorities

AGENCY	FUNCTIONS ASSIGNED TO AGENCY
Office of State Planning (OSP)	<p>In addition to the responsibilities associated with the CZM lead agency functions, OSP directs the State's comprehensive planning process including:</p> <p>Strategic Planning - identifying and analyzing significant issues, problems and opportunities confronting the State and formulating strategies and alternative courses of action;</p> <p>Population Planning - planning for the management of the State's population size, rate of growth and distribution through research, coordination and technical assistance to state and county agencies;</p> <p>Intergovernmental Coordination and Cooperation - facilitating coordinated and cooperative planning and policy development and implementation activities among state agencies and between the state, county and federal governments; and</p> <p>Capital Investment Planning - establishing guidelines and criteria for capital investment project appropriations and reviewing county general and development plans to identify statewide interests and needs.</p>
	<p>The Land Use Division is part of the Office of State Planning. The division develops and represents the State's position in all proceedings for changes to existing land use districts before the Land Use Commission.</p>
Department of Business and Economic Development (DBED)	<p>DBED coordinates tourism planning, houses the State Energy Office and Ocean Resources Branch and develops technology assessment programs in areas such as aquaculture, alternative energy sources, ocean industries and mineral mining.</p>
	<p>The Land Use Commission is a "quasi-judicial" body administratively assigned to the Department of Business and Economic Development. The Commission designates all land in the State into one of four land use classifications: urban; rural; agricultural or conservation.</p>
	<p>The Hawaii Community Development Authority (HCDA), placed within the DBED, was created to replan, renew or redevelop urban areas to alleviate conditions which may make them social or economic liabilities.</p>

HAWAII MANAGEMENT SYSTEM

AGENCY	FUNCTIONS ASSIGNED TO AGENCY
<p>Department of Land and Natural Resources (DLNR)</p>	<p>DLNR is the State's principal agency for the management of state-owned lands and the regulation of uses in designated conservation districts. Under the direction of the Board of Land and Natural Resources, the department manages and administers state parks, historic sites, forests, fish and game reserves, endangered species and all public lands.</p> <p>In addition to regulating uses in the conservation district, DLNR administers the State's designated marine life conservation districts, marine and freshwater fisheries management areas, wildlife sanctuaries, and natural area reserves. DLNR also prepares the State Comprehensive Outdoor Recreation Plan (SCORP).</p>
<p>Department of Health (DOH)</p>	<p>DOH has general charge, oversight and care of the health and lives of the people of the Hawaii. The department is responsible for the environmental quality of the State, controlling and prohibiting air, water, noise, solid waste and any other form of pollution found in the State.</p>
<p>Department of Transportation (DOT)</p>	<p>State transportation facilities including public highways and trails, airports and harbors are under the jurisdiction of the DOT. All ocean waters and navigable streams and all harbor and waterfront improvements belonging to or controlled by the State, and all vessels and shipping within the harbors, roadsteads, waters, and streams are under the care and control of the department. In addition, DOT administers the State's recreational boating program and ocean recreation management plan and is responsible for determining statewide transportation needs and creating inter and multi-island transportation, airports and coastal highways in the proximity of the shoreline.</p>
<p>Office of Environmental Quality Control (OEQC)</p>	<p>OEQC coordinates and directs state agencies in matters concerning environmental quality. Its functions include recommending programs for long-range implementation of environmental quality control, initiating public educational programs, reporting on environmental conditions and providing staff support for the Environmental Quality Commission.</p>
<p>Department of Agriculture (DOA)</p>	<p>DOA carries out programs to conserve, develop and utilize the agricultural resources of the State. It enforces laws and formulates and enforces rules and regulations to further and control the management of these resources.</p> <p>The department regulates activities to protect agricultural industries and natural resources against insects, diseases and pests; provides inspection and quarantine services; controls all eradication services directed against weed and insect pests; and controls the sale and use of pesticides.</p> <p>DOA has also established an agricultural park program to protect Hawaii's limited agricultural land resources from urban encroachment and support aquaculture projects in cooperation with the DLNR.</p>

HAWAII MANAGEMENT SYSTEM

AGENCY	FUNCTIONS ASSIGNED TO AGENCY
Counties	<p>The counties of Hawaii, Maui, Kauai and the City and County of Honolulu are responsible for planning and zoning in urban districts (and in conservation districts if they extend into County Special Management Areas (SMAs)--discussed later), local transportation, solid waste disposal, subdivision and grading regulation, recreation, and water supply development.</p> <p>They have additional responsibilities which include: state-mandated county regulatory programs dealing with erosion control; urban design; beach access; and park dedication.</p> <p>In addition, they are also responsible for delineating the boundaries of their respective Special Management Areas (SMAs) and for ensuring all development (with some minor exceptions) are consistent with the Hawaii CZM Program as well as administering and enforcing the shoreline setback law.</p>

HAWAII
CZM
PROGRAM

Appendix B: CZM OBJECTIVES & POLICIES

HAWAII
COASTAL ZONE MANAGEMENT
PROGRAM

Objectives & Policies

1. Recreational Resources

Objective: Provide coastal recreational opportunities accessible to the public.

- Policies:
- (A) Improve coordination and funding of coastal recreation planning and management; and
 - (B) Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:
 - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - (ii) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - (v) Encouraging expanded public recreational use of county, state and federally owned or controlled shoreline lands and waters having recreational value;
 - (vi) Adopting water quality standards and regulating point and non-point sources of pollution to protect and where feasible, restore the recreational value of coastal waters;
 - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, artificial reefs for surfing and fishing; and
 - (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commissions, board of land and natural resources, county planning commissions, and crediting such dedication against the requirements of section 46-6.

Objectives & Policies

2. Historic Resources

Objective: Protect, preserve and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

- Policies:
- (A) Identify and analyze significant archaeological resources;
 - (B) Maximize information retention through preservation of remains and artifacts or salvage operations; and
 - (C) Support state goals for protection, restoration, interpretation and display of historic resources.

3. Scenic and Open Space Resources

Objective: Protect, preserve and where desirable, restore or improve the quality of coastal scenic and open space resources.

- Policies:
- (A) Identify valued scenic resources in the coastal zone management area;
 - (B) Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
 - (C) Preserve, maintain and where desirable, improve and restore shoreline open space and scenic resources; and
 - (D) Encourage those developments which are not coastal dependent to locate in inland areas.

4. Coastal Ecosystems

Objective: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

- Policies:
- (A) Improve the technical basis for natural resource management;
 - (B) Preserve valuable coastal ecosystems of significant biological or economic importance;
 - (C) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
 - (D) Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate state water quality standards.

Objectives & Policies

5. Economic Uses

Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.

- Policies:
- (A) Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy;
 - (B) Insure that coastal dependent development such as harbors and ports, visitor industry facilities and energy generating facilities are located, designed and constructed to minimize adverse social, visual and environmental impacts in the coastal zone management area; and
 - (C) Direct the location and expansion of coastal dependent development to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - (i) Utilization of presently designated locations is not feasible;
 - (ii) Adverse environmental effects are minimized; and
 - (iii) Important to the State's economy.

6. Coastal Hazards

Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

- Policies:
- (A) Develop and communicate adequate information on storm wave, tsunami, flood, erosion and subsidence hazard;
 - (B) Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;
 - (C) Ensure that developments comply with requirements of the Federal Flood Insurance Programs; and
 - (D) Prevent coastal flooding from inland projects.

7. Managing Development

Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

- Policies:
- (A) Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;
 - (B) Facilitate timely processing of application for development permits and resolve overlapping or conflicting permit requirements; and
 - (C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the general public to facilitate public participation in the planning review process.

HAWAII
CZM
PROGRAM

FEDERAL LICENSES & PERMITS
Appendix C: **SUBJECT TO FEDERAL CONSISTENCY**

**FEDERAL LICENSES & PERMITS
SUBJECT TO
FEDERAL CONSISTENCY CERTIFICATION**

Department of Defense - U.S. Army Corps of Engineers:

- Permits and licenses required under Sections 9, 10 and 11 of the Rivers and Harbors Act of 1899
- Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972
- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments

Environmental Protection Agency:

- Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments
- Permits and licenses required under the Clean Air Act of 1970 as amended

Department of Transportation - U.S. Coast Guard:

- Permits and licenses for construction of bridges under 33 USC 401, 491-507 and 523-534
- Permits and licenses for deepwater ports under the Deepwater Port Act of 1974

Department of Transportation - Federal Aviation Administration:

- Permits and licenses for construction and operation of airports

Department of Agriculture:

- Permits and licenses for use and occupancy of lands for hotels, resorts, summer homes, stores and facilities for industrial, commercial, educational or public uses on National Forestry Service lands under 16 USC 497

Department of Commerce - National Marine Fisheries Service:

- Permits and licenses required within Marine Sanctuaries under 16 USC 1401-1444
- Permits and licenses required under the Marine Mammal Protection Act of 1972
- Permits, licenses and approvals issued pursuant to the Fishery Conservation and Management Act of 1976

FEDERAL LICENSES & PERMITS

Department of Interior - Minerals Management Service:

- Permits and licenses required for drilling and mining on Outer Continental Shelf Lands
- Permits and approvals of exploration and operating plans pertaining to the extraction of leasable minerals
- Permits, licenses and approvals relating to viable coral communities pursuant to 43 CFR 6224

Department of Energy - Federal Energy Regulatory Commission:

- Licenses required for non-federal hydroelectric projects and associated transmission lines under Section 4(e) of the Federal Power Act (16 USC 797(e))
- Certificates required for the construction and operation of natural gas pipeline facilities, defined to include both interstate pipeline and terminal facilities under Section 7(c) of the Natural Gas Act (15 USC 717 (c))
- The permission and approval required for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 USC 717f(b))

Department of Energy - Economic Regulatory Administration:

- Opinion and order for permission for delivery of imported liquified natural gas

Nuclear Regulatory Commission:

- Permits and licenses for construction and operation of nuclear facilities

Federal actions outside the coastal zone but requiring a federal consistency determination:

- Federal actions in forest reserves which disturb land and water resources
- Federal actions in the archipelagic waters of the Hawaiian Islands which involve the placement of any material in or on such areas, or which involve the taking or removal of any material from such areas

In an effort to minimize the administrative burdens on governmental entities as well as the applicant, this listing is intentionally limited to those federally-permitted and licensed activities that could affect the State's coastal zone. However, if issuance of other federal permits or licenses are found to affect Hawaii's coastal zone, those permits and licenses will be added to the above list and the consistency requirements will be applied.

HAWAII
CZM
PROGRAM

FEDERAL ASSISTANCE PROGRAMS
Appendix D: **SUBJECT TO FEDERAL CONSISTENCY**

**FEDERAL FINANCIAL ASSISTANCE PROGRAMS
SUBJECT TO
FEDERAL CONSISTENCY CERTIFICATION**

1. Grants for Planning & Management

COMMERCE

11.302 Economic Development - Support for Planning Organizations

DEFENSE

12.600 Community Economic Adjustment

INTERIOR

15.904 Historic Preservation Fund Grants-in-Aid

15.916 Outdoor Recreation - Acquisition, Development and Planning

TRANSPORTATION

20.205 Highway Planning and Construction

20.505 Urban Mass Transportation Technical Studies Grant

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Support

66.419 Water Pollution Control State and Interstate Program Support

66.504 Solid Waste Disposal Research

** Areawide Treatment Planning and Water Quality Implementation Plans (Sec. 208)

HOUSING AND URBAN DEVELOPMENT

83.505 State Disaster Preparedness Grants

2. Grants for State, Local and Private Development

AGRICULTURE

10.406 Rural Development Act of 1972 - Farm Operating Loans

10.414 Resource Conservation and Development Loans

10.418 Water and Waste Disposal Systems for Rural Communities

10.419 & 10.904

Watershed Protection and Flood Prevention (Exception: small projects costing less than \$7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems.

10.908 Rural Development Act of 1972 - Resources Inventory

FEDERAL FINANCIAL ASSISTANCE PROGRAMS

COMMERCE

- 11.300 Economic Development - Grants for Public Works and Development Facilities
- 11.304 Economic Development - Public Works Impact Projects
- 11.407 NOAA Commercial Fisheries Research and Development
- 11.420 National Estuarine Reserve Research System

DEFENSE

- 12.101 Beach Erosion Control
- 12.102 Emergency Rehabilitation of Flood Control Works & Federally Authorized Coastal Protection Works
- 12.105 Protection of Essential Highways, Highway Bridge Approaches and Public Works
- 12.106 Flood Control Projects
- 12.107 Navigation Projects
- 12.108 Shagging and Clearing for Flood Control
- 12.109 Protection, Clearing and Straightening Channels

HOUSING AND URBAN DEVELOPMENT

- 14.852 Public and Indian Housing - Comprehensive Improvement Assistance Program

INTERIOR

- 15.501 Distribution System Loans
- 15.503 Small Reclamation Projects
- 15.600 Anadromous Fish Conservation
- 15.602 Conservation Law Enforcement Training Assistance
- 15.603 Farm Fish Pond Management
- 15.604 Fishery Research - Information
- 15.605 Fish Restoration
- 15.608 Fishery Resources Technical Assistance
- 15.610 Wildlife Research Information
- 15.611 Wildlife Restoration
- 15.904 Historic Preservation Fund Grants-in-Aid
- 15.916 Outdoor Recreation - Acquisition, Development and Planning

FEDERAL FINANCIAL ASSISTANCE PROGRAMS

TRANSPORTATION

- 20.205 Highway Research, Planning and Construction
- 20.214 Highway Beautification - Control of Outdoor Advertising and Control of Junkyards
- 20.500 Urban Mass Transportation Capital Improvement Grants
- 20.801 Development and Promotion of Ports and Intermodal Transportation
- 20.808 Capital Construction Fund

TREASURY

- 21.300 State and Local Government Fiscal Assistance - Revenue Sharing

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Support
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.419 Water Pollution Control State and Interstate Program Support
- 66.504 Solid Waste Disposal Research
- 66.505 Wastewater Pollution Control - Research, Development and Demonstration
- 66.600 Environmental Protection Consolidated Grants - Program Support

** Programs Under the Federal Water Pollution Control Act Amendments of 1972 including:

- 66.418 Construction Grants for Wastewater Treatment Works;
- 66.419 Water Pollution Control State and Interstate Program Support;
- 66.423 Water Quality control Information System - Orientation/Training Seminars, Data and Monitoring Publications;
- 66.438 Construction Management Assistance;
- 66.454 Water Quality Management Planning;
- 66.456 Comprehensive Estuarine Management;
- 66.500 Environmental Protection - Consolidated Research;
- 66.505 Wastewater Pollution Control - Research, Development and Demonstration;
- 66.600 Environmental Protection Consolidated Grants - Program Support; and
- 66.603 Loan Guarantees for Construction of Treatment Works.

EMERGENCY MANAGEMENT ADMINISTRATION

- 83.516 Disaster Assistance

FEDERAL FINANCIAL ASSISTANCE PROGRAMS

3. Operational, Service and Research Grants

AGRICULTURE

10.902 & 10.905

Soil and Water Conservation - Plant Materials for Conservation

10.903 Soil Survey

10.906 Soil and Water Conservation - River Basin Surveys and Investigations

10.907 Soil and Water Conservation - Snow Survey and Water Supply Forecasting

COMMERCE

11.303 Economic Development - Technical Assistance

11.417 Sea Grant Support

11.400B Geodetic Surveys and Services

DEFENSE

12.100 Corps Aquatic Plant Control

12.104 Flood Plain Management Services

INTERIOR

15.805 Assistance to State Water Resources Research Institutes

15.808 Geological Survey - Research and Data Acquisition

NATIONAL SCIENCE FOUNDATION

47.041 Engineering Grants

HAWAII
CZM
PROGRAM

Appendix E: **FEDERALLY-EXCLUDED LANDS**

FEDERAL LANDHOLDINGS

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
U.S. AIR FORCE*								
	Hickam Administration Annex	Adjacent to Honolulu International Airport	Business Office	3.400				3.400
	Hickam Air Force Base	Pearl Harbor, Oahu	Runway Facility (shared with State)	2,354.270		1.210		2,355.480
	Wheeler Air Force Base	Wahiawa, Oahu	Aviation, Support Facility, Housing & Training	0.240		1,369.060		1,369.300
	Bellows Air Force Station	North of Waimanalo Town	Recreation Communication	36.230		1,456.950		1,493.180
	Hickam Petrol. Annex	Kipapa Gulch, Oahu	Petroleum Storage	58.160	0.560	34.360		93.080
	Kaala Air Force Station	Mount Kaala Peak, Oahu	Radar Site		1.800			1.800
	Kaena Point Satellite Tracking Station	Kaena Point, Oahu	Satellite Tracking Station		138.300			138.300
	Kaukonahua Storage Annex	Adjacent to East Range, Wahiawa, Oahu	Storage			22.530		22.530
	Makua Sub-Cable Site	Makua, Oahu	Communication		1.300			1.300
	Palehua Solar Observation & Research Site	Palchua, Oahu	Solar Observation	4.230				4.230
	Punamano Air Force Station	Kahuku, Oahu	Communication	1.760	10.080			11.840
	Kokee Air Force Station	Kokee, Kauai	Radar Site		10.090			10.090
	South Point Air Force Station	Southernmost Point on Hawaii	Celestial Tracking Facilities		21.300			21.300

*1989 updated information not available - information adapted from "State of Hawaii Coastal Management Program & Draft Environmental Impact Statement," 1978.

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASEMENT	TOTAL AREA
U.S. ARMY								
	Schofield Barracks	Wahiawa, Oahu	Training & Housing	882.430	71.800	12,747.580	387.300	14,089.110
	Fort Shafter	Kalihi, Oahu	Support Facilities & Industrial	36.370		551.200	3.160	590.730
	Fort Ruger	Honolulu, Oahu	Support Facilities			7.910	0.050	7.960
	Alimanu Military Reserve	Alimanu, Oahu	Storage	524.180			13.970	538.150
	Kipapa Ammunition Storage Sites	Kipapa, Oahu	Ammunition Storage	370.220			31.320	401.540
	Waiakakalaua Ammunition	Waiakakalaua, Oahu	" "	175.770		136.610	0.050	312.430
	Helemano Radio Receiving Station	Helemano, Oahu	" "	281.410	0.780			282.190
	Makua Military Reservation	South of Kaena Pt.	Training	170.000	1,515.120	3,236.000		4,921.120
	Fort Kamehameha Military Reservation	Entrance to Pearl Harbor	Housing, Golf Course, Airport Facility	506.310	2.030			508.340
	Kahuku Training Area	Kahuku, Oahu	Training	25.240	9,422.430		17.960	9,465.630
	Kawailoa Training Area	Kawailoa, Oahu	"		23,347.550			23,347.550
	Mauna Kapu Communication Station Site	Mauna Kapu, Oahu	Communications Facility				16.260	16.260
	Dillingham Military Reservation	NE of Kaena Point	Recreation Beach	549.870		77.700	36.330	663.900
	Kawaihae Military Reservation	Kawaihae Bay, Hawaii	Underwater LST Landing Ramp			3.530	7.280	10.810
	U.S. Army Tripler General Hospital	Moanalua, Oahu	Hospital Housing	358.290			8.920	367.210
	Waianae Kai Military Reservation	Pokai Bay, Waianae, Oahu	Recreation Center		1.120	12.370	0.970	14.460
	Kilauea Military Reservation	Hawaii	Recreation	0.500	67.180		4.000	71.680
	Pohakuloa Training Area	Hawaii	Training		24,024.440	84,815.260	6.000	108,845.700
	U.S. Army Reservation Center	Hilo, Hawaii	Training	3.700			0.030	3.730

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
ARMY - cont.								
	Fort DeRussy Military Reservation	Waikiki, Oahu	Recreation	69.740		1.470	1.580	72.790
	U.S. Army Reservation Center	Wailuku, Maui	Training	4.590			0.180	4.770
	Kapalama Military Reservation	Honolulu Harbor, Oahu	Port Facilities	65.770		17.811	2.340	85.921
	Signal Cable Trunking System	Statewide	Telephone Trunking System		121.000	0.270	79.610	200.880
	Army Airfield, Wheeler Air Force Base	Wheeler, Oahu	Airfield				690.840	690.840
	U.S. Field Station	Kunia, Oahu	Field Station			33.920	61.810	95.730
	Mokuleia Army Beach	Mokuleia, Oahu	Recreation			14.000		14.000
	Pupukea - Puuana-Uka Military Road	Pupukea, Oahu	Road				158.750	158.750
	NAS Barbers Point	Barbers Point, Oahu	---				11.000	11.000
	NAVSTA Pearl Harbor	Pearl Harbor, Oahu	---				6.580	6.580
	Haleiwa Air Strip	Haleiwa, Oahu	Air Strip				29.580	29.580
	Keaukaha Military Reservation	Keaukaha, Hawaii	Military Reservation				9.000	9.000
	Molokai Training Lands (USMC)	Molokai	Training				6,307.000	6,307.000
	Tank Trail	Hawaii	Tank Trail		34.000			34.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
U.S. ARMY & AIR FORCE EXCHANGE SERVICE								
Offices	Kewalo Basin, Oahu	Office			2.500			2.500
U.S. ARMY CORPS OF ENGINEERS								
Honokohau Harbor Project	Kona, Hawaii	Maintenance & Access					1.020	1.020
Kawaihae Harbor Facility	Kawaihae, Hawaii	" "			20.660		0.500	21.160
Kahului Harbor Breakwater Project	Kahului, Maui	" "		1.320			4.840	6.160
Haleiwa Small Boat Harbor	Haleiwa, Oahu	" "					0.900	0.900
Hilo Harbor Breakwater Project	Hilo, Hawaii	" "					7.700	7.700
Kalaupapa Harbor Project	Kalaupapa, Molokai	" "					0.060	0.060
Manele Harbor Breakwater Project	Manele, Lanai	" "					0.710	0.710
Port Allen Storage and Breakwater Project	Port Allen, Kauai	" "		0.420			2.700	3.120
U.S. COAST GUARD*								
Barbers Point Air Station	Ewa Beach, Oahu	Air Station			47.970			47.970
Barbers Point Light Station	Ewa Beach, Oahu	Light Installation		5.000				5.000
Base Honolulu	Sand Island, Oahu	Industrial Base		48.600				48.600
Cape Kumukahi Light Station	East Coast	Light Installation		58.100				58.100
Omega Station	Kaneohe, Oahu	Navigation Station		167.220	502.150	28.800		698.170

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
COAST GUARD - cont.								
	Diamond Head Light	South Coast, Oahu	Light House Facility	2.200				2.200
	Honamaniao Light	Southeast Coast, Oahu	Light Installation	2.000				2.000
	Hanapepe Bay Breakwater Light	South Kauai	" "		0.177			0.177
	Hanapepe Light	South Kauai	" "	10.800				10.800
	Hawea Light	West Coast, Maui	" "	10.000				10.000
	Hilo Housing	Pahoe, Hawaii	" "	1.000				1.000
	Hilo Moorings	Hilo Bay, Hawaii	Docking Facilities		0.011			0.011
	Honokohau Small Boat Harbor	Kona Coast, Hawaii	Light Installation		0.580			0.580
	Honolulu Harbor Entrance Light	Honolulu Harbor, Oahu	" "		0.004			
	Ka Lae Light	South Point, Hawaii	" "			4.900		4.900
	Kamalo Point	Southeast Coast, Molokai	" "		1.000			1.000
	Kaena Point Light	Southwest Coast, Oahu	" "	1.000				1.000
	Kahala Point Light	East Coast, Kauai	" "	4.500				4.500
	Kahoolawe Southwest Point Light	Southwest Coast, Kahoolawe	" "	23.300				23.300
	Kahului Entrance Light	Kahului, Maui	" "					
	Kahului Harbor Entrance Range Front Light	Kahului, Maui	" "	0.200				0.200

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
COAST GUARD - cont.								
	Kahului Harbor Entrance Range Rear Light	Kahului, Maui	Light Installation	0.200				0.200
	Kahului Mooring	Kahului, Maui	Docking Facilities					
	Kailua Light	Kona, Hawaii	Light Installation	2.100				2.100
	Kalihi Channel Range Front Light	Kalihi, Oahu	" "					
	Kaneohe Passage Range Front Light	Kaneohe Bay, Oahu	" "		0.049			0.049
	Kauai Housing	Lihue, Kauai	Housing	1.100				1.100
	Kauai Loran Station	Koloa, Kauai	Loran Station	8.300				8.300
	Kauhola Point Light	North Coast, Hawaii	Light Installation	3.400				3.400
	Kauiki Head Light	East Coast, Maui	" "	1.000				1.000
	Kaumalapau Breakwater Light	Lanai	" "	2.300				2.300
	Kaumalapau Light	Lanai	" "	2.300				2.300
	Kaunakakai Harbor Entrance Range Front Light	South Coast, Molokai	" "	3.600				3.600
	Kaunakakai Harbor Entrance Range Rear Light	South Coast, Molokai	" "	0.200				0.200
	Kawaihae Light	West Coast, Hawaii	" "	2.500				2.500
	Keahole Point Light	West Coast, Hawaii	" "	4.200				4.200
	Keauhou Bay Entrance Light	Kona Coast, Hawaii	" "					
	Kewalo Basin Entrance Range Light	South Coast, Oahu	" "					

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
COAST GUARD - cont.								
	Kilauea Point Light	North Coast, Kauai	Light Installation	31.000				31.000
	Kokole Light	West Coast, Kauai	" "	5.600				5.600
	Kuhio Bay Range Front Light	Hilo Bay, Hawaii	" "	0.014				0.014
	Kuhio Bay Range Rear Light	Hilo Bay, Hawaii	" "	0.100				0.100
	Kulii Point Light	Nawiliwili, Kauai	" "	0.040				0.040
	Kukuihaele Light	NE Coast, Hawaii	" "	0.400				0.400
	Laaupahoehoe Point Light	West Coast, Molokai	" "	51.000				51.000
	Lahaina Light	Lahaina, Maui	" "	0.100				0.100
	Maalaea Moorings	Southwest Coast, Maui	Wharf Office Building		0.166			0.166
	Mahukona Light	North Coast, Hawaii	Light Installation	3.000				3.000
	Makapuu Light Station	East Coast, Oahu	" "	24.700		9.800		34.500
	Maui Housing	Kahului, Maui	Housing	1.030				1.030
	McGregor Point Light	South Coast, Maui	Light Installation	1.300				1.300
	Milolii Point	South Coast, Hawaii	" "		1.190			1.190
	Molokai Light Station (Kalaupapa)	North Coast, Molokai	" "			22.900		22.900
	Nakalele Point Light	Northwest Coast, Maui	" "	4.000				4.000
	Nawiliwili Jetty Light	Nawiliwili, Kauai	" "					

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
COAST GUARD - cont.								
	Napoopoo Light	Cooke Landing, Hawaii	Light Installation	2.900				2.900
	Nawiliwili Light Attendant Station	Nawiliwili, Kauai	" "	3.200				3.200
	Nawiliwili Moorings	Nawiliwili, Kauai	Dock Facility		0.397			0.397
	Pauwela Point Light Station	North Coast, Maui	Light Installation	8.100				8.100
	Pearl Harbor Loch Entrance Range Front Light	Pearl Harbor, Oahu	" "		1.870			1.870
	Pepeekeo Point Light	Northeast Coast, Hawaii	" "	1.300				1.300
	Pier 4	Oahu	Docking Facility			0.700		0.700
	Pohaukuloa Point Light	Lanai	Light Installation		0.600			0.600
	Pokai Bay Breakwater Light	Southwest Coast, Oahu	" "					
	Pyramid Rock Light	Kaneohe Bay, Oahu	" "		0.057			0.057
	Red Hill Housing	Aiea, Oahu	Housing & Playground	81.400	3.440 From Navy			84.840
	Sand Island Light	Sand Island Oahu	Light Installation					
	Upolu Loran Station	Northwest Coast, Hawaii	Loran Station	68.900				68.900
	Waiakea Light	Hilo Bay, Hawaii	Light Installation			0.100		0.100
	Wailupe Quarters	Wailupe Penninsula, Oahu	Housing	3.200				3.200
	Communication Station	Wahiawa, Oahu	Communication Station					unknown

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)			
				FEE	LEASE	CEDED	ACCESS EASEMENT
COAST GUARD - cont.							
	Lehua Rock Light	Lehua Rock, Kauai	Light Installation			277.000	277.000
	French Frigate Shoals Loran Station	Tern Island	Loran Station		From D.O.I.		unknown
	Kure Loran Station	Kure Island	" "				unknown
	Molokini Island Light	Molokini Island, Maui	Light Installation			18.500	18.500
	Makahuena Light	South Coast, Kauai	" "	5.000			5.000
	Palaoa Light	Lanai	" "	5.400			5.400
	Paukaa Light	Hilo, Hawaii	" "	0.020			0.020
	Voice of America Road	Maili, Oahu	Potential Radio Station	89.300			89.300
	Coconut Point Light	South Hilo, Hawaii	Light Installation				
	Mount Kaala Communications Facility	Kaala AFB Station, Oahu	Communication Facility		< 0.001 From AF		< 0.001
	Pearl Harbor Navigational Aids NAD, Oahu, Building 40	Pearl Harbor, Oahu	Aids to Navigation				
		Waipio Point, Oahu	Storage of Hay		Permit		unknown
	Manana Storage Area Building 4	Pearl City, Oahu	Appliance & Furniture Storage		Permit from Navy		unknown
	Waialua Bay Front Range Light	Kawailoa, Waialua, Oahu	Aids to Navigation		0.009		0.009
	Waialua Bay Rear Range Light	Haleiwa, Oahu	" "				unknown
	Mauna Kapu Communications Site	Oahu	Communications Site		0.004 from Army		0.004

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
COAST GUARD - cont.								
	Kokee Communications Site	Kokee, Kauai	Communications Site		Permit from AF			
	Nohili Point Navigational Aid	Kekaha, Kauai	Aids to Navigation		0.014			0.014
	Kaakaukui Flagpole Antenna Site	Kaakaukui, Oahu	" "		0.031			0.031
	Pearl Harbor Light	Hickam AFB	" "		Permit from AF			
	Honokohau Harbor Light	Kona, Hawaii	" "		Permit			
	Mount Haleakala	Hana, Maui	Microwave Link Installation		0.007 from FAA			0.007
	Lahaina Range Front	Lahaina, Maui	Light Installation		0.002			0.002
FEDERAL AVIATION ADMIN								
	Air Route Traffic Control Center (ARTCC)	Diamond Head, Oahu	Air Navigational	5.200				5.200
	Remote Microwave Link Terminal (RMLT)	Diamond Head, Oahu	" "	3.400				3.400
	Intl Flight Service Transmitter Station (IFST)	Ewa, Oahu	" "	230.900				230.900
	Remote Communications Outlet (RCO)	Waimanalo, Oahu	" "		8.600			8.600
	Very High Frequency Omni-Directional Range w/Tactical Air Navigation (VORTAC)	Koko Head, Oahu	" "		4.100			4.100
	Air Traffic Control Tower (ATCT)	Honolulu International Airport (HIA)	" "		5.200			5.200

AGENCY	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
FAA - cont.	VORTAC	HIA	Air Navigational		0.500			0.500
	Medium-Intensity Approach Lighting System w/Runway Alignment Indicator Lights (MALSR)	HIA	" "		13.400			13.400
	MALSR	HIA	" "		16.400			16.400
	Airport Surveillance Radar (ASR)	HIA	" "		0.600			0.600
	Visual Approach Slope Indicator (VASI)	HIA	" "		0.100			0.100
	VASI	HIA	" "		0.500			0.500
	VASI	HIA	" "		0.200			0.200
	VASI	HIA	" "		0.300			0.300
	VASI	HIA	" "		0.400			0.400
	VASI	HIA	" "		0.100			0.100
	Instrument Landing System (ILS)	HIA	" "		13.600			13.600
	Localizer-Type Directional Aid (LDA)	HIA	" "		5.000			5.000
	Low Level Wind Shear Alert System (LLWAS)	HIA	" "		0.100			0.100
	LLWAS	HIA	" "		0.700			0.700
	ILS	HIA	" "		6.500			6.500
	Runway-End Identification Lights (REIL)	HIA	" "		0.400			0.400

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
FAA - cont.								
	REIL	HIA	Air Navigational		0.400			0.400
	Air Route Surveillance Radar (ARSR)	Mt. Kaala, Oahu	" "		53.600			53.600
	ARSR	Mt. Kaala, Oahu	" "		4.500			4.500
	ARSR	Mt. Kaala, Oahu	" "		0.200			0.200
	ARTCC	Diamond Head, Oahu	" "		0.100			0.100
	RCO	Waimanalo, Oahu	" "		0.900			0.900
	Remote Transmitter/Receiver (RTR)	Mauna Kapu, Oahu	" "		0.100			0.100
	RTR	Mauna Kapu, Oahu	" "		0.100			0.100
	RTR	Mauna Kapu, Oahu	" "		0.100			0.100
	RTR	Mauna Kapu, Oahu	" "		2.500			2.500
	MALSR	Fort Kam, Oahu	" "		1.400			1.400
	RTR	Hickam Air Force Base, Oahu	" "		0.300			0.300
	ASR	HIA	" "		0.400			0.400
	ASR	Hickam Air Force Base, Oahu	" "		0.100			0.100
	Middle Marker (MM)/Approach Lighting System (ALS)/Glide Slope (GS)/VASI/LLWAS	HIA	" "		7.700			7.700
	ALS	HIA	" "		0.100			0.100

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
FAA - cont.								
	Compass Locator at Outer Marker (LOM)	Barbers Point, Oahu	Air Navigational		0.200			0.200
	ARSR	Mt. Kaala, Oahu	" "		64.100			64.100
	ARSR	Mt. Kaala, Oahu	" "		6.500			6.500
	ARSR	Mt. Kaala, Oahu	" "		2.900			2.900
	Utility Building (UB)	Hickam Air Force Base, Oahu	" "		2.800			2.800
	Civil Aviation Security Field Office (CASFO)	HIA	" "		0.100			0.100
	VORTAC	Hilo, Hawaii	" "	4.700				4.700
	VORTAC	Kohala, Hawaii	" "	4.900				4.900
	RTR	Hilo, Hawaii	" "		0.700			0.700
	ASR	Hilo, Hawaii	" "		1.900			1.900
	ASR	Hilo, Hawaii	" "		1.500			1.500
	ATCT	Hilo, Hawaii	" "		2.000			2.000
	VASI	Hilo, Hawaii	" "		0.500			0.500
	VASI	Hilo, Hawaii	" "		0.500			0.500
	VASI	Hilo, Hawaii	" "		0.300			0.300
	ILS Localizer (LOC)	Hilo, Hawaii	" "		7.100			7.100
	MALSR	Hilo, Hawaii	" "		23.100			23.100
	Omnidirectional Airport Lighting System (ODALS)	Hilo, Hawaii	" "		1.200			1.200

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
FAA - cont.								
	Remote Center Air/Ground Communications Facility (RCAG)	Hamakua, Hawaii	Air Navigational		0.400			0.400
	ATCT	Kona, Hawaii	" "		0.100			0.100
	RTR	Kona, Hawaii	" "		0.600			0.600
	VASI	Kona, Hawaii	" "		0.100			0.100
	VORTAC	Kona, Hawaii	" "		109.400			109.400
	LOC	Kona, Hawaii	" "		10.000			10.000
	Very High Frequency Omni-directional Range (VOR)	Kamuela, Hawaii	" "		0.100			0.100
	VOR	Kamuela, Hawaii	" "		0.400			0.400
	VORTAC	Kohala, Hawaii	" "	7.300				7.300
	VASI	Kamuela, Hawaii	" "		0.500			0.500
	REIL	Kamuela, Hawaii	" "		0.100			0.100
	Air Traffic Control Beacon Interrogator (ATCBI)	Pahoa, Hawaii	" "		181.100			181.100
	Very High Frequency Modulated Antenna (VHF-FM)	Kilauea, Hawaii	" "		0.200			0.200
	MM	Hilo, Hawaii	" "		0.400			0.400
	MALSR	Kona, Hawaii	" "		6.000			6.000
	RCO	KMC, Hawaii	" "		0.900			0.900
	RTR	Kauai, Hawaii	" "		1.600			1.600
	VASI	Kauai, Hawaii	" "		0.600			0.600

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASEMENT	TOTAL AREA
FAA - cont.								
	VORTAC	Kauai, Hawaii	Air Navigational		0.200			0.200
	Combined Station/Tower (CST)	Kauai, Hawaii	" "		0.200			0.200
	ILS	Kauai, Hawaii	" "		2.500			2.500
	MALSR	Kauai, Hawaii	" "		24.500			24.500
	VORTAC	Kauai, Hawaii	" "		103.900			103.900
	VORTAC	Kauai, Hawaii	" "		6.800			6.800
	RCAG	Kauai, Hawaii	" "		0.100			0.100
	RCAG	Maui, Hawaii	" "	4.200				4.200
	RTR	Maui, Hawaii	" "	1.600				1.600
	VOR	Maui, Hawaii	" "		0.100			0.100
	RTR	Maui, Hawaii	" "		0.500			0.500
	RTR	Maui, Hawaii	" "		0.300			0.300
	MM	Maui, Hawaii	" "		0.200			0.200
	ILS	Maui, Hawaii	" "		43.100			43.100
	ATCT	Maui, Hawaii	" "		2.500			2.500
	CST	Maui, Hawaii	" "		0.100			0.100
	VASI	Maui, Hawaii	" "		0.200			0.200
	VASI	Maui, Hawaii	" "		0.200			0.200
	Homer (H)	Maui, Hawaii	" "		1.500			1.500
	ASR	Maui, Hawaii	" "		127.200			127.200
	ATCBI	Maui, Hawaii	" "		6.200			6.200

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE-MENT	TOTAL AREA
FAA - cont.								
	ATCT	Maui, Hawaii	Air Navigational		0.100			0.100
	RTR	Maui, Hawaii	" "		4.700			4.700
	ATCT	Molokai, Hawaii	" "		0.500			0.500
	Headquarters Field Office (HDQF)	Molokai, Hawaii	" "		0.200			0.200
	VORTAC	Molokai, Hawaii	" "	0.300				0.300
	Living Quarters (LIVQ)	Molokai, Hawaii	" "		0.200			0.200
	DF	Molokai, Hawaii	" "	0.300				0.300
	VORTAC	Lanai, Hawaii	" "		3.500			3.500
	VASI	Lanai, Hawaii	" "		0.500			0.500
	NOB	Lanai, Hawaii	" "		5.700			5.700
U.S. FISH & WILDLIFE SERVICE								
	Hawaiian Islands National Wildlife Refuge (NWR)	800 mile chain west of Hawaiian Islands to Midway	National Wildlife Refuge					
	Hanalei NWR	Hanalei, Kauai	" "	917.766				917.766
	Huleia NWR	Lihue, Kauai	" "	239.000				239.000
	Kakahaia NWR	Kaunakakai, Molokai	" "	42.000				42.000
	Kilauea Point NWR	Kilauea, Kauai	" "	170.000				170.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
GENERAL SERVICES ADMIN								
	GSA Motor Pool & Parking Facility	Fort Armstrong, Honolulu	Parking					unknown
	U.S. Post Office, Courthouse & Customhouse	Hilo, Hawaii	Office & Parking	1.500				1.500
	Prince Jonah Kuhio Kalaniana'ole Federal Building & U.S. Courthouse	Honolulu, Oahu	Office & Parking	8.070				8.070
	U.S. Customs Warehouse	Kuhio Wharf Hilo, Hawaii	Warehouse	0.800				0.800
JUSTICE DEPARTMENT								
	Immigration & Naturalization Service District Office	Ala Moana, Oahu	Administration			3.100		3.100
U.S. MARINES								
	Camp H. M. Smith	Halawa, Oahu	Administration	220.000				220.000
	Puuloa Training Facility	Ewa Beach, Oahu	Training	128.000				128.000
	Manana Housing (U.S.M.C.)	Pearl City, Oahu	Housing	62.000				62.000
	M.C.A.S. Kaneohe	Kaneohe Bay, Oahu	Air Station	2,017.000		669.000		2,686.000
	Molokai Training Support Facility	Adjacent to Molokai Airport	Training Support			14.000		14.000
	Pearl City Storage	Pearl City, Oahu	Storage	27.000				27.000
	Waikane Valley Impact Area	Waikane Valley, Oahu	(Held, pending clearance of ordinance)					187.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASEMENT	TOTAL AREA
	NATL AERONAUTIC & SPACE ADMIN Tracking Station	Kokee State Park, Kauai	Spaceflight Tracking & Data Network Station		22.900			22.900
	NATL OCEANIC & ATMOSPHERIC ADMIN* Honolulu Observatory Geophysics Honolulu Biological Laboratory	Ewa, Oahu Honolulu, Oahu	Pacific Tsunami Warning Center Main Laboratory	175.000				175.000 unknown
	NATL MARINE FISHERIES SERVICE Offices & Laboratories Offices	Kewalo Basin, Oahu Dole Street, Adjacent to UH	Experiment Station & Offices Main Laboratory		1.200 2.200			1.200 2.200
	NATL PARK SERVICE Hawaii Volcanoes National Park Puuhonua o Honaunau National Historic Park Haleakala National Park Puukohola Heiau National Historic Site Kaloko-Honokohau National Park	Hawaii Honaunau, Hawaii Maui Kawaihae, Hawaii Hawaii	Preservation & Recreation Preservation & Recreation Preservation & Recreation Preservation & Recreation Preservation & Recreation	217,298.000 181.000 27,456.000 61.000 381.000				217,298.000 181.000 27,456.000 61.000 381.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE-MENT	TOTAL AREA
NPS - cont.								
	Kalaupapa National Historic Park	Molokai	Public Health, Preservation & Recreation	7,306.000	(7,284 acres: cooperative agreement)			7,306.000
	NATIONAL WEATHER SERVICE							
	Weather Service Forecast Office, Hickam Air Force Base	Honolulu Airport	Weather Observation		0.200			0.200
	Weather Service Office Lyman Field	Hilo Airport Hilo, Hawaii	" "			0.100		0.100
	Weather Service Office Lihue Airport	Lihue, Kauai	" "		5.400			5.400
	Pacific Tsunami Warning Center	Ewa Beach, Oahu	Tsunami Forecasts and Warnings	175.000				175.000
	U.S. NAVY							
	NSC Ewa Drum Storage	Adjacent to Middle Loch Pearl Harbor, Oahu	Fuel Storage	44.000				44.000
	Makalapa Crater Facilities	Makalapa, Oahu	Housing & Administration	(+/-) 288.00				(+/-) 288.00
	Red Hill Storage Area	Red Hill, Oahu	Fuel Storage	236.000				236.000
	Pearl City Peninsula Facilities	Middle Loch, Pearl Harbor, Oahu	Housing Fuel Storage, Sanitary Landfill, Agriculture	(+/-) 523.00		27.000		(+/-) 550.000
	Naval Air Station, Barbers Point	Barbers Point, Oahu	Air Station Support Station	3,738.000			131.000	3,869.000
	Manana Housing	Pearl City, Oahu	Housing	35.000				35.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
NAVY - cont.								
	Opana Communication Site	Kahuku, Oahu	Communications	5.000			5.000	10.000
	Moanalua Aiea Housing	Pearl Harbor, Oahu	Housing & Support Service	(+/-) 920.00				(+/-) 920.00
	McGrew Point Housing	East Loch, Pearl Harbor, Oahu	Housing	49.000				49.000
	Water Supply, Waiawa	Waiawa, Oahu	Water Source	75.000				75.000
	Halawa Area	Halawa, Oahu	Administration Laundry, Housing	45.000				45.000
	Naval Magazine, Lualualei	Lualualei, Oahu	Ammunition Storage	4,205.000		3,130.000		7,335.000
	Naval Magazine, Waikele Branch	Waikele, Oahu	Ammunition Storage	520.000			2.000	522.000
	AFC Facility, Mauna Kapu	Mauna Kapu, Oahu	Communications		0.500		1.500	2.000
	Foracs III Sites	Nanakuli, Oahu	Navigational Aides		0.400			0.400
	Naval Magazine, West Loch Branch	West Loch, Pearl Harbor, Oahu	Ammunition Storage and Safety Blast Zone	2,682.000		1.000	18.000	2,701.000
	Waipio Peninsula Facilities	Separates Middle & West Lochs, Pearl Harbor, Oahu	Safety Blast Zone, Agriculture	1,392.000		20.000		1,412.000
	Naval Communication Station Wahiawa	Wahiawa, Oahu	Communications	652.000				652.000
	Naval Communications Station	Lualualei, Oahu	"			1,718.000		1,718.000
	Naval Station, Submarine Base, Shipyard Supply Center	Pearl Harbor, Oahu	Ship Berthing & Repairing Warchousing & Support Facility	(+/-) 762.00				(+/-) 762.00
	Bishop Point	Pearl Harbor, Oahu	Industrial	12.000				12.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
NAVY - cont.								
	Ford Island	Ford Island, Pearl Harbor, Oahu	Ship Berthing & Support Facility	453.000				453.000
	Richardson Center	Pearl Harbor, Oahu	Recreation	35.000		11.000		46.000
	Manana Storage Area	Pearl City, Oahu	Storage	134.000				134.000
	Public Works Center, Pearl Harbor	Pearl Harbor, Oahu	Light Industrial	71.000				71.000
	Water Storage, Halawa	Halawa, Oahu	Water Tanks	9.000				9.000
	Tri-Service Sewage Treatment Plant	Pearl Harbor, Oahu	Sewage Plant	7.000				7.000
	Puuloa & Iroquois Point Housing	Pearl Harbor, Oahu	Housing	446.000				446.000
	Red Hill Housing	Red Hill, Oahu	"	7.000				7.000
	Pacific Missile Range Facility,	Barking Sands, Kauai	Missile Testing & Support Facilities		116.000	1,925.000	10.000	2,051.000
	Pacific Missile Range Facility Ammunition Storage	Barking Sands, Kauai	Ammunition Storage		74.000			74.000
	Kaula Rock Island	Kaula Island SW of Niihau	Training			(+/-) 108.00		(+/-) 108.00
	Kahoolawe Island	Kahoolawe Island	"			28,777.000		28,777.000
	Barbers Point Water Supply	Barbers Point, Oahu	Water Well	10.000			4.000	14.000
	Ohana Nui	Between Hickam AFB Nimitz Hwy.	Community Services	(+/-) 46.00				(+/-) 46.00
	Camp Stover Housing	Wheeler AFB	Housing			35.000		35.000
	Utility Corridor	Pearl Harbor	Utilities	127.000				127.000

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
NAVY - cont.								
	Cemetery Plots	Nuuanu, Oahu	Burial Plots	0.100				0.100
	Makaha Ridge Facility	Makaha Ridge, Kauai	Remote Radar		207.000		37.000	244.000
	Inactive Ship Maintenance Facility	Upper Waipio, Oahu	Maintenance Facility	2.000				2.000
U.S. POSTAL SERVICE								
	Aiea Post Office	Aiea, Oahu	Office & Yard		0.130			0.130
	Anahola Post Office	Anahola, Kauai	" "		0.090			0.090
	Captain Cook Post Office	Captain Cook, Hawaii	" "	0.630				0.630
	Eleele Post Office	Eleele, Kauai	Office		0.040			0.040
	Ewa Beach Post Office (Ewa Station)	Ewa Beach, Oahu	Office & Yard		0.160			0.160
	Ewa Beach Post Office	Ewa Beach, Oahu	" "	1.620				1.620
	Haiku Post Office	Haiku, Maui	" "		0.080			0.080
	Hakalau Post Office	Hakalau, Hawaii	Office & Yard		0.050			0.050
	Haleiwa Post Office	Haleiwa, Oahu	" "		0.100			0.100
	Hana Post Office	Hana, Maui	" "		0.030			0.030
	Hanalei Post Office	Hanalei, Kauai	" "		0.210			0.210
	Hanapepe Post Office	Hanapepe, Kauai	" "		0.140			0.140
	Hauula Post Office	Hauula, Oahu	Office		0.030			0.030

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
POSTAL SERVICE - cont.								
	Hawaii National Park Post Office	Hawaii	Office		0.005			0.005
	Hawi Post Office	Hawi, Hawaii	"		0.010			0.010
	Hilo Post Office (Airport)	Hilo, Hawaii	Office & Yard	4.650				4.650
	Hilo Downtown Station		" "	0.180				
	Holualoa Post Office	Holualoa, Hawaii	Office		0.020			0.020
	Honaunau Post Office	Honaunau, Hawaii	Office & Yard		0.750			0.750
	Honokaa Post Office	Honokaa, Hawaii	" "		0.680			0.680
	Honokaa Post Office (Kukuihaeala Branch)	Honokaa, Hawaii	Office		0.005			0.005
	Honomu Post Office	Honomu, Hawaii	"		0.010			0.010
	Hoolehua Post Office	Hoolehua, Molokai	Office & Yard		1.000			1.000
	Kaawa Post Office	Kaawa, Oahu	" "		0.100			0.100
	Kahuku Post Office	Kahuku, Oahu	Office		0.100			0.100
	Kahului Post Office	Kahului, Maui	Office & Yard		0.910			0.910
	Kahului Post Office (Airport)	Kahului, Maui	Yard	5.100				5.100
	Kailua Post Office	Kailua, Oahu	Office & Yard		1.250			1.250
	Kailua-Kona Post Office	Kailua, Hawaii	" "		1.560			1.560
	Kailua-Kona Post Office (Airport)	Kailua, Hawaii	Yard	3.000				3.000
	Kalaheo Post Office	Kalaheo, Kauai	Office & Yard		0.320			0.320

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
POSTAL SERVICE - cont.								
	Kalaupapa Post Office	Kalaupapa, Molokai	Office		0.020			0.020
	Kamuela Post Office	Kamuela, Hawaii	Office & Yard	0.620				0.620
	Kaneohe Post Office	Kaneohe, Oahu	" "		1.370			1.370
	Kapaa Post Office	Kapaa, Kauai	" "		0.800			0.800
	Kapaau Post Office	Kapaau, Hawaii	" "		0.410			0.410
	Kaumakani Post Office	Kaumakani, Kauai	" "		0.020			0.020
	Kaunakakai Post Office	Kaunakakai, Molokai	" "		0.670			0.670
	Keaau Post Office	Keaau, Hawaii	" "		0.390			0.390
	Kealakekua Post Office	Kealakekua Hawaii	" "		0.100			0.100
	Kealia Post Office	Kealia, Hawaii	Office		0.010			0.010
	Kekaha Post Office	Kekaha, Kauai	Office & Yard		0.550			0.550
	Kihei	Kehei, Maui	" "		0.710			0.710
	Kilauea Post Office	Kilauea, Kauai	" "		0.060			0.060
	Koloa Post Office	Koloa, Kauai	" "		0.620			0.620
	Kualapuu Post Office	Kualapuu, Molokai	Office		0.010			0.010
	Kula Post Office	Kula, Maui	Office & Yard		0.990			0.990
	Kunia Post Office	Kunia, Oahu	Office		0.006			0.006
	Kurtistown Post Office	Kurtistown, Hawaii	Office & Yard		0.460			0.460
	Lahaina Post Office	Lahaina, Maui	" "		0.280			0.280
	Lahaina Downtown Station	Lahaina, Maui	" "		0.290			0.290
	Laie Post Office	Laie, Oahu	" "		0.130			0.130

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASE- MENT	TOTAL AREA
POSTAL SERVICE - cont.								
	Lanai City Post Office	Lanai City, Lanai	Office		0.030			0.030
	Laupahoehoe Post Office	Laupahoehoe, Hawaii	Office & Yard		0.230			0.230
	Lawai Post Office	Lawai, Kauai	" "		0.420			0.420
	Lihue Post Office (Airport)	Lihue, Kauai	Yard	5.500				5.500
	Lihue Post Office	Lihue, Kauai	Office & Yard	0.460				0.460
	Lihue Post Office	Lihue, Kauai	Yard		0.050			0.050
	Lihue Post Office	Lihue, Kauai	Office		0.006			0.006
	Makawao Post Office	Makawao, Maui	Office & Yard		1.820			1.820
	Makawao Post Office	Makawao, Maui	Office		0.030			0.030
	Makaweli Post Office	Makaweli, Kauai	"		0.020			0.020
	Maunaloa Post Office	Maunaloa, Molokai	"		0.006			0.006
	Mountainview Post Office	Mountainview, Hawaii	Office & Yard		0.150			0.150
	Naalehu Post Office	Naalehu, Hawaii	" "		0.090			0.090
	Ookala Post Office	Ookala, Hawaii	Office		0.003			0.003
	Paaupuu Post Office	Paaupuu, Hawaii	Office		0.005			0.005
	Paauiho Post Office	Paauiho, Hawaii	Office & Yard		0.110			0.110
	Pahala Post Office	Pahala, Hawaii	" "		0.090			0.090
	Pahoa Post Office	Pahoa, Hawaii	" "		0.260			0.260
	Paia Post Office	Paia, Maui	" "		0.140			0.140
	Papaaloa Post Office	Papaaloa, Hawaii	Office		0.014			0.014

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				
				FEE	LEASE	CEDED	ACCESS EASEMENT	TOTAL AREA
POSTAL SERVICE - cont.								
	Papaikou Post Office-	Papaikou, Hawaii	Office & Yard		0.160			0.160
	Pearl City Post Office	Pearl City, Oahu	" "	3.000				3.000
	Pepeekeo Post Office	Pepeekeo, Hawaii	" "		0.180			0.180
	Puunene Post Office	Puunene, Maui	" "		0.050			0.050
	Volcano Post Office	Volcano Area, Hawaii	" "	0.540				0.540
	Wahiawa Post Office	Wahiawa, Oahu	" "		0.790			0.790
	Waialua Post Office	Waialua, Oahu	" "		0.440			0.440
	Waianae Post Office	Waianae, Oahu	" "	1.900				1.900
	Waianae Post Office	Waianae, Oahu	" "		0.140			0.140
	Wailuku Post Office	Wailuku, Maui	" "	0.490				0.490
	Wailuku Post Office	Wailuku, Maui	Yard	3.300				3.300
	Waimanalo Post Office	Waimanalo, Oahu	Office & Yard		0.280			0.280
	Waimea Post Office	Waimea, Kauai	" "		0.030			0.030
	Waipahu Post Office	Waipahu, Oahu	" "		0.370			0.370
	Waipahu Post Office	Waipahu, Oahu	Yard	4.500				4.500
	Vehicle Maintenance Facility	Honolulu, Oahu	Office	2.500				2.500
	Waikiki Station	Honolulu, Oahu	Office & Yard		1.600			1.600
	Honolulu Main Office (Airport)	Honolulu, Oahu	" "	25.650 28.600				25.650 28.600
	Ford Island Station	Ford Island, Oahu	Office		0.070			0.070
	Fort Shafter Station	Fort Shafter, Oahu	Office & Yard		0.150			0.150

AGENCY	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASEMENT	
POSTAL SERVICE - cont.								
	Hickam AFB Station	Oahu	Office & Yard		0.120			0.120
	Submarine Base	Pearl Harbor, Oahu	Office		0.050			0.050
	Tripler Army Hospital	Oahu	"		0.070			0.070
	Courthouse & Customhouse	Oahu	Office & Yard	2.600				2.600
	Downtown Station	Honolulu, Oahu	Yard	0.880				0.880
	Aina Haina Station	Honolulu, Oahu	Office & Yard		0.030			0.030
	Kaimuki Station	Honolulu, Oahu	" "		0.050			0.050
	Navy Cantonment	Honolulu, Oahu	Office		0.030			0.030
	Hawaii Kai Station	Honolulu, Oahu	Office & Yard	2.300				2.300
	Makiki Station	Honolulu, Oahu	" "		2.820			2.820
	Waialae-Kahala Station	Honolulu, Oahu	Office & Yard		0.930			0.930
	Ala Moana Station	Honolulu, Oahu	Office		0.090			0.090
	Moilili Station	Honolulu, Oahu	Office & Yard		0.900			0.900
	Kapalama Station	Honolulu, Oahu	" "		1.920			1.920
	Chinatown Station	Honolulu, Oahu	" "		0.050			0.050
	Naval Air Station	Ewa Beach, Oahu	" "		0.620			0.620
	Navy Terminal	Honolulu, Oahu	Office		0.290			0.290
	Navy Terminal Station	Honolulu, Oahu	"		0.010			0.010
	Navy Terminal	Honolulu, Oahu	"		0.021			0.021
	Navy Communication Station	Wahiawa, Oahu	"		0.016			0.016
	Schofield Barracks Station	Wahiawa, Oahu	Office & Yard		0.160			0.160
	Wheeler AFB Station	Wahiawa, Oahu	Office		0.030			0.030

A G E N C Y	FACILITY NAME	LOCATION	EXISTING LAND USE	NATURE OF LEGAL RIGHT (acres)				TOTAL AREA
				FEE	LEASE	CEDED	ACCESS EASE-MENT	
SOIL CONSERVATION SERVICE	Hawaii Plant Material	Hoolehua, Molokai	Development & Testing of Plants for Conservation Uses		81.200			81.200
VETERANS ADMIN	National Memorial Cemetary of the Pacific	Honolulu, Oahu	Cemetary	112.000				112.000

HAWAII
CZM
PROGRAM

Appendix F: LAWS & STATUTES

FEDERAL PUBLIC LAW

PUBLIC LAW 92-583

Coastal Zone Management Act of 1972

PUBLIC LAW 94-370

Coastal Zone Management Act
Amendments of 1976

PUBLIC LAW 99-272

Coastal Zone Management Reauthorization
Act of 1985

HAWAII REVISED STATUTES

TITLE 1: GENERAL PROVISIONS

Ch. 6E: Historic Preservation

TITLE 5: STATE FINANCIAL ADMINISTRATION

37: Budget

TITLE 6: COUNTY ORGANIZATION & ADMINISTRATION

46: General Provisions
57: Urban & Regional Design

TITLE 8: PUBLIC PROCEEDINGS & RECORDS

91: Administrative Procedures
92: Public Agency Meetings & Records

TITLE 9: PUBLIC PROPERTY, PURCHASING & CONTRACTING

101: Eminent Domain
115: Public Access to Coastal & Inland
Recreational Areas

TITLE 11: AGRICULTURE & ANIMALS

149A: Hawaii Pesticides Law

TITLE 12: CONSERVATION & RESOURCES - Public Lands

171: Public Lands, Management &
Disposition of

173A: Acquisition of Resource Value
Lands

Land Development; Flood Control

174: Water & Land Development

174C: State Water Code

176: Water Resources

176D: Protection of Instream Use of
Water

179: Flood Control & Flood Water
Conservation

179D: Dams & Reservoirs

180: Soil & Water Conservation
Districts

180C: Soil Erosion & Sediment Control

Forestry & Wildlife Recreation Areas; Fire Protection

183: Forest Reservations, Water
Development, Zoning

183D: Wildlife

184: State Parks & Recreation Areas

HAWAII REVISED STATUTES

TITLE 12: CONSERVATION & RESOURCES - Aquatic Resources & Wildlife

- 187A: Aquatic Resources
- 188: Fishing Rights & Regulations
- 189: Commercial Fishing
- 190: Marine Life Conservation Program
- 190D: Ocean & Submerged Lands Leasing

General & Miscellaneous Programs

- 195: Natural Area Reserve System
- 195D: Conservation of Aquatic Life, Wildlife & Land Plants
- 196: Energy Resources
- 196D: Geothermal & Cable System Development

Enforcement

- 199-3: Conservation & Resources Enforcement Program; Conservation Resources Enforcement Officers, Duties

TITLE 13: PLANNING & ECONOMIC DEVELOPMENT

- 201: Department of Business & Economic Development
- 205: Land Use Commission
- 205A: Coastal Zone Management
- 206E: Hawaii Community Development Authority
- 225M: Office of State Planning

TITLE 15: TRANSPORTATION & UTILITIES

- 266: Harbors
- 267-3: Boating Law - Definitions
- 267-4: Boating Law - Rules & Regulations
- 267-13: Boating Law - Disposition of Revenues
- 279A: Statewide Transportation Planning

TITLE 19: HEALTH

- 321: Department of Health
- 341: Environmental Quality Control
- 342A: Air Pollution
- 342D: Water Pollution
- 342F: Noise Pollution
- 342H: Solid Waste Pollution
- 342J: Hazardous Waste
- 342L: Underground Storage Tanks
- 342N: Used Oil Transport, Recycling and Disposal
- 343: Environmental Impact Statement
- 344: State Environmental Policy

HAWAII
CZM
PROGRAM

Appendix G: RULES & REGULATIONS

CODE OF FEDERAL REGULATIONS

15 CFR Part 923

Coastal Zone Management Program
Development & Approval Regulations

15 CFR Part 930

Federal Consistency With Approved
Coastal Management Programs

HAWAII ADMINISTRATIVE RULES

TITLE 11: DEPARTMENT OF HEALTH

- 6: Recreational Trailer Camps
- 54: Water Quality Standards
- 55: Water Pollution Control
- 62: Wastewater Systems

TITLE 13: DEPARTMENT OF LAND & NATURAL RESOURCES

- 2: Conservation Districts
- 28: Hanauma Bay Marine Life Conservation District (MLCD)
- 29: Kealakekua Bay MLCD
- 30: Manele-Hulopoe MLCD
- 31: Molokini Shoal MLCD
- 46: Leeward (Northwestern) Hawaiian Islands
- 47: Hilo Harbor, Wailoa River & Wailuku River, Hawaii
- 61: Nuuanu Freshwater Fish Refuge, Oahu
- 62: Wahiawa Public Fishing Area, Oahu
- 63: Waiakea Public Fishing Area, Hawaii
- 64: Kokee Public Fishing Area, Kauai
- 71: License Requirements for Possession & Sale of Certain Imported Fish & Products
- 72: License Requirements for Certain Baitfishes
- 83: Shellfishes
- 84: Samoan Crab
- 85: Clam
- 86: Octopus
- 87: Uluu, Papio & Omilu
- 88: Moi, Moi-Lii & Oama
- 89: Spiny Lobster or Ula & Slipper Lobster or Ula Papapa
- 90: Nuhu for Family Consumption
- 99: Introduced Freshwater Fishes

TITLE 13: DEPARTMENT OF LAND & NATURAL RESOURCES

- 121: Hunting of Wildlife on Public Lands & Other Lands
- 122: Game Bird Hunting, Field Trips, & Commercial Shooting Preserves
- 123: Game & Mammal Hunting
- 125: Rules Regulating Wildlife Sanctuaries
- 145: Rules of the Hawaii State Park System
- 167: Rules of Practice & Procedure for the Commission on Water Resources Management
- - - Interim Instream Flow Standards for Kauai, East Maui, Molokai & Hawaii
- 185: Rules of Practice & Procedure for Geothermal & Cable System Development Permitting
- 197: Hawaii Historic Places Review Board Rules of Practice & Procedure
- 198: Rules Governing the Hawaii & National Registers of Historic Places Programs
- 209: Rules Regulating Activities Within Natural Area Reserves
- 222: Shoreline Certifications

TITLE 15: DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

- 15: Land Use Commission Rules

COUNTY ADMINISTRATIVE RULES

CITY & COUNTY OF HONOLULU

- RO 22: Subdivision Rules & Regulations
 - Public Access Requirements
 - Park Dedication
- RO 23: Grading, Soil Erosion & Sediment Control
- RO 6-11: Central Coordinating Agency
 - Shoreline Setback Rules & Regulations
- RO 33: Special Management Area

COUNTY OF HAWAII

- CH 10: Erosion & Sedimentation Control
- CH 23: Subdivision Code
- ORD 301: Parks & Playgrounds
- CH. 2: Central Coordinating Agency
 - Hawaii County General Plan
- R&R 8: Rules & Regulations Relating to Shoreline Setback
- R&R 9: Special Management Area

COUNTY OF KAUAI

- CH 8: Comprehensive Zoning
- CH 9: Subdivision
- CH 22: Grading, Grubbing, Stockpiling & Soil Erosion & Sedimentation
- Shoreline Setback Rules & Regulations
- Special Management Area Rules & Regulations

COUNTY OF MAUI

- CH 18: Subdivision
- CH 20: Soil Erosion & Sediment Control
- ORD 885: Central Coordinating Agency
- ART II: Shoreline Setback Rules & Regulations
- ART III: Special Management Area Rules & Regulations