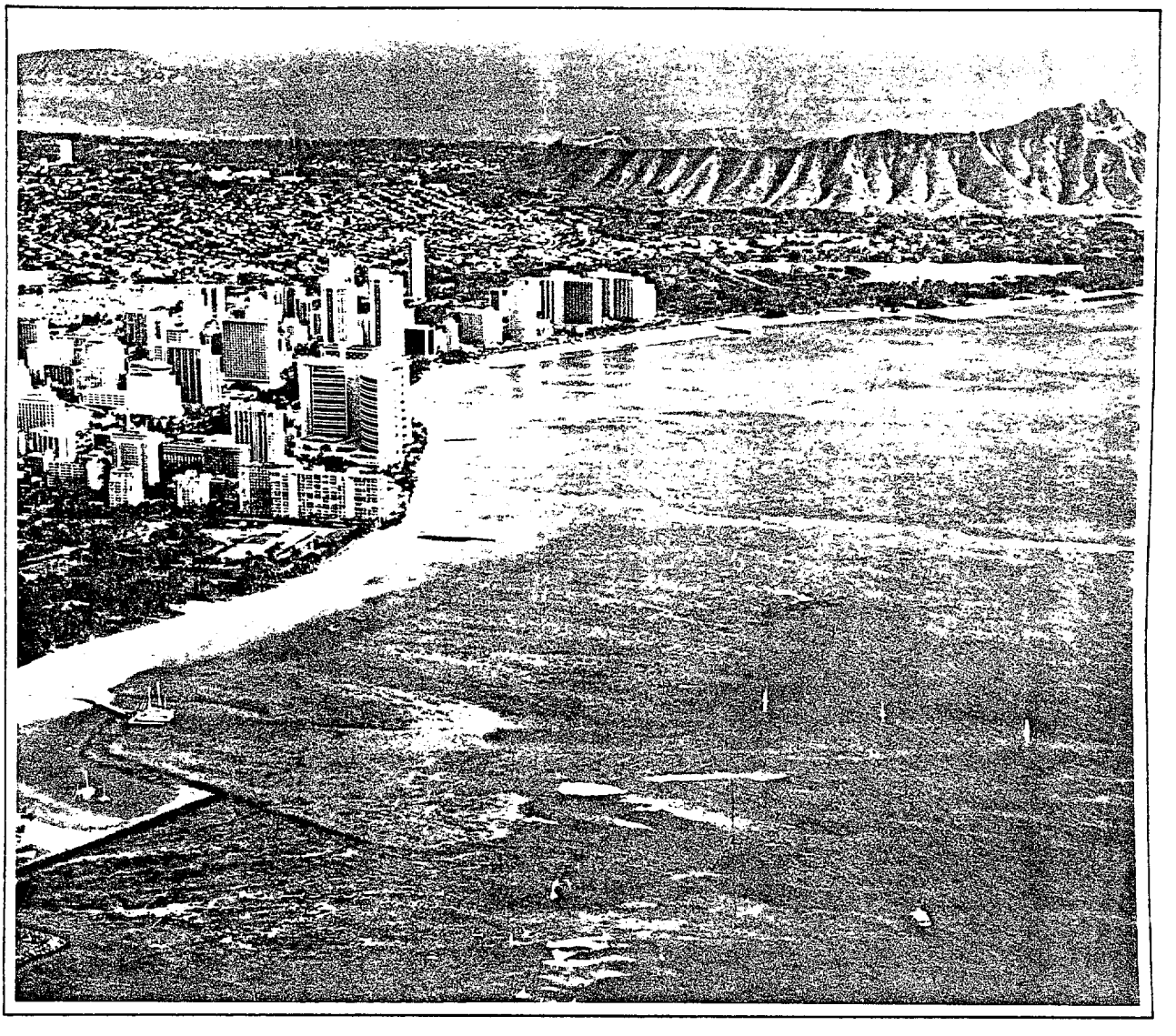
State of Hawaii Coastal Management Program and Draft Environmental Impact Statement

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management



UNITED STATES

DEPARTMENT OF COMMERCE

DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED COASTAL MANAGEMENT PROGRAM FOR THE STATE OF HAWAII

Prepared by:

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Front Cover Photo Credit: Hawaii Visitors Bureau

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NOTE TO READERS

The National Environmental Policy Act of 1969 mandates that an environmental impact statement be prepared as part of the review and approval process of major actions by Federal agencies which significantly affect the quality of the human environment. The action contemplated is approval of the Hawaii Coastal Management Program under Section 306 of the Federal Coastal Zone Management Act of 1972, as amended. An immediate effect of approval is the qualification of the State for Federal matching funds for use in administering the Program. In addition, the Coastal Zone Management Act stipulates that Federal activities affecting the coastal zone shall be consistent, to the maximum extent practicable, with an approved management program.

It is the general policy of the Office of Coastal Zone Management (OCZM) to issue a combined draft environmental impact statement (DEIS) and program document. Part I of this DEIS was prepared by OCZM and includes a summary of the State of Hawaii's coastal management program. Part II of the DEIS is a description of the State's program and was prepared by the Hawaii Department of Planning and Economic Development (DPED). Part II also fulfills in part the NEPA requirement for a description of the proposed action. Parts III through XI address the remainder of the NEPA requirements for a DEIS and were prepared by OCZM.

For purposes of reviewing the proposed action, the key questions are:

- whether the Hawaii Program is consistent with the objectives and policies of the national legislation,
- whether the award of Federal funds under Section 306 of the Federal Act will help Hawaii to meet those objectives,
- whether the State's management authorities are adequate to implement the Program, and
- whether there will be a net environmental gain as a result of Program approval and implementation.

OCZM has made a preliminary assessment that the answers to these questions are affirmative. OCZM wants the widest possible circulation of this document to all interested agencies and parties in order to receive the fullest expression of opinion on these questions. OCZM thanks those participating in the review of the Hawaii Program and this draft environmental impact statement.

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Summary

(x) Draft Environmental Impact Statement

( ) Final Environmental Impact Statement

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. For additional information about this proposed action or this statement, please contact:

Pacific Regional Manager
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Phone: 202/254-7100

Written comments should be addressed to:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Pacific Regional Manager
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

1. Type of Action

Proposed Federal approval of the Hawaii Coastal Management Program

(x) Administrative ( ) Legislative

2. Brief Description or Action

It is proposed that the Assistant Administrator for Coastal Zone Management approve the Coastal Management Program application of Hawaii pursuant to P.L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State and require that Federal actions be consistent with the program.

3. Summary of Environment Impacts and Adverse Environmental Effects

Approval and implementation of the program will allow the State to coordinate and implement more effectively existing State and local authorities for management of its coastal zone through the establishment of policies and standards for land and water uses in Hawaii's coastal zone. The effect of these policies and standards will be to condition, restrict or prohibit some uses in parts of the coastal zone, while encouraging development in other parts. This program should lead to an improved decision-making process for determining appropriate coastal land and water uses in light of resource considerations. This will lead to increased long-term predictability concerning governmental and private decisions in the State's coastal zone and resources therein, although there may be some adverse, short-term economic impacts on coastal users.

4. Alternatives considered:

All alternatives would involve a decision by the Assistant Administrator to delay or deny approval of the Hawaii Coastal Zone Management Program on the basis that it does not meet all the approval requirements of the CZMA or on the basis that preliminary, rather than full, approval would be more appropriate. Delay or denial of approval of the Program most probably would occur under the following conditions;

(1) If the authorities applying to the administrative boundary were found to be insufficient to provide adequate specificity or comprehensive coverage in the interim period until the county special management areas (SMAs) are amended.

(2) If the State authorities to be applied to the administrative boundary outside the SMAs were found to be inadequate to accomplish the objectives and policies of Act 188.

(3) If the State criteria for determining the minimum amended SMA boundary were found to be insufficient to meet the objectives and policies of Act 188.

(4) If the compliance mechanisms outside the SMAs were found to be insufficient.

5. List of all Federal, State and local agencies and other parties from which comments have been requested:

Federal Agency Distribution

Advisory Council on Historic Preservation
Department of Defense
  Department of the Navy
  U.S. Air Force
  U.S. Army Corps of Engineers
Department of Agriculture
Department of Commerce
Department of Energy
Department of Health, Education and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Economic Development Administration
Environmental Protection Agency
Federal Energy Regulatory Commission
General Services Administration
Marine Mammals Commission
National Oceanic and Atmospheric Administration
U.S. Coast Guard

National Interest Group Distribution

A.M.E.R.I.C.A.N.
AFL-CIO
American Association of Port Authorities
American Bar Association
American Bureau of Shipping
American Farm Bureau Federation
American Fisheries Society
American Forest Institute
American Gas Association
American Hotel and Motor Association
American Industrial Development Council
American Institute of Architects
American Institute of Merchant Shipping
American Institute of Planners
American Littoral Society
American Mining Congress
American Oceanic Organization
American Petroleum Institute
American Shore & Beach Preservation Assn.
American Soc. of Civil Engineers
American Soc. of Landscape Architects, Inc.
American Soc. of Planning Officials
American Waterways Operators
AMOCO
Ashland Oil, Inc.
Associated General Contractors of America
Association of Oil Pipe Lines
Atlantic States Marine Fisheries Comm.
Atomic Industrial Forum
Barrier Islands Coalition
Center for Law and Social Policy
Center for Natural Areas
Center for Urban Affairs
Chamber of Commerce of the U.S.
Chevron, USA, Inc.
Cities Service Company
Coastal States Organization
Conservation Foundation
Continental Oil Company
Council of State Planning Agencies
The Cousteau Society
Earth Metabolic Design Laboratories, Inc.
Edison Electric Institute
El Paso Natural Gas Company
Environmental Defense Fund, Inc.
Environmental Law Institute
Environmental Policy Center
EXXON Company, U.S.A.
Friends of the Earth
Getty Oil Company
Great Lakes Basin Commission
Great Lakes Tomorrow
Gulf Energy and Minerals, U.S.
Gulf Oil Company
Gulf Oil Corporation
Gulf Refining Company
Gulf South Atlantic Fisheries Development Foundation
Independent Petroleum Association of America
Industrial Union of Marine and Shipbuilding Workers of America
Institute for the Human Environment
Institute for Marine Studies
Izaak Walton League
Lake Michigan Federation
League of Conservation Votors
League of Women Voters Education Fund
Marathon Oil Company
Massachusetts Petroleum Council
Mobil Exploration & Producing, Inc.
Mobil Oil Corporation
Murphy Oil Company
Nat'l. Assoc. of Conservation Districts
Nat'l. Assoc. of Counties
Nat'l. Assoc. of Dredging Conractors
Nat'l. Assoc. of Electric Companies
Nat'l. Assoc. of Engine and Boat Manufacturers
Nat'l. Assoc. of Home Builders
Nat'l. Assoc. of Realtors
Nat'l. Assoc. of Regional Councils
Nat'l. Assoc. of State Boating Law Administrators
National Audubon Society

National Boating Federation
National Canners Association
National Coalition for
Marine Conservation
National Commission on Marine Policy
National Conference of State Legislatures
National Environmental Development Assn.
National Farmers Union
National Federation of Fisherman
National Fisheries Institute
National Forest Products Association
National Governors Association
National League of Cities
National Ocean Industries Association
National Parks & Conservation Association
National Petroleum Council
National Petroleum Refiners Association
National Reality Commission
National Recreation and Park Association
National Research Council
National Science Foundation
National Science Teachers Association
National Shrimp Congress
National Society of Prof. Engineers
National Wildlife Federation
National Waterways Conference
Natural Resources Defense Council
The Nature Conservancy
Nautilus Press
New England River Basin Commission
North Atlantic Ports Association
Outboard Marine Corporation
Resources for the Future
Rice University Center for Community Design and
Development
Shell Oil Company
Shellfish Institute of North America
Shipbuilders Council of America
Sierra Club
Skelly Oil Company
Society of Industrial Realtors
Society of Real Estate Appraisers
Soil Conservation Society of America
Southern California Gas Company
Sport Fishing Institute
Standard Oil Company of California
Standard Oil Company of Ohio
Sun Company, Inc.
Tenneco Oil Company
Texaco, Inc.
United Brotherhood of Carpenters and Joiners of
America
U.S. Power Squadrons
U.S. Conference of Mayors
Water Pollution Control Federation
Water Transport Association
Western Oil and Gas Association
Wildlife Management Institute
The Wildlife Society
World Dredging Association

State Distribution

Governor
Lt. Governor
Members, Hawaii State Legislature
Legislative Reference Bureau
State Clearinghouse
Land Use Commission
Board of Land and Natural Resources
Public Utilities Commission
State Historic Preservation Officer
Council for Housing and Construction Industry
Environmental Quality Commission
Office of Environmental Quality Control
Hawaii Housing Authority
Hawaii Community Development Authority
Office of Marine Affairs Coordinator
State Energy Office
Department of Health
Department of Land and Natural Resources
Department of Transportation
Department of Defense
Department of Social Services and Housing
Department of Education
Department of Budget and Finance
Commission on Population and the Hawaiian Future
University of Hawaii
- Environmental Center
- Water Resources Research Center
- Hawaii Institute of Geophysics
- Marine Advisory Program

Local Distribution

City and County of Honolulu
- Mayor
- City Council
- County Planning Commission
- Department of General Planning
- Department of Land Utilization
- Department of Transportation Services
- Department of Parks and Recreation
- Department of Public Works
- Board of Water Supply
- Department of Housing & Community Development

Kauai County
- Mayor
- County Council
- County Planning Commission
- Planning Department
- Department of Public Works
- Department of Water Supply

Maui County
- Mayor
- County Council
- County Planning Commission
- Planning Department
- Department of Public Works
- Department of Water Supply
- Economic Development Agency

Hawaii County
- Mayor
- County Council
- County Planning Commission
- Planning Department
- Department of Public Works
- Department of Parks and Recreation
- Department of Water Supply
- Department of Research and Development

Other Interested Parties (Located in Hawaii)

Construction Industry Legislative Organization
Soil Conservation Society of America
Conservation Council for Hawaii
General Contractors Association
Life of the Land
Alexander & Baldwin
Outdoor Circle
American Institute of Planners
Bishop Museum
American Society of Civil Engineers
Council of Presidents
Amfac Communities
Castle & Cooke, Inc.
C. Brewer & Company
Windward Action Group and Resources Center
United Public Workers
Hawaii Hotel Association
Oahu Development Conference
Chamber of Commerce of Hawaii
League of Women Voters of Hawaii

Other Interested Parties (Con't)

American Institute of Architects
Shoreline Protection Alliance
Hawaii Government Employees' Association
Hawaii Public Health
Home Builders Association of Hawaii
Hirano Brothers, Ltd.
American Society of Landscape Architects
Development Association of Hawaii
Sierra Club
Common Cause
Campbell Estate
Bishop Estate
Hawaii Council of Dive Clubs
Kamehameha Development Corp.
Amfac Communities-Hawaii
Mr. Bert Y. Kimura
Waikoloa-Financial Plaza of the Pacific
Amfac Communities-Maui
Mr. Donn A. Carswell
Mr. Alan Tyler
Community Planning, Inc.
Koele Company
Hawaiian Electric Company
Kapalua Land Company, Ltd.

Library Information Centers

Hawaii Regional Library
Kailua-Kona Public Library
Kauai Regional Library
Waimea Public Library
Lanai Community Library
Molokai Community Library
Lahaina Public Library
Maui Regional Library
Kaimuki Regional Library
Kaneohe Regional Library
Pearl City Regional Library
Hawaii State Library, Main Branch

6. This Draft Environmental Impact Statement was transmitted to the Environmental Protection Agency, and the Notice of Availability to the public was published in the Federal Register on May 19, 1978.

NOTE TO REVIEWERS: The Appendices will not be reprinted in the Final EIS unless they are changed as a result of this review.

The Final EIS will be sent to all parties who request it.

Public Hearings to be held on this

Draft Environmental Impact Statement

June 26, 1978	Kauai County Council Chambers Lihue, Kauai 7:00 p.m.
June 27, 1978	Hawaii County Council Chambers Hilo, Hawaii 7:00 p.m.
June 28, 1978	Kahului Library Kahului, Maui 7:00 p.m.
June 29, 1978	State Capitol Auditorium Honolulu, Hawaii 7:30 p.m.

PART I

INTRODUCTION

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INTRODUCTION

A. The Federal Coastal Zone Management Act (CZMA)

In response to the intense pressures upon, and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act (P. L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM). The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P. L. 94-370). The Act and the 1976 amendments affirm a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to coastal States to develop and implement rational programs for managing their coastal zones.

Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these State programs. These guidelines and requirements for program development and approval are contained in 15 CFR Part 923, as revised and published March 1, 1978 in the Federal Register. In summary, the requirements for program approval are that a State develop a management program that:

(1) Identifies and evaluates those coastal resources recognized in the Act that require management or protection by the State;

(2) Reexamines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;

(3) Determines 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) Identifies the inland and seaward areas subject to the management program;

(5) Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and

(6) Includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving at these substantive aspects of the management program, States are obliged to follow an open process which involves providing information to and considering the interests of the general public, special interest groups, local governments, and regional, State, interstate and Federal agencies.

Section 305 of the CZMA authorizes a maximum of four annual grants to States to assist them in development of a coastal management program. After developing a management program, the State may submit it to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the State is then eligible for annual grants under Section 306 to implement its management program. If a program has deficiencies which need to be remedied or has not received Secretarial approval by the time Section 305 program development grants have expired, a State may be eligible for preliminary approval and additional funding under Section 305(d).

Section 307 of the Act stipulates that Federal agency actions shall be consistent, to the maximum extent practicable with approved State management programs. Section 307 further provides for mediation by the Secretary of Commerce when a serious disagreement arises between a Federal agency and a coastal State with respect to a Federal consistency issue.

Section 308 of the CZMA contains several provisions for grants and loans to coastal States to enable them to plan for and respond to on-shore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90 percent Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80 percent Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50 percent Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sanctuary program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

B. Coastal Problems, Issues and Conflicts in Hawaii

Many of the coastal issues the Hawaii Program is designed to address are a reflection of the issues Congress was concerned about when it enacted the national Coastal Zone Management Act in 1972. These issues have to do with the pressure on and loss of valuable and vulnerable coastal resources such as living marine resources, special scenic and cultural values, wildlife and marine habitats, beaches and other open space due to increasing and competing demands on and for the coastal zone and its resources as well as the inadequacy of State and local institutional arrangements to plan for and manage land and water uses stemming from these competing demands.

The problems the Hawaii CZM Program will deal with stem from unique physical characteristics of the islands as well as man-induced economic and social considerations. These problems fall into six major categories relating to coastal hazards, coastal ecosystems, recreational resources, open space and scenic views, historic resources and economic development needs.

The State of Hawaii consists of eight major and one hundred sixteen minor islands and extends over some 1,700 miles of the North Pacific Ocean. The islands are part of a submerged volcanic mountain range. A number of large peaks at the highest part of the range protrude above sea level and constitute the eight major Hawaiian Islands. The eight major islands of Hawaii - from north to south, Niihau, Kauai, Oahu, Molokai, Lanai, Kahoolawe, Maui, and Hawaii - form a 400 mile arc at the southeastern end of the Hawaiian archipelago, and comprise more than 99 percent of the State's land area. All development activity is concentrated on the eight major islands since the minor islands are either classified as State natural reserves or are under Federal jurisdiction.

All of the islands in the archipelago were formed in a successive chain, over the expanse of geologic time, starting with the northwest islands and progressing southeast to Hawaii. Kauai is the oldest of the major islands, displaying advanced erosion of its mountain ranges, extensive fringe reef development offshore, and numerous sandy beaches along the coast. At the southeastern end of the chain is the island of Hawaii, known locally as the Big Island. Still young and very active volcanically, it displays gently sloping peaks, poorly developed reefs, and few sandy beaches. Physical features on the other islands fall in between these two extremes.

Almost one-half of Hawaii's total land area is within five miles of the shoreline and most development is found in this area. There is no point in the State more than 29 miles from the Ocean. This is especially significant considering the potential for tsunamis, tidal waves and coastal flooding in the immediate shorefront areas.

During the last 142 years, forty-one damaging tsunamis have hit Hawaii. One tsunami in 1946 took 159 lives and caused $26 million in damages. The 1960 tsunami in Hilo killed

61 people and destroyed 537 buildings causing $22 million in damages. Today modern tsunami monitoring techniques and Civil Defense evacuation procedures have reduced considerably the danger to human lives from tsunami generated elsewhere in the Pacific. However, locally generated tsunami occur too rapidly for alarm systems. For example, the combination of earthquake, locally generated tsunami, and subsidence of the Kalapana, Hawaii shoreline in 1976 killed two people and caused over $3 million in damages.

In addition, because of the topography of the island and the tendency for a lot of development to concentrate in low-lying coastal areas, freshwater flooding during severe storms is a common hazard to coastal areas in Hawaii. Stream channelization and other flood-proofing measures have somewhat reduced this threat in some developed urban areas, but occasionally they have proven ineffective during peak storms because of design deficiences. Moreover, large portions of urbanized and urban-zoned areas within the 100-year flood plain are without adequate protection from flooding during peak storms.

Management of upland areas also can have a pronounced effect on the severity of flooding in lowland shoreline areas. For example, the U.S. Army Corps of Engineers has concluded that inland development between 1965 and 1973 has significantly increased the risk of flood hazard to the nearshore lowland areas of Kahaluu, Oahu.

Due to its physical location and configuration as well as its 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 such as habitat and breeding grounds for wildlife and living marine resources, natural buffers to the action of storm waters, and a natural laboratory for scientific interest in a biological reservoir. In addition, they provide the basis for the recreational and commercial fishing business which grosses an estimated $18 million annually.

These same ecosystems, however, are subject to a number of stresses resulting from activities occurring in or directly affecting these systems. These activities have had the effect of depleting near-shore fish and other marine life; destroying coral reefs and fish habitat, wetlands and near-shore upland ecosystems; interfering with natural sand movements; reducing ground water and recharge areas; and polluting coastal waters.

Similarly Hawaii's recreational resources, especially its beaches, reefs and surfing sites, are exceptional in quality but also subject to increasing pressures. Almost half of the peak weekend recreational activity in Hawaii occurs at off-shore or shoreline areas. The demand for coastal recreational activities such as beach use or water sports is rising as a result of population growth, increased affluence, greater leisure time, and increased tourism. The 1975

State Comprehensive Outdoor Recreation Plan is based on projections that the demand for launching and mooring facilities for boats and beach parks for swimming, sunbathing, and picnicking will exceed the existing capacity by 10 to 50 percent by 1990. It is estimated that the demand for beach camping areas will exceed the existing capacity by more than 50 percent by 1990.

Concomitant with this rising demand is Hawaii's economic growth patterns which often have led to reduced public access to the shoreline or damage to valued recreation areas. These conditions threaten the capacity of Hawaii's coastal recreation resources to provide recreational opportunities of the quality expected by Hawaii residents and visitors.

Much of Hawaii's coastal open space and the scenic vistas associated with the open space is being lost or reduced because of extensive development along the shoreline, often of rather massive scale (such as large, high-rise development).

Most of Hawaii's early settlements were along the shoreline. Artifacts of these settlements are valuable both culturally and economically. They contribute to an understanding of Hawaii's past as well as provide unique vacation experiences for visitors to Hawaii. Despite the historic and scientific value of archaeological and historic resources, 65 percent of known archaeological sites on Oahu were destroyed, mostly through development, between 1930 and 1960. While all sites do not need to be preserved, their essential characteristics should be recorded and essential relics preserved.

Most of the resource issues identified above are in large part a result of or compounded by economic and development activities occurring in Hawaii's coastal zone. However, these economic activities are crucial to Hawaii's well-being. For some of these economic activities, shoreline sites are essential; for others, they are highly desirable.

Hawaii's economy is sustained by four major export industries - tourism, defense, sugar and pineapple. Since 1970 tourism has been Hawaii's main industry. It is highly dependent on the natural and scenic features that attract visitors to the islands in the first place. 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.

Defense installations in Hawaii also are highly coastal dependent, consisting primarily of naval facilities requiring ready and easy access to the water.

While the sugar and pineapple industries are not dependent on coastal locations for their production, they are dependent on port and air transportation facilities, which of necessity must locate in the coastal zone, to export their products.

Decisions about the appropriate location of such uses have enormous implications both for the current economic health of the State and the long-term attractiveness of the islands as a place to live and to visit. Relatedly, because of increasing concern about the implications of the operation and siting of various economic activities, the State of Hawaii has enacted over the past several years a number of permit requirements which have themselves become a coastal issue because they are time-consuming, costly and sometimes duplicative.

C. The Hawaii Coastal Zone Management Program - Summary

Hawaii's coastal management program is a response to the coastal issues and problems discussed above. To this end, the legislature enacted the Hawaii Coastal Zone Management Act in 1977 (Act 188, SLH 1977) which establishes basic State policy to guide State agencies and county governments in all actions affecting the State's coastal zone. The Act establishes specific objectives and policies for:

1) Provision of recreational opportunities;
2) Protection and restoration of historic resources;
3) Improvement of scenic and open-space areas;
4) Protection of coastal ecosystems;
5) Provision for coastal-dependent economic uses;
6) Reduction of coastal hazards; and
7) Improvement of the review process involving development activities, including permit coordination and opportunities for public participation.

These basic objectives and policies are reinforced and provided further specificity by existing State and county statutes which will be operated in conformance with the policy mandates of Act 188.

Under Act 188, counties are required to amend existing shoreline special management areas (SMAs) to ensure the ability of the counties to meet the objectives of the Act, e.g., to protect coastal ecosystems, to reduce coastal hazards, etc. Pursuant to the Act, counties must amend their SMAs by June 1979. These amendments must conform to the State standards and criteria established in the Act and detailed in the Hawaii CMP (see Table 2, Part II). These amendments must be reviewed and approved by the Department of Planning and Economic Development (DPED), the designated agency for program implementation purposes, before they are effective. Once the amended SMAs are approved, they become the permanent inland boundary for the State's CMP. Thereafter, the SMA permit issued by the county governments becomes the primary, although not the only, regulatory requirement for the landward portion of the State's coastal zone.

Prior to amendment of the SMAs, the State has administratively declared the inland boundary to include the present SMAs and the rest of the State except those State forest reserves outside existing SMA boundaries and statutorily excluded Federal lands. During the interim period while the administrative boundary is in effect, the State will rely on the existing SMA permit requirement and a network of State authorities to achieve the objectives of Act 188.

The principal State agencies and the authorities that will be operating in conformance with the Hawaii CMP are:

The State Land Use Commission which implements HRS 205, providing for the designation of all land in Hawaii as urban, rural, agricultural, or conservation districts. Certain uses are permitted if consistent with the district designations and attendant Commission regulations. The Commission and its own staff are attached to the DPED for administrative purposes. In addition, the Land Use Division of the DPED represents the Department in all proceedings before the Commission.

The Deparment of Health which administers the State's programs for air and water quality, solid waste management, public health, and sewage treatment. The regulations of the Department of Health establish permissible uses in the State's coastal waters (to the limit of the U.S. territorial sea), as do relevant regulations of the Department of Land and Natural Resources, and the Department of Transportation.

The Office of Environmental Quality Control which 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 EQ Commission.

The Department of Transportation which regulates activities in the shorewaters including recreation and issues licenses and permits for construction under authorities granted in Chapter 266, HRS.

The Department of Land and Natural Resources which is the State's principal agency for the management of State-owned lands and the regulation of uses in conservation district lands. It manages programs in water development, commercial fishing, forestry, fish and wildlife, open space, and mineral resources management. It also houses the State Historic Preservation Office which protects and enhances cultural, archaeological, and historic resources.

The primary legal mechanism that the State will rely on to assure compliance of all State and county agencies to Act 188's objectives and policies is a "cause-of-action" provision contained in the Act. This provision gives standing for any person or agency to commence a civil suit for non-compliance, failure to perform duties, and other failure to comply with the provisions of the Act. This provision makes the DPED a party to the suit and applies to the SMA and the coastal waters. In the land area outside of the SMA but still within Hawaii's coastal zone boundary, the State will utilize a number of judicial and administrative compliance mechanisms separate from the "cause-of-action" provision.

Beyond this general regulatory system, Hawaii has designated a number of geographic areas of particular concern that will receive special management treatment appropriate to the

basis for designation. These areas of particular concern have been identified on the basis of the State's Natural Area Reserve System, the Marine Life Conservation Districts Program, the Shoreline Setback Law, and the Hawaii Community Development Authority.

D. Difference Hawaii CZM Program Will Make

The basic approach of the State of Hawaii to coastal management is to assure the effective implementation of those myriad of authorities that already exist rather than the development of unnecessary new authorities. The problems associated with effective implementation have to do with (1) a lack of funding and personnel to carry out existing State and county permit requirements and (2) a very time-consuming and confusing permit review and approval process.

Approval of Hawaii's CMP will provide additional funding for the State to address these problems in the following ways:

- Provide financial assistance to State agencies, particularly the Department of Land and Natural Resources, the Department of Health and the Department of Transportation to assure adequate and specialized staffs to carry out those agencies permit responsibilities in a more expeditious manner consistent with the coastal policies.

- Provide financial assistance to county governments, particularly the planning departments of Kauai, Maui, and Hawaii, and the Department of Land Utilization of the City and County of Honolulu, to assure sufficient staffs to evaluate and process permits more expeditiously and consistent with the coastal policies.

- Provide financial and technical assistance to county governments in meeting their responsibilities under Act 188 to amend their SMAs by June 1979 in accordance with DPED criteria.

- Provide financial and technical assistance for the Department of Planning and Economic Development (DPED) to carry out the mandate of Act 188 to simplify permit procedures. DPED already has prepared a register of Federal, State and county permits required for development in its coastal zone. Under program implementation, DPED will review

consolidated and streamlined permit processing systems in other States and recommend an appropriate system for Hawaii to the State Legislature.

- Provide financial and technical assistance for DPED to resolve institutional barriers to the development of the aquaculture industry.

- Provide financial and technical assistance to State agencies to refine existing regulations, such as, revising Department of Health water quality standards to reflect recreational requirements as well as those for preservation of coastal water ecosystems.

More generally, approval of Hawaii's CMP will have the effect of providing a more coordinated and more clearly articulated framework for governmental decisionmaking by establishing the objectives and policies of Act 188 as the guiding principles for government decisions.

Federal approval also will bring into effect the Federal consistency provisions of the CZMA, thus requiring Federal actions which includes Federal projects, licenses and permits, and assistance programs to be consistent to the maximum extent practicable with Hawaii's coastal management program. This is of major significance in Hawaii because of the large number of defense installations in the State and the importance of defense-related spending in the State's economy.

E. How the Hawaii Coastal Management Program Meets the Requirements of the Coastal Zone Management Act:

Requirements	Sections of Approval Regulations	Page
Sec. 306(a) which includes the requirements of Sec. 305:		
305(b)(1): Boundaries	923.31, 923.32, 923.33, 923.34	51-61
305(b)(2): Uses subject to management	923.11, 923.12	67-80
305(b)(3): Areas of particular concern	923.21, 923.23	62-66
305(b)(4): Means of control	923.41	81-92
305(b)(5): Guidelines on priorities of uses	923.22	65-66
305(b)(6): Organizational structure	923.45	95-100
305(b)(7): Shorefront planning process	923.25	112-116
305(b)(8): Energy facility planning process	923.14	105-112
305(b)(9): Erosion planning process	923.26	116-120
Sec. 306(c) which includes:		
306(c)(1): Notice; full participation; consistent with Sec. 303	923.58, 923.51, 923.55, 923.3	23-49
306(c)(2)(A): Plan coordination	923.56	100-104
306(c)(2)(B): Continuing consultation mechanisms	923.57	100-104
306(c)(3): Public hearings	923.58	100
306(c)(4): Gubernatorial review and approval	923.47	15-16
306(c)(5): Designation of recipient agency	923,46, 923.47	96
306(c)(6): Organization	923.45, 923.47	95-100
306(c)(7): Authorities	923.41, 923.47	81-92
306(c)(8): Adequate consideration of national interests	923.52	127-134
306(c)(9): Areas for preservation/restoration	923.24	63-66
Sec. 306(d) which includes:		
306(d)(1): Administer regulations, control development; resolve conflicts	923.41	81-104
306(d)(2): Powers of acquisition, if necessary	923.41	92
Sec. 306(e) which includes:		
306(e)(1): Technique of control	923.41, 923.42	81-92
306(e)(2): Uses of regional benefit	923.13, 923.41, 923.43	78-80
Sec. 307 which includes:		
307(b): Adequate consideration of Federal agency views	923.51	100-104
307(f): Incorporation of air and water quality requirements.	923.44	121

Hawaii CZM Program Applicability to State Environmental Impact Statement (EIS) Law Chapter 343, HRS

Hawaii's CZM Program is also subject to the State's environmental impact statement procedure pursuant to Chapter 343, HRS, and regulations prescribed by the Environmental Quality Commission. As such, this document will serve to meet both Federal and State EIS requirements.

Determination and Consultation

After an assessment of the proposed action, a determination was made in 1976 that Chapter 343, HRS, would apply to the Hawaii CZM Program. In September 1976, the DPED formally initiated the State EIS consultation process by filing a Preparation Notice for the Hawaii CZM Program.

In accordance with Section 1:41 of the EIS Regulations, the DPED has strived to provide for full and complete consultation through the CZM Program's network of advisory committees. The meetings and face-to-face discussions of these advisory committees have provided an invaluable mechanism for facilitating the input-response process.

In addition, numerous public information meetings and workshops have been conducted as a means to apprise the general public of the major coastal related issues and problems.

In a key effort to ascertain the significant concerns related to the Program's environmental impacts, the DPED has also distributed to the various CZM advisory committees the CZM Environmental Impact Assessment for their review and comment.

DEIS Review

In keeping with the prescribed State regulations, this far-reaching consultation mechanism involving the CZM advisory committees and the public will continue during the next phase of the EIS process. Copies of the Draft EIS (DEIS) will be distributed statewide to all advisory groups and concerned organizations and individuals for review and comment in order to assure complete consideration of significant program impacts.

The Final EIS will ultimately be forwarded to the Governor for his review and approval.

F. National Environmental Policy Act of 1969 Requirements

On January 1, 1970, the President signed into law the National Environmental Policy Act (NEPA), which requires each Federal agency to prepare a statement of environmental impact in advance of each major action that may significantly affect the quality of the human environment. An environmental impact statement (EIS) must assess potential environmental impacts of a proposed action in order to disclose environmental consequences of such action.

To comply with NEPA's requirement of preparing an EIS, OCZM has combined the state's coastal management program (which is the proposed action) with a discussion of the environmental impacts. The CZMA is based upon the premise that the environmental aspects of the coastal management program should receive significant consideration in the development of state management programs. Therefore as you read this EIS, you should be aware that the State CZM Program is the core document included in its entirety supplemented by the requirements of NEPA, Section 102(2)(c). For reviewers more familiar with the NEPA requirements for content of an EIS, below is an index of where you will find this information:

Description of the proposed action..... 15

Description of the environment affected..... 143

Relationship of the proposed action to
land use plans, policies, and controls
for the affected areas..... 221

Probable impact of the proposed action
on the environment..... 159

Alternatives to the proposed action..... 215

Relationship between local short-term
uses of man's environment and the
maintenance and enhancement of long-
term productivity..... 223

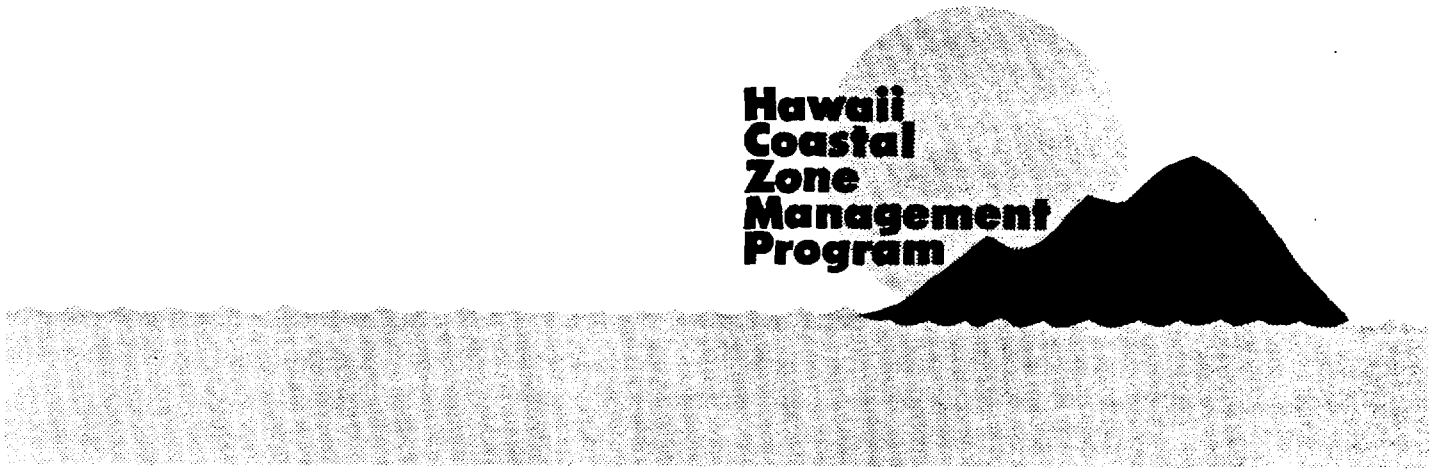
Irreversible and irretrievable commit-
ments of resources that would be
involved in the proposed action should
it be implemented..... 225

Consultation/Coordination with others..... 229

It is intended for this Federal EIS to meet the requirements of the State of Hawaii Environmental Quality Commission EIS Regulations. Therefore, an additional section on mitigation measures has been added as Part X.

PART II

DESCRIPTION OF THE PROPOSED ACTION: THE HAWAII CZM PROGRAM



EXECUTIVE CHAMBERS

HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

April 11, 1978

Mr. Robert W. Knecht
Associate Administrator for Coastal
Zone Management
National Oceanic and Atmospheric
Administration
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Page Building 1
Washington, D.C. 20235

Dear Mr. Knecht:

On behalf of the State of Hawaii, I am pleased to transmit Hawaii's Coastal Zone Management (CZM) Program Submission Document. This document is the culmination of many years of effort in developing a management of Hawaii's precious coastal resources.

We believe that this document fully meets the intent and requirements of the National CZM Act of 1972 as amended and request that the Program be approved under Section 306 of the National Act.

As you know, I intend to submit to you a formal letter of transmittal and certification for inclusion as part of the Hawaii CZM Program following my review of the comments generated during the Federal review process.

As Chief Executive of the State of Hawaii and under the responsibility of my office, please be assured that the State agencies under my authority and as cited in the document as part of the management network shall carry out their respective statutory mandates within the interim CZM area in keeping with the objectives and policies referenced in the Hawaii CZM Act of 1977. I will further direct my State agencies on this matter at the appropriate time in the approval process. In addition, I have requested the Department of Planning and Economic Development to continue its coordinative role as the CZM lead agency in assisting those relevant State agencies to prepare for Program implementation throughout the coastal zone.

I hope that you will be able to approve our Program as expeditiously as possible, inasmuch as the additional funding will help us to better administer our management authorities. In this regard, we offer our assistance in whatever way we can during the review process. Finally, we have found your staff to be competent and extremely cooperative throughout Program development and look forward to this continued relationship through the administration of the Hawaii CZM Program.

With warm personal regards, I remain,

Yours very truly,

George R. Ariyoshi

PREFACE

We who live in Hawaii regard the shoreline as a special place. It is where we gather seafood, enjoy recreation, and go for quiet reflection and inspiration. The beaches, coral reefs and other resources that make the shoreline a special place are part of Hawaii's heritage and part of our legacy to our children.

We recognize that our shoreline resources are irreplaceable, or replaceable only at great cost, and therefore must be managed carefully. We understand now how human activities can degrade or deplete these resources, or make natural hazards worse. We also now understand how to insure that human activities do not needlessly deplete or destroy such resources.

Our accumulated and increasing knowledge of coastal resources management can help us prevent their destruction. Careful management will involve making choices--some difficult and controversial. Out task will be made easier to the extent that we can agree on goals and methods.

This document fulfills the substantive and procedural requirements of the Hawaii Coastal Zone Management Program set forth by Governor George R. Ariyoshi and our State Legislature, and as endorsed by the public through citizen participation in the program's development over the last several years. It sets forth the various processes by which program implementation will be achieved, and describes the full force and effect of State and County laws and regulations governing various land and water uses.

While this document's intent is to show that Hawaii meets the requirements of the National Coastal Zone Management Act of 1972 and is thereby eligible for Federal program administration funding, its more important purpose is to encourage greater consultation and coordination among the various levels of government, special interest groups, and the general public. It is through this greater consultation and coordination that the future development and conservation of Hawaii's coastal resources will take place in a well-thought-out, rational manner. This can be achieved if everyone fully understands how the program is to be implemented.

CHAPTER 1
INTRODUCTION

The State of Hawaii was quick to respond to the national initiative for management of coastal resources. State legislation (Act 164, SLH 1973) was enacted authorizing the State Department of Planning and Economic Development (DPED) to take the leadership role in enabling Hawaii to participate in the National Coastal Zone Management (CZM) Program administered by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

Since 1974, the DPED has received Federal and State funding allowing it to initiate and complete a planning process from which the Hawaii CZM Program has evolved. In 1975, the Legislature enacted a Shoreline Protection Act (Chapter 205A, HRS) which established interim development controls along the shoreline pending the completion of the Hawaii CZM Program (see Appendix 2). More recently, the Hawaii CZM Act of 1977 (see Appendix 1) incorporated many features of the Shoreline Protection law and mandated objectives and policies for the management of Hawaii's coastal zone.

Activities initiated under the CZM Program are closely related to the continuing environmental planning objectives of the State of Hawaii. Hawaii has long been recognized as a leader in the development of programs to enhance and protect the environmental resources. Of special concern are natural amenities significant to the overall well-being of the State and Nation and which attract hundreds of thousands of visitors to Hawaii each year.

While development of the Hawaii CZM Program began under a fiscal year 1974-75 program development grant from the NOAA, a number of earlier planning and legislative efforts had prepared Hawaii to meet the objectives of the National CZM Act of 1972. The pioneering State Land Use Law of 1961 (Chapter 205, HRS) was an early major endeavor establishing coastal zone land use policy (see Appendix 3). The 1965 report, Hawaii's Shoreline, provided a technical basis--such as boundary and resource definitions--for legislative action establishing the Hawaii CZM effort. The innovative Hawaii and the Sea study of 1969 suggested detailed programs and actions to enhance shoreline use. That pioneering document was updated in 1974.

The Shoreline Setback Law (Chapter 205-32, HRS), passed in 1970, established a restrictive zone 40 feet from the upper wash of waves (20 feet for certain small parcels) in which construction and other operations are generally prohibited except by a special approval-variance procedure (see Appendix 4). In that same year, the Office of State Marine Affairs Coordinator was established, and the University of Hawaii was designated a National Sea Grant College. The impetus for both of these measures was provided by the two Hawaii and the Sea documents.

Act 164 of 1973, as noted earlier, charged the DPED with preparation of the State's CZM Program. In addition, The Hawaii Shoreline Protection Act of 1975 established a Special Management Area (SMA) extending at least 100 yards inland from the shoreline vegetation or debris line. Any development in the SMA which exceeds $25,000 or which would significantly affect the shoreline now requires County permission. The Shoreline Protection Act also sets forth guidelines for the management and protection of resources in the SMAs which have been incorporated into the Hawaii CZM Program.

The National CZM Act of 1972 distinguishes between Section 305 program development grants and Section 306 program administration grants. A state becomes eligible for annual program administration grants upon Federal approval of its CZM program which must meet certain requirements mandated by the National CZM Act. The index in Section E of Part I locates by page particular Federal program requirements following the order of the National CZM Act as recommended in the Federal Register of March 1, 1978, Section 923.71.

In the development of the Hawaii CZM Program four major elements were considered: technical, legal, organizational and managerial, and public awareness and involvement. The technical analysis resulted in a series of coastal resource problem statements and management recommendations as well as a geographic data inventory system. Extensive technical mapping, including some based on the application of remote sensing technology also was undertaken.

The organizational and managerial aspects of program development included an organizational analysis of the State's CZM needs and capabilities, an assessment of institutional arrangements (including the A-95 process and Federal consistency), and an analysis of potential and on-going mechanisms for public awareness and involvement.

The highlight of the Development Program was the passage of the Hawaii CZM Act of 1977. This Act updated the existing legislation to reflect the CZM Program mandated in 1973 and developed under Section 305 of the National CZM Act. The 1977 Hawaii CZM Act is intended to provide the State's policy and legal basis by which the DPED could apply for Federal program approval and implement a coordinated management program.

The passage of the Hawaii CZM Act of 1977 was marked by controversy over issues of home rule, legal standing, and the commitment to a quality environment in times of economic stress. The final version of the Act was a result of compromises among State and County officials, and other citizens. The citizen and special-representation process established as part of the Section 305 program played a major role in passage of the Act.

A further description of the program development process can be found in Attachment A.

CHAPTER 2

OBJECTIVES, POLICIES, AND THE MANAGEMENT NETWORK

The process used to develop the Hawaii CZM Program resulted in a set of procedural and policy statements to guide the implementation of the program. These policy statements address coastal zone problems identified by citizens in the seven regional Citizens' Advisory Committees (CACs) and the Statewide Citizens' Forum (SCF) or by representatives of public agencies at the Federal, State, and County levels.

The role of the citizen advisory groups has been particularly significant in the entire process of identifying problems, exploring alternative solutions, and finding workable consensus policies and implementing actions. The interaction of committees with the technical staff during this process is documented in Attachment B.

Statements of identified problems and issues were reviewed and organized into categories related to specific coastal resources or hazards. The citizen groups reviewed the categorized list to ensure completeness and to establish priorities. The product of their review was a master problem list, which formed the basis for analysis and recommendations by the technical staff. However, identification of problems did not end with the master problem list. In fact, more problems have been added to meet newly expressed concerns and in response to new information. This process will continue during the program's implementation.

These resource/hazard categories were the topics of recommendation memos which were reviewed by the CACs, the SCF, the Policy Advisory Committee (comprised of State and County agency representatives), and the Federal Contacts Group and revised to reflect their comments.

Each recommendation memo described the significance of problems in a specific category, the consistency of the current situation with the intent of the National CZM Act, the direct cause-and-effect relationship between the problems identified and land and water uses, the relationship with other resource areas, the relationship with current planning and management efforts, and recommended policies and implementing actions for managing coastal resources under Hawaii's CZM Program. (See Attachment D for a summary of technical documents.)

The recommendation memos constituted the base of the Hawaii CZM Policy Plan published in 1977 which was presented to the public and the State Legislature in hearings in March. (See Attachment C.) The objectives and policies incorporated in the Hawaii CZM Act of 1977 differ only slightly from those recommended in the Policy Plan. The legislative enactment of the objectives and policies provides the DPED with a mandate by which the management process can be directed towards compliance, consistency, and predictability.

As a basis for determining the adequacy of existing State authorities to carry out the CZM objectives and policies in conjunction with Hawaii's CZM Program, a network relating existing State and State-mandated authorities and responsibilities to particular categories of CZM policies was prepared. A preliminary determination was then made regarding the consistency of the statutory policies contained in the network of State and County programs with the objectives and policies of the Hawaii CZM Program. Those determined to be consistent and which serve to implement the objectives and policies are discussed below and further described in Chapter 5, pages 84-90.

HAWAII CZM MANAGEMENT NETWORK

The following section examines coastal problems of concern in Hawaii, states Hawaii's CZM objectives and policies, presents supporting policies and authorities from other State laws, and indicates CZM program activities relative to the problems and objectives. The discussion is grouped into seven categories: 1) recreational resources, 2) historic resources, 3) scenic and open space resources, 4) coastal ecosystems, 5) economic uses, 6) coastal hazards, and 7) managing development.

Each of the seven categories is discussed in four parts. First, there is a summary of the issues and problems facing Hawaii relative to the particular category, culled from the earlier problem identification efforts described above. More detailed information on these points may be found in the Policy Plan (Attachment C) and the Recommendation Memos. Second, the objectives and policies mandated by the Hawaii CZM Act of 1977 are set forth. These objectives and policies are binding on actions within the coastal zone management area by all State and County agencies. Discussion relative to this mandate may be found in Chapter 5. The third part summarizes policies and authorities contained in State laws which further the CZM objectives and policies. Again, Chapter 5, on Authorities and Organization, continues this discussion on the existing legal policies and programs. *Table 5, page 84, relates specific authorities and agency responsibilities to the mandated CZM policies.* A technical supplement[1] contains the specific statutory language of these existing laws. The fourth part of each discussion presents the program activities anticipated in the implementation of Hawaii's CZM Program. These program activities provide, in general terms, an indication of the focus and effects of this program's management plan. It should be noted that as the program continues, as problems are resolved and new problems arise, further evaluation, refinement, and planning will be undertaken which will require modification of program activities in response.

[1] Copies of the supplement, Legal Text of Authorities Cited in the Hawaii CZM Program Document, are available for review at the DPED or the Office of Coastal Zone Management.

Management Issues and Problems

Hawaii's coastal recreational resources--its parks, near-shore waters, coastal ecosystems, surf sites, and beaches--are limited in number and are under increasing demand. This demand is rising because of population growth and increased tourism, leisure time, and income. At the same time, coastal development has reduced public access to recreational resources and has increased public land acquisition costs.

Projected recreational demand over the next fifteen years will require significant increases in the supply of boat launching and mooring facilities, and beach parks for swimming, sunbathing, picnicking, and camping. Shortages in the supply of these facilities will reduce the quality of coastal recreational opportunities available to both local residents and visitors to Hawaii. Pollution, excessive freshwater discharges, soil erosion, and overharvesting have damaged reef habitats and reduced the numbers of once abundance species of fish and shellfish. Shoreline construction has destroyed a number of Hawaii's surfing sites. In addition, shoreline erosion threatens a number of public beaches.

The control of coastal recreational facilities and the protection of coastal recreational resources are fragmented among Federal, State, and County agencies. The U.S. Army Corps of Engineers, for example, frequently participates in local projects to protect or restore eroding beaches and to develop new boat mooring facilities. The State Department of Transportation (DOT) develops boat launching and mooring facilities and, to some extent, regulates recreational use of the ocean's surface. The State Department of Land and Natural Resources (DLNR) develops State parks, regulates development on public beaches and in the ocean, and controls the harvesting of fish. The Counties develop County parks and provide lifeguard services. In addition, many Federal and State programs, in protecting coastal ecosystems, affect the quality of recreational fishing and diving.

Specific management problems include the following:

1) State and County agencies lack sufficient funding to perform all of their responsibilities, especially with respect to acquisition for beach parks and right-of-way.
2) Fragmented agency responsibilities have resulted in uncoordinated planning and management of coastal recreational facilities and resources.
3) Federal agencies have tended to restrict public access from sizeable shoreline and near-shore areas with considerable recreational potential.

4) Most of the management problems applicable to coastal ecosystems are also applicable to recreation inasmuch as quality of the recreational fishing, diving, and beach-going experience is dependent upon the quality of coastal ecosystems.

Hawaii CZM Objective and Policies (Act 188)

OBJECTIVE: Provide coastal recreational opportunities accessible to the public.

POLICIES: 1) Improve coordination and funding of coastal recreation planning and management.

2) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by;

a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

b) 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;

c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;

d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;

e) Encouraging expanded public recreational use of County, State, and Federally owned or controlled shoreline lands and waters having recreational value;

f) 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;

g) Developing new shoreline recreational opportunities, where appropriate, such as artificial reefs for surfing and fishing; and

h) 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 planning commissions; and crediting such dedication against the requirements of section 46-6.

Supporting Policies and Mandates

1) The Counties shall require subdividers, as a condition to subdivision approval, to provide a portion of the proposed subdivision for use as parks and playgrounds. In lieu of providing land and facilities, the Counties may permit a subdivider to pay a sum of money, or combine the payment of money with land, the total values of which should be equal or not less than the total value of the land and facilities the subdivider would otherwise have had to provide. (Chapter 46-6, HRS; County of Kauai, Ordinance 175; Hawaii County General Plan, Ordinance 439; Honolulu Ordinance 4621; Maui County Subdivision Ordinance as amended by Ordinance No. 789.)

2) The Counties shall adopt ordinances which require subdividers or developers, as a condition to subdivision approval in cases where public access is not already provided, to dedicate a portion of the subdivision for public access, by right-of-way or easement, to the coastal shoreline, game preserves, public forests, or mountain areas where recreational opportunities exist. (Chapter 46-6.5, HRS; County of Kauai Ordinances 164 and 175; Honolulu Revised Ordinance 23; Hawaii County General Plan Ordinance 439; County of Maui Subdivision Ordinance, as amended by Ordinance No. 789.)

3) The Counties (with the DLNR's co-sponsorship) shall acquire lands for public rights-of-way and public transit corridors to and along the shorelines and waters under the jurisdiction of the State where the provisions of Chapter 46-6.5, HRS, are inapplicable and where safe transit does not exist. (Chapter 115, HRS.)

4) Prior to the disposition of any public land, the Board of Land and Natural Resources shall establish public rights-of-way over such lands to public beaches. (Chapter 171, HRS.)

5) The Board of Land and Natural Resources shall acquire and manage private lands which have recreational value in order that they can be made accessible to all of the people of the State. (Chapter 173A, HRS.)

6) The Counties shall control the soil erosion and sedimentation effects of land-disturbing activities on the waters of the State subject to control by the State Department of Health (DOH) should the Counties fail to do so. (Chapter 180C, HRS.)

7) The DLNR in exercising control over the State's conservation districts shall not act in detriment to the conservation and preservation of open space areas for public use and enjoyment. (Chapter 183, HRS, and DLNR Land Use Regulation 4.)

8) The DLNR is authorized to acquire, preserve, improve, maintain, and develop parks and parkways in the State Parks System for the use and enjoyment of the public. (Chapter 184, HRS; DLNR State Parks Regulation 1.)

9) The DLNR manages and regulates the hunting and taking of game birds or mammals and various types of sealife and establishes game reserves, fishing reserves, and public fishing areas. (Chapter 191, HRS.)

10) The Department of Planning and Economic Development (DPED), in cooperation with the DLNR, shall prepare a comprehensive open space plan for the State which designates specific open space areas for recreational purposes. (Chapter 201, HRS.)

11) In its approval of a land use amendment for an area the State Land Use Commission (LUC) shall consider the area's recreational resources. (Chapter 205, HRS.)

12) The Counties shall restrict activities in the shoreline setback area. (Chapter 205, Part II, HRS.)

13) The Counties shall adopt guidelines for the review of developments proposed in the Special Management Area (SMA) to ensure adequate access to publicly owned or used beaches, recreation areas, and natural preserves; to provide adequate recreation areas and wildlife preserves; to minimize the adverse effects of waste treatment; and to minimize the alteration of land forms and vegetation that may cause coastal hazards and degradation. (Chapter 205A, HRS.)

14) The DOT shall regulate and manage the shores, shore waters, navigable streams, harbor and waterfront improvements belonging to or controlled by the State, and all shipping within the harbors, waters and streams, and shall issue permits for private use of shores and shore-waters. (Chapter 266, HRS.)

15) The DOH shall regulate the construction, alteration, or extension of any recreational trailer camp. (Chapter 321, HRS, and Public Health Regulation 15.)

16) The DOH shall protect recreational uses under its classification of coastal water uses. The use of water areas for compatible recreational purposes shall not be limited in any way. (Chapter 342, HRS; DOH Regulations 37, 37-A, and 38.)

17) All agencies shall consider in the development of programs, the preservation and maintenance of parks and recreation areas and the protection of the shorelines of the State from encroachment by man-made improvements, structures, and activities. (Chapter 344, HRS.)

18) The DLNR in cooperation with the DPED and other State, County, and Federal agencies shall plan and implement (including acquisition and construction) a statewide trail and access system for recreational, educational, economic, and transportation purposes. (Act 69, SLH 1974.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will fund studies which assess the feasibility of consolidating State and County recreational responsibilities.
2) The Hawaii CZM Program will facilitate, through the State Comprehensive Outdoor Recreation Plan (SCORP), State and County efforts to establish recreational priorities and to prepare annual legislative programs.
3) The Hawaii CZM Program will make funds available to the DOH for developing improved water quality standards which reflect recreational requirements as well as preservation of coastal water ecosystems.
4) The Hawaii CZM Program will promote programs for expanded access to Federally-controlled shorelands where appropriate for recreational use.
5) The Hawaii CZM Program will assure consistent development of recreational opportunities by improving agency coordination in resolving use and priority conflicts relating to coastal recreation.
6) The Hawaii CZM Program will provide financial support to appropriate State and County agencies in order to improve recreational user awareness and satisfaction.
7) The Hawaii CZM Program will provide financial assistance to the DOT for planning a comprehensive and cost effective program for the development of harbors, boat ramps, and other coastal recreational facilities.
8) The Hawaii CZM Program will provide funding to the DLNR and appropriate County departments for the planning of improved public access routes to recreational resource areas.

HISTORIC RESOURCES

Management Issues and Problems

Hawaii's historic and cultural resources are of immense cultural and economic importance. They contribute to public understanding of the multi-cultural heritage of today's Hawaii and provide a source of intense ethnic pride for all its people. Historic preservation and interpretation also provides a unique vacation experience for Hawaii's visitors and thus contributes to the health and stability of the State's tourist industry. A wide variety of alternatives are available to recreate the story of Hawaii's past ranging from preservation of very valuable sites to special "salvage" operations designed to recover relics and record the characteristics of less important sites.

In general, State law protects archaeological resources on State lands. State protection of archaeological sites on private lands, on the other hand, is limited to those on the State Register of Historic Places. Prior to development of a site listed on the State Register, the landowner must notify the DLNR which then has 90 days to salvage historic artifacts or initiate condemnation of the site.

Protection of archaeological sites on Federal lands is limited to those on or eligible for the National Register of Historic Places. The National Environmental Policy Act (NEPA) requires Federal agencies to consider all feasible alternatives before funding, undertaking, or issuing permits for actions which would damage historic resources. The National Historic Preservation Act of 1966 requires Federal agencies to consult with the State Historic Preservation Officer prior to initiating, funding, or issuing permits for projects. If the State Historic Preservation Officer's advice is not heeded, he can then appeal to the National Advisory Council for Historic Preservation which is advisory to the President.

Despite the comprehensive nature of these programs, several management problems still persist to include the following:

1) Adequate consideration of historic resources located on private lands is not ensured unless they are listed on the State Register of Historic Places.
2) The DLNR State Historic Preservation Office needs increased funding in order to develop a long-range plan for the acquisition and development of significant historic sites and to survey all areas in the State for such sites.
3) The DLNR State Historic Preservation Office needs financial assistance in order to formulate impact evaluation criteria which can be applied to projects in order to provide for the survey, salvage and preservation of historic resources.
4) Incentive programs which encourage private efforts in historic preservation need to be further developed.
5) Many areas under Federal control in Hawaii have not been surveyed for archaeological sites in accordance with Federal Executive Order 11593 which directs all Federal agencies to "... locate, inventory, and nominate...all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places."

Hawaii CZM Objective and Policies (Act 188)

OBJECTIVE: Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

POLICIES: 1) Identify and analyze significant archaeological resources;

2) Maximize information retention through preservation of remains and artifacts or salvage operations; and

3) Support State goals for protection, restoration, interpretation, and display of historic resources.

Supporting Policies and Mandates

1) The State shall have the power to conserve and develop objects and places of historic and cultural interest. (State Constitution, Article VIII, Sec. 5.)
2) The DLNR shall establish and administer a comprehensive historic preservation program including research and development, the acquisition of historic or cultural properties, development of a statewide survey of historic property, and the preparation of information for the Hawaii and National Registers of Historic Places. (Chapter 6E, HRS.)
3) The DLNR shall provide matching grants-in-aid to political subdivisions and private agencies for historic preservation and restoration projects. (Chapter 6E, HRS.)
4) Historic landmarks, historic and pre-historic structures, and other objects of historic significance on State lands may be designated by gubernatorial proclamation as State monuments upon recommendation by the DLNR. (Chapter 6E, HRS.)
5) Any State or County action which may affect historic property must be approved by the DLNR. (Chapter 6E, HRS, and DLNR State Parks Division Regulation 2.)
6) Prior to any private landowner engaging in any activity which would affect a site listed on the Hawaii Register of Historic Places, the DLNR shall have ninety days to initiate salvage operations or condemnation proceedings to acquire the land. (Chapter 6E, HRS.)
7) Each County shall prepare urban and regional design plans which consider historic sites as a plan element and design control measure. (Chapter 57-2, HRS.)
8) The Board of Land and Natural Resources shall acquire and manage private lands which have historic value in order that they can be made accessible to all of the people of the State. (Chapter 173-A, HRS.)
9) The DLNR establish, maintain, and control the State Parks System, to include State monuments, so as to maintain historic values. (Chapter 184, HRS.)
10) The DPED shall prepare a comprehensive open space plan for the State which designates specific areas for historic preservation purposes. (Chapter 201, HRS.)
11) In its approval of a land use amendment for an area the LUC shall consider the area's historic resources. (Chapter 205, HRS.)

12) All State and County executive agencies shall incorporate natural or man-made historic or archaeological resource considerations in all actions having an impact on the environment. In addition, all actions within a historic site designated in the National or Hawaii Register of Historic Places shall be subject to State EIS requirements. (Chapter 343, HRS.)

13) All State agencies shall consider the establishment, preservation, and maintenance of historic resources in the development of programs. (Chapter 344, and 203-3b (3a), HRS.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will encourage the DLNR and the Counties to utilize criteria for archaeological impact evaluation by providing funding to conduct technical studies necessary in the formulation of such criteria.

2) The Hawaii CZM Program will ensure that tourism needs, as reflected in the Hawaii State Tourism Plan, will be achieved with minimum adverse effects on historic sites by providing guidance in establishing the State's tourism-related use priorities.

3) The Hawaii CZM Program will encourage the DLNR and the Counties in their on-going identification of historic resources by making funding available for the development of a system of sensitivity maps indicating areas of high archaeological potential such as fishponds and heiaus.

4) The Hawaii CZM Program will facilitate improved coordination between the State Historic Preservation Office of the DLNR and Federal agencies in the conduct of archaeological surveys on Federal lands and will encourage by all means possible, Federal compliance with Executive Order 11593.

5) The Hawaii CZM Program will provide financial assistance to appropriate State and County agencies for the formulation of incentive programs, such as tax and zoning benefits, which increase private support of historic surveys, preservation, and restoration.

SCENIC AND OPEN SPACE RESOURCES

Management Issues and Problems

Hawaii's coastal open space and scenic resources contribute to the quality of life in Hawaii's natural environment and to the State's attractiveness as a visitor destination area. Coastal aesthetic amenities and open space, however, are subject to pressures of urbanization including public and private development of structures which are visually incongruous and result in loss of open space.

The State Land Use Law protects the State's open space and scenic resources by restricting most housing, industrial, and resort development to limited urban districts. County planning, zoning, and subdivision powers are generally adequate to preserve aesthetic amenities by restricting the scale, location, and design of development in the urban district.

The mere existence of such land use controls, however, has not always been sufficient to protect coastal aesthetic amenities and open space. Economic considerations such as employment opportunities and increased tax revenues as well as the lack of acquisition funds have contributed to State and County regulatory agency approval of scattered development along the shoreline which diminishes the amount of coastal open space and the quality of scenic resources. The visual quality of these resources has also been degraded by the proliferation of litter, most noticeably at commonly used public areas such as scenic lookouts, beaches, trails and camp grounds.

Specific management problems include the following:

1) Permit review processes which require consideration of aesthetic impacts tend to be highly subjective. Standardized procedures and criteria for assessing, identifying, and protecting the aesthetic value of Hawaii's scenic unique resources have yet to be developed.
2) Available funds are insufficient for both acquiring and adequately maintaining publicly-owned open space.

Hawaii CZM Objective and Policies (Act 188)

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

POLICIES: 1) Identify valued scenic resources in the coastal zone management area;

2) 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;

3) Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and

4) Encourage those developments which are not coastal dependent to locate in inland areas.

Supporting Policies and Mandates

1) The conservation and development of Hawaii's natural beauty, sightlines and physical good order, and the regulation of private property for those purposes are goals of the State. (State Constitution, Article VIII.)

2) The Counties shall develop urban and regional design plans to facilitate quality design in both public and private activities. Consideration shall be given to significant natural land and water features, views and vistas which must be protected and enhanced and to such basic design control measures as height limitations, setback needs, and land-to-building ratios. (Chapter 57, HRS.)

3) The Board of Land and Natural Resources shall acquire and manage private lands which have scenic value in order that they can be made accessible to all of the people of the State. (Chapter 173-A, HRS.)

4) The DLNR shall be empowered to make, amend, repeal, and enforce rules and regulations governing the use and protection of the State park system, to include State monuments and private property over which the State has been granted access or use for the viewing of any historical, natural or scientific feature, object or site, and related scenic resource. (Chapter 184-5, HRS.)

5) The DLNR shall regulate land use within the Conservation District, and in establishing permitted uses within the Conservation District subzones, shall give full consideration to the preservation of open space and areas so as to maintain, improve, protect, limit the future use of, or otherwise conserve open spaces and areas for public use and enjoyment. (Chapter 183-41, HRS, and DLNR Regulation 4.)

6) The DLNR shall preserve State parks and parkways in their natural condition consistent with their use and safety and shall improve them in such manner as to retain their natural scenic values for the use and enjoyment of the public. (Chapter 184-6, HRS.)

7) The DPED shall prepare and implement a comprehensive open space plan which shall designate areas for specific open space purposes, such as aesthetic or scenic preservation. (Chapter 201, HRS.)

8) The LUC in delineating Conservation Districts shall include areas necessary for the preservation of scenic areas; parklands, wilderness, and beaches; and open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding the conservation of natural or scenic resources. (Chapter 205, HRS.)

9) In its approval of land use amendments for an area, the LUC shall consider the area's scenic resources. (Chapter 205, HRS.)

10) The LUC shall establish setbacks along the shorelines of the State. (Chapter 205, Part II, HRS.) The Counties shall administer the provisions of Chapter 205, Part II, HRS, and shall adopt and enforce rules and regulations which subject all public and private construction to

stringent control within the setback area, and which prohibit new construction except under certain circumstances. (Shoreline Setback Rules and Regulations of the County of Kauai; Hawaii County Rule 8; Honolulu County Ordinance 4529; and the Interim CZM Rules and Regulations of the County of Maui.)

11) The Counties shall adopt a guideline for the review of proposed development in the SMAs ensuring that alterations to existing land forms and vegetation cause minimum adverse effect on scenic amenities. (Chapter 205A, HRS; Honolulu Ordinance 4529; Maui County Interim CZM Rules and Regulations; Kauai County Rules and Regulations Relating to Environmental Shoreline Protection; Hawaii County Rule 9.)

12) All actions within the Shoreline Setback area shall be subject to the provisions of the State EIS law which requires consideration of the action's impacts on the area's aesthetic resources. (Chapter 343, HRS.)

13) In pursuance of the State policy to enhance Hawaii's environment, all State agencies shall consider in the development of agency programs, the protection and maintenance of shorelines from encroachment of man-made structures; the promotion of open space resources; the recognition of community appearances as aesthetic assets; the encouragement of greenbelts, plantings, and landscape plans and designs in urban areas; and the preservation of mountain-to-ocean vistas. (Chapter 344, HRS.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will encourage the several Counties and the DLNR to develop registers of scenic resources (including scenic districts, open space areas, scenic sites, view corridors, and view planes) with input from the DPED and the public.
2) The Hawaii CZM Program will provide financial assistance to State and County agencies for the enforcement of anti-litter and anti-dumping laws and ordinances.
3) The Hawaii CZM Program will support State and County cooperative efforts in formulating criteria for evaluating and minimizing the negative impacts of projects or actions on scenic resources and open space areas.
4) The Hawaii CZM Program will make funds available to County agencies to improve design review procedures.
5) The Hawaii CZM Program, through support of the existing systems for the designation of APC's will ensure continued preservation of those critical environmental and management areas and encompassing scenic and open space resources.

Management Issues and Problems

Hawaii's coastal ecosystems are an integral and valuable component of the natural systems which constitute Hawaii's environment. Streams, wetlands, estuaries, and reefs, for example, serve as biological reservoirs for replenishment of the State's unique diversity of species. Man's uses of these valuable resources, e.g., recreational and commercial fishing, depend upon such natural replenishment processes.

Hawaii's coastal ecosystems, however, have been increasingly threatened by man's activities. Reef habitats for fish have been damaged by pollution, soil erosion, and excessive freshwater discharges; turbidity and overfishing have reduced the amount of once abundant species; stream diversion, channelization, and the introduction of exotic species have left only 10 per cent of the approximately 200 once perennial stream ecosystems in a relatively unmodified state. Some native waterfowl are threatened with extinction because of the draining and filling of their wetland habitats. Alteration of habitats has also placed many species of native coastal strand vegetation important to backbeach protection in danger of extinction.

A myriad of Federal and State programs have been established to protect coastal ecosystems. The U.S. Army Corps of Engineers, for example, directly regulates alteration of wetlands, streams, estuaries, inland salt water pools, and lands below the mean high water mark. The Federal Endangered Species Conservation Act of 1969 restricts issuance of Federal permits or use of Federal funds which would result in adverse impacts to endangered species. And the National Wildlife Refuge System protects selected significant wildlife habitats.

The Federal Water Pollution Control Act of 1972, as amended, requires all local governments to develop a comprehensive program to regulate point and non-point sources of water pollution. At present, the DOH is developing a water quality program in response to the Federal mandate.

The DLNR administers a Natural Area Reserve System and the Marine Life Conservation Districts which set aside areas for the protection of valuable ecosystems. The DLNR also regulates harvesting of fish, shellfish, and coral.

Despite these programs, several problems persist to include the following:

1) An advisory committee to the DOH has recommended inland and marine water quality standards and criteria for water flow in perennial streams necessary to protect coastal ecosystems in different regions of the State, but development of the management framework to implement these standards has yet to be accomplished.

2) Enforcement of pollution controls and monitoring of coastal water quality and coastal ecosystems is inadequately funded.

3) There are no public programs to revegetate eroding inland areas or to stabilize muddy ocean bottoms in order to permit coral to regenerate.

4) Enforcement of State controls on harvesting of fish, shellfish, and coral is inadequately funded.

5) Increased monitoring is needed of the natural systems that generate beach accretion and erosion. There is a need for intensified enforcement, as well as increased knowledge as to both the causes of such processes and the techniques for controlling them.

Hawaii CZM Objective and Policies (Act 188)

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

POLICIES: 1) Improve the technical basis for natural resource management;

2) Preserve valuable coastal ecosystems of significant biological or economic importance;

3) 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

4) 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.

Supporting Policies and Mandates

1) The conservation, development, and utilization of agricultural resources, and fish, mineral, forest, water, land, game, and other natural resources are goals of the State. (State Constitution, Article X, Section 1.)

2) The Chairman of the Board of Agriculture, with the approval of the Director of the DOH, may ban the use of any pesticide deemed to have unreasonable adverse environmental effects. (Chapter 149A, HRS.)

3) The Board of Land and Natural Resources shall acquire and manage private lands which have value as a resource to the State in order that they can be made accessible to all of the people of the State. (Chapter 173-A, HRS.)

4) The Counties shall establish soil erosion and sedimentation controls to protect the waters of the State from the effects of land disturbing activities which cause such problems. In the absence of County compliance, the DOH shall exercise these powers. (Chapter 180C, HRS; Honolulu Revised Ordinance 23; Maui County Ordinance 816; Kauai County Ordinance 262; Hawaii County Ordinance 168.)

5) The DLNR shall establish subzones, regulate uses, and enforce the provisions of the regulation governing the Conservation District including environmental preservation. (Chapter 183, HRS, and DLNR Regulation 4.)

6) The DLNR shall make, amend, repeal, and enforce rules and regulations relating to the protection, taking, killing, hunting, propagating, or increasing of fish or wild game within the State and the waters subject to its jurisdiction. (Chapter 187, HRS.)

7) The DLNR shall regulate the taking of fish from all fishing grounds belonging to the State for the protection of fishing grounds; establish restrictions on fishing areas; establish and administer standards relating to the minimum size of fish, prohibited fish, fishing techniques, and seasonal closure; prohibit the molestation, capturing, killing, or possession of the Hawaiian Monk Seal and of certain crustaceans; and institute penalties for violation of its regulations. (Chapter 188, HRS.)

8) Commercial fishing licenses issued by the DLNR shall be required to engage in commercial fishing in State waters or sell fish anywhere in the State. (Chapter 189, HRS.)

9) The DLNR shall regulate and administer the State's marine life conservation area (all marine waters in the State) and set aside certain areas known as Marine Life Conservation Districts in which activities which affect ecosystems are severely restricted or prohibited. (Chapter 190, HRS, and DLNR Fish and Game Division Regulations 32, 33, 40, and 42.)

10) The DLNR manages and regulates the hunting and taking of game birds or mammals and various types of sealife and establishes game reserves, fishing reserves, and public fishing areas. (Chapter 191, HRS, and DLNR Fish and Game Regulations 1-31 and 34-39.)

11) The DLNR in cooperation with and upon the recommendation of the State Natural Area Reserves System (NARS) Commission, designates, studies, acquires, administers, and brings under its control and management natural area reserves. These reserves will form a statewide NARS which preserves in perpetuity representative examples of endangered species, geological sites, and specific land and water areas which support native fauna and flora in their natural communities. (Chapter 195, HRS, and DLNR Regulations 6 and 7.)

12) The DLNR is responsible for carrying out a program to protect and conserve endangered species of wildlife and plants. As part of this program the department may prohibit the taking,

possession, transportation, importation, exportation, processing, selling, or shipment of any endangered species; add species to the endangered list; and acquire areas essential to support any endangered species. (Chapter 195D, HRS.)

13) The LUC classification of Conservation Districts shall include areas necessary to protect watersheds and water sources; provide wilderness and beach reserves; conserve endemic plants, fish, and wildlife; and prevent floods and soil erosion. (Chapter 205, HRS.)

14) In its approval of land use amendments for an area, the LUC shall consider the area's natural and environmental resources. (Chapter 205, HRS.)

15) The LUC establishes setbacks along the shorelines of the State. Within the setback, 1,000 feet seaward of it, or in ocean water of 30 feet or less in depth, the removal of sand or other material is prohibited and no structures are permitted except those necessary for safety, the protection of property from erosion or wave damage, or those that are in the public interest. (Chapter 205, Part II, HRS.) County Planning Departments administer the provisions of Chapter 205, Part II, HRS, and promulgate and enforce rules and regulations in accordance with the same. Such rules and regulations subject all public and private construction to stringent control, and prohibit new construction except under certain circumstances. (Shoreline Setback Rules and Regulations of the County of Kauai; Hawaii County Rule 8; Honolulu County Ordinance 4529; and the Interim Coastal Zone Management Rules and Regulations of the County of Maui.)

16) The County authorities shall adopt guidelines for the review and approval of developments proposed in the SMA to ensure adequate and properly located wildlife preserves; minimum adverse environmental or ecological effects on water resources, water quality, existing and potential fisheries and fishing grounds, or wildlife habitats; and that the dredging, filling or alteration of any bay, estuary, salt marsh, river mouth, slough, or lagoon is kept to a minimum. (Chapter 205A, HRS; Honolulu Ordinance 4529; Maui County Interim CZM Rules and Regulations; Kauai County Rules and Regulations Relating to Environmental Shoreline Protection; Hawaii County Rule 9.)

17) The State Plan establishes State policies and general implementation directions which address ecology, energy, natural resources, open space, and agriculture. County general plans are required to conform to the State Plan within two years after legislative enactment. (Chapter 225, HRS.)

18) The DOT shall control and manage any activity in the shorewaters of the State through the issuance of a permit. (Chapter 266, HRS.)

19) The Director of the State Office of Environmental Quality Control shall coordinate and direct all State agencies in ecological and environmental matters; develop a system for monitoring ecological, environmental, and social conditions, changes, and effects; coordinate or conduct research on matters concerning environmental quality; encourage public acceptance of proposed legislative and administrative actions on ecology and environmental quality through the Environmental Quality Council; recommend programs and legislation for implementation of environmental quality control; initiate public educational programs. (Chapter 341, HRS.)

20) The DOH is responsible for the prevention, control, and abatement of water pollution in the State to include establishing water quality and effluent standards; prohibiting water polluting activities; conducting and supervising water quality research, education, and training programs; coordinating State and Federal water quality programs; receiving or initiating complaints of water pollution; requiring the owner, operator or discharger of any effluent or effluent source to provide information on its activities; and inspecting and monitoring such activities. (Chapter 342, HRS.)

21) The DOH shall protect coastal ecosystems under its classification of coastal water uses. (Chapter 342, HRS, and Public Health Regulation 37A.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will encourage and provide financial assistance for the development and implementation of training programs which improve natural resources planning and management skills in State and County governments.

2) The Hawaii CZM Program will provide technical assistance and, if necessary, funding for conducting technical studies in order to promote the continued establishment of Natural Area Reserves and Marine Life Conservation Districts to protect valuable coastal ecosystems.

3) The Hawaii CZM Program will support efforts to improve the Environmental Impact Statement (EIS) regulations and review procedures.

4) The Hawaii CZM Program will provide financial support to the DOH for the monitoring of water quality and the enforcement of water quality regulations in order to ensure activity compliance with the CZM objectives and policies.

5) The Hawaii CZM Program will provide the institutional mechanism to enhance the coordination of efforts between the DOH and the DLNR in identifying areas where proposed activities would have a high potential for damaging coastal ecosystems.

6) The Hawaii CZM Program will provide financial support to conduct technical studies necessary for the development of a baseline inventory of ecosystems supporting rare and endangered species.

7) The Hawaii CZM Program will provide financial assistance to the DOT to improve the monitoring of shoreline erosion.

8) The Hawaii CZM Program will provide financial assistance to the DLNR for enforcement personnel to carry out the provisions of departmental regulations in accordance with the CZM objectives.

9) The Hawaii CZM Program will support, in coordination with the "208" Areawide Waste Treatment Management Program, restrictions to the use of structural flood control alternatives in watersheds contributing to coastal waters supporting valuable ecosystems.

ECONOMIC USES

Management Issues and Problems

Management of Hawaii's coastal zone is critical to Hawaii's future economic growth and stability. Shoreline sites are essential for some economic uses and desirable for many others. Some uses or activities such as harbors, sewage treatment plants, power plants, resorts, fisheries, and aquaculture and oceanographic research operations depend on access or proximity to coastal waters.

Coastal dependent economic uses often have adverse physical, social, or economic impacts which wall most heavily on residents of the immediate area or on people who do not directly benefit from such uses. As a result, economic development of Hawaii's coastal zone is often controversial. Intensive public regulation of coastal land uses has made private sector investments risky and costly regarding those coastal dependent economic uses which are important to the State's economy. Specific management problems include the following:

1) Public agencies often have conflicting statutory priorities for determining permissible uses of lands and waters within Hawaii's coastal zone.

2) Impacts of development on coastal amenities and features including ecosystems, scenic resources, historic sites, recreational resources, and hazard areas are not always sufficiently minimized.

3) Maximum utilization of available Federal funding for State harbor programs has not been achieved.

4) The aquaculutre industry is experiencing difficulty with the regulatory maze it must go through in acquiring operation sites. The fragile nature of this industry required State intervention to encourage its growth.

5) The State's energy self-sufficiency goals are often not actively pursued in implementing agency programs.

Hawaii CZM Objective and Policies (Act 188)

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

POLICIES: 1) Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy.

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

3) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:

a) Utilization of presently designated locations is not feasible;

b) Adverse environmental effects are minimized; and

c) Important to the State's economy.

Supporting Policies and Mandates

1) The Counties develop urban and regional design plans which (to facilitate quality design in both public and private construction activities) set forth specific design elements and control guidelines for design review in each County and which provide methods for plan implementation. (Chapter 57, HRS.)

2) The Board of Land and Natural Resources is authorized to acquire private property for disposition for agricultural purposes, including but not limited to, agricultural parks which combine and concentrate in a common location a number of agricultural activities for the purpose of realizing production and distribution economies. (Chapter 171, HRS.)

3) The Board of Land and Natural Resources disposes of public lands for commercial, industrial, hotel and resort, and other uses which promote the economic development of the State provided that such use is consistent with a development plan consistent with County zoning requirements. (Chapter 171, HRS.)

4) The Board of Land and Natural Resources is empowered to develop water use projects, particularly irrigation projects, which benefit the State's economy; acquire water and water resources; rights-of-way necessary for water facilities; and construct, maintain and operate irrigation facilities. (Chapter 174, HRS.) In addition, the Board is required to aid in the planning, development, and use of systems for the supply of domestic and industrial water. (Chapter 176, HRS.)

5) The DLNR may permit commercial use of State Conservation District land to include farming, the operation of nurseries or orchards, forestry, and grazing. (Chapter 183, HRS.)

6) LUC approval of land use amendments is required to be consistent with the Interim Statewide Land Use Guidance Policies, which include giving preference to proposals which would provide permanent employment. (Chapter 205, HRS.)

7) Harbors and other maritime facilities, fishponds, and aquaculture enterprises shall be exempted from the provisions of the Shoreline Setback Law provided that such uses and activities result in minimal interference with natural shoreline processes. (Chapter 205, HRS.)

8) In exercising their authority in the SMA, the Counties shall minimize damage to existing and potential fisheries, fishing grounds, and agricultural uses of land. (Chapter 205A, HRS.)

9) The DPED shall prepare a State Plan which will set forth the State's growth-policies and programs relating to land use and transportation/communication systems, housing and urban design, public utility and government services, and economic development and employment diversity. All State and County agencies will comply with and implement the provisions of the State Plan, and shall coordinate programs and activities in fulfillment of the Plan's policies. (Chapter 225, HRS.)

10) The DOT shall control and manage the State's shores, shore waters, navigable streams, harbors, harbor and waterfront improvements, ports, docks, wharves, quays, bulkheads, and landings, and control construction and development activities within its jurisdiction through the issuance of permits. (Chapter 266, HRS.)

11) Any action in the shoreline setback area or immediately seaward of it, or any action using State or County lands or funds shall be subject to the provisions of the State EIS law. (Chapter 343, HRS.)

12) In keeping with the State's economic objectives, and in pursuance of the State's policy to enhance Hawaii's environment, all State agencies, in their development and implementation of programs, shall consider the encouragement and development of industries harmonious with Hawaii's environment; the promotion of the State's agricultural industries, the encouragement

of all industries to protect the environment; and the establishment of visitor destination areas. (Chapter 344, HRS.)

13) The Hawaii Community Development Authority shall develop and implement plans to stimulate growth and the high-quality development of particular areas, to include the Kakaako district of Honolulu. (Chapter 206E, HRS.)

14) The DOT's Statewide Transportation Plan (1977) shall serve as a guide for future developments and improvements and includes planning components related to airports, harbors and water-borne transit. (Chapter 279A, HRS.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will facilitate coordination in the implementation of the Hawaii State Plan by ensuring that construction of energy-related facilities will provide for energy self-sufficiency with minimum adverse impacts on the coastal zone.

2) The Hawaii CZM Program will assure through the CZM permit review process that industries that extract materials from or discharge chemical, thermal, or other wastes into Hawaii's territorial sea shall do so only in areas where the impact of such uses and activities on fishing, navigation, recreation, and natural ecosystems can be minimized or mitigated.

3) The Hawaii CZM Program will provide technical assistance to agencies testifying in support of land-use alternatives brought before the LUC which promote coastal dependent developments compatible with existing uses.

4) The Hawaii CZM Program will establish funding priorities in order to encourage State agencies to identify their jurisdictional uses and activities that are dependent on proximity to the shoreline.

5) The Hawaii CZM Program will monitor future public facility sitings and fund data acquisition studies in order to assure that coastal dependent industrial and energy facilities, airports, and deep-draft harbors will be developed outside of designated areas only if:

   a. utilizing existing sites would adversely affect the public welfare;

   b. adverse environmental effects are minimized or mitigated; and

   c. locating such uses at designated sites would be more environmentally damaging than at other locations.

6) The Hawaii CZM Program will work with the DOT to develop a ports program that will:

   a. facilitate receipt and utilization of Maritime Administration and other Federal funding;

b. provide early input to the design and construction plans for improvements to harbors and ancillary facilities; and

c. study the alternatives and secondary consequences of outport development plans.

7) The Hawaii CZM Program through its permit streamlining efforts will assist aquaculture programs in the process of getting the permits and approvals needed to initiate operation.

8) The Hawaii CZM Program will provide financial support as appropriate in order to facilitate the development of marine resources such as manganese nodules, coral, and ocean thermal energy, to the maximum extent possible consistent with the environmental objectives and policies of the CZM Program.

COASTAL HAZARDS

Management Issues and Problems

The economic potentials offered by shorelands and upland areas have encouraged improper use of some areas with high risk of storm waves, erosion, flooding, subsidence and tsunami inundation which expose man and property to needless risks. The results have been tragic and costly.

Until recently, government action actually subsidized occupancy of some hazardous areas by not considering such hazards in allowing land uses and by providing low cost assistance to the victims of inundations.

The existing structure of land and water use controls is just beginning to reflect the new awareness that government should discourage the use of hazardous areas. The National Flood Insurance Program (NFIP), a program being jointly developed by County agencies, the Federal Flood Insurance Administration, and the Army Corps of Engineers in Hawaii, will restrict development in areas with tsunami and stream flooding hazards and will require the purchase of flood insurance by occupants of hazardous areas. However, several problems persist including:

1) Information is lacking about storm wave and coastal erosion hazards. Although the NFIP covers losses due to storm wave inundation and subsidence of land along the shore due to erosion, NFIP maps do not address these hazards. They assumed that areas subject to tsunami inundation will also incorporate areas subject to storm wave and erosion hazards. Storm wave and erosion hazards not specifically designated will be left unprotected.

2) Present management programs do not differentiate degrees of storm wave and tsunami hazard. Uniform land use restrictions are placed over the entire

hazard zone without determining special hazard areas requiring more severe restrictions. This situation keeps the restrictions weak and limits protection.

3) There is a lack of tsunami resistant design criteria. Although every County in the State has controls and regulations in areas subject to tsunami inundation, no County has incorporated design criteria within its building code.

4) Public awareness of hazards is deficient. Some people are unaware that they live in a tsunami inundation zone. As a result, they may neither take advantage of available insurance nor may they be inclined to make structural changes and design adjustments that could reduce their property damage in the event a tsunami does occur.

5) Existing structures on the floodplain sometime pose hazardous conditions and their owners may purchase flood insurance without meeting the stringent requirements for floodproofing the structures. As a result, substandard structures may be moved away from their foundations and carried into the floodway where they could constrict the channel and greatly increase the flooding.

6) Existing programs do not deal directly or adequately with the problem of controlling runoff. As a drainage basin continues to develop, downstream flooding may increase dramatically due to the increased runoff. In addition, erosion and sedimentation processes which accompany flooding pose an additional threat to life and property.

7) While relatively simple techniques that can be applied to different sites to predict added downstream flooding potential associated with particular development proposals exist, they are not yet widely used.

8) Awareness and understanding of subsidence hazards are inadequate and existing programs do not restrict development in subsidence hazard areas.

Hawaii CZM Objective and Policies (Act 188)

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

POLICIES: 1) Develop and communicate adequate information on storm wave, tsunami, flood, erosion, and subsidence hazard;

2) Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard;

3) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and

4) Prevent coastal flooding from inland projects.

Supporting Policies and Mandates

1) The reduction of flood damage caused by storms, high seas or surf, and tsunami or seismic waves along with the conservation and beneficial use of flood waters is the declared policy of the State. (Chapter 179, HRS.)

2) The Counties shall have the power to enact ordinances establishing structural standards for construction in floodplains and tsunami zones designed to comply with the Federal Flood Insurance Act of 1956 and enable participation in the Federal Flood Insurance Program. (Chapters 46 and 62, HRS.)

3) The DLNR is authorized to implement the State Flood Control Program by coordinating State and Federal flood control programs and activities, by providing technical assistance as requested, by educating the public, and by reviewing Federal flood control projects submitted for State approval. (Chapter 179, HRS.)

4) Soil and water conservation district directors are empowered to develop conservation and erosion control plans by district and to carry out preventive and control measures on public and private lands. (Chapter 180, HRS.)

5) The several Counties shall enact ordinances to control soil erosion and sediment resulting from land-disturbing activities which shall contain standards for various soil types and land uses and include criteria, techniques, and control methods. The standards may be deemed satisfied by land management practices in accordance with soil and water conservation district comprehensive programs. The DOH conservation standards and pursuant rules and regulations shall apply in any County which fails to enact such ordinances. (Chapter 180C, HRS; Honolulu Revised Ordinance 23; Maui County Ordinance 816; Kauai County Ordinance 262; Hawaii County Ordinance 168.)

6) Approval by the DLNR of plans to control erosion and provide for drainage is required before starting any strip mining. (Chapter 180, HRS.)

7) Shoreline setbacks of between 20 and 40 feet inland from the shoreline are required in which the removal of sand or other material is prohibited and in which no structures are permitted except those necessary for safety, the protection of property from erosion or wave damage, or those that are in the public interest. (Chapter 205, Part II, HRS.) The Counties shall adopt rules and regulations in accordance with Chapter 205, HRS, which subject all public and private construction to stringent control, prohibiting new construction except under unusual circumstances. (Shoreline Setback Rules and Regulations of the County of Kauai; Hawaii County Rule 8; Honolulu County Ordinance 4529; and the Interim CZM Rules and Regulations of the County of Maui.)

8) Guidelines adopted by the Counties for the review of developments permitted within the SMA (100 yards inland minimum) to ensure that alterations to existing land forms and vegetation (except crops) and the construction of structures will cause minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake are required. (Chapter 205A, HRS; Honolulu Ordinance 4529; Maui County Interim CZM Rules and Regulations; Kauai County Rules and Regulations Relating to Environmental Shoreline Protection; Hawaii County Rule 9.)

9) In the interest of public health, safety, and welfare the DOT shall control and manage the shores, shorewaters, navigable streams, harbors, and ports of the State. (Chapter 266, HRS.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will fund studies to improve the information on tsunami, storm wave and coastal erosion hazard provided by the Federal Flood Insurance Program.
2) The Hawaii CZM Program will provide a forum for government-citizen interaction in order to facilitate coordination in the review of official flood Insurance Program Rate Maps to reflect changing flood hazards resulting from upland land use changes.
3) The Hawaii CZM Program through the CZM permit review process will ensure adherence to Federal Flood Insurance Program restrictions on uses within floodways, flood fringe, and storm wave hazard areas and will support the use of non-structural flood control techniques in undeveloped areas.
4) The Hawaii CZM Program, in establishing use and funding priorities, will advocate restrictions for public expenditures, for activities which would encourage development in storm wave, tsunami, flood, erosion, and subsidence hazard areas.
5) The Hawaii CZM Program will fund studies regarding the feasibility of utilizing construction moratoria following tsunami, flood, or subsidence damage to allow time for evaluation of land use alternatives, including public acquisition.
6) The Hawaii CZM Program will provide financial resources to support agencies' assessment of impacts of proposed or anticipated land use changes on downstream flooding and advocate for the utilization of environmental performance standards in such assessments.
7) The Hawaii CZM Program will provide funding for legal analysis and studies in order to facilitate better integration of hazard prevention and control practices with existing State and County land use control sytems.
8) The Hawaii CZM Program will fund as appropriate public information programs to increase public awareness of hazards.

Management Problems and Issues

Almost every aspect of the development process in Hawaii is subject to regulation by one or more public agencies. The proliferation of development permits has resulted in a complex, timely, and costly process for those engaged in construction and development activities. Yet, existing permit requirements have not always adequately addressed the impacts of development. Furthermore, responsibility for regulation of development is distributed among various public agencies, and the coordination among them is not effective. Specific management problems include the following:

1) State law does not specify a sequence for acquiring development permits and approvals. A shoreline development, for example, may require a State Land Use Commission district boundary amendment, a County SMA permit, a County general plan amendment, and an approved EIS. The proper sequence in which these permits and approvals must be obtained, however, is fully not explicated in existing statutes.
2) There is much duplication of work effort among existing agencies. The construction of a shoreline drainage pipe, for example, may require permits from several agencies such as the Corps of Engineers, the DOT, the DLNR, the DOH, a County Council, the County Department of Public Works, and County Building Department; often with overlapping permit purposes and requirements.
3) Public agencies lack an accessible, integrated information base with which to make informed resource management decisions. There is no single accessible inventory of information on Hawaii's coastal zone resources and hazards.
4) Some desirable economic activities, such as aquaculture, may be effectively discouraged from development by the maze of regulatory approvals needed to initiate operations.
5) Many citizens feel excluded from the planning and regulatory decision-making process because of inadequate communication and information regarding proposed developments and their impacts.

Hawaii CZM Objective and Policies (Act 188)

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

POLICIES: 1) Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;

2) Facilitate timely processing of application for development permits and resolve overlapping or conflicting permit requirements; and

3) 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 and review process.

Supporting Policies and Mandates

1) In the development and coordination of the State Plan, the DPED shall analyze existing State policies, planning and program operations, laws, rules and practices relative to formulation, implementation, and coordination of the State Plan. (Chapter 225, HRS.)
2) The State Plan Policy Council shall monitor and review actions of all State agencies for conformity with the State Plan and shall provide a forum for resolving differences between the State and County policies and plans. (Chapter 225, HRS.)
3) The Governor's Council on Housing and Construction Industry shall analyze State and County standards, rules, regulations, and codes with a view to eliminating archaic, duplicative, or unreasonable requirements and recommend new standards, rules, regulations, and codes that will benefit both the industry and the consumer. (Act 166, SLH 1976.)
4) The Governor's Council on Housing and Construction Industry shall investigate whether the State and County agencies involved in housing and construction can establish a single agency to coordinate all of the requirements for a housing or other development. (Act 166, SLH 1976.)
5) In evaluating alternatives to existing objectives, policies, plans, and procedures that offer potential for more efficient and effective use of State resources, the Department of Budget and Finance shall investigate continuously the administration of various agencies including duties of positions, methods, and standards of efficiency, and shall recommend to the governor and the legislature changes which will produce greater effectiveness of programs and economy in conduct of governmental programs. (Chapter 37, HRS.)
6) In pursuance of the State policy to conserve the natural resources and enhance the quality of life, all agencies in the development of agency programs shall provide for expanding citizen participation in the decision-making process so it continually embraces more citizens and more issues. (Chapter 344, HRS.)
7) Pursuant to the State policy that the formation and conduct of public policy--the discussions, deliberations, decisions, and action of governmental agencies--shall be conducted as openly as

possible, all meetings of State and County agencies, boards, commissions, authorities, or committees shall be open to the public. Written public notice must be provided and summary minutes prepared which shall serve as a public record of all meetings. (Chapter 92, HRS.)

8) Prior to the enactment of the State Plan, the State Land Use Commission shall observe and comply with a set of statutory guidelines in boundary amendments and any other actions. (Chapter 205, HRS.)

9) All Counties shall establish a Central Coordinating Agency whose function is to develop ways to coordinate and streamline County permit processes and maintain a repository of development-related Federal, State, and County laws. (Chapter 46, HRS; Honolulu Ordinance 77-73; Maui County Ordinance 885; Hawaii County Ordinance 305.)

10) In adopting amending, or repealing rules and regulations, State and County agencies shall hold a public hearing and shall adopt rules describing public information methods and procedures. (Chapter 91, HRS.)

Hawaii CZM Program Activities

1) The Hawaii CZM Program will update and maintain its permit register, listing Federal, State, and County development permissions and will continue to advocate for permit consolidation, streamlining, and clarification as appropriate.

2) The Hawaii CZM Program will provide financial support to State and County agencies to improve enforcement of compliance with existing laws relating to development permissions.

3) The Hawaii CZM Program will continue its efforts to develop and implement a coastal resource and hazard information and display system which promotes ready access to the utilization of such data.

4) The Hawaii CZM Program will provide financial support to develop and improve public information participation and awareness programs to ensure better communication between developers, agencies, and citizens through the Coastal Zone Newsletter.

5) The Hawaii CZM Program will use existing review processes (A-95, NEPA, CIP) to ensure coordination of Federal, State, and County policies and programs.

6) The Hawaii CZM Program will assist new and developing industries important to the State's economy, such as aquaculture, in expediting existing permit and approval processes.

7) The Hawaii CZM Program will cooperate with the Governor's Council on Housing and Construction Industry in analyzing State and County development requirements and studying proposals for single agency coordination responsibilities.

CHAPTER 3

AREAS SUBJECT TO MANAGEMENT

Having examined the process and products of the development of the Hawaii CZM Program, the following discussion deals with a major component of the formulated management program, namely those areas subject to management. The CZM area is defined, as well as those Federal lands excluded from the CZM area, and Areas of Particular Concern are described.

COASTAL ZONE BOUNDARY

The National CZM Act requires participating states to identify the boundaries of the coastal zone subject to the management program.

The mechanism for determining the boundaries of the Hawaii CZM Area is established by the Hawaii CZM Act of 1977 to include the process for specifying the exact permanent boundaries of the CZM area to be carried out over a two-year period. Criteria for the approval of the permanent inland bundary are presented below. In the broadest sense, the objectives and policies of the Act provide the basis for including within the coastal zone those lands, the use of which have a direct and significant impact upon coastal waters.

In addition, the Hawaii CZM Act of 1977 specifies more definitive areas subject to the management programs as discussed below.

Seaward Limits Specified by the Hawaii CZM Act of 1977

The Hawaii CZM Act of 1977 provides for the review of the State programs within the CZM area from the shoreline to the limit of the State's jurisdiction for consistency with the Hawaii CZM Program (Section 205A-3(7)). While this area is defined for National CZM Program purposes to extend to the outer limits of the United States territorial sea, the State of Hawaii does not relinquish or in any way waive its rights, authority, or claims, present and future, over those waters within the State's jurisdiction that exist outside the seaward boundary of the Hawaii CZM Program area.[1]

Inland Boundary Specified by the Hawaii CZM Act of 1977

The Hawaii CZM Act of 1977 specifies that by June, 1979, the Counties shall review and amend as necessary the boundaries of their Special Management Areas (SMA) established under the

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[1]This position of the State of Hawaii is consonant with the import of the interim-final regulations, Section 923.32, Federal Register, Volume 43, No. 41, March 1, 1978.

Shoreline Protection Act of 1975. These SMA boundary amendments are subject to the DPED (lead agency) review for compliance with the objectives and policies of the Act. The current SMAs include lands extending not less than 100 yards inland from the upper wash of the waves (as evidenced by the vegetation or debris line) and the surrounding area extending 100 yards from the body of any surface water subject to salinity intrusion or tidal influences. In some areas the current SMAs already extend several miles inland to cover areas in which coastal resources are directly impacted. Maps 1-6 show the currently designated SMAs on each island. (More detailed maps of the SMAs are available at the County Planning Departments of Kauai, Maui, and Hawaii Counties and at the Department of Land Utilization of the City and County of Honolulu.)

After the DPED has determined that the Counties have amended their SMA boundaries to comply with the objectives and policies of the Hawaii CZM Act of 1977, then the amended SMAs will be the permanent inland CZM area. (Section 205A-23(c)).

Hawaii CZM Administrative Boundary

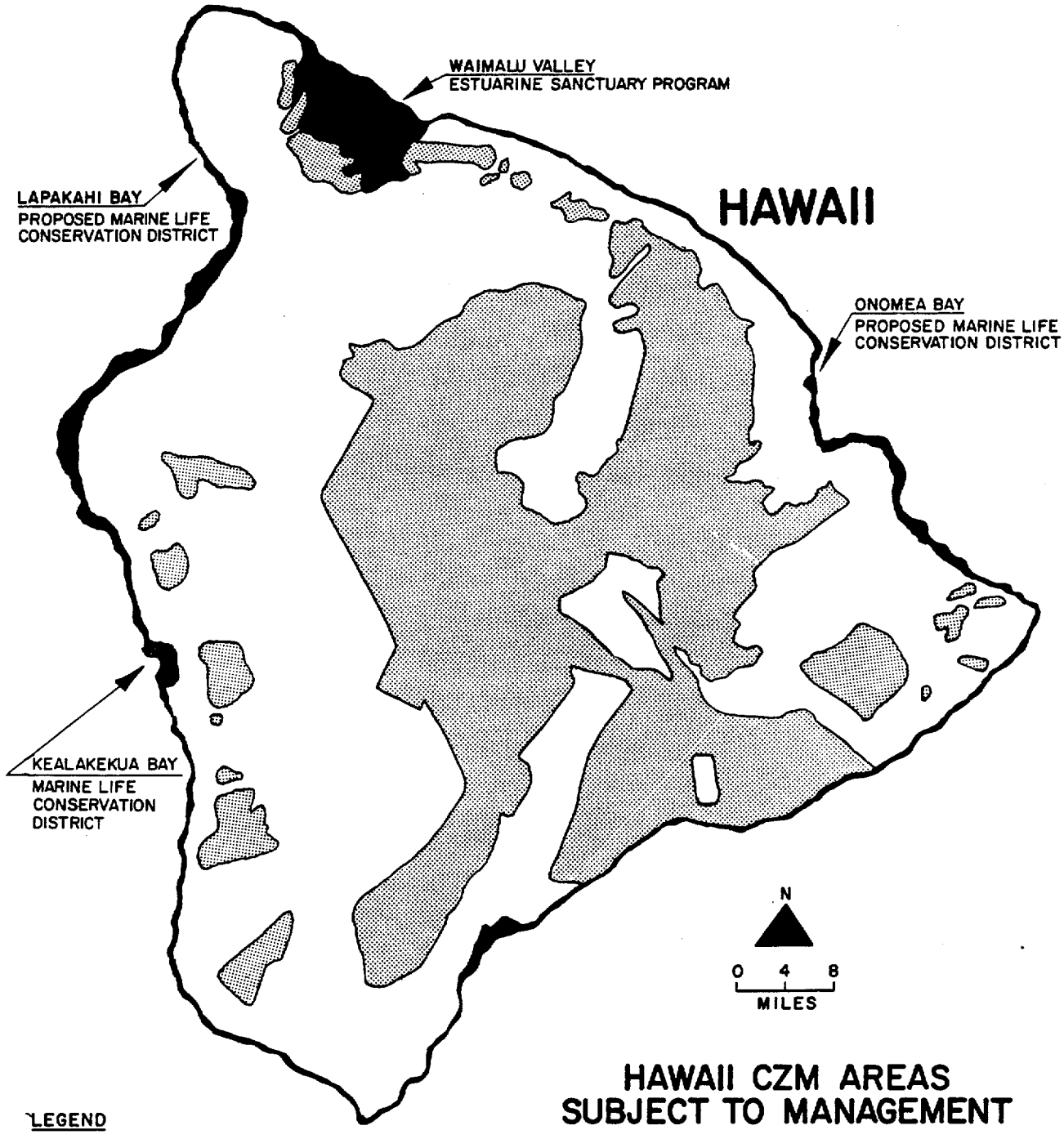
Pending the completion of the two-year SMA boundary review and amendment process, it will be necessary to designate an interim administrative boundary. The administrative boundary should incorporate as minimum coastal hazard areas and lands (outside the present SMA inland boundaries) on which those coastal-related uses and activities noted in the Hawaii CZM objectives and policies take place.

For administrative purposes, therefore, the interim CZM Area of the State of Hawaii shall include all coastal waters seaward to the limit of the State's jurisdiction; all land areas included within the current SMA boundaries; and all remaining inland areas excluding those lands designated as State forest reserves. (See Maps 1-6.)

Forest reserves are established by Executive Order (Chapter 183, HRS) and include lands set aside or surrendered for forest purposes such as watershed protection, forest products, forest recreation, protection of native plants, and maintenance of fish and wildlife habitat. Direct State control over forest reserve uses assures that no activities conducted by the State on these lands will have spill over impacts on or in coastal waters. In this regard, it should be noted that any forest reserve lands falling within the current SMA boundaries are considered part of the CZM area and are therefore subject to SMA permit approval and mitigation requirements.

Criteria for the Inland Boundary of the Permanent CZM Area

As noted above, the Hawaii CZM Act of 1977 mandates the DPED to review County amendments to the SMA boundaries to determine that such amendments are consistent with the objectives and policies of the Act as a prerequisite to establishing the permanent boundaries of the Hawaii CZM



HAWAII CZM AREAS SUBJECT TO MANAGEMENT

LEGEND

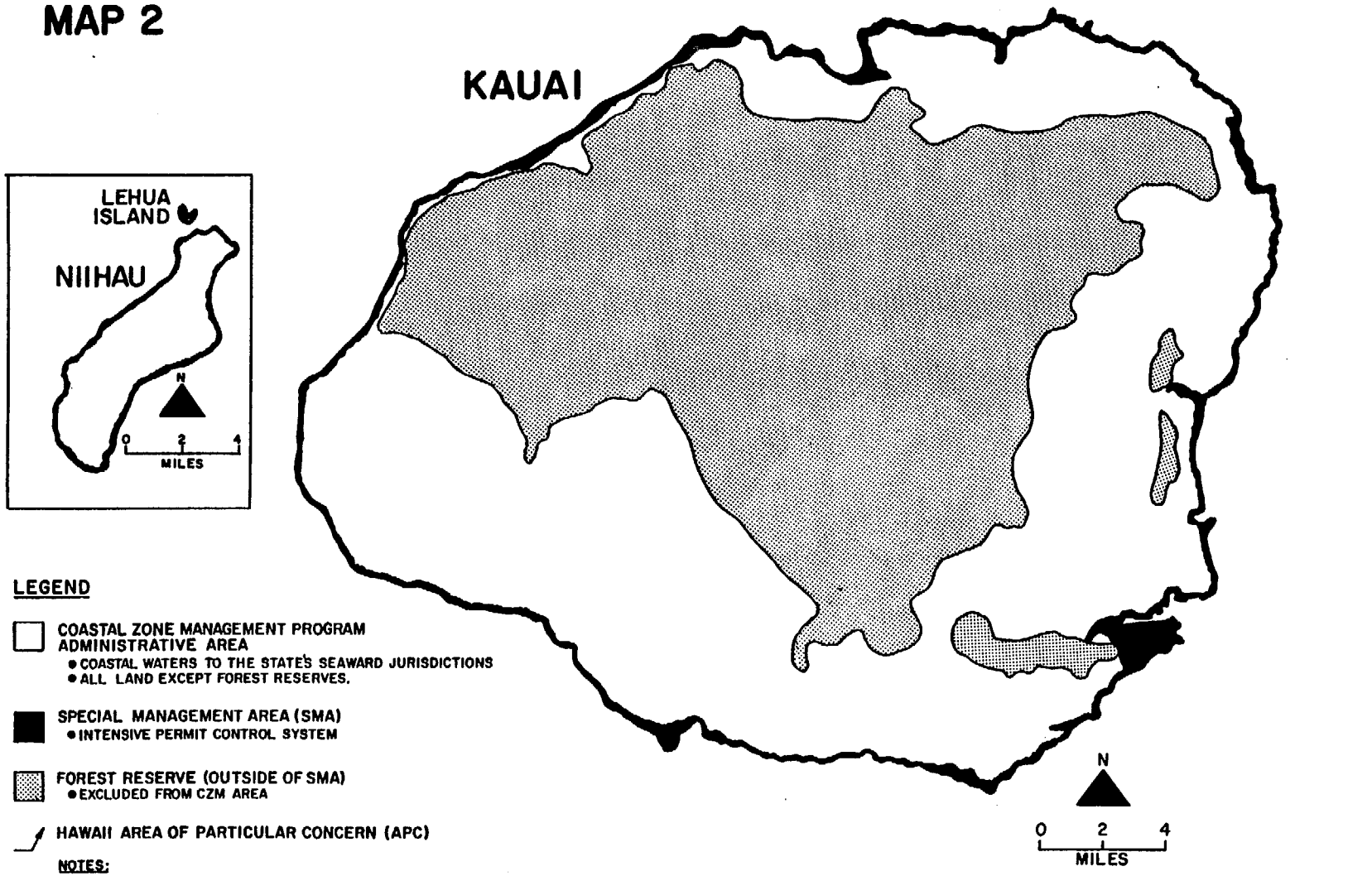
- COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
  - COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTION
  - ALL LAND EXCEPT FOREST RESERVES.
- SPECIAL MANAGEMENT AREA (SMA)
  - INTENSIVE PERMIT CONTROL SYSTEM
- FOREST RESERVE (OUTSIDE OF SMA)
  - EXCLUDED FROM CZM AREA
- HAWAII AREA OF PARTICULAR CONCERN (APC)

MAP I

NOTES:

1. Lands owned, leased, held in trust, or whose use is otherwise by law subject solely to the discretion of the Federal Government, are excluded from the CZM area.
2. While Shoreline Setback areas (20 to 40 feet inland from the upper wave wash) are not shown, they are nonetheless designated as APCs.

MAP 2



LEGEND

- COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
  - COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTIONS
  - ALL LAND EXCEPT FOREST RESERVES.
- SPECIAL MANAGEMENT AREA (SMA)
  - INTENSIVE PERMIT CONTROL SYSTEM
- FOREST RESERVE (OUTSIDE OF SMA)
  - EXCLUDED FROM CZM AREA
- HAWAII AREA OF PARTICULAR CONCERN (APC)

NOTES:

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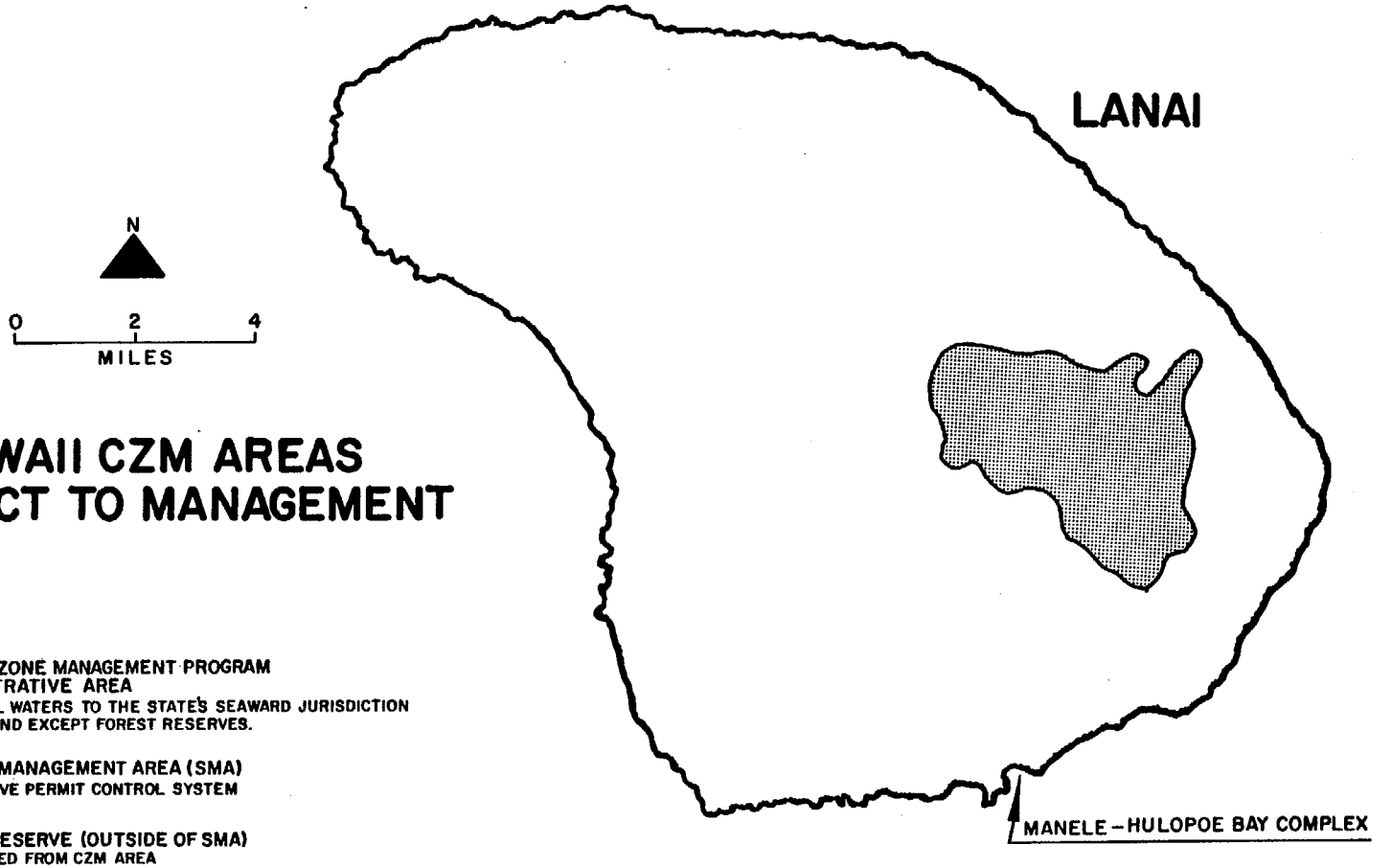
HAWAII CZM AREAS SUBJECT TO MANAGEMENT



HAWAII CZM AREAS SUBJECT TO MANAGEMENT

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- COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
  - COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTION
  - ALL LAND EXCEPT FOREST RESERVES.
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  - INTENSIVE PERMIT CONTROL SYSTEM
- FOREST RESERVE (OUTSIDE OF SMA)
  - EXCLUDED FROM CZM AREA
- HAWAII AREA OF PARTICULAR CONCERN (APC)

NOTES:

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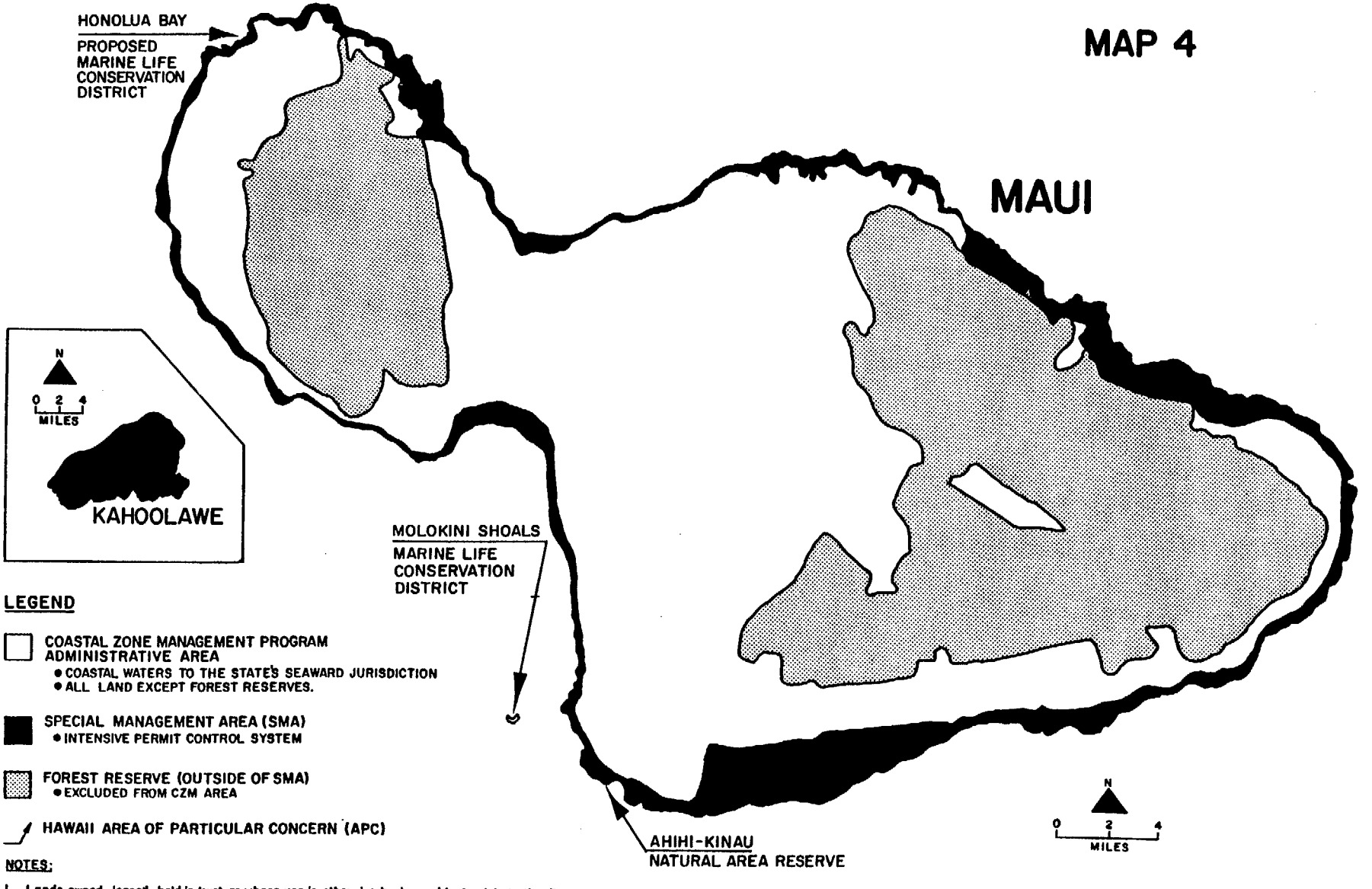
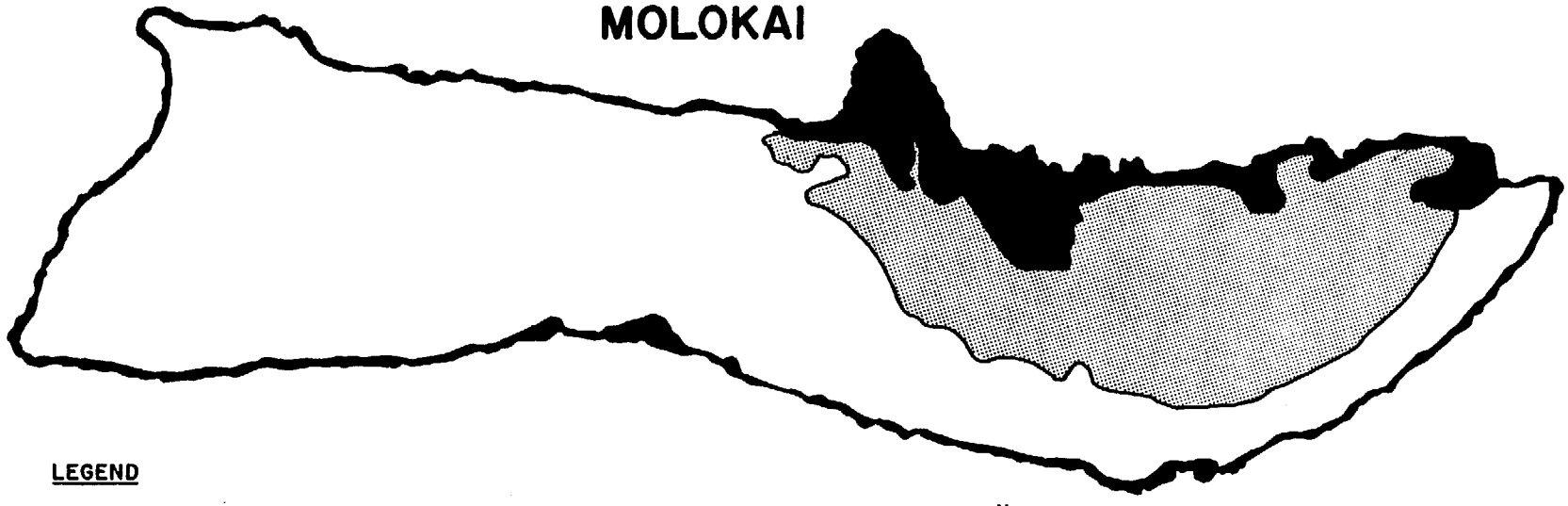
MAP 3


MAP 4
HONOLUA BAY
PROPOSED MARINE LIFE CONSERVATION DISTRICT
MAUI
N
0 2 4
MILES
KAHOOLAWE
MOLOKINI SHOALS
MARINE LIFE CONSERVATION DISTRICT
LEGEND
COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
• COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTION
• ALL LAND EXCEPT FOREST RESERVES.
SPECIAL MANAGEMENT AREA (SMA)
• INTENSIVE PERMIT CONTROL SYSTEM
FOREST RESERVE (OUTSIDE OF SMA)
• EXCLUDED FROM CZM AREA
HAWAII AREA OF PARTICULAR CONCERN (APC)
AHIHI-KINAU NATURAL AREA RESERVE
N
0 2 4
MILES
NOTES:
1. Lands owned, leased, held in trust, or whose use is otherwise by law subject solely to the discretion of the Federal Government, are excluded from the CZM area.
2. While Shoreline Setback areas (20 to 40 feet inland from the upper wave wash) are not shown, they are nonetheless designated as APCs.
HAWAII CZM AREAS SUBJECT TO MANAGEMENT

MAP 5



LEGEND

- COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
  - COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTION
  - ALL LAND EXCEPT FOREST RESERVES.
- SPECIAL MANAGEMENT AREA (SMA)
  - INTENSIVE PERMIT CONTROL SYSTEM
- FOREST RESERVE (OUTSIDE OF SMA)
  - EXCLUDED FROM CZM AREA
- HAWAII AREA OF PARTICULAR CONCERN (APC)

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HAWAII CZM AREAS SUBJECT TO MANAGEMENT

NOTES:

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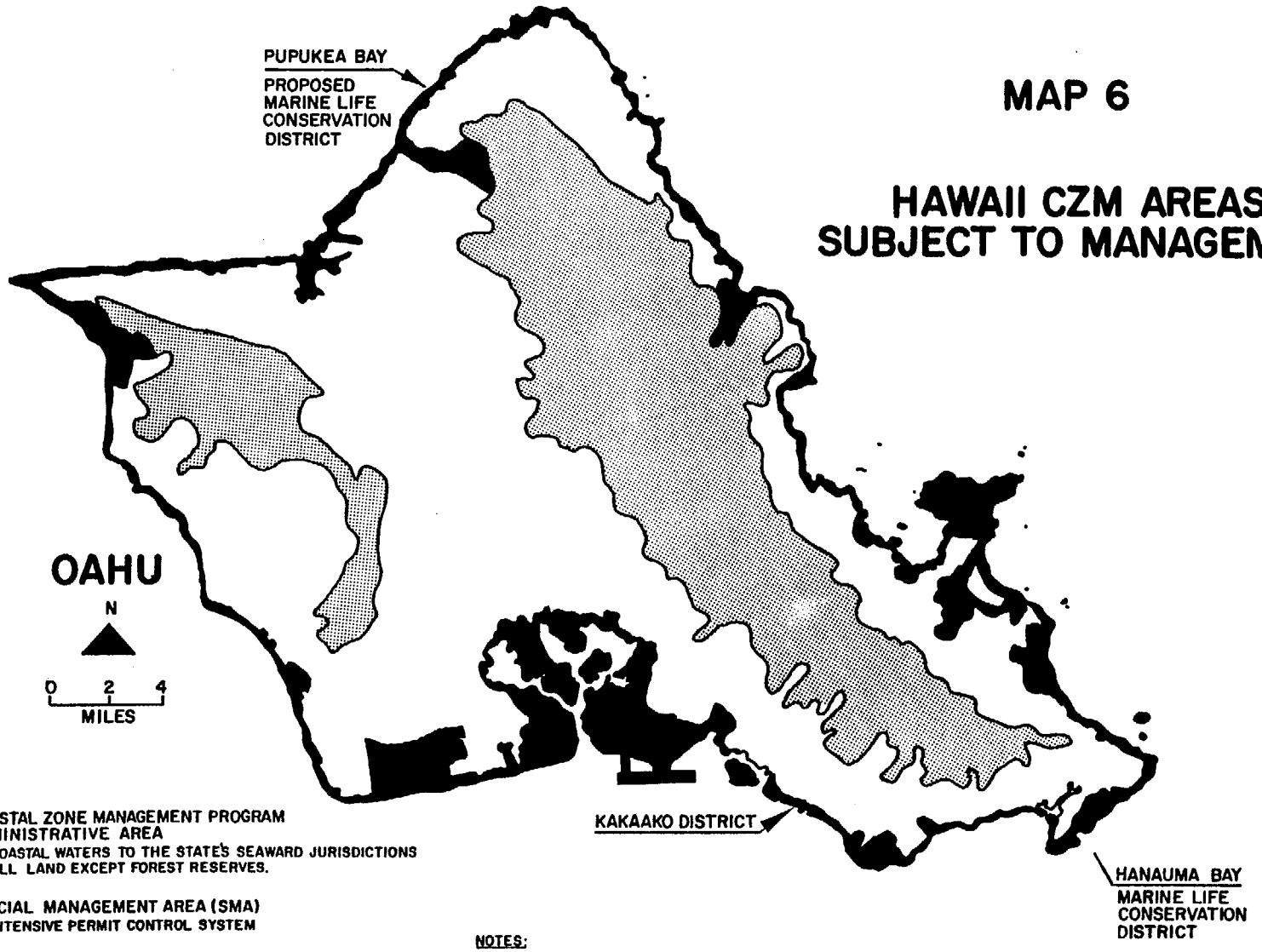
2. While Shoreline Setback areas (20 to 40 feet inland from the upper wave wash) are not shown, they are nonetheless designated as APCs.

MAP 6

HAWAII CZM AREAS SUBJECT TO MANAGEMENT



LEGEND

- COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE AREA
  - COASTAL WATERS TO THE STATE'S SEAWARD JURISDICTIONS
  - ALL LAND EXCEPT FOREST RESERVES.
- SPECIAL MANAGEMENT AREA (SMA)
  - INTENSIVE PERMIT CONTROL SYSTEM
- FOREST RESERVE (OUTSIDE OF SMA)
  - EXCLUDED FROM CZM AREA
- HAWAII AREA OF PARTICULAR CONCERN (APC)

NOTES:

1. Lands owned, leased, held in trust, or whose use is otherwise by law subject solely to the discretion of the Federal Government, are excluded from the CZM area.
2. While Shoreline Setback areas (20 to 40 feet inland from the upper wave wash) are not shown, they are nonetheless designated as APCs.

area. As a basis for making this determination, the DPED will apply the evaluative criteria presented in Table 1 in the geographic-specific review of County modifications of the existing SMA boundaries.

It should be noted that the Hawaii CZM Act of 1977 provides little substantive guidance for the review and evaluation of the County-amended SMAs, specifying only that the amended boundaries should be consistent with the Act's objectives and policies. An analysis of the Act reveals, however, that there is a range of interpretation as to how the objectives and policies could be used in determining permanent inland boundaries.

The criteria presented in Table 1 are based on the interpretation that, as a minimum, the objectives and policies for coastal ecosystems and coastal hazards should serve as the primary considerations in formulating criteria to guide the several Counties in establishing permanent inland CZM area boundaries. The rationale for this interpretation is based on the usage of the phrase "in the coastal zone management area" which appears in all resource-management objective and policy sets, except those relating to coastal ecosystems and hazards.

The objective for historic resources, for example, is to "protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture." The usage of the phrase "in the CZM area" implies: 1) that a management area has already been established prior to the consideration of this particular objective and policy set, and 2) that the resources and activities delineated within this objective and policy set are limited geographically to those occurring within such an area. This would seem to preclude using historic resources as a criterion for determining the CZM area boundary, in that the consideration of historic resources would be restricted to those falling within a CZM area established on other criteria.

Since there are only two objective and policy sets in the Hawaii CZM Act of 1977, namely coastal ecosystems and coastal hazards, which are not conditioned by "in the CZM area" or similar phrases, the criteria in Table 1 were developed on the basis of the following:

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

Coastal ecosystem policies:

(A) Improve the technical basis for natural resource management;

(B) Preserve valuable coastal ecosystems of significant biological or economic importance;

TABLE 1 CRITERIA TO BE USED IN ESTABLISHING A MINIMUM PERMANENT INLAND CZM AREA

The permanent CZM area shall be established as a minimum from the identification and determination of coastal ecosystems and areas susceptible to coastal hazards to include those land areas, the uses of which have direct and significant impacts on coastal waters as follows:

Minimum Inland Boundaries Implied by Coastal Ecosystems Objectives and Policies

1. The CZM area shall include those coastal scrub ecosystems, which containing threatened or endangered native plant species to include:
   - coastal scrub on backbeaches and dunes;
   - coastal scrub on lithified dunes;
   - coastal scrub on volcanic rock;
   - coastal scrub on raise reef; and
   - native grasses and herbs on backbeaches and dunes;
2. The CZM area shall include all recognized geological and physiographic features of marine origin or shaped primarily by waves and currents to include:
   - sand dunes;
   - beach rock;
   - beaches, spits, and bars;
   - sea cliffs and headlands;
   - arches;
   - volcanic and solution benches;
   - blow holes;
3. The CZM area shall include all perennial streams of high natural quality, including channels and adjacent soils which are saturated with water most of the year where:
   - channels are natural-not lined, straightened, blocked, revetted or filled in;
   - stream water is not significantly diverted;
   - native stream animals are present and abundant; and
   - physio-chemical properties of stream waters do not violate criteria of ecological health standards established by "208" Technical Committee on Water Quality Standards;
4. The CZM area shall include all areas vital to the life support of seabirds and waterbirds, particularly those species which are threatened or endangered;
5. The CZM area shall include all natural estuaries of high natural quality, including basins and adjacent soils which are saturated with water most of the year where:
   - basins not channelized, revetted, straightened or developed as harbors;
   - tributary streams not significantly diverted;
   - physico-chemical properties of estuarine waters not in violation of ecological health standards established by "208" Technical Committee on Water Quality Standards;
6. The CZM area shall include all wetlands which function as buffers between uplands and coastal ecosystems of special interest. (Coastal ecosystems of special interest are embayments, wave-sheltered coves, nearshore reef flats, sand beaches, and protected coral communities.);
7. The CZM area shall include all anchialine pools, brackish water lakes, turtle nesting beaches, and all inland areas of preservation and restoration identified in Chapter III; and
8. The CZM area shall include those ecosystems presently degraded but whose natural quality may be restored, either naturally or managerially, at reasonable cost and within a reasonable amount of time.

Minimum Inland Boundaries Implied by Coastal Hazard Objectives and Policies

1. The CZM area shall include all tsunami inundation areas based on the 100 year recurrence frequency. (The boundary will reflect the highest elevation which is flooded by a wave which has a 1% chance of occurring in any given year.);
2. The CZM area shall include all areas subject to stream flooding based on the 100 year recurrence frequency. (The boundary will reflect the highest elevation which is flooded by rainstorm which has a 1% chance of occurring in any given year.
3. The CZM area shall include all shoreline areas identified as having critical shoreline erosion problems.
4. The CZM area shall include all storm wave inundation areas; and
5. The CZM area shall include all areas identified to be susceptible to shoreline subsidence.

Note: See Glossary, pages 137-142, for definition of terms.

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(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.

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

Coastal hazard 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 Program; and

(D) Prevent coastal flooding from inland projects.

It should be kept in mind that these criteria are intended to provide guidance for the minimum inland permanent CZM area boundaries and that the Counties may include additional inland areas in order to accommodate the management of other resources and activities delineated in the recreational, historic, and scenic and open space resources, and economic uses objective and policy sets.

It should be noted that the Administrative boundary as described above will continue to delineate the Hawaii CZM area until such time as: 1) the Counties have amended their SMA boundaries, and 2) the DPED has reviewed those amendments and determined their consistency with the objectives and policies of the Hawaii CZM Act of 1977.

EXCLUSION OF FEDERAL LANDS

Section 304(a) of the National CZM Act of 1972 provides that States must exclude from their coastal zone managment boundaries those areas owned, leased, held in trust, or whose use is otherwise by law subject solely to those discretion of the Federal Government, its officers or agents.

Therefore, all Federal lands as defined above are excluded from the coastal zone and the SMA permit requirements. (See Attachment E for a listing of those major Federal lands in Hawaii which meet this definition.) Although Federal lands are also excluded, the State of Hawaii is not precluded from planning for the potential use of these excess lands should they be acquirable.

Notwithstanding this exclusion of Federal lands, the Federal consistency provisions of Section 307 will remain applicable whenever activities conducted on excluded Federal lands have spillover impacts that significantly affect uses and resources within the State's approved coastal zone management area. This is of particular importance to Hawaii where large-scale Federal holdings are numerous.

Close coordination and cooperation between State and Federal agencies will be maintained during the administration of the CZM Program. (See page 101.) It is anticipated that Federal lands will be managed in a manner consistent with the Hawaii CZM Program to the mximum extent practicable and as indicated by the Federal consistency provision defined under Section 306 of the CZM Act of 1972. Finally, it should be emphasized that the State will continue to exercise those rights and privileges in Federally-owned lands which it now possesses or may in the future possess separate from the National CZM Act although such lands are excluded from the CZM Program.

AREAS OF PARTICULAR CONCERN

The National CZM Act requires as a prerequisite to management program approval "an inventory and designation of areas of particular concern within the coastal zone." This provision of the Act gives recognition to the fact that, while the entire coastal area is of importance, certain areas are of even greater significance. Criteria for designating areas of particular concern (APCs) include "areas of high natural productivity or essential habitat for living resources, including fish, wildlife ..." and "areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters."

Hawaii has several programs that are analogous to, and meet the requirements of, the area of particular concern concept noted above. These programs include the Natural Area Reserves Systems (NARS), the Marine Life Conservation Districts Program (MLCD), the Estuarine Sanctuaries Program, the Shoreline Setback Area, and programs falling within the purview of the Hawaii Community Development Authority. Maps 1-6, pages 53-58, show the areas and sites designated under these programs.

Hawaii Areas of Particular Concern

As noted below, most of Hawaii's Areas of Particular Concern (APC) are concerned primarily with the preservation and restoration of such areas for their conservation, recreational, ecological, or aesethic values. An important program qualifying as an APC because of its treatment of concentrated urban activities in an area where shoreline utilization and water uses are highly competitive, however, is established by the 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. This is significant in Hawaii because many urban developments are coastal related and because the Authority has certain powers to override County controls and regulations if necessary to better serve the public interest of the State.

The State has designated the Kakaako District of Honolulu, which is an underdeveloped service and light industrial area centrally located in Honolulu proper between the central business district/government center and Waikiki Beach, as the first such area. As noted in Appendix 5 and Map 6, it is included as an APC because of its proximity to the coast and its potential impact in coastal development activities. Its redevelopment as a New-Town-In-Town will impact on many of the Hawaii CZM objectives and policies to include the provision of adequate public access, shoreline parks, and other recreational opportunities; the preservation and enhancement of shoreline open space and historic resources; assuring that future construction and siting proposals do not adversely impact State water quality and coastal hazards; and the provision of coastal development necessary to the State's economy in a matter which utilizes presently designated locations for coastal dependent activities and minimizes adverse environmental impacts.

It should be noted that other proposals of this type may be incorporated similarly and that the DPED may propose to the Legislature other areas for designation.

Another APC is the Shoreline Setback, (see Appendix 4), previously discussed, which has been in existence for several years. As part of the State Land Use Law a restictive zone is established 40 feet inland from the upper wash of the waves (20 feet for certain small parcels) in which construction and other operations are generally prohibited except by a variance-approval procedure. This area is included because it is so vital to the economy and environment of the State. The DPED will work closely with the several Counties to insure that this area is treated in a matter consistent with the objectives and policies of the Hawaii CZM Program, especially those relating to recreation, scenic and open spaces, coastal hazards, and economic uses.

Hawaii Areas for Preservation or Restoration

With the exception of Kakaako district, the areas cited above as being of particular concern are considered to also be areas designated for preservation or restoration, inasmuch as the programs governing their use and protection all involve varying degrees of restoration and protection.

The Natural Area Reserve System (NARS) was established by the State Legislature under Chapter 195, HRS, to protect unique geological, volcanic, and other natural areas with distinc-

tive marine, animal, and terrestrial features from loss due to human population and technology growth. A NARS Commission recommends areas for inclusion in the NAR System. Rules specifying use, control, and protection of the area recommended by the Commission are passed by the Board of Land and Natural Resources. See Appedix 6 for the particular regulations which apply.

At present two sites have been established under the NARS program, the Waiakea 1942 Lava Flow and the Ahihi-Kinau Reserve. Only one NARS site is included in the Hawaii CZM Program.

The Ahihi-Kinau Reserve surrounding Cape Kinau, near Ahihi Bay on the Island of Maui has been designated as a NARS site in three components: 1) the lava flows resulting from Maui's last volcanic activity with its developing dry land vegetation, 2) the inshore marine ecosystem, and 3) the mixohaline ponds containing unique environmental characteristics and rare animals. Severe restictions on activities permitted in the Reserve protect the existing ecosystem and preserve the historic resources located therein while allowing reasonable access and utilization of the area.

Two additional Reserves have been proposed and are currently under consideration. They are both located on the Island of Hawaii, Wao Kele 'O Puna Reserve and Mauna Kea Ice Age Reserve.

The NARS counterpart on the water side of the coastal zone is the Marine Life Conservation District (MLCD) Program established under Chapter 190, HRS to preserve unique areas of Hawaii's marine environment, such as bays, shoals, and estuaries that are vulnerable to loss. These Districts, designated by the DLNR, are protected by regulations prohibiting certain activities, controlling allowable uses, and regulating scientifically-related permits. See Appendix 7 for regulations on individual districts.

Four MLCDs have been designated to date and four additional sites are under consideration. The Hanauma Bay MLCD on Oahu is a well-used recreation site, enjoyed by thousands of residents and visitors, in which all fishing, polluting activities, and construction are prohibited. In this way the marine life in the bay is being replenished while nonconsumptive uses such as scuba diving, photography, and snorkeling, are allowed.

The Kealakekua Bay MLCD on the Island of Hawaii protects and preserves both the District's living resources and geological features. Within a specified subzone certain methods of fishing are allowed to catch specified varieties of fish. Otherwise, all fishing as well as, construction, polluting, or altering of geological features are prohibited.

The Manele-Hulupoe MLCD, located on the south shore of Lanai, is composed of two subzones. In both, geological features as well as coastal ecosystem are under protection. Consumptive and harmful activities are prohibited, with the exception of hook and line fishing from the shoreline in one subzone and by a greater variety of methods in the other subzone.

The Molokini Shoals MLCD is the most recently established District. It consists of the waters to a depth of 180 feet and submerged lands surrounding a small island between Maui and Kahoolawe. The shoals contain an abundance or coral and marine life which are protected by the DLNR regulations. In addition, the Island also has been designated as a seabird sanctuary.

Four additional sites have been proposed as MLCDs. Pupukea Bay on Oahu, Honolua Bay on Maui, and Lapakahi Bay and Onamea Bay on Hawaii.

Finally, the Waimanu Estuarine Sanctuary, designated under Section 315 of the National CZM Act of 1972 as amended, qualifies as an APC. This unique area of national and State significance, located in Waimanu Valley on the Island of Hawaii, has been officially designated for protection and preservation under the National CZM Program.

Priorities of Uses in Areas of Particular Concern

As indicated in Table 2, which summarizes information on the designated APCs priorities of uses for each APC emerge from the statutes of regulations governing each area.

TABLE 2 EXISTING MANAGEMENT SYSTEMS DESIGNATED AS AREAS OF PARTICULAR CONCERN

SYSTEM	NATURE OF CONCERN/PURPOSE	AUTHORITY FOR DESIGNATION OF SITES	DESIGNATED SITE	PRIORITY OF USES
Natural Areas Reserve System	Protection and preservation of unique natural resources, such as geological and volcanic features and distinctive marine and terrestrial.	Recommendation by Natural Area Reserve Commission, designated by DLNR. Chapter 195, HRS	Ahihi-Kinau Natural Area Reserve, Ahihi Bay, Maui	Highest priority uses are those associated with the preservation and enhancement of the existing ecosystem, the area's geological features, the historic resources, and endangered species. Uses of lowest priority are those prohibited by DLNR Regulation 7, e.g., harm to plant or animal life, operation of vehicles, construction, and polluting activities.
Marine Life Conservation Districts	Preservation, protection and conservation of marine (life) and geological features in furtherance of the State policy of conserving, supplementing, and increasing the State's marine resources.	DLNR establishes districts by regulation as necessary. Chapter 190, HRS	Hanauma Bay, Oahu	Uses which preserve, protect, conserve, propagate, or study marine life or geological features are of highest priority. Uses of lowest priority are those prohibited by DLNR Regulation 32, e.g., construction, pollution, and certain methods of fishing.
			Kealakekua Bay, Hawaii	Preservation, protection, and conservation of marine resources and geological features are of the highest priority. Those uses permitted by exemption in DLNR Regulation 33 are of secondary priority and those prohibited are of lowest priority, e.g., fishing, construction, polluting.
			Manele-Hulupoe Bay Complex, Lanai	Uses consistent with the preservation, protection, and conservation of marine resources and geological features are of highest priority. Taking of marine life for scientific propagation purposes and fishing within subzone B are uses of secondary priority. Uses prohibited by DLNR Regulation 40 are of the lowest priority, e.g., polluting, construction, certain types of fishing.
			Molokini Shoals, Maui	Uses of highest priority are those which preserve, protect, and conserve marine resources and geological features of the shoals. Uses of lowest priority are those prohibited by DLNR Regulation 42, e.g., construction, fishing (except by trolling with artificial lures), polluting, removal of sand, rock, or coral, and taking marine life without a permit.
Hawaii Community Development Authority	Replanning, renewing, or redeveloping an urban area to alleviate conditions which make the area a social or economic liability.	State Legislature designates sites by statute. Chapter 206E, HRS	Kakaako, Oahu	Highest priority is given to mixed uses providing significant employment and low-cost housing, parks and open space, and enhancing compatible commercial and industrial activity. Lowest priorities are given to those uses which would be incompatible with the surrounding districts, detract from historic or cultural resources, or decrease the utilization of public transportation or pedestrian facilities, as stipulated in Chapter 206E, HRS.
Shoreline Setback	Protection of shoreline resources recognized as vital to the economy and environment of the State.	Land Use Commission establishes the setback areas. Chapter 205, HRS.	40 feet (20 feet in some small parcels) inland from the upper wash of the waves along the shoreline of every island.	Uses of highest priority are those associated with preservation and enhancement of coastal resources. Uses of lowest priority are those cited in Chapter 205, Part II, HRS, e.g., "Except as otherwise provided in this part, no structure or any portion thereof, including but not limited to seawalls, groins and revetments shall be permitted within the shoreline area..."
Waimanu Estuarine Sanctuary	The primary management objective shall be to maintain the integrity of the Sanctuary; to protect it from both internal and external sources of stress which may alter or affect the nature of the ecosystem.	Office of Coastal Zone Management	Waimanu Valley, Hawaii	"The primary use of estuarine sanctuaries shall be for research and educational purposes..." (Federal Register, Volume 39, No. 108, June 4, 1974). Uses of lowest priority are those indicated in the Grant Award Special Conditions, e.g., the following uses are expressly prohibited: mineral removal, logging, dredging and fill, diversion of water..."

CHAPTER 4

USES SUBJECT TO MANAGEMENT

PERMISSIBLE LAND AND WATER USES

Section 305 (b)(2) of the National CZM Act of 1972 specifies that the management program for a State shall describe the permissible land and water uses within the coastal zone. These uses shall be subject to policies and objectives in order to meet the management purposes of the program.

Determination of Permissible Uses

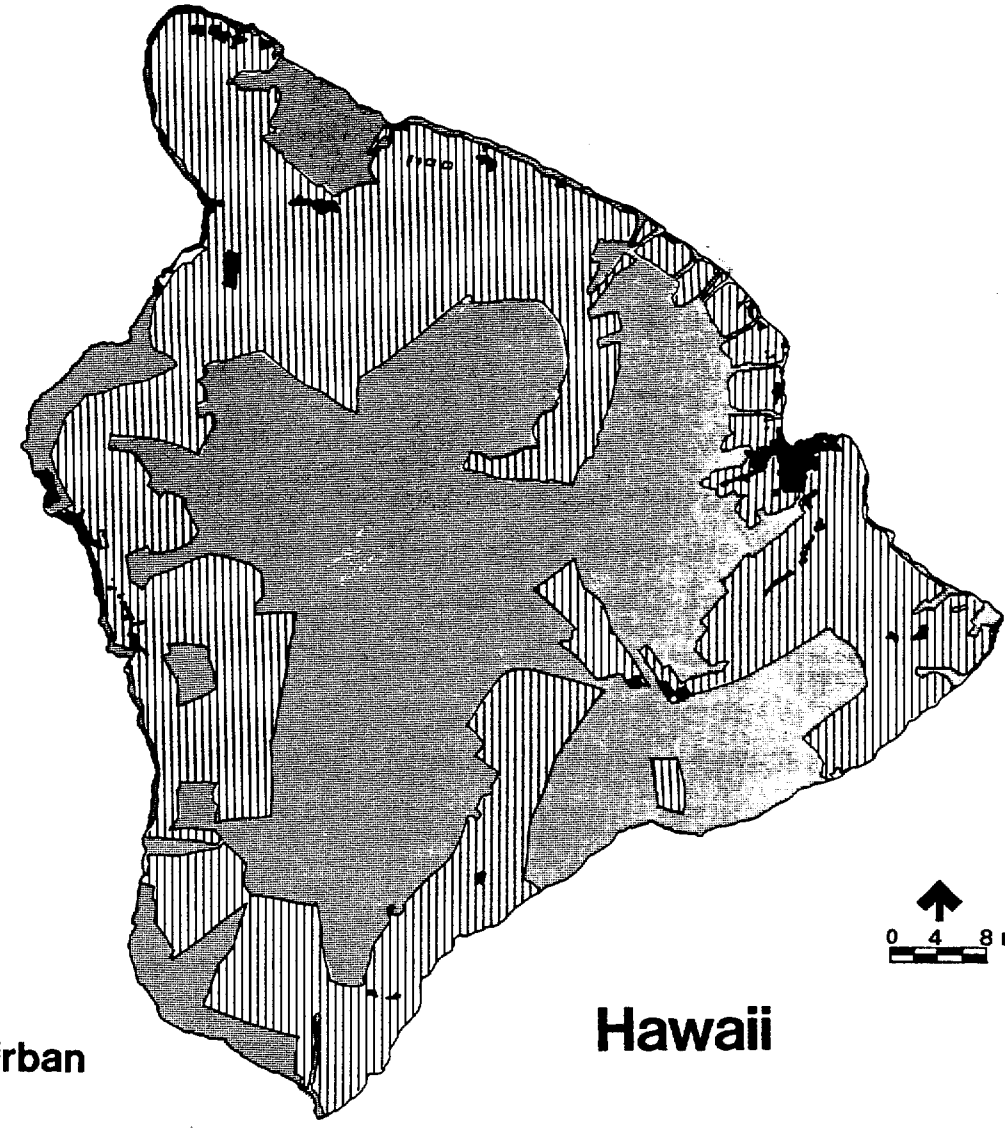
The determination of permissible uses as part of the Hawaii CZM Program is based upon two primary regulatory mechanisms: the State Land Use Law and the Special Management Area (SMA) guidelines of the Hawaii CZM Act of 1977. The State Land Use Commission (LUC), located within the DPED for administrative purposes, implements the Hawaii Land Use Law, Chapter 205, HRS (See Appendix 3.) This law was enacted in 1961 and became the first State statute to provide for a system of land use regulation at the State level. Under this law, all lands and water within the State's jurisdiction are classified and regulated within four land use district classifications: urban, agriculture, conservation, and rural as shown in Maps 7-11. There is direct State regulation of land use in the rural, conservation, and agricultural districts which incorporate about 96% of the State's total acreage.

As shown in the schematic model, Figure 1, the State land use district classifications apply to the State's entire land and water jurisdiction. For the purposes of the Hawaii CZM Program, however, all forest reserves as shown are excluded from the CZM area. Figure also delineates the SMA boundaries of the Hawaii CZM Program. As noted in Chapter 1, the SMA permit process serves as an overlay regulatory control mechanism regarding that portion of the coastal zone nearest the water which is in need of more intensive management. Within the SMA, permits to develop are required irrespective of or in addition to any underlying State and County planning, zoning, and permit requirements.

Statewide Permissible Uses

Each State land use district is subject to certain standards for delineation, as shown in Appendix 8.

The Commission's general approach toward determining permissible uses is to allow compatible uses in each land use district, except when a County ordinance or regulation is more restrictive. The Commission defined compatible as being uses not detrimental to the public health,



Urban

Rural

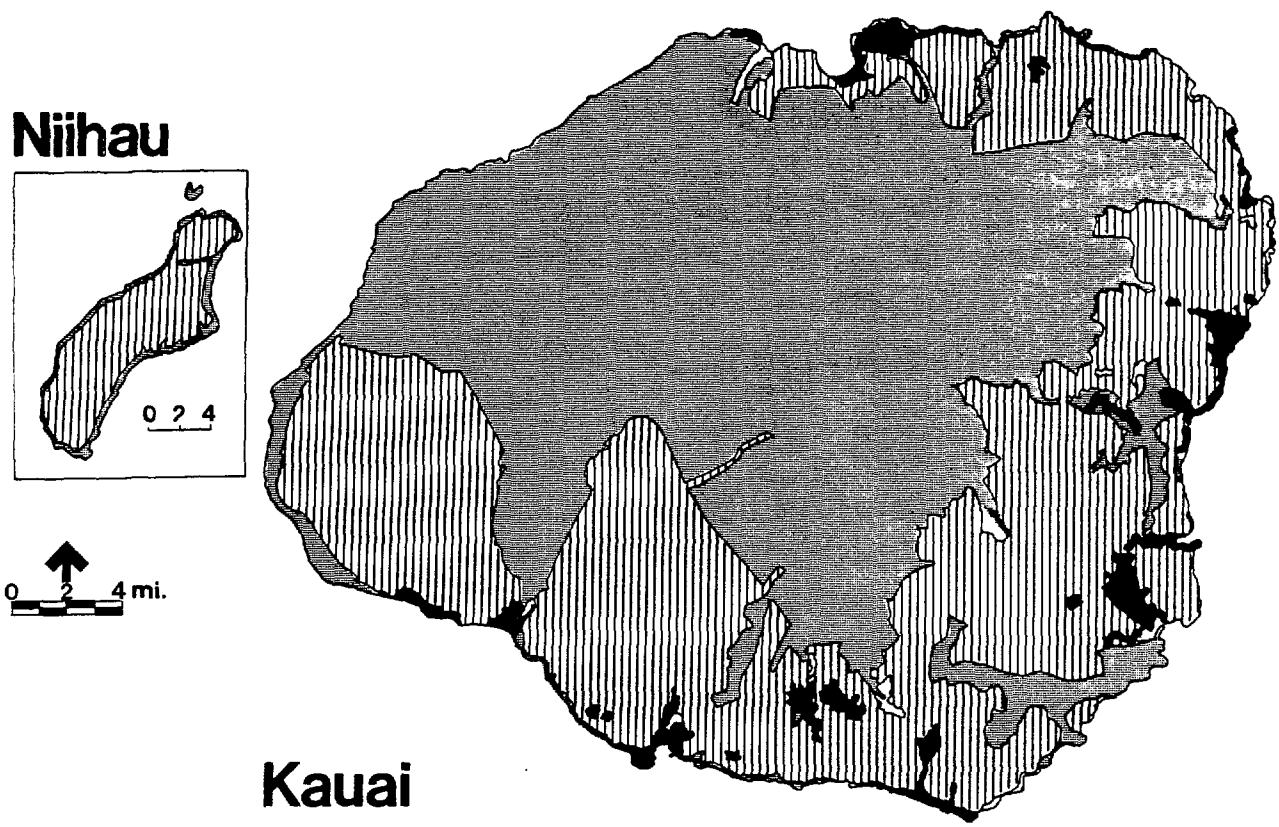
Agriculture

Conservation

MAP 7

HAWAII COASTAL ZONE MANAGEMENT PROGRAM
STATE LAND USE DISTRICTS

dept. of planning & economic development



Urban

Rural

Agriculture

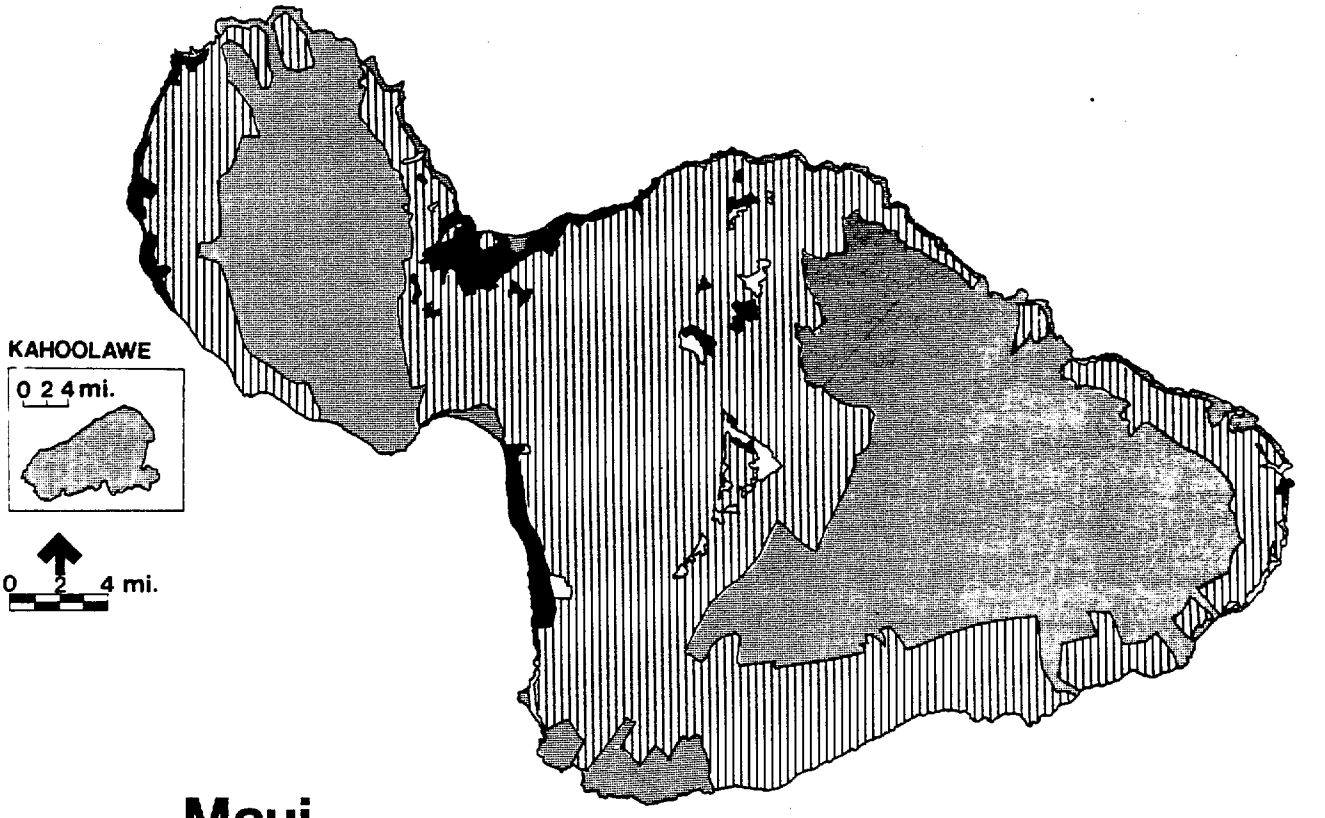
Conservation

MAP 8

HAWAII COASTAL ZONE MANAGEMENT PROGRAM

STATE LAND USE DISTRICTS

dept. of planning & economic development



Maui

Urban

Rural

Agriculture

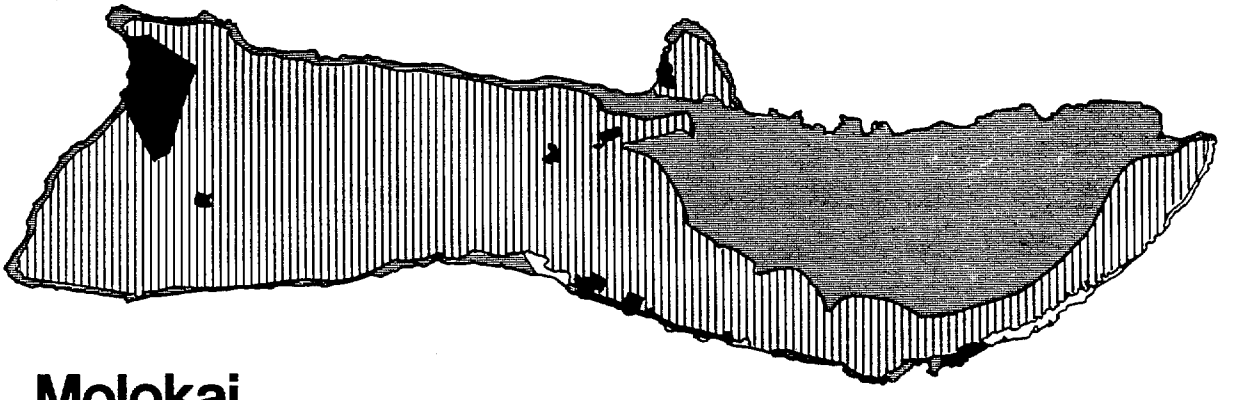
Conservation

MAP 9

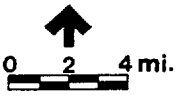
HAWAII COASTAL ZONE MANAGEMENT PROGRAM

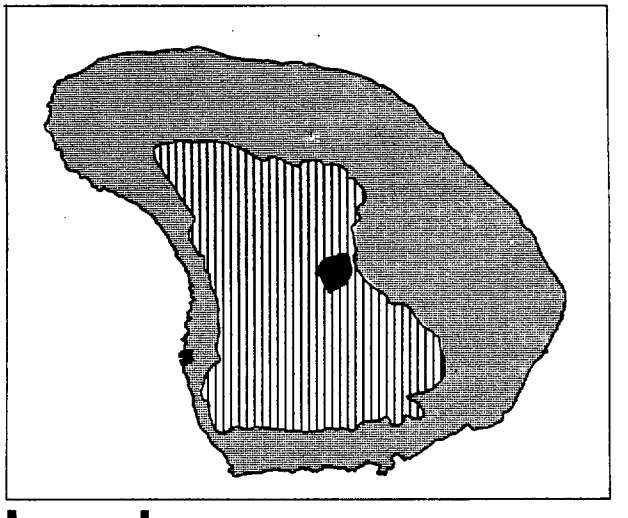
STATE LAND USE DISTRICTS

dept. of planning & economic development



Molokai





Lanai

Urban

Rural

Agriculture

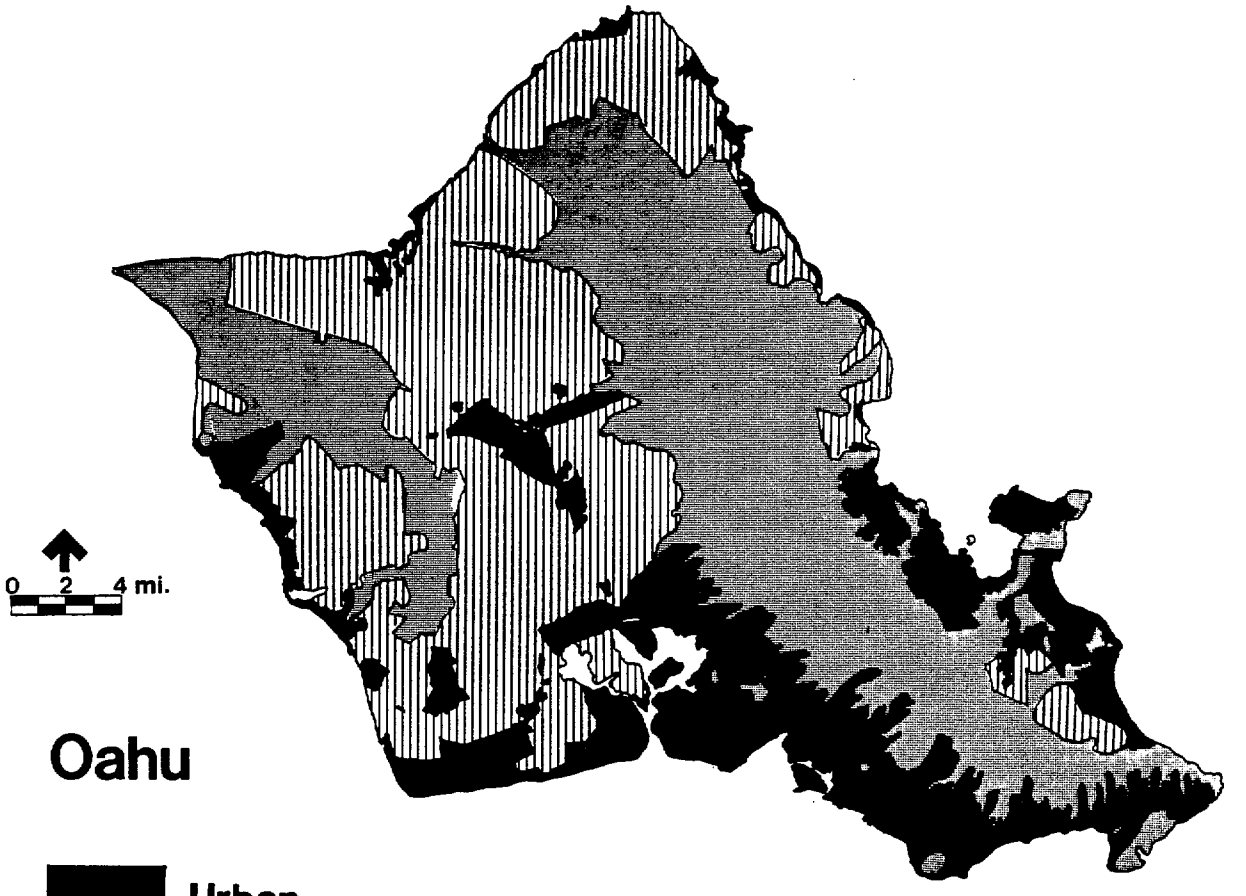
Conservation

MAP 10

HAWAII COASTAL ZONE MANAGEMENT PROGRAM

STATE LAND USE DISTRICTS

dept. of planning & economic development



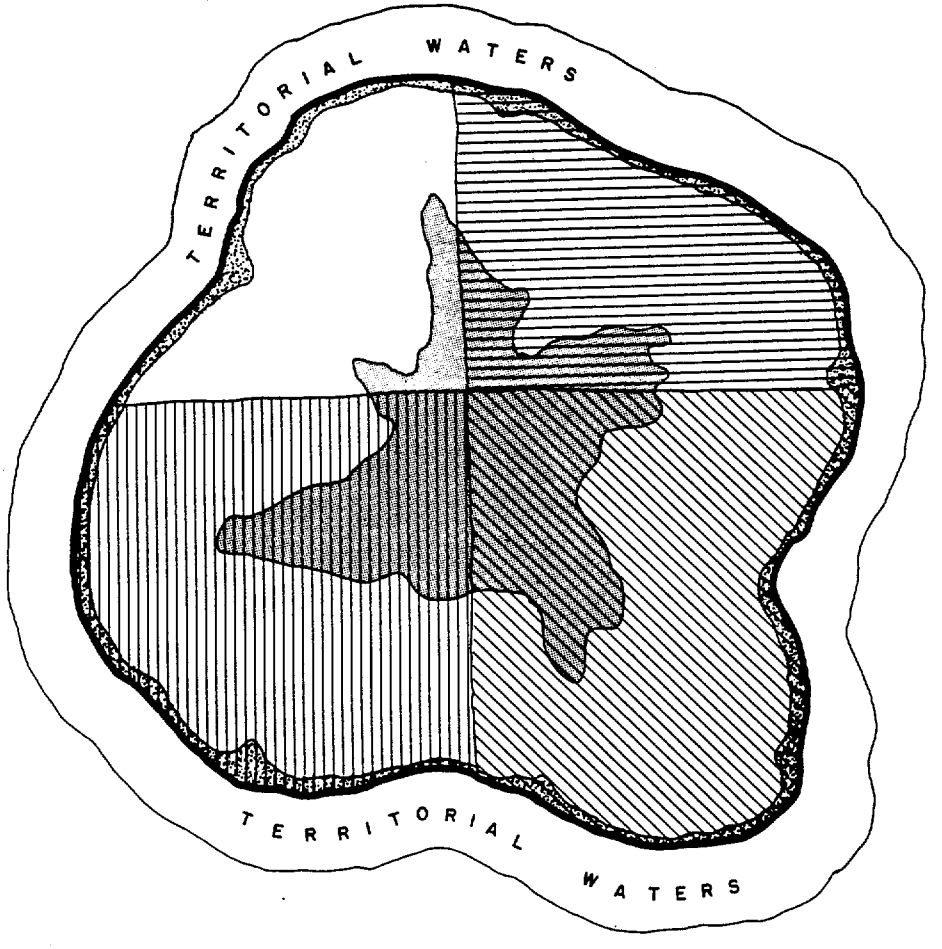
MAP II

HAWAII COASTAL ZONE MANAGEMENT PROGRAM

STATE LAND USE DISTRICTS

dept. of planning & economic development

FIGURE 1



SCHEMATIC MODEL OF HAWAII'S LAND AND WATER USE CONTROL SYSTEM

LEGEND

- URBAN LAND USE DISTRICT
- RURAL LAND USE DISTRICT
- AGRICULTURAL LAND USE DISTRICT
- CONSERVATION LAND USE DISTRICT
- FOREST RESERVE
- SPECIAL MANAGEMENT AREA

safety, and welfare. Table 3 summarizes the current permissible uses by land use district as defined by the Commission. Any uses not expressly permitted are considered to be prohibited.

The characteristics of Table 3 are readily apparent. Permissible uses in the urban districts are defined largely by the Counties through their ordinances and regulations but subject to constraints and conditions imposed by the Commission at the time the land is classified as urban. Permissible uses within the agricultural and rural districts are defined within the LUC rules and regulations. Permissible uses within the conservation district have been delegated to the Department of Land and Natural Resources (DLNR), subject to constraints and conditions imposed in the Land Use Law. For a more detailed treatment of permissible uses allowed under each land use district and as specified by DLNR Regulation No. 4, see Appendixes 9 and 10.

While the Land Use Law sets forth the general categories of permissible land uses, these uses are only permissible at specific sites in the coastal zone to the extent that they are consistent with applicable CZM objectives and policies, and those laws cited in the Network in Chapter 2 and Table 5 in Chapter 5. These laws provide constraints on the types of uses that are permitted and the specific conditions under which such uses will be allowed within the Hawaii CZM area.

It should be noted that permissible uses on the marine side are those granted by the DLNR (Chapter 171, HRS), the Department of Transportation (DOT) (Chapter 266, HRS) and the Department of Health (DOH) (Chapter 342, HRS) through their enforcement and permit-granting responsibilities. All uses which degrade or deplete marine resources are prohibited in the territorial waters except by special-permit or license. The only exception is recreational fishing which is governed by regultions regarding the means of taking fish. As a result, non-consumptive recreational uses of marine areas have the highest priority and consumptive or extractive activities have the lowest priority.

SMA Permissible Uses

Permissible uses within the more intensely managed Special Management Areas (SMA's) are identified by the regulatory requirements of the Shoreline Protection Act of 1975 (part II of the Hawaii CZM Act of 1977). Specific uses are defined by the term development which means:

> ...on land, in or under water, any of the following, the total cost of fair market value, of which exceeds $25,000 or which significantly affects the coastal zone, taking into account potential cumulative effects:
>
> a. The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;

TABLE 3
SUMMARY OF PERMISSIBLE USES
ALLOWED UNDER STATE LAND USE LAW

LAND USE DISTRICT CLASSIFICATION	PERMITTED USES
Urban District	Any and all uses permitted by County ordinance or regulations, subject to any conditions imposed by the Commission.[1]
Agricultural District	Crop cultivation; livestock, fish and game propagation; farm buildings or activities; public institutions necessary for agricultural practices; "open area" recreation uses; utility lines, roadways, and appurtenant small buildings ancillary to agricultural practices; sites of historic or scenic interests; and roadside stands for sale of agricultural products.[1]
Rural District	Any and all uses relating to permitted agricultural uses; low density residential uses with a minimum lot size of one-half acre.[1]
Conservation District	Protective "P" Subzone -- Establishment and operation of sanctuaries and refuges, wilderness and scenic areas, and historic and archaeological sites; programs for vegetation, animal, and marine population control; and recreational, research, and educational uses which require no physical facilities. Limited "L" Subzone -- All uses allowed under "P" above as well as forestry, flood, erosion, or siltation projects and emergency communications systems. Resource "R" Subzone -- All uses allowed under "P" and "L" above as well as aquaculture, artificial reefs, and commercial fishing operations. General "G" Subzone -- All uses allowed under "P," "R," and "L" above as well as surface and groundwater facilities.[2]

[1]State Land Use Commission Rules and Regulations

[2]Department of Land and Natural Resources Regulation No. 4

b. Grading, removing, dredging, mining, or extraction of any materials;

c. Change in the density or intensity of use of land, including but not limited to, the division or subdivision of land;

d. Change in intensity of use of water, ecology related thereto, or of access thereto;

e. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public utility, and the extensive removal of vegetation, except crops.

Whenever any of the above described activities is or may become a part of a larger project, the total cost or fair market value of the activity for the purposes of this chapter shall be the total cost or fair market value of this larger project. Development does not include construction, repairs or maintenance of a single family residence which is not a part of a larger development (Section 205A-22).

The term structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aquaduct, telephone line, and electrical power transmission and distribution line (Section 205A-22).

Coastal resource considerations are assured for each development since issuance of State and County development permits within the SMA is contingent upon the approval of the SMA permit (Section 205A-29d).

As specified in the 1977 Hawaii CZM Act, the determination of permissible uses is made through an evaluative process utilizing performance standards or guidelines to which each development is subject (Section 205A-26). As shown in Table 4, this evaluation includes but is not limited to, consideration of access, public recreation, solid and liquid waste treatment, alterations to existing land forms, and the cumulative impacts of individual developments.

PRIORITY OF USES

Permissible uses of land and water resources in the coastal zone are inextricably bound together with the priority of uses in the coastal area. Section 305(b)(5) of the National CZM Act requires that the State include in its management program a priority of uses in particular areas, including those uses of lowest priority as based upon broad guidelines.

Priority of uses regarding Hawaii's Areas of Particular Concern can be found in Chapter 3 and Appendixes 4, 5, 6, and 7. It should be noted, however, that the implementation of the objectives, policies, and guidelines established in the State Land Use Law and the Hawaiii CZM Act of 1977 result in use priorities which apply throughout the coastal zone and which serve as a common reference point for the resolution of land and water use conflicts.

TABLE 4 GUIDELINES FOR DEVELOPMENT REVIEW IN THE SMA

The 1977 Hawaii CZM Act provides that all development within the SMA be subject to reasonable terms and conditions to ensure:

(1) Adequate access to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles.

(2) Adequate and properly located public recreation areas and wildlife preserves are reserved.

(3) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon the management area resources.

(4) 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.

The 1977 Hawaii CZM Act provides that no development in the SMA shall be approved unless the SMA permit authority has first found:

(5) That the development will not have any substantial adverse environmental or ecological effect except as such effects are clearly outweighed by considerations of 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.

(6) That the development is consistent with the findings and policies set forth in the Act.

The 1977 Hawaii CZM Act also provides that the SMA permit authority shall seek to minimize, where reasonable:

(7) Dredging, filling or otherwise alteration of any bay, estuary, salt marsh, river mouth, slough, or lagoon.

(8) Any development which would reduce the size of any beach or other area usable for public recreation.

(9) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the shoreline management area and mean high tide line where there is no beach.

(10) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.

(11) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

USES OF REGIONAL BENEFIT

The National CZM Act requires State authority to assure that "local land and water use regulations ... do not unreasonably restrict or exclude land or water uses of regional benefit" (Section 306(e)(2)). This requirement needs special interpretation as applied to the Hawaii context. Inasmuch as Hawaii has a simplified local government structure of only four Counties, each of which covers an entire island or several islands, the concept of "regional" benefit must be applied somewhat differently for the Hawaii CZM Program. As such, this provision of the National Act should be interpreted to apply to land and water uses of Statewide benefit or of benefit to more than one County.

Identification of Uses of Regional Benefit

The objectives and policies of the Hawaii CZM Act of 1977 have as their foundation the protection and enhancement of coastal resources which are all of greater than local significance. In this regard, there are several types of activities which use and/or require locations near the coast. Examples of uses which have impacts beyond a County's jurisdiction and could be thought of as "beneficial" include:

- Scientific field research. Examples include astronomy and volcanic observation studies conducted by the University, wetlands studies undertaken by the U.S. Army Corps of Engineers, endangered species studies conducted by the DLNR, and the NARS Commission investigation and surveys;
- Marine related research facilities. Examples include the University of Hawaii's Pacific Biomedical Research Center and J.K. Look Laboratory of Ocean Engineering at Fort Armstrong; the Hawaii Institure of Marine Biology on Coconut Island; and aquaculture research and experiment stations such as the Anuenue Fisheries Research Center at Sand Island; and the Oceanic Institute at Makapuu Point;
- Energy research and development facilities. Examples include the Hawaii Natural Energy Laboratory on the Kona Coast of Hawaii for Ocean Thermal Energy Conversion (OTEC) research; the hydroelectric power plants on Kauai, Maui, and the Big Island; the combined municipal and agricultural solid wastes power conversion plants pro-proposed for Oahu; the geothermal energy conversion test site in the Puulena Crater area of Puna on the Big Island; the biomass conversion facilities on Maui and the Big Island; and proposed energy conversion facilities for indigenous renewable energy resources that show excellent potential for meeting a significant percentage of Hawaii's future energy needs to include wind, waves, tides, currents, osmotic salinization, and solar resources.

- Extraction or other commercial development of minerals or any living resource in, on or under State-controlled land or waters. Examples include sand, manganese nodules, lava rock, and ferrous bauxite mining; aquaculture forestry and fisheries resources; coral harvest; and the Hawaiian Tuna Packers Association processing and canning plant at Kewalo Basin;
- Intra-state or international communications and transportation facilities. Examples include the communications network facilities of COMSAT and PEACESAT and telephone television service transoceanic cables; airports, highways, and small boat harbors; and deepdraft ports and ancillary facilities, including Honolulu and Barbers Point deepdraft harbors and the Food Distribution Center and container off-loading facilities at Fort Armstrong;
- Mineral or fuel processing or transshipment facilities. Examples include the manganese nodule mining and processing plant proposed for the Big Island; jet fuel and gasoline refining; storage and distribution facilities; other facilities which require locations on or near deepwater ports; and
- National Defense and coastal protection facilities. Examples include the facilities of the Pacific Headquarters for U.S. Armed Forces, the U.S. Coast Guard, the civil defense warning system and aerospace launching and tracking facilities.

Techniques and Authorities Relating to Uses of Regional Benefit

In assuring that local land and water use regulations within the coastal zone will not unreasonably restrict or exclude land and water uses of regional benefit, the Hawaii CZM Program will utilize the following techniques and authorities:

1. The provision of adequate sites to accommodate present and future uses of regional benefit through the exercise of State acquistion and regulatory powers. At present, Hawaii has direct State control over 96% of its total land area through the exercise of its State regulatory and acquisition powers within the conservation, agricultural, and rural districts (see page 67). In addition, the State Land Use Commission has authority to condition uses in its reclassification of future urban districts. Given this unusual State authority and land jurisdiction characteristic, an adequate supply of potential sites can and will be made available to accommodate uses of regional benefit since most of Hawaii's land are not restricted by local land and water use regulations.

2. The exercise of administrative and judicial remedies. The cause of action provision of the Hawaii CZM Act of 1977 (Section 205A-6), which overlays many of the State's present urban districts, gives standing to agencies or individuals to bring action against any State or County agency which allegedly violates the objectives and policies of the Act. In addition, there are other judicial and administrative remedies as described in Chapter 5 (pages 92-95) and Appendix 11 which can and will be invoked as appropriate to assure that local regulations do not unreasonably restrict or exclude uses of regional benefit.

CHAPTER 5
AUTHORITIES AND ORGANIZATION

The National CZM Act of 1972 requires that States demonstrate that they have adequate authority to carry out State CZM objectives and policies. These authorities must include the ability to administer and enforce land and water use regulations in conformance with the objectives and policies of the management program; resolve conflicts among competing uses; acquire appropriate property interest; and control uses, areas, and developments subject to the management program. In addition, States are required to develop appropriate organizational structures and administrative arrangements to implement State CZM objectives and policies and help coordinate the various State authorities in the coastal zone.

AUTHORITIES

The Hawaii CZM Act of 1977 creates a basis for a network of authorities, e.g., statutes, ordinances, rules, and regulations, to achieve and implement the objectives and policies of the Act. This is essential, inasmuch as the Legislature is reluctant to create new authorities given the large number that already exist in the State's coastal zone.

The Hawaii CZM Program incorporates many of these authorities into the management program. These authorities are a primary means of carrying out the objectives and policies in accordance with the implementation and compliance sections of the Hawaii CZM Act of 1977 (Sections 204A-4 and 205A-5) and in meeting the authorities requirements of the National CZM Act noted above. Section 306(e)(1) of the National CZM Act requires that each State select one or a combination of any three techniques for control of land and water uses within the coastal zone. In this regard and as noted in the next sections, the Hawaii CZM Program employs a combination of State controls (direct State land and water use planning and regulation and controls implemented by County agencies (State establishment of criteria and standards for local implementation subject to State administrative review and enforcement of compliance).

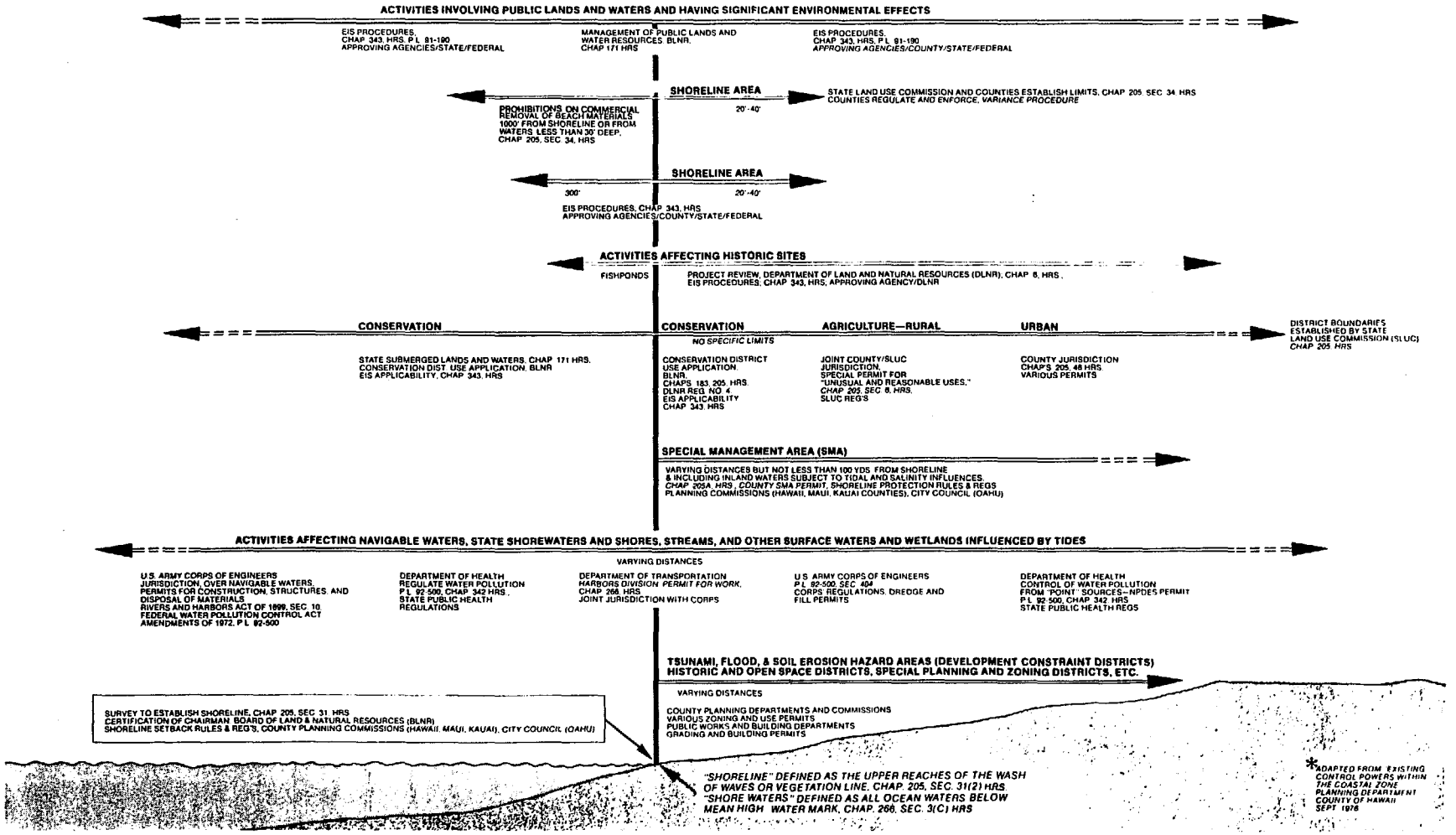
State Controls Included as Part of the Hawaii CZM Program

In regard to the degree of the State control over land and water uses it may suffice to reiterate the findings of the 1977 Legislature:

> . . . The Legislature finds that Hawaii's coastal environment is both undermanaged and overregulated; that new regulatory mechanisms must not be added onto, but rather combined with existing systems.

This finding is best illustrated by Figure 2 which depicts the basic controls over land and water uses already in existence. State land and water use controls included as part of the

FIGURE 2 EXISTING AUTHORITIES OVER LAND AND WATER USES



Hawaii CZM Program are shown in Table 5, the Authorities Matrix, under the column marked "State Authorities" and further enforced and specified by implementing role and responsibility in the network contained in Chapter 2.

It should be noted that the most important means of control is established by Section 205A-Part I of the Hawaii CZM Act of 1977 which stipulates the objectives, policies, and guidelines which were enacted by the Legislature to be binding upon the actions within the CZM area by all agencies (to include any agency, board, commission, department, or officer of a County or State government). All agencies are required to amend their regulations, as may be necessary, to comply with the objectives and policies of the Hawaii CZM Act of 1977 and the guidelines enacted by the Legislature (Section 205A-5). The lead agency conducts a continuing review of the administration of the CZM Program and of the compliance of State and County agencies. It does the same with respect to State programs impacting the coastal waters.

State-Mandated County Regulatory Programs Included as Part of the Hawaii CZM Program

Hawaii is unique among the States in having a series of State-mandated County regulatory programs, several of which are related to the Hawaii CZM Program. Among these are: (1) County permits through an approval-variance procedure for coastal-related development in a 40-foot coastal setback area, Chapter 205-32, HRS; (2) County erosion control programs, subject to review and approval by the Department of Health, Chapter 180C, HRS; and (3) County programs for the provision of beach access and park dedication, Chapter 46-6, HRS.

The most important County regulatory control is established in Section 205A-Part I of the 1977 Hawaii CZM Act which stipulates the objectives, policies, and guidelines to which the Counties must adhere in their administration of the SMA in the implementation of the Hawaii CZM Program.

The Counties ensure compliance with those policies through the issuance of a development permit pursuant to Section 205A-28. Specific land or water use falling under the definition of development (see page 74, SMA Permissible Uses) require an SMA permit. In addition to meeting the CZM objectives and policies, certain terms and conditions (standards and criteria) may also be placed upon these developments. Counties have set up specific regulatory procedures for administering the SMA permit and each responsible County Planning Agency identified in this program should be consulted prior to any proposals for development in the SMA.

An example of the SMA permit procedure is shown on Table 6 in which the City and County of Honolulu SMA permit process is depicted which includes the potential requirement for an environmental impact statement. Appendix 12 includes an example of an existing ordinance relating

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
RECREATIONAL RESOURCES		
OBJECTIVE: Provide coastal recreation opportunities accessible to the public.	DLNR: HRS 171, 115, 173A DPED: HRS 201 LUC: HRS 205 All Agencies: HRS 344, 101	HRS 46-6 & Relevant County Regs HRS 46-6.5 & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 1: Improve coordination and funding of coastal recreation planning and management.	DLNR: HRS 173A DOH: HRS 266 DPED: HRS 201, Act 69, SLH 1974	
POLICY 2: Provide adequate, accessible, and diverse recreational opportunities in the coastal zone by: (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas; and	DLNR: HRS 173A, 191 DOH: HRS 180C LUC: HRS 205 DOT: HRS 266	HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
(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; and	DLNR: HRS 173A LUC: HRS 205	
(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value; and	DLNR: HRS 115, 171, 173A DOT: HRS 266 DPED: Act 69, SLH 1974	HRS 46-6 & Relevant County Regs HRS 205A & Relevant County Regs
(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation; and	DLNR: HRS 184, Parks Reg 1 DOT: HRS 266 DOH: HRS 321, Reg 15	HRS 205A & Relevant County Regs
(v) Encouraging expanded public recreational use of County, State, and Federally-owned or controlled shoreline lands and waters having recreational value; and	DLNR: HRS 183, Reg 4 DPED: HRS 201	
(vi) Adopting water quality standards and regulating point and non-point sources of pollution in order to protect and where feasible, restore the recreational value of coastal waters; and	DOH: HRS 180C, 343, Regs 37, 37A, 38	HRS 180C & Relevant County Regs
(vii) Developing new shoreline recreational opportunities where appropriate, such as artificial reefs for surfing and fishing; and	DLNR: HRS 173A LUC: HRS 205	

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
RECREATIONAL RESOURCES		
(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the State Land Use Commission, Board of Land and Natural Resources, County councils, and County planning commissions and crediting such dedication against the requirements of Section 46-6, HRS.	LUC: HRS 205	HRS 205A & Relevant County Regs
HISTORIC RESOURCES		
OBJECTIVE: Protect, preserve, and, where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaii and American history and culture.	Constitution - Article VIII-5 DLNR: HRS 6, 173A, Reg 2 LUC: HRS 205 All Agencies: HRS 343, 344, 203-3, 101	HRS 57
POLICY 1: Identify and analyze significant archaeological resources.	DLNR: HRS 6, 173A DPED: HRS 201 All Agencies: HRS 343, 344	
POLICY 2: Maximize information retention through preservation of remains and artifacts or salvage operations.	DLNR: HRS 6, 184 LUC: HRS 205 All Agencies: HRS 343, 344	
POLICY 3: Support State goals for protection, restoration, interpretation, and display of historic resources.	Constitution - Article VIII-5 DLNR: HRS 6, 173A, 184, Reg 4 LUC: HRS 205 All Agencies: HRS 343, 344, 203-3	HRS 57
SCENIC AND OPEN SPACE RESOURCES		
OBJECTIVE: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.	Constitution - Article VIII DLNR: HRS 183, 184 DPED: HRS 201 LUC: HRS 205 All Agencies: HRS 343, 344, 101	HRS 57
POLICY 1: Identify valued scenic resources in the coastal zone.	DPED: HRS 201	HRS 57

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
SCENIC AND OPEN SPACE RESOURCES		
POLICY 2: Insure that new developments are compatible with their visual environment by designing and locating such developments so as to minimize the alteration of natural landforms and existing public views to and along the shoreline.	LUC: HRS 205	HRS 57
POLICY 3: Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources.	Constitution - Article VIII DLNR: HRS 173A, 184, 183 LUC: HRS 205 All Agencies: HRS 344	HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 4: Encourage those developments which are not coastal dependent to locate in inland areas.	Constitution - Article VIII LUC: HRS 205 All Agencies: HRS 343, 344	HRS 57
COASTAL ECOSYSTEMS[1]		
OBJECTIVE: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.	Constitution - Article X-1 DOH/DOA HRS 149A DLNR: HRS 173A, 183, 187, 191, Reg 4, 190, 195, 195D LUC: HRS 205 DPED: HRS 225 DOT: HRS 266 All Agencies: OEQC: HRS 341 HRS 101	HRS 205, Part II & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 1: Improve the technical basis for natural resources management.	DOH: HRS 180C, 342 DLNR: HRS 195 OEQC: HRS 341	HRS 180C & Relevant County Regs
POLICY 2: Preserve valuable coastal ecosystems of significant biological or economic importance.	DLNR: HRS 173A, 183, 187, 188 189, 190, 195, 195D Reg 6, 7, 32, 33, 40, 42 LUC: HRS 205 DOH: HRS 343, Reg 37A DOH/DOA: HRS 149A	HRS 205A & Relevant County Regs

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
COASTAL ECOSYSTEMS		
POLICY 3: 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.	DLNR: HRS 183 DOH: HRS 180C, 342 DOT: HRS 266	HRS 180C & Relevant County Regs HRS 205, Part II & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 4: Promote water quantity or 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.	DLNR: HRS 183, Reg 4 DOH: HRS 180C, 342, Reg 37A LUC: HRS 205 DPED: HRS 225 DOT: HRS 266 OEQC: HRS 341	HRS 180C & Relevant County Regs HRS 205 Part II & Relevant County Regs HRS 205A & Relevant County Regs
ECONOMIC USES		
OBJECTIVE: Provide public or private facilities and improvements important to the State's economy in suitable locations.	DLNR: HRS 171, 174, 176, 183 DPED: HRS 225, 206E, 196 DOT: HRS 279A All Agencies: HRS 344, 101	HRS 205 & Relevant County Regs
POLICY 1: Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy.	DLNR: HRS 171, 174, 176 LUC: HRS 205 DPED: HRS 225, 196 DOT: HRS 279A	
POLICY 2: Insure that coastal dependent development such as harbors and ports, visitor industry facilities, and energy generating facilities are located, designed and constructed so as to minimize adverse social, visual, and environmental impacts in the coastal zone.	LUC: HRS 205 DOT: HRS 266 DPED: HRS 206E, 196 All Agencies: HRS 343, 344	HRS 57 HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 3: Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of existing areas when: (i) Utiliting currently designated locations for such uses is not feasible; (ii) Adverse environmental effects are minimized; and (iii) It is important to the State's economy.	DLNR: HRS 171, 174, 176, 183 LUC: HRS 205 DPED: HRS 225 DOT: HRS 266, 279A All Agencies: HRS 343, 344	HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
COASTAL HAZARDS		
OBJECTIVE: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.	All Agencies: HRS 101 DLNR: HRS 179 Soil Conservation: HRS 180 DOH: HRS 180C DOT: HRS 266	HRS 180C & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 1: Develop and communicate adequate information on storm wave, tsunami, flood, erosion, and subsidence hazard.	DLNR: HRS 179 Soil Conservation: HRS 180	HRS 46 & Relevant County Regs HRS 62
POLICY 2: Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard.	DLNR: HRS 179 DOH: HRS 180C DOT: HRS 266	HRS 180C & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 3: Ensure that developments comply with requirements of the Federal Flood Insurance Program.	DLNR: HRS 179	HRS 46 & Relevant County Regs HRS 62 HRS 180C & Relevant County Regs
POLICY 4: Prevent coastal flooding from inland projects.	Soil Conservation: HRS 180 DOH: HRS 180C	HRS 180C & Relevant County Regs HRS 205A & Relevant County Regs
MANAGING DEVELOPMENT		
OBJECTIVE: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.	DPED: HRS 225 All Agencies: HRS 91, 92, 344	
POLICY 1: Effectively utilize and implement existing statutory authority to the maximum extent possible in managing present and future coastal zone development.	DPED: HRS 225 B&F: HRS 37	HRS 46 & Relevant County Regs
POLICY 2: Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements.	Council on Housing: Act 166, SLH 1976 B&F: HRS 37	HRS 46 & Relevant County Regs
POLICY 3: 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 and review process.	LUC: HRS 205 All Agencies: HRS 91, 92, 344	

FOOTNOTE

[1] Existing statutes, ordinances, and regulations also provide for the protection, utilization, and development of mineral resources and living marine resources. These include, but are not limited to, the following:

Mineral Resources - HRS 181, 173A, 180C, 205, 205A, DLNR Reg. 4

Living Marine Resources - HRS 173A, 191, 195, 195D, 205, 205A

AUTHORITIES CITATION

HRS** 6	Historic Objectives and Sites, Memorials
HRS 37	Budget
HRS 46-6	Parks Dedication
HRS 46-6.5	Public Access
HRS 46-11	Federal Flood Insurance
HRS 46-18	Intergovernmental Procedures Relating to Land Use
HRS 57	Urban Design
HRS 62	General Powers of County Officers
HRS 91	Administrative Powers
HRS 92	Public Agency Meetings and Records
HRS 101	Eminent Domain
HRS 115	Public Access to Coastal and Inland Recreational Areas
HRS 149A	Banning of Pesticides
HRS 171	Rights-of-Way to the Sea & Games Preserves
HRS 173A	Acquisition of Resource Value Lands
HRS 174	Water and Land Development
HRS 176	Water Resources
HRS 177	Ground Water Use
HRS 179	Flood Control & Flood Water Conservation
HRS 180	Soil and Water Conservation Districts
HRS 180C	Soil Erosion and Sediment Control
HRS 183	Forest Reservations, Water Development, Zoning
HRS 187	General Provisions Relating to Fish & Game
HRS 188	Fishing Rights and Regulations
HRS 189	Commercial Fishing
HRS 190	Marine Life Conservation Program
HRS 191	Birds and Mammals
HRS 195	Natural Areas Reserve System
HRS 195D	Conservation of Wildlife and Plants
HRS 196	Energy Resources
HRS 201	Department of Planning and Economic Development
HRS 203	Tourism Development
HRS 205	Land Use Commission
HRS 205, Part II	Shoreline Setback
HRS 205A	Coastal Zone Management
HRS 206E	Hawaii Community Development Authority
HRS 225	Policy Planning - State Plan
HRS 266	Regulations of Shore and Water
HRS 277	Energy Corridors
HRS 279A	Statewide Transportation Planning
HRS 341	Environmental Quality Control
HRS 342	Environmental Quality
HRS 343	Environmental Quality Commission and Environmental Impact Statement
HRS 344	State Environmental Policy

* Copies of a supplement, Legal Text of Authorities Cited in the Hawaii CZM Program Document, are available at the DPED or the Office of Coastal Zone Management.

** Hawaii Revised Statutes.

Act 69, SLH 1974	Statewide Trail and Access System
Act 166, SLH 1976	Council of Housing and Construction Industry
DLNR Reg. 4	Administration - Land Use Within Conservation Districts
DLNR Reg. 6	Administration - Relating to the protection, control, and use of the Waiakea 1942 Lava Flow Natural Area Reserve.
DLNR Reg. 7	Administration - Relating to the protection, control, and use of Ahihi-Kinau Natural Area Reserve, Island of Maui.
DLNR Reg. 1	State Parks Division - Relating to the regulation and control of the State Parks System.
DLNR Reg. 2	State Parks Division - Relating to historic and archaeological sites and permits to examine and excavate ruins thereon.
DLNR Reg. 1-40 and 42	Fish and Game Division - Those regulations dealing with the establishment, protection, and/or regulation of hunting on public lands; wildlife refuges, game bird hunting and commercial shooting preserves; new game birds and mammals; wild deer; indigenous, endangered, and introduced birds and/or mammals; bird and wildlife sanctuaries; freshwater fishing reserves, refuges, and public fishing areas; the taking of freshwater fishes, lobsters, mullets and the use of non-portable fish traps; the licensing and sale of fish, shellfish, crustaceans, or other marine animals; the taking of bait fish (nehu, iao, marquesan sardine, tabai, phia, and threadfin shad); the taking and/or protection of native pearl oyster, samoan crab, and clams; certain introduced shellfishes, octopus, ulua, papio, omilu, moi-lii, moi, oama, and marine turtles; game mammal hunting; and refuges, experimental sites and rearing stations for aquatic fauna and flora; and marine life conservation districts.
DOH Reg. 15	Recreational Trailer Camps
DOH Reg. 37	Water Pollution Control
DOH Reg. 37A	State Water Quality Standards
DOH Reg. 38	Sewage Treatment & Disposal Systems Standards

City & County of Honolulu

C&C RO 22	Subdivision
C&C RO23	Grubbing, Grading, Stockpiling
C&C Ord 4311	Public Access Requirements
C&C Ord 4529	Shoreline Management Permit
C&C Ord 4621	Park Dedication
C&C Ord 77-73	Central Coordinating Agency

Maui County

M Ord 789	Maui County Subdivision Ordinance (1974)
M Ord 816	Soil Erosion and Sediment Control (1975)
M Ord 885	Central Coordinating Agency
M R&R	Maui County Interim CZM Rules & Regulations

Kauai County

K Ord 164	Kauai County Comprehensive Zoning Ordinance
K Ord 175	Kauai County Subdivision Ordinance
K Ord 262	Kauai County Grubbing, Grading, Stockpiling, and Soil Erosion and Sedimentation
K R&R	Environmental Shoreline Protection Rules and Regulations
K R&R	Kauai County Shoreline Setback Rules and Regulations

Hawaii County

H Ord 168	Grading Ordinance
H Ord 301	Parks and Playgrounds
H Ord 305	Central Coordinating Agency
H Ord 439	Hawaii County General Plan
H Ch. 9	Subdivision Code
H R&R 8	Rules and Regulations Relating to Shoreline Setback
H R&R 9	Rules and Regulations Relating to Environmental Shoreline Protection

Table 6

Permit Procedure for the SMA

PROJECT DETERMINATION

(1) The development proposal, along with supporting documentation, is submitted to the Director of the Department of Land Utilization.
(2) Within 30 days, the Director determines whether the proposal:
- is exempt from the City ordinance;
- requires a minor permit;
- requires a shoreline management permit, but will have no significant effect on the Shoreline Management Area; or
- requires a shoreline management permit, and will have a significant effect on the Shoreline Management Area.

(3) The Director then issues a minor permit if he finds that the development proposal:
- has a total cost or fair market value not in excess of $25,000; and
- will not significantly affect the Shoreline Management Area.

(4) Or, the Director declares that a shoreline management permit is required, and files a negative declaration with the City Council* if he finds that the development proposal:
- has a total cost or fair market value in excess of $25,000; and
- will not significantly affect the Shoreline Management Area.

(5) Or, the Director declares a shoreline management permit is required and files an application preparation notice with the City Council**, regardless of the total cost or fair market value of the proposal if he finds that the development proposal may significantly affect the Shoreline Management Area. The application preparation notice is to contain all the information required in the notice for preparation of an Environmental Impact Statement (EIS).

APPLICATION PROCEDURE

(1) Upon receiving the determination of the Director, the proponent for the Special Management Area permit submits an application which includes:
- a completed application form;
- a copy of the negative declaration or an accepted EIS;
- any additional information as to areas of critical concern as required by the Director; and
- a filing and processing fee of $100. The fee is waived for public agency projects.

(2) Within 7 days of receipt of the above items, the Director is to notify the applicant of acceptance of the application for consideration.

PUBLIC HEARINGS

(1) A public hearing is to be set by the City Council no less than 21 days or more than 90 days after the date the application is accepted, unless the 90 day period is waived by the applicant.
(2) Notice of the public hearing is to be given to all property owners within 300 feet of the affected property and to property owners mentioned in the application. Newspaper notice of the public hearing is to be published at least 20 days in advance of the hearing.
(3) The public hearing is to be held in the Council district in which the development is proposed. When possible, it is to be held jointly and concurrently with any other hearing required for the same development proposal.

CITY COUNCIL ACTION

(1) Within 30 days after the conclusion of the public hearing, the City Council is to reach a decision on the permit application.
(2) No City or State agency is to issue permits for a development proposal in the Shoreline Management Area unless:
- it has received a special permit from the Director of Land Utilization;
- or is exempt according to this ordinance;
- or has received approval first from City Council.

(3) In cases of emergency, special permits are to be made available.

*and with the Environmental Quality Commission if required under State EIS law.
**along with an EIS preparation notice with the Environmental Quality Commission if required under State EIS law.

to the regulation of the SMA for the City and County of Honolulu on Oahu. Also included are sample permit application forms.

These State-mandated County controls included as part of the Hawaii CZM Program are shown in Table 5, Authorities Matrix, under the column marked "State-Mandated County Authorities" and are further referenced and specified by implementing role and responsibility in the network contained in Chapter 2.

Authorities for Property Acquisition

The State has the power to acquire fee simple or lesser interests in the coastal zone when necessary to carry out the CZM Program. The most important authority is vested in the DLNR (Chapter 184-3, HRS). Under this authority, the DLNR may:

1. Acquire land in the name of the State or any lesser interest by agreement, gift, devise, base, or condemnation.
2. Acquire or condemn rights appurtenant to abutting property.
3. Cooperate with Counties in acquisition of land at fee simple or lesser interests.

The overall statutory authority for eminent domain is vested in both the State and Counties (Chapter 101, HRS). In addition to the DLNR, other State agencies with this authority include the Department of Transportation for transportation and harbor facilities, and the Department of Agriculture for certain kinds of agricultural and aquaculture purposes in the public interest. See Table 5, Authorities Matrix, regarding the use of those acquisition powers relative to the Hawaii CZM Program objectives.

COMPLIANCE MECHANISMS

Although the primary means of control of land and water uses in Hawaii's coastal zone is direct State authority in land and water planning and regulation, the following administrative, judicial, and legislative review techniques and enforcement mechanisms will also be employed in implementing the management program and in resolving use conflicts.

Administrative Review for Compliance

The DPED is vested with several on-going administrative review and conflict resolution responsibilities which are mandated by Federal and State legislation and which will be used in assuring State and County agency compliance with the Hawaii CZM Program. These include:

State CZM Reviews and Reporting Requirements -- The Hawaii CZM Act of 1977 established a special review responsibility of the DPED in the seaward portion of the CZM area. Similarly, the DPED is mandated to conduct a continuing review of State and County agency activities in the landward portion to ensure their compliance with the objectives and policies of the Hawaii CZM

Act of 1977. Furthermore, the DPED is responsible for reviewing and approving SMA boundary amendments for consistency with the program objectives and policies. Finally, the DPED will prepare an annual report to the Governor and the Legislature on the implementation of the Hawaii CZM Program as mandated by the Hawaii CZM Act of 1977. Recommendations for changes in or additions to policies and laws will be incorporated in the annual report.

Federal Consistency Review -- The DPED also has the responsibility for monitoring Federal actions for consistency with Hawaii's CZM Act and will continue to utilize an established review mechanism, namely, the OMB A-95 process, which covers all Federally assisted projects, for that purpose. (See below on the A-95 process.) In addition, the DPED will review the Federal license and permit activities listed in Appendix 13. (See page 121 for a more detailed discussion on Federal consistency.)

On-going Intergovernmental Consultation -- Representatives from Federal, State, and County agencies, as well as private interest groups, will continue to meet with the Hawaii CZM Program staff, ensuring continuity in consultation and plan coordination. In addition to providing input to the on-going program refinement, this consultation process serves as a major mechanism for conflict resolution.

A-95 Project Notification -- Pursuant to Office of Management and Budget (OMB) Circular A-95, Hawaii has established the State Clearinghouse in the DPED to administer the Project Notification and Review System for Federal categorical grant and loan programs which the OMB has determined as having significant impacts on community development. These programs include activities that are undertaken directly by Federal agencies as well as Federal permits which may affect State and local government activities. State Clearinghouse review and approval of funding proposals relating to these programs are prerequisites to Federal financial assistance. This requirement extends to more than 200 Federal programs and may be further expanded by the OMB as programs are added or altered.

Applicants for funding assistance covered by these programs are required to submit to the State Clearinghouse a Notification of Intent to Apply for Federal Assistance adequately describing the scope of the proposal as well as the interrelationships of the project with other plans and programs within the State. The DPED refers this notification to appropriate Federal, State, and County agencies for comment and advice in addition to conducting its review of the proposal for consistency with the State Plan and with the objectives and policies of the Hawaii CZM Program. If non-compliance is determined, the DPED will recommend non-approval to both the applicant and the Federal funding agency.

Since the establishment of this system in 1969, the DPED has reviewed numerous Federal grant proposals. Thus far, this system has demonstrated its value and success in assuring maximum coordination and consistency among the numerous and varied activities within the State. The DPED, therefore, will continue to utilize this established administrative review process to assure the maximum coordination and conformance of activities with the objectives and policies of the Hawaii CZM Program.

Capital Improvements Program (CIP) -- The DPED is responsible for setting the policies and priorities for State capital improvement projects for Hawaii, including the expenditure of CIP appropriations. In Hawaii, State capital improvements include such projects as schools, health facilities, and most transportation facilities. The CIP will be reviewed by the DPED for compliance with the CZM Program.

If the staff finds a proposed capital project is not in compliance with CZM Program objectives and policies, it will not recommend release of funds by the Governor.

Judicial Enforcement of Compliance

The primary legal basis for enforcing compliance with the Hawaii CZM Program is the cause-of-action provision of the Hawaii CZM Act of 1977 (Section 205A-6). This provision authorizes any State or County agency, any individual, or any organization to bring an action against any State or County agency alleging that the objectives and policies of the 1977 Hawaii CZM Act have not been followed by that agency, or that an obligation or responsibility imposed by the Act has not been met.

Because a cause-of-action can be brought to enforce the Hawaii CZM Act's objectives and policies, this provision makes these objectives and policies applicable to all State and County agencies' programs now operating in the water and the SMA, and to those SMAs as amended in the future in accordance with Section 205A-23. The cause-of-action provision was modeled on the citizen-suit provision found in the National Clean Air Act.

It should be noted that the DPED as lead agency is authorized to bring an action under this provision as well as to intervene as a party in any action brought by another agency, individual, or organization.

With respect to those authorities incorporated as part of the Hawaii CZM program but operating outside of the SMA and State waters, it should be noted that the following citation provides for the Attorney General to enjoin or prohibit through the Circuit Courts any violation of the laws of the State or of the ordinances of the several Counties:

"Section 603-23 Injunction of violation of laws and ordinances. The circuit courts shall have power to enjoin or prohibit any violation of the laws of the State, or of the ordinances of the various counties, upon application of the attorney general, the director of the office of consumer protection, or the various county attorneys, corporation counsels, or prosecuting attorneys, even if a criminal penalty is provided for violation of the laws or ordinances. Nothing herein limits the powers elsewhere conferred on circuit courts."

While not conferring standing on either individuals or organizations, it is nevertheless a supplementary remedy which could be used by the State in assuring that the authorities included as part of the Program are implemented in accordance with their respective statutory mandates.

Other judicial remedies that are available against state and local governments include:

1) "Declaratory Judgements" -- As authorized by the State Administrative Procedures Act (Chapter 91-7, HRS), this remedy allows "persons" to seek declarations of the court that an agency rule violates the agency's statutory mandate;

2) "Injunction" -- This remedy, which is within the court's inherent powers, prevents the adoption of an agency rule or regulation which is inconsistent with the agency's statutory mandate; and

3) "Intervention by the Attorney General" -- Chapters 26-7 and 28-2, HRS, mandates the State Attorney General to be vigilant and active in detecting offenders against the laws of the State and in prosecuting with diligence cases involving violation of State laws. This broad mandate is particularly useful in assuring that State and County authorities included as part of the Hawaii CZM Program are effectively implemented and enforced in accordance with their respective statutory mandates.

For a more detailed legal analysis of these three specific remedies, see Appendix 11. It should be noted that the above methods would be available, in addition to the Cause of Action, to enforce the CZM objectives and policies which are also statutory mandates.

Legislative Review

The Hawaii Legislature, in addition to enacting CZM legislation in 1973, 1975, and 1977, provided for a continuing review and evaluation of the Program on an annual basis and in adopting program guidelines. It should also be noted that the Legislature also plays an important role in appropriating matching funds to implement the Section 306 phase of the Program.

ORGANIZATIONAL STRUCTURE

The National CZM Act requires that state CZM programs meet requirements for organizational structure, including a discussion of those agencies that will have responsibility for administering, enforcing, and/or monitoring the authorities or techniques incorporated in the Hawaii CZM Program.

Lead Agency Designation

The DPED has been the lead agency ever since Hawaii entered the CZM Program. Both the Governor and the Legislature so designated the DPED by executive order and by statute in 1973. The DPED was further designated as permanent lead agency for the CZM Program in the Hawaii CZM Act of 1977.

As lead agency for Hawaii's CZM Program, the DPED assumes both general functions as an administrative agency and statutory functions mandated specifically in the Hawaii CZM Act of 1977 as shown in Table 7. These mandates, which are reflective of functions required by the National CZM Act, include not only fiscal and administrative responsibilities, but also call for coordinating the organizational network and reviewing State and County agency compliance with Hawaii's CZM Program.

These additional responsibilities are further specified by the requirements in the Hawaii CZM Act of 1977 that all State and County agencies review their regulations and amend them as necessary to comply with the CZM objectives and policies, and that the Counties review and amend as necessary their SMA boundaries.

Organization Network

Many State and County agencies have responsibilities that will be utilized in the effectuation of Hawaii's CZM objectives and policies. The Authorities Matrix, Table 5 on page 84, relates agency responsibilities to specific Hawaii CZM policies by objective category. The management network in Chapter 2 provides an indication of the interrelations between public agencies in carrying out the Hawaii CZM program activities.

State Agencies -- The following description outlines the major actions and functions of those State agencies with the greatest role in the implementation and administration of the Hawaii CZM Program:

The Department of Planning and Economic Development (DPED) -- In addition to responsibilities associated with CZM lead agency functions (see Table 7), the DPED directs the State's comprehensive planning process, including the preparation of the State Plan; administers the Capital Improvements Program (see page 94); coordinates tourism planning; houses the State Energy Office (see page 111); and develops the technology assessment programs on aquaculture, alternative energy sources, and manganese nodules. The Hawaii Community Development Authority, which manages the Kakaako APC (see page 62), is also part of the DPED.

The Land Use Commission (LUC) -- Although the Commission has its own staff, it is placed in the DPED for administrative purposes. The DPED Land Use Division represents the

TABLE 7

FUNCTIONS ASSIGNED TO THE DPED AS LEAD AGENCY

1. General

   a. Overall administration of coastal zone program.

   b. Coordination of Federal, State, and local programs with coastal zone program.

   c. Authority, responsibility, and accountability for implementation of Federal and State coastal zone legislative policies and acts, to include estuarine sanctuary, energy facilities siting, and shoreline access and erosion program components.

2. Statutory

   a. Fiscal and administrative responsibilities for Sections 305, 306, 307, and other Federal and State funds relating to coastal zone management.

   b. Technical assistance and support to public and private agencies to implement program.

   c. Management of Federal consistency provisions for designated programs, permits, licenses, and developments.

   d. Special review responsibility for seaward boundary area programs of the State.

   e. Continuing review of compliance by State and County agencies.

   f. Review of all SMA boundary amendments and determination of their adequacy in relation to CZM objectives and policies.

   g. Long range public awareness and involvement program.

   h. Preparation of new guidelines for 1978 Legislature in consultation with Counties and citizens.

   i. Annual report and recommended changes in laws and policies to Governor and Legislature.

State's position before the Commission. The LUC is responsible for the the classification of all lands into one of four land use districts (see page 67), administers requests for changes in those district boundaries, and approves special use permits in the agricultural and rural districts. In addition the LUC may place conditions on the amendment of a district boundary or land reclassification.

The Department of Land and Natural Resources (DLNR) -- Through the five divisions of the DLNR, parks, historic sites, forests, fish and game reserves, State coastal waters, and all other public lands are managed and administered under the direction of the Board of Land and Natural Resources, whose Chairman is the director of the DLNR. In addition to regulating uses in the conservation district (see page 67 and Appendix 10), the DLNR also administers two programs which Hawaii uses to manage areas of particular concern: the Natural Area Reserve System and the Marine Life Conservation District (see page 63). The DLNR also prepares the State Comprehensive Outdoor Recreation Plan (SCORP).

The Department of Health (DOH) -- The DOH is the primary implementer of pollution controls relating to the Hawaii CZM Program. The DOH not only enforces State air and water pollution control regulations (see page 121), but also conducts programs which: 1) monitor air and water quality, 2) assign priorities and certify sewage projects for construction eligibility, and 3) issue permits for sewage treatment facilities and effluent outlets. Development of Hawaii's 208 Areawide Waste Treatment Management program by the DOH is being conducted in close cooperation with the Hawaii CZM Program.

The Office of Environmental Quality Control (OEQC) and the Environmental Quality Commission -- The 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.

The Department of Transportation (DOT) -- Transportation facilities including highways, airports and harbors are maintained and operated by the DOT. The DOT equips and regulates the State's system of harbors and related facilities; designs, acquires and constructs new and expanded harbors and facilities; encourages and assists in the development of water transportation in the State; promotes safety in navigation; controls all ocean shores below mean high water, shore waters, and navigable streams; and administers the State's recreational boating program. Finally, the DOT responsibilities also include the determination of statewide transportation needs and the creation of statewide, inter- and multi-island water transportation, and airports located in proximity to the shoreline, will be developed in concert with the Hawaii CZM Program.

The Department of Agriculture (DOA) -- This department 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. The DOA also administers control activities to protect agricultural industries and natural resources against insects, diseases and pests; provides inspection and quarantine services to prevent introduction of plant and animal pests and diseases; controls all eradication services directed against weed and insect pests; and controls the sale and use of pesticide. In keeping with the State's CZM objectives to preserve open space and to accommodate coastal dependent development, the DOA has established a State agricultural park program to assure that the State's limited agricultural land resources are protected from urban encroachment. State promotion of aquaculture projects are also supported by the DOA in cooperation with the DLNR.

The University of Hawaii -- Research, technical assistance, and educational activities of the University which relate to CZM are conducted primarily through five programs. The Curriculum Research and Development Group of the University's College of Education has formulated a Coastal Studies program used in schools throughout the State. This program, which has greatly increased public coastal awareness, is being adapted for use in mainland coastal schools. The Hawaii Institute of Marine Biology studies the ecology, physiology, and behavior of marine plants and animals; aquaculture; water quality modeling and pollution; and the interrelationship of marine organisms and their environment. The Environmental Center provides technical assistance in EIS review and engages in public services and educational activities regarding the determination and maintenance of Hawaii's environmental quality. The Water Resources Research Center works closely with the DLNR in both basic and applied research related to Hawaii's water resources. Their areas of concern include hydrology and hydraulic engineering, geology, geophysics, geochemistry, sanitary engineering and public health, agricultural engineering, and forestry. The Sea Grant Program conducts research in marine-oriented education, advisory services, fisheries, aquaculture, ocean bottom research and ocean engineering, and coastal environmental management. The Sea Grant Program has also contributed to the public awareness and involvement component of Hawaii's CZM Program development.

County Agencies -- The Counties of Hawaii, Maui, Kauai, and the City and County of Honolulu serve an extremely important role in the management of the coastal zone and have done so for the past several years. Some of their responsibilities have been mentioned previously in Chapter 2 and in Table 5, pages 84-89, but are consolidated here:

1) Delineating the boundary of the SMA of the County which becomes the CZM area after it has been amended to comply with the objectives and policies of the Hawaii CZM Act of 1977. Counties are statutorily required to amend their SMA boundaries by June 7, 1979. See Chapter 3 for a discussion on the coastal zone boundary and the minimum criteria to be used in delineating the permanent inland boundary. The County governments will hold public hearings prior to any redesignation of the SMA boundary.

2) Within the SMA, and subsequently the permanent CZM area, the major direct method of land and water use controls for assuring consistency with the CZM objectives and policies is through the issuance of development permits (Sections 205A-28 and 205A-22(2)). This permit must review all developments in the SMA (with some minor exceptions) on a comprehensive basis with all the policies, whereas, many other permits or means of control often have a single focus. For a more thorough description of the SMA development permit, see the previous section on Authorities, page 83.

3) The Counties have additional responsibilities and authorities both in the SMA and the Administrative CZM area and later in the permanent CZM area. These are described in Chapter 2 and Table 5 and include the State-mandated County regulatory programs dealing with erosion control, urban design, beach access, park dedication and the administration and enforcement of the shoreline setback laws. They also have important responsibilities for planning and zoning in the urban districts, local transportation, solid waste disposal, subdivision and grading regulation, recreation, and water supply and development.

4) The Counties have adopted guidelines for the review of developments proposed in the SMA (Section 205A-26), and are designated as major participants along with the public in assisting the DPED in preparing any additional guidelines (Section 205A-3(4)) for legislative enactment.

PARTICIPATION, COORDINATION, AND CONSULTATION

Public Awareness/Involvement

As identified and documented in Attachment B, representatives of public organizations and private interest groups as well as individual citizens have participated in the planning phase of the Hawaii CZM Program through formal advisory committees, public information meetings, workshops, and public hearings.

A formal public hearing on the total scope of the Program to be held within 30 days of Program submission will allow further consideration of affected public agency, private organization, and general public views regarding the Hawaii CZM Program.

In implementing the Hawaii CZM Program, the DPED intends to respond to the mandate of the Hawaii CZM Act of 1977 to "facilitate public participation in the coastal zone management program." (Chapter 205A-3(6)). This will be accomplished through public awareness efforts; public hearings; timely notification of hearings and meetings; and public involvement in the on-going review, evaluation, and modification of the Hawaii CZM Program.

In order to facilitate effective participation, the DPED will encourage public awareness of the importance of preserving and enhancing coastal resources to as wide a range of public interests as possible. The generation and dissemination of information by means of various media, educational materials, and personal staff contact will serve to achieve this objective.

To foster public participation in the on-going review, evaluation, and modification of the coastal zone management program, the DPED will conduct public workshops as appropriate. In addition, citizens will serve on the Program's primary coordinating and advisory body which will either be an expansion of the Policy Advisory Committee (PAC) or the State Plan Policy Council.

Finally, periodic reports from State and County agencies will include information regarding any public hearings or other efforts to consult with the public on CZM issues.

State/Local Coordination and Consultation

State and County agencies with major planning responsibilities for Hawaii's coastal areas and coastal resources have participated in the development of the Hawaii CZM Program through membership on the Policy Advisory Committee (see Attachment B). The PAC includes representatives of the four County Planning Departments, Honolulu Department of Land Utilization (DLU), and the following State agencies: the DOH, the OEQC, the DOT, Office of Marine Affairs Coordinator, the DLNR, and the LUC.

Throughout the program development process, the PAC has deliberated and discussed the relationship of the content of the management program to the various County general plans under the purview of the County Planning Departments; to the plans being developed by the DOH under Sections 201 and 208 of the Federal Water Pollution Control Act; to the scope and implementation of the Federal Flood Insurance Act of 1974 by the several Counties; and the interstate highway plans of the DOT.

Plans and programs conducted by or administered within the DPED have similarly been coordinated with the content of the Hawaii CZM Program through cooperative efforts of the DPED staff. In addition to those listed on page 98, these include Statewide Clearinghouse responsibilities under OMB Circular A-95; the development of the State of Hawaii Open Space Plan; the

administration of grants under the 701 Comprehensive Planning Assistance Program; the representation of State interests in all LUC proceedings; and the administration of Land and Water Conservation Fund (LWCF) grants pursuant to the Statewide Comprehensive Outdoor Recreation Plan. Although this latter responsibility was recently transferred to the DLNR, the LWCF program was located within the DPED throughout the Hawaii CZM Program development phase.

While the priorities for action of these various Federal, State, and County plans are not completely identical with the Hawaii CZM Program, all potential conflicts were resolved as part of PAC deliberations during program development. In addition, the policies and objectives of the Hawaii CZM Program were generally viewed as being supportive and compatible with those contained within existing governmental plans and programs.

During program implementation, the Hawaii CZM Program will also utilize several mechanisms to effectuate continuing consultation and coordination between local governments, State agencies, Federal agencies, and the DPED to specifically further the coordination of plans affecting the coastal zone and the identification and resolution of conflicts with regard to major program decisions.

In addition to continued coordination within the DPED's areas of planning and administrative responsibilities noted above, a formal advisory body consisting of State agencies, local government agencies, and citizens will advise the DPED on program implementation and administration policies and will further operational cooperation and information sharing related to Hawaii CZM Program needs. Either a modified PAC as augmented by citizen representatives or the State Plan Policy Council will serve in this capacity. The final decision as to which of these bodies will serve to assist and advise the DPED during Program implementation will be made subsequent to 1978 legislative deliberations on the State Plan legislation currently under consideration. Participating members will include those agencies cited in the Authorities Matrix. (See Table 5, pages 84-90.)

Program coordination will also be facilitated through DPED contacts with the County Central Coordinating Agencies established under Chapter 46-18, HRS.

It should be noted that these Hawaii CZM Program consultation mechanisms are intended to assure adequate notice of major program decisions affecting the content and direction of the Program and to provide sufficient review time for the identification, consideration, and resolution of potential conflicts. Throughout Program development, the DPED has furthered this objective by consulting extensively with the Hawaii CZM Program advisory groups, including State and local government representatives serving on the PAC (see Attachment B). In this regard, the

modified PAC or State Plan Policy Council will consider all major program decisions, including Program refinements and modifications, and make recommendations prior to action by the DPED.

To assure adequate notification and consideration of major Program decisions by the coordinating body and other affected parties, the DPED shall:

1) Notify in writing all affected agencies, including those local governments whose zoning authority may be affected, of the proposed decision; and

2) Provide that upon receipt of such notice, a 30-day review period shall commence in which time such local governments may provide written comments including any recommended alternatives to the proposed decision providing that no action is taken by the local government which would interfere or conflict with the proposed decision or unless the local government waives its right to comment.

The DPED shall consider such comments and will hold a public hearing as appropriate prior to implementing the decision at the end of the 30-day period.

Other management agencies cited in the Authorities Matrix with program network responsibilities will consult with appropriate governmental agencies and the public through such mechanisms as the Environmental Impact Statement review process, the OMB Circular A-95 Clearinghouse procedures, and public hearing requirements. (See pages 84-90, 93-94, and 108.)

The primary public hearing process of the Hawaii CZM Program is that required for the issuance of an SMA permit (Chapter 205A-29(b)). The County SMA authority must provide 20 days advance public notice: once in a newspaper of general circulation in the County in which the affected area is situated, and once in a newspaper of general circulation in the State. The notice must include the nature of the proposed development and the time and place of the public hearing.

In addition, all proposed amendments to agency rules and regulations require published notification of a public hearing pursuant to the State Administrative Procedures Act (HRS Chapter 91). Adequate public notice of meetings of regulatory and advisory agencies, boards, commissions, authorities and committees is required under the State's "Sunshine Law" (HRS Chapter 92).

Decisions such as the designation of land use districts by the LUC, the designation of APCs by the DLNR, the determination of water quality standards by DOH, are all subject to the Administrative Procedures Act. In addition to judicial review mechanisms provided for in HRS, Chapter 91, the DPED will utilize the administrative review techniques outlined in the preceding section in compliance mechanisms (pages 92-94) to assure adequate consultation and consideration of review comments prior to the implementation of major Program decisions.

State/Federal Coordination and Consultation

A broad spectrum of Federal concerns are represented in Hawaii by those agencies which have served on the Hawaii CZM Program Federal Advisory Contacts Group which has been consulted throughout program development through meetings as well as written correspondence and informal staff consultations (see Attachment B). The Federal agencies represented assume a key responsibility in communicating agency and national views. During Program implementation, continuing consultation on major Program decisions with affected Federal agencies will be facilitated either through the already established Federal Advisory Contacts Group or the Hawaii Federal Executive Board.

The National CZM Act also requires that Federal agency activities, developments, and assistance must be consistent with the provisions of an approved management program (see pages 121-126). In this regard, the principal coordination and consultation mechanism between Federal agencies and State and local governments will be the A-95 Notification and Review Process. Maximum utilization of this system is assured inasmuch as the DPED serves as both the Hawaii CZM Program lead agency and the OMB A-95 State Clearinghouse.

The close consultation between Federal and State officials will continue within a forum of mutual concern over coastal zone matters. Since there is no regional context as such for Hawaii, the national and regional benefits of land and water uses often merge. The DPED will undertake its responsibilities in such a manner as to insure that compliance with the objectives and policies of the Hawaii CZM Program does not impair uses of national interest.

CHAPTER 6

PLANNING FOR ENERGY FACILITIES, SHOREFRONT ACCESS, AND SHORELINE EROSION

ENERGY FACILITY PLANNING

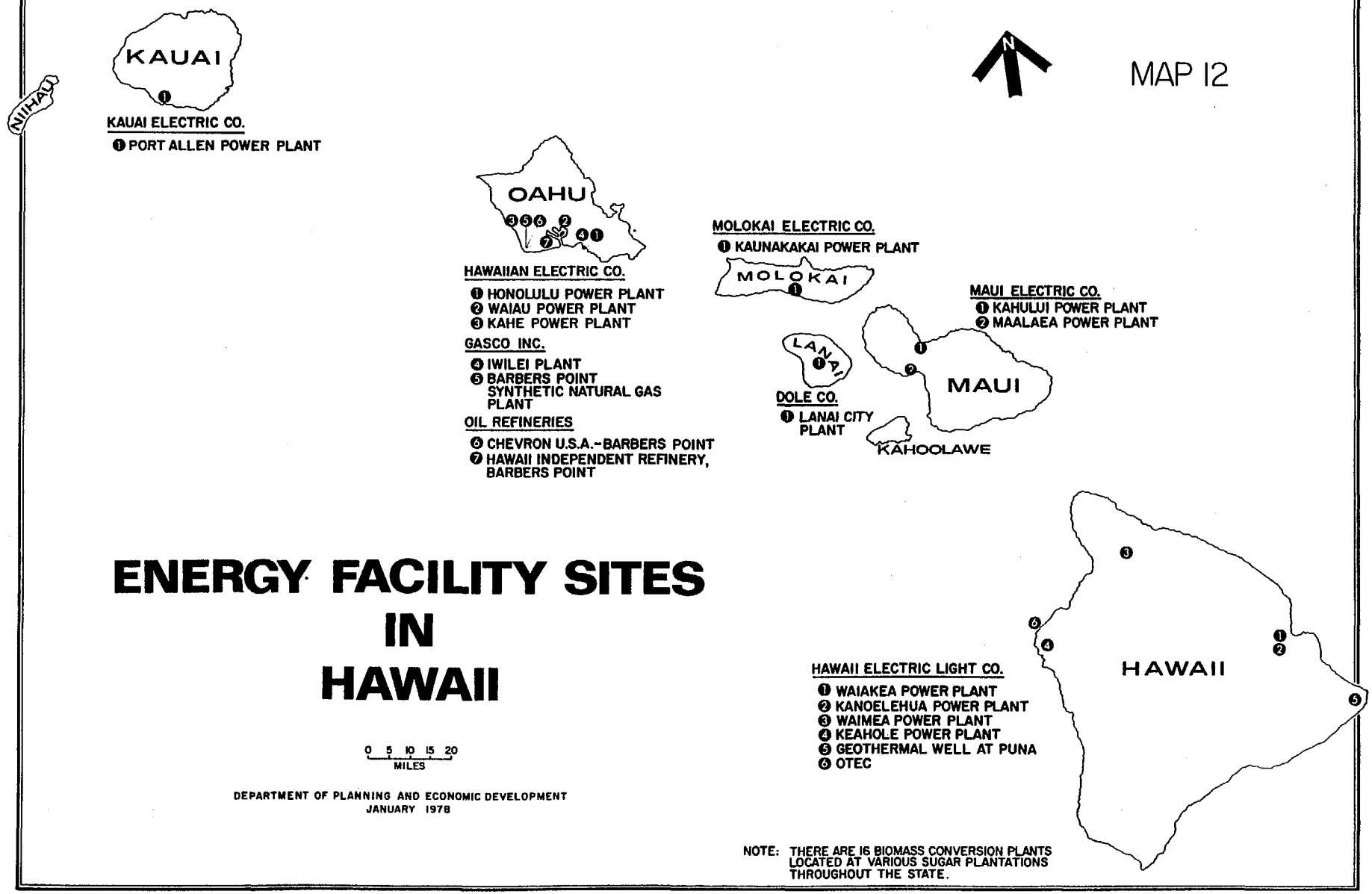
Hawaii's program in the planning and development of energy sources and facilities may well be the only program of its kind in the country. Partly as a result of natural conditions and partly as a result of a simplified governmental structure, Hawaii's approach in planning and managing this important area is unique and necessarily different from the approach taken by other states.

Until recently, Hawaii depended almost entirely upon seaborne petroleum as its primary energy source. There are no known fossil fuel reserves in the State, no coal is transported by rail, no natural gas enters by pipeline, and no regional grid exists to bring in electrical power from other states. Because of the many uncertainties endemic to the future of petroleum as an energy source, Hawaii has become increasingly more cognizant of the need to explore and develop alternative energy sources as a basis for achieving energy self-sufficiency. Sources which may be regarded in other areas of the nation as "exotic," must necessarily be considered as viable alternatives within the Hawaii energy context. The thrust of planning in the field of energy facility siting has already shifted from fossil fuel-based facilities to the more "exotically" oriented facilities associated with a number of indigenous renewal natural energy resources -- direct solar radiation, ocean temperature differential, wind, biomass, and geothermal. Map 12 shows Hawaii's existing energy facility sites.

State Energy Policies

Energy facilities provide services which are essential to Hawaii's modern standard of living. In recognition of this and Hawaii's dependence on an external supply of petroleum, government has assumed an active role in the development and regulation of these services to include the initiation of a variety of programs focusing on energy conservation and management and alternative energy sources research and development.

Chapter 225, HRS, mandated the development of a Hawaii State Policy Plan to which all State and County plans and programs must conform. In accordance with the provisions of this Act, the plan posits the following objectives relating to energy:



ENERGY FACILITY SITES IN HAWAII

0 5 10 15 20
MILES

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
JANUARY 1978

NOTE: THERE ARE 16 BIOMASS CONVERSION PLANTS LOCATED AT VARIOUS SUGAR PLANTATIONS THROUGHOUT THE STATE.

1. Dependable, efficient and economical statewide energy and communication systems capable of supporting the needs of the people.

2. Increased energy self-sufficiency.

In support of these objectives, the plan includes the following policies:

a. Accelerate research, development and use of new energy sources;

b. Provide adequate, reasonably priced, and dependable power and communication services to accommodate demand;

c. Ensure a sufficient supply of energy to enable power systems to support the demands of growth;

d. Promote prudent use of power and fuel supplies through conservation and energy-efficient practices;

e. Ensure that the development and/or expansion of power systems and sources adequately consider environmental, public health and safety concerns, and resource limitations; and

f. Promote the use of new energy sources.

In further support of these objectives and policies of the Hawaii State Policy Plan, the State Legislature has enacted the following policy on the location, design, and construction of energy generating facilities as part of the Hawaii CZM Act of 1977:

> 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 area.

Other Hawaii CZM objectives and policies requirements which relate (but less specifically) to energy facility siting in their requirements provide: that coastal scenic and open space resources are preserved and protected, and that new developments are compatible with their visual environment, minimizing alteration of natural land forms and existing public views along the shoreline (see p. 31); that coastal ecosystems are protected from disruption (see p. 35); and that development is controlled in areas subject to coastal hazards in order to reduce hazard to life and property (see p. 44). In addition, many of the policies included in the management network (pages 22-50) may be applicable, depending on the location of the facilities needed to utilize a particular energy resource in relation to the development permission requirements of Hawaii's land and water use control system.

Siting Energy Facilities

The siting of energy facilities is subject to a host of specific land and water use criteria and regulations more fully described in Chapters 2 and 4. Given the trend away from the traditional fossil fuel energy generation in Hawaii, planning future energy generating facilities must necessarily be oriented to those geographic areas encompassing potential energy resources. Once these areas have been identified, seven major types or levels of State and

County controls may be employed which will effect the siting of energy facilities.

First type includes the more conventional planning and zoning land use controls exercised by the State and County. At the State level, the Land Use Commission (LUC) controls the boundaries of the land use districts as well as special and conditional uses in agricultural and rural districts (see p. 67). Inasmuch as energy facility sites require either "urban" designation or a special permit for location in another type of district, this process is likely to be activated. At the County level, comprehensive zoning codes for the urban districts insure that the impact of any facility on competing land uses is minimized by requiring either remote siting or siting in areas which are currently being used for energy production (such as Barbers Point on the island of Oahu).

The second major control type that will be activated is the Environmental Impact Statement (EIS) process of Chapter 343, HRS. While it is not an automatic process, a statement is likely to be required, inasmuch as most energy facilities have "significant" impacts on the environment. This process will alert State and County agencies to the specific impacts of the facility on a site and may lead to re-siting or the mitigation of these impacts.

The third type of controls include the State controls at the agency level which preserve or enhance natural resources. Any use of the State waters, geothermal resources, or the conservation districts must be approved by the Board of Land and Natural Resources. This provides controls on the exploitation of these resources and assures that such uses will be in keeping with good conservation practices.

A fourth type includes those State controls designed to minimize certain specific types of impacts. The Department of Health (DOH) pollution programs, for example, control the impact of activities on the air and water quality. Given the substantial impact which most energy facilities can have on air and water resources, substantial modifications in siting and design may be required. Also subject to the DOH's control is the disposal of any waste material resulting from such operations.

A fifth and more important control type includes the State Department of Transportation (DOT) which has the power to establish, operate, and maintain "energy corridors" throughout the State to be used in the transportation of energy resources. While this State power is not a direct form of control over energy facility siting, it does allow consideration of sites well removed from urban centers with the assurance that the energy produced can be effectively transmitted to distribution centers and to consumers. Since the DOT has control over the location of these energy corridors, a strong influence can be exerted on facility siting through the provision of energy corridors.

A sixth important control is the SMA permit issued by the Counties (see p. 74) which controls uses in the coastal area. Inasmuch as many energy facilities will be located within the SMA, this process may have a significant effect on facility siting. The SMA authorities are bound by the requirements of Hawaii's CZM Act of 1977 which are intended to minimize coastal use and to encourage the preservation of environmental resources. This may serve to inhibit the use of some coastal areas and to place subsubstantial siting and design requirements on those which are allowed.

The last type of controls are those activity related to permits and approvals of State and County governments. These usually occur late in the process (building permit, noise pollution permits, etc.) but may nonetheless require adjustments in siting or even re-siting if their criteria and conditions are to be satisfied.

Thus, by the time an energy facility is ready for construction, it has been sited on its general conformance with neighboring uses, its minimization of environmental impacts, its effects on the natural resources of the State, its control of pollution impacts, and its conformance with design and construction requirements. Through the processes outlined above the siting will have been open to public hearings, as appropriate and subject to consideration of uses of regional benefit (see p. 78) and national interests (see p. 127).

Energy Facilities Likely to Locate In or Significantly Affect the Coastal Zone

Fossil Fuels -- Based on projections by the Hawaiian Electric Company, only one more major electrical generating facility requiring the use of fossil fuels (to be located on the island of Oahu) will be needed in the State. Hawaii's fossil fuel refineries, one of which produces liquid natural gas, are located in areas appropriately designated for such use and accept incoming petroleum from offshore through a system of pipelines. As noted earlier, there is no oil, natural gas, or coal exploration within the State. The State has always been primarily dependent on external sources for energy production. Furthermore, given its geographic isolation from the continental states, Hawaii has not been considered a feasible terminal point for piping foreign petroleum to other states. Hence, the need for facilities dependent upon fossil fuel has been satisfied for the foreseeable future.

Direct Solar Radiation -- Solar heat energy is, of course, abundant and reliable in Hawaii. Present plans propose to use this source to remove the burden of domestic water heating and air conditioning uses from the large power sources. Solar collectors, installed in homes and office buildings, could reduce by five percent the power need that is currently supplied by the fossil fuel based power industries. While the DPED has been, and will continue to be,

instrumental in encouraging solar conversion, large scale use is not currently being considered.

Ocean Thermal Energy Conversion (OTEC) -- The basic process of OTEC is one of drawing cold water from deep ocean areas to the surface and trapping the energy released as the cold water is heated. Hawaii has been involved in this project for five years and extensive preliminary work has already been accomplished. From an international viewpoint, Ke-Ahole Point on the Big Island, has been considered as one of the optimum locations for a test site because of its excellent water mass properties, bathymetry and bathythermal profiles, favorable weather conditions, high annual solar radiation, accessibility to transportation and shipping, nearby public works, personnel support, land availability and jurisdiction, and technical and industrial support. To accommodate this activity, the LUC recently approved a land use district reclassification for the area from conservation to urban.

The capital costs associated with an OTEC plant will be astronomical and some form of government support will be required. If private enterprise is either unwilling or unable to make the necessary financial commitment, a government built plant may result. In either cause, the DPED through its multi-functional role will be the primary coordinating authority in the State's efforts. Inasmuch as OTEC will have a significant impact on coastal waters, the DPED is sponsoring a number of studies assessing the social, economic and environmental impacts of such a facility.

Wind -- Wind conversion is basically a twentieth century version of the windmill. The problem here is not one of technological or scientific data required, but one of facility design. The principal impact of a wind energy conversion facility is visual and will necessarily be considered in siting decisions. To a large extent, however, siting will be determined by optimum wind conditions which will most likely occur on or near the coastline. Siting will then become a process of selecting from a list of feasible sites the one which has the least negative visual impact in consideration of competing values and land uses.

Biomass -- Biomass conversion is not totally new to Hawaii. This process is used primarily by sugar companies to meet part of their energy requirements, thereby minimizing the demand for electrical energy generation. While sugar companies have been using bagasse (sugar cane waste), research in other sources such as solid waste, wood, algae, kelp, seaweed, water hyacinth, sunflower and various grasses have already been initiated. These efforts are a combination of Federal, State, County and private initiatives. The impacts associated with biomass energy are likely to be similar to those of a conventional power plant. The siting of such facilities would be dependent more upon the basic material used and, therefore, may or

may not be coastal dependent. As with other facilities, siting will also be contingent upon meeting the requirements of Hawaii's land and water use control system.

Geothermal -- Geothermal conversion involves tapping the extreme subsurface temperatures which appear in the forms of steam, hot water, hot dry rock or magma. Research drilling has been underway since 1972 and shows great potential for development. Siting is dependent to a large extent on the location of the subsurface resource that is being tapped. In siting these facilities, more flexibility exists inland on the assumption that the cost of deeper drilling could be an acceptable tradeoff for preserving the character of the more immediate coastal areas.

Coordination of Energy Planning and Authorities

Chapter 196, HRS, calls for the State Energy Resources Coordinator to formulate plans, programs and financial requirements for the optimum conservation, management and development of Hawaii's energy resources. This responsibility is assigned to the Director of DPED, who is assisted by two staff offices within the department: the State Energy Office and the Center for Science Policy and Technology Assessment.

The State Energy Office is responsible for energy management and conservation planning and programs. The Office prepares forecast reports through the collection of data relevant to supply and demand, production and consumption trends; coordinates the State's energy conservation and allocation programs; develops and implements voluntary and/or mandatory conservation programs; administers the State fuel reserves; recommends and maintains fuel shortages contingency plans; conducts public education programs to promote more efficient use of energy resources; and monitors and recommends State positions on Federal energy legislation and policy.

The Center for Science Policy and Technology Assessment provides assistance in short-term assessments and in formulating long-term plans for research, development, and demonstration of alternate sources of energy. The Center provides advice on State funding of alternate energy research and development projects; prepares and promotes proposals to Federal agencies and private industry to encourage research and development projects in Hawaii; organizes and promotes conferences, seminars and meetings concerning alternate energy development; and publishes and disseminates alternate energy information and reports. The Center also provides liaison between the University of Hawaii, other governmental agencies and states, industry, and national laboratories in alternate energy research and development programs.

In addition, the DPED, as the CZM lead agency, the State energy coordinating office, and the areawide A-95 clearinghouse reviews and comments on energy development proposals from a comprehensive CZM planning perspective which strongly influences the actual siting of any proposed facility.

Chapter 225, HRS, in addition to mandating a State Plan to which all State and County plans and programs must conform, establishes a State Plan Policy Council. The Policy Council, whose members include the Planning Director from each County and the directors or chairmen of the major State departments and offices, provides a coordinating and conflict resolution mechanism with regard to the required conformance with the State Plan.

The authorities described above under "Siting Energy Facilities" are further directed toward a uniform planning and permitting process by the requirements of the Hawaii CZM Program. All State and County agencies must follow the objectives and policies mandated by the Hawaii CZM Act of 1977 and meet the attendant obligations and responsibilities. The Counties, in particular, in their management of the Special Management Areas (SMAs) adhere not only to the CZM objectives and policies, but also to the SMA guidelines (see p. 77) in their issuance of SMA permits for development.

As appropriate, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the U.S. Department of Energy also strongly influence the actual siting of energy facilities through their respective mandates. For a more detailed description of the many public and private roles and responsibilities involved in the energy development and facility siting and planning process, see Attachment F.

SHOREFRONT ACCESS AND PROTECTION PLANNING

Hawaii's Coastline

The general coastline of Hawaii's major and minor islands is 750 miles, fourth longest among all States and territories in the nation. Hawaii's coastline varies greatly in physical characteristics from island to island as well as from one district to another on the same island.

Due to the volcanic origin and mountainous nature of the islands, a bold and rugged coastline predominates, encompassing towering cliffs of 1,000 feet or more along the northwest coast of Kauai and somewhat less precipitous cliffs on Hawaii, Maui, and Lanai. In contrast, low lying, sweeping beaches are found primarily on Maui, Oahu, and Kauai. Low and rocky shoreline areas with occasional small pocket beaches or an intermittent low shore interrupted by bold headlands created by inshore and barrier coral reefs are found extensively along the east and north sides of Oahu and Lanai and the south coast of Molokai.

Public Coastal Areas -- Defined and Described

For the purposes of Hawaii's CZM Program "beach" is defined as all land up to the highest reach of the wash of the waves, as evidenced by the vegetation or debris line, whichever is higher. 1/

The State of Hawaii owns all shoreline or beach areas as defined above. These public lands are within the State Conservation District and subject to the permit requirements of the DLNR under Regulation 4. (See Appendix 10.)

Although all beaches are publicly owned, the lands abutting Hawaii's 185 miles of sandy beach on the six major islands are owned and managed by both public agencies and private parties. According to the State Comprehensive Outdoor Recreation Plan (SCORP) of 1975, the Counties manage 30.18 linear miles of upland 2/ areas adjacent to sandy beaches; State agencies manage 6.20 linear miles; and the Federal government manages 10.53 linear miles.

County management is primarily of recreational beach parks. For recreational, environmental, ecological, aesthetic, historic, and cultural purposes the State administers lands for State parks, Marine Life Conservation Districts, and historic monuments. The DOT manages lands necessary for recreational boating purposes, State harbors and waterfront improvements, and beaches encumbered with easements in favor of the public. The Federally administered areas are primarily under the Department of Defense and not open to the public except for certain sandy beaches which are open on weekends for recreational use.

Although State and County management of upland areas guarantees access to the publicly owned beach areas, 137.19 linear miles (74%) of the sandy beach coastline is abutted by privately owned or managed lands. In fact, providing access to the shoreline has become a major problem in the State because adjoining landowners exercise control over perpendicular access. Specific private uses include residences, hotel and tourist facilities, industrial developments, and agricultural activities.

1/ With respect to the interpretation of the term "highest wash of the waves," the Hawaii Supreme Court held "... that where the wash of the waves is marked by both a debris line and vegetation line lying further mauka (inland); the presumption is that the upper reaches of the wash of waves over the course of a year lies along the line marking the edge of vegetation growth." County of Hawaii vs. Sotomura, (1973)

2/ "Upland" means the land area beginning at the vegetation line and extending landward from there.

Statewide Trail and Access System

Accessibility is a major factor in determining the magnitude of usage of public areas and involves the examination of access linkages for personal transportation to areas valued by the public because of their environmental, recreational, aesthetic, cultural, or historic qualities.

State law (Act 69, SLH 1974) provides for the conceptual planning, coordination, development, land acquisition, construction and implementation of a statewide trail and access system to meet recreational needs; to provide a showcase for cultural and environmental education; to assure that economic development is compatible with natural and cultural resources; and to provide non-vehicular modes of transportation in urban as well as natural areas.

The preliminary Statewide Trail and Access System plan prepared by the DLNR in 1977, has identified access resource potentials, including coastal access, which currently exist in Hawaii. As data sources such as SCORP are updated, the determination of demand and need for shoreline access will be similarly revised.

The Plan's inventory includes specific information on the jurisdiction, length, type (i.e., access, jeep, bike), finish (development standard), grade, amenities, and status of availability for general public use of identified access routes. Qualitative indicators such as the natural, functional, and cultural aspects of the trail experience expand the scope of the inventory beyond assessment only in terms of utility.

The trail system consists of functional, administrative, and jurisdictionally distinct trail components, overlayed by a proposed statewide policy of definition, classification, and standards. In this manner, a network of various transportation modes utilizing trails, paths, and corridors for diverse purposes such as vehicular recreation, hiking, and shoreline access, will be established. Unifying mechanisms will include a common classification system to be used by all managing agencies and minimum design standards to improve the trail experience and promote public safety. Coordination efforts at the State level will assist in resolving conflicts among users, management agencies, and landowners and in setting statewide priorities.

State Policies Regarding Shorefront Access and/or Protection

State policy for shorefront access and/or protection in all areas of the State is set forth in the Hawaii CZM objectives and policies (see Chapter 2) dealing with recreational resources; scenic and open space resources; historic resources; coastal ecosystems; and economic uses. Other State laws providing related policy and responsible agencies are cited in Table 5, page 84.

In addition, the statutory guidelines of the SMA permit process (see Table 4, page 77) require consideration of both physical and visual access including the imposition of reasonable terms and conditions for their provision and preservation. State law (Chapter 205, HRS) has also established the State policy of protection for the shoreline by means of the shoreline setback requirements (see page 19).

Identification of Funding Programs and Other Implementation Techniques to Meet Management Needs

State, County, and Federal funding resources for the acquisition of shoreline access routes will be utilized in conjunction with existing authorities for the purchase and provision of public rights-of-way. When this is not applicable, the several Counties may purchase land for public rights-of-way to and along the shoreline under Chapter 115, HRS. Along cliffs or other areas where the topography prohibits safe transit along the public shoreline area, the Counties can, through condemnation, acquire public transit corridors along the shoreline which must be not less than six feet wide.

An appropriation of $1 million was recently made to the DLNR to carry out this program and to assist the Counties in their responsibilities under the program. The funds are available through 1979 and may be applied to match County funds for the purchase of such rights-of-way.

The DLNR has the authority to acquire "resource value lands" by purchase, gift, or eminent domain, subject to Gubernatorial approval (Chapter 173A, HRS). This includes "lands which have natural, environmental, recreational, scenic, or historic value." Provision is also made for the acquisition of park and trail systems to assure access to these areas. Grants may also be made to Counties for the acquisition of these routes and lands by eminent domain.

Prior to the disposition of any public lands, the DLNR is required to lay out and establish across such lands rights-of-way to public beaches from the nearest highway (Chapter 171, HRS).

The Statewide Trail and Access System plan provides a comprehensive framework for the coordination and administrative implementation of existing acquisition programs to achieve optimal effectiveness where demand is the greatest. U.S. Bureau of Outdoor Recreation Land and Water Conservation Fund grant monies used to acquire beachfront land for parks, for example, will be coordinated with access acquisition priorities.

The plan also recommends several legal mechanisms for the establishment of public rights-of-way including implied dedication, Native Hawaiian Rights, the Ancient Trail Doctrine and the Public Trust Doctrine. These would be used in support of actions to open existing rights-of-way to the public and to prevent the loss of publicly used rights-of-way. Land exchanges

between the State and private property owners (Chapter 171, HRS) and private surrender of land for public purposes for a term of not less than 20 years (Chapter 183, HRS) are possible methods of providing new land for public access routes.

In regard to visual access in urbanized areas, Chapter 57, HRS directs the Counties to prepare urban design plans for all areas designated for urban design in the County. Required elements of such plans include "Historic sites, significant natural land and water features, and views and vistas which must be protected and enhanced." In addition, Chapter 57, HRS provides that "Buildings and structures should be restrained from encroaching upon the shoreline and other designated land forms as well as street and road rights-of-way. Manmade features on the land should not be in conflict with natural formations along the shoreline." Urban design plans have been prepared for such areas as Kakaako on Oahu and Kailua-Kona on Hawaii as well as for the entire island of Kauai.

Methods for Designating Shoreline Areas for Special Consideration

Under the Hawaii CZM Program, the designated SMAs and the applicable guidelines for development review, provide for special consideration of physical and visual access to all shoreline areas.

Areas which meet the requirements for designation as Marine Life Conservation Districts (see page 64), Natural Areas Reserves (see page 64), and Conservation District lands are placed under direct State jurisdiction for preservation purposes (see page 67).

Particular attention has been directed toward the preservation of islands under these various State programs. For example, the State has recently established a Hawaii State Seabird Sanctuary incorporating 36 islets and rocks from the island of Hawaii to Kure in the leeward chain to protect seabird habitats. In addition, all off-shore islands have been placed within the Conservation District by the LUC (Chapter 205, HRS) and are subject to Regulation 4 permits from the DLNR.

Shorefront access and protection is an integral part of the Hawaii CZM Program which will involve an on-going process of assessment and review of those public coastal areas of environmental, recreational, historic, aesthetic, ecological and cultural value which need special management attention.

SHORELINE EROSION/MITIGATION PLANNING

The loss of land along the shoreline due to natural forces or man's actions has been identified by Hawaii's coastal planning efforts as a significant problem to be addressed by the Hawaii CZM Program.

Hawaii's Shoreline

Sea cliffs, rock and other material of volcanic origin comprise about two-thirds of Hawaii's coastline including volcanic black sand beaches. The remaining shoreline materials may be classified as either biological in origin (calcaerous sand) or detrital (sediment resulting from the weathering and erosion of the hinterland).

The shifting of coastal materials along the shores of the islands, and from inshore to offshore areas, is the result of energy forces such as ocean waves and currents, atmospheric winds, and tsunamis. The deposit of sediment is a result of streamflow which may increase dramatically during periods of intense rainfall. The effects of these forces on the coastline are not static due to seasonal, yearly, or long-term changes in their degree of intensity.

Shoreline changes caused by man include the construction of structures along the shoreline and in near-shore waters; the removal of sand in excess of the amount replenishable by natural processes; the destruction of coral reefs which serve as a source of biological sand material as well as wave-resistant structures; and development and agricultural activities in the hinterland.

Critical Shoreline Areas

Critical erosion areas are those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified. The Federal/State funded Hawaii Water Resources Regional Study (1977) considered all of these elements and identified 44 shoreline areas undergoing critical erosion along approximately 31 miles of Hawaii's 934-mile tidal shoreline. Erosion along another 75 miles of shoreline is expected to become critical during the next 15 to 20 years.

The assessment of critical areas will continue as technical data is updated and corrective actions are monitored by such agencies as the U.S. Army Corps of Engineers, U.S. Geological Survey, the DLNR, the DOT, the Hawaii Institute of Geophysics, and County planning and protective agencies. In this regard, a primary source of information and comparative

analysis of shoreline accretion and erosion will be the DPED's aerial photography facility, a central depository of photographs of the entire coastline of the State.

Statutory Provisions and Authorities

It is intended that the extent and cost of structural improvements in treating shoreline erosion problems be minimized through the application of planning and management techniques consistent with Hawaii CZM objectives, policies, and guidelines. The statutory policies of the Hawaii CZM Act of 1977 include:

1. Restoration of shoreline recreational areas such as sandy beaches;
2. Regulation of point and non-point sources of pollution;
3. Restoration of shoreline open space and scenic resources;
4. Preservation of valuable coastal ecosystems;
5. Location and design of coastal dependent developments to minimize adverse environmental impacts;
6. Control of development areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard;
7. Ensuring that developments comply with requirements of the Federal Flood Insurance Program; and
8. Preventing coastal flooding from inland projects.

The guidelines for the SMA permits provide for the imposition of reasonable terms and conditions on development to assure that the danger of erosion, floods, landslides, siltation, or failure in the event of earthquake be minimized. In addition, the approving authority must find before issuing a permit that there will be no substantial environmental or ecological effect including the potential cumulative impact of individual developments. (See Table 4.)

In this regard, the EIS information and review process serves as a primary instrument for the determination of substantial environmental or ecological effect resulting from development activities (Chapter 343, HRS).

EIS requirements are also applicable to State agency review and regulation of man's activities affecting near-shore waters as well as shoreline landforms and materials. These include the DOH overview of local erosion and sediment control ordinances (Chapter 180C, HRS); DOT regulation of shore waters and shores including beaches encumbered with easements in favor of the public (Chapter 266, HRS); DLNR Regulation 4 (for conservation district permits); and actions of the LUC pursuant to the interim statewide land use guidance policy (Chapter 205, HRS). (See Table 5, page 84.)

State law (Chapter 205, HRS) prohibits the removal of sand, coral, rocks, soil, or other beach compositions within the shoreline setback area or within 1,000 feet seaward of it or in ocean water of 30 or less feet in depth. Also, structures within the shoreline area, including but not limited to seawalls, groins, and revetments, are subject to local agency review and variance procedures pursuant to State policy. (See Appendix 4.)

County responsibilities include erosion and sediment control (Chapter 180C, HRS) and the management of flood areas through zoning ordinances as required by the Federal Flood Insurance Act (Chapter 62, HRS).

Shoreline Erosion Policies and Priorities

Hawaii has two major policies regarding the prevention and mitigation of shoreline erosion, as follows:

1) Erosion is controlled through shoreline use regulations as noted in the management network to preclude development that might suffer erosion damage.

2) Where this is not possible, structural and non-structural improvement measures are utilized. Non-structural techniques, such as sand replenishment, are used whenever possible as appropriate. Structural techniques such as seawalls and revetments are most often used where development of the shoreline has occurred or where valuable public beaches are endangered by erosion.

Structural and Non-Structural Implementation Techniques

In spite of Hawaii's extensive review and regulatory processes which seeks to prevent development where erosion can be expected, structural and non-structural improvements may be necessary and appropriate in certain instances to mitigate shoreline erosion.

Under the Beach Erosion Control Program (33 U.S.C. 426 et. seq.) and the Rivers and Harbors Acts of 1962 and 1968, the U.S. Army Corps of Engineers may perform studies and carry out structural and non-structural mitigation projects either on State and County lands at the request of these governments or on Federal lands. Projects undertaken on State and County lands require matching funds from the appropriate level of government.

State CIP funds (see page 94) are also available for structural or non-structural improvements by State and local agencies. At the State level, these are primarily undertaken by the DOT. Local government projects are funded on a matching basis with State funds.

Non-structural improvements, such as the replenishment of sandy beaches by the addition of sand and fill from other areas, have been used successfully in Hawaii. Other possible methods of restoration include the creation of sand dunes and berms which may be physically constructed or naturally formed by re-vegetation efforts.

Public acquisition and management of shorefront resource value lands will provide direct State jurisdiction for preservation and restoration purposes. (Chapter 173A, HRS.) Other means of designating areas for special consideration include the Natural Areas Reserve System, the shoreline setback areas, and the preservation of estuarine sanctuaries. (See page 65). In determining the suitability of areas recommended by public agencies, elected officials, or the general public for preservation under these programs, the DLNR conducts biological and use studies and receives public input prior to recommending designation and the adoption of regulations by the DLNR. The restriction of man's activities in these special areas will serve to minimize adverse and detrimental environmental impacts including shoreline erosion.

Coordination and consultation efforts undertaken by the Hawaii CZM Program will assist in assuring that agency actions regarding shoreline erosion mitigation are in compliance with and consistent with the approved Hawaii CZM Program.

CHAPTER 7
FEDERAL INVOLVEMENT IN THE HAWAII CZM PROGRAM

The National CZM Act of 1972 sets forth a new relationship between Federal agencies and the coastal States and Territories. One of the major thrusts of the National CZM Act is to institute comprehensive management programs that achieve internal consistency.

INCORPORATION OF WATER AND AIR POLLUTIONS CONTROL ACTS

Section 307(f) requires that "any requirement established by the Federal Water Pollution Control Act, as amended, shall be incorporated in any program developed pursuant to this title and shall meet the water pollution control and air pollution control requirements applicable to such programs."

The Hawaii CZM Program incorporates Federal air and water pollution control requirements which are overriding. The Program further acknowledges that all land and water use activities in the coastal zone are contingent on the nonviolation of these standards or applicable State standards whichever are stricter.

The State air and water pollution control programs are administered by the Department of Health and are entirely State responsibilities. The Section 208 water quality planning program is being carried out in close coordination with the Hawaii CZM Program.

FEDERAL CONSISTENCY PROVISIONS

In many ways, the most promising, albeit somewhat controversial, aspect of the National CZM Act is the Federal Consistency Provision. This provision allows a new approach to intergovernmental relations and cooperation. It holds that Federal consistency with State CZM Programs will be assured if the States develop appropriate and acceptable management programs. It is the intent of Congress to make many Federal actions consistent with approved State CZM Programs. Section 307(c)(1) and (2) of the National CZM Act require Federal activities, including development projects, to be consistent to the maximum extent practicable with the State management program. Similarly, Section 307(c)(3)(A) and (B) prohibit Federal approval of Federally licensed and permitted activities found to be inconsistent with the State's management program, and Section 307(d) imposes the same restrictions on Federal assistance to State and local governments.

In accordance with Section 307 of the National CZM Act, the Office of Coastal Zone Management (OCZM) of the National Oceanic and Atmospheric Administration (NOAA) has published regulations (Part 930) in the Federal Register, Vol. 43, No. 49, of March 13, 1978, which provide

Coastal States, Federal agencies, and other affected parties with policies and procedures for the implementation of the Federal Consistency Provision. The Hawaii CZM Program incorporates these requirements by reference and anticipates that Federal agencies will also comply with those regulations.

The purpose for the following section is to provide guidance to Federal agencies, applicants, and other interested parties as to the State's procedures with regard to consistency determinations by briefly summarizing the Federal regulations. Table 8 summarizes the principal aspects of the Federal consistency process for the Hawaii CZM Program.

Federal Activities and Development Projects

A Federal activity is any function performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities. These activities include Federal development projects involving the planning, construction, or modification of public works, physical facilities, or other structures; land and water resource development; and other nondevelopment activities such as regulations regarding Federal waste management practices or Federal assistance to entities other than State and local governments. In addition, Federal agency actions requiring Federal licenses or permits are considered "Federal activities" although issuance of a Federal license or permit to an applicant or person other than a Federal agency is not a "Federal activity." (See the following section on Federal license and permits.)

According to NOAA regulations, all Federal development projects in the coastal zone require a Federal agency consistency determination. All other types of Federal activities within the coastal zone are subject to Federal agency review to determine whether they significantly affect the coastal zone. If found to have a significant effect, such activities will require a consistency determination. The DPED considers Federal activities in the forest reserves that will disturb land and water resources (e.g., land construction) as activities having a potentially significant effect on the coastal zone, and therefore, subject to Federal consistency determination. The DPED will monitor Federal activities (through the A-95 review process and the NEPA EIS system) and will notify Federal agencies of any Federal activity which has not been subject to consistency review but which in DPED's opinion significantly affects the coastal zone.

In all cases the initial determination of consistency of a proposed Federal activity will be made by the relevant Federal agency. The Federal agency is responsible for providing the DPED with a consistency determination at the earliest practicable time in the planning of the activity, at least 90 days before final approval of the Federal activity. The consistency determination will include 1) a brief statement indicating that the proposed activity will be undertaken

FEDERAL CONSISTENCY MATRIX DIAGRAM

CZMA section	307(c)(1) and (2)(subpart C)	307(c)(3)(A)(subpart D)	307(c)(3)(B)(subpart E)	307(d)(subpart F)
Federal action	Direct Federal activities including development projects	Federally licensed and permitted activities.	Federally licensed and permitted activities described in detail in OCS plans.	Federal assistance to State and local governments.
Coastal zone impact	Significantly affecting the coastal zone	Significantly affecting the coastal zone.	Significantly affecting the coastal zone.	Significantly affecting the coastal zone.
Responsibility to notify State agency.	Federal agency proposing the action	Applicant for Federal license or permit.	Person submitting OCS plan	A-95 clearinghouse receiving State or local government application for Federal assistance.
Notification procedure	Alternatives chosen by Federal agency (subject to NOAA regulations).	Consistency certification	Consistency certification	OMB circular A-95 notification procedure.
Consistency requirement	Consistent to the maximum extent practicable with CZM program.	Consistent with the CZM program.	Consistent with the CZM program.	Consistent with the CZM program.
Consistency determination.	Made by Federal agency (Review by State agency).	Made by State agency	Made by State agency	Made by State agency.
Federal agency responsibility following a disagreement.	Federal agency not required to disapprove action following State agency disagreement (unless judicially impelled to do so).	Federal agency may not approve license or permit following State agency objection.	Federal agency may not approve Federal licenses or permits described in detail in the OCS plan following State agency objection.	Federal agency may not grant assistance following State agency objection.
Administrative conflict resolution	Mediation by the Secretary	Appeal to the Secretary by applicant or independent Secretarial review.	Appeal to the Secretary by person or independent Secretarial review.	Appeal to the Secretary by applicant agency or independent Secretarial review.

in a manner consistent to the maximum extent practicable with Hawaii's CZM Program based on an evaluation of relevant provisions of the program; 2) a detailed description of the activity, its associated facilities, and their coastal zone effects; and 3) comprehensive data and information sufficient to support the consistency statement.

The DPED will then review the consistency determination and inform the Federal agency of its agreement or disagreement with the determination within 45 days of receiving the consistency determination unless a time extension is requested and approved.

Should the DPED disagree with the consistency certification, it will notify both the Federal agency and the OCZM describing how the proposed activity will be inconsistent with specific program elements and any alternative measures which would result in the activity being consistent with the program. In the event of a serious disagreement that is not resolved by intermediate level consultation, either the Federal agency or the DPED may request the Secretary of Commerce to use her good offices for mediation.

Federal Licenses and Permits

Any authorization, certification, approval, or other form of permission which any Federal agency is empowered to issue to an applicant (unless the applicant is a Federal agency) is covered under the consistency provision for licenses and permits.

Those Federal licenses and permits identified by the Hawaii CZM Program required to be reviewed for consistency with the mangement program are enumerated in Appendix 13. The DPED may periodically modify the license and permit list if it is found that the issuance of a Federal license or permit either is or is not causing significant effects in the coastal zone. However, any additions or deletions to the list will involve consultation with the affected Federal agency and approval by the OCZM.

The DPED may also notify a Federal agency and the related applicant that an unlisted permit or license significantly affects the coastal zone and will therefore require DPED review for consistency. DPED must inform the Federal agency, the applicant, and OCZM of the review requirement within 30 days from the notice of the license or permit application or the DPED's right to review the unlisted activity will be waived.

All applicants for Federal licenses or permits subject to consistency review will submit to both the Federal licensing or permitting agency and the DPED a certification that the proposed activity complies with and will be consistent with the Hawaii CZM Program. This consistency certification will include 1) a detailed description of the proposed activity and its associated facilities; 2) brief assessment of the activity's and the associated facilities' probable coastal

zone effects relating those effects to relevant Hawaii CZM Program elements; and 3) a brief set of findings indicating that the proposed activity (e.g., project siting and construction), its associated facilities (e.g., access road, support buildings), and their primary effects (e.g., air, water, waste discharges, erosion, wetlands, beach access impacts) are all consistent with the provisions of Hawaii's CZM Program.

The DPED will conduct a review and either concur or object to the "consistency certification" at the earliest practicable time but not exceeding six months of receiving the certification and notify both the Federal agency and the applicant. If a decision has not been reached by the DPED within three months of commencement of review, the DPED will notify the applicant and Federal agency of the status of the review and reasons for further delay. Prior to, or as a part of the review, the DPED will assure that a public notice is issued and that opportunities for public comment regarding the proposed activity are available. In some cases a public hearing may be held.

Special attention is given to activities requiring a Federal license or permit which the Secretary of Interior has determined must be described in detail within a plan for the "exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands act" (OCS activities), even though they are not listed as categorically requiring consistency review in Appendix 13. If and when appropriate, the DPED may, through monitoring those unlisted Federal license and permit activities described in detail in OCS plans, identify and select individual cases where State consistency review will be required. Once the DPED has issued a concurrence with a particular OCS consistency certification, no additional certification will be required at the time that the applications are actually filed for the Federal licenses or permits to which the concurrence applies.

Final determination of consistency for Federally licensed and permitted activities will be the responsibility of the DPED. Unless consistency is determined, the Federal permits or licenses may not be issued. Federal agencies, however, may seek appeal to the Secretary of Commerce for mediation should consultations subsequent to a determination of inconsistency not result in conflict resolution.

Federal Financial Assistance

The term "Federal assistance" is used in the Federal consistency provision to mean assistance in the form of grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other financial aid provided under a Federal program to any unit of State or local government or related public entity which submits an application after the State CZM Program is approved.

Federal assistance for activities is to be granted only after the determination has been made that the activities are consistent with the provisions of Hawaii's CZM Program. That determination will be made within the OMB A-95 process. Applicant agencies will notify the statewide (DPED) and areawide clearinghouses as appropriate of intent to apply for Federal assistance.

Appendix 14 enumerates those Federal assistance programs which, when conducted within Hawaii's coastal zone or within a Forest Reserve, will be subject to consistency review. If a project is not listed in Appendix 14, but it significantly affects the coastal zone, the DPED will inform the applicant, the granting Federal agency, and the OCZM that the project will be subject to consistency review.

The DPED's consistency determination of the proposed Federally assisted project will be expressed through the A-95 Project Notification and Review System. The Federal agency will not delay processing of applications pending receipt of the DPED approval or objection.

In the event an objection is raised, the DPED will describe how the proposed activity is inconsistent with specific provisions of the management program and propose, if available, alternative measures which, if adopted by the applicant, would result in an activity consistent with the management program. Federal agencies may not grant financial assistance following DPED objection. If conflicts are not resolved in follow-up consultations, an appeal may be registered by the applicant or Federal Agency to the Secretary of Commerce, or the Secretary may undertake independent action. Such an appeal would be evaluated according to procedures and criteria summarized in the following section and detailed in Sub-parts G and H of the cited NOAA consistency regulations.

Secretarial Review and Mediation

In all cases of conflict or objection relating to Federal consistency, it will be the practice of the DPED to seek resolution through an intermediate level or informal meeting. Only if this proves unsuccessful will the good offices of the Secretary be requested for administrative conflict resolution which may involve public hearings.

Provisions have been made and a procedure described in Sub-parts G and H of NOAA regulations published in the Federal Register of March 13, 1978 (Section 930.120 through 930.134) by which the Secretary of Commerce may find that a Federal license or permit activity or a Federal assistance activity, which is inconsistent with a State CZM Program, may be Federally approved because 1) the activity is consistent with the objectives or purposes of the National CZM Act, and no reasonable alternative is available or 2) if it were not permitted to go forward as proposed, would significantly impair a national defense or national security interest.

CONSIDERATION OF NATIONAL INTEREST

The Coastal Zone as a National Resource

The coastal zone of the Hawaiian Islands is an area of more than local or even State importance; it is a resource of national significance.

Visitors from across the country enjoy the scenic beauty of Hawaii's coastline and recreational facilities along its coasts. Hawaii's ports and harbors provide a crossroad for East-West exchange of materials, cultures, and ideas. The Hawaii coastal zone has a great national importance in that Hawaii is the major military command and logistics center in the Pacific Ocean Area. Use of the coastal land area and adjacent waters for national defense and national security is of paramount importance to the country because much of the defense of the nation as a whole depends upon the military commands and installations located within the State.

The Federal Coastal Zone Management Act

Recognizing the distinct and irreplaceable value of the nation's coastline, the U.S. Congress enacted the CZM Act of 1972 which states, "... it is national policy...to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations" (Section 303(a), P.L. 92-583).

Under the National CZM Act, Hawaii has received financial assistance for the development of its CZM Program. The Hawaii CZM Act of 1977 is the foundation of the Hawaii CZM Program presented in this Section 306 Program Submission Document which will be submitted to the Department of Commerce for approval prior to program implementation. Once approved, the Hawaii CZM Program will provide the basic policies for both State and national interests in the coastal zone. Federal agencies will comply with the approved Hawaii Program "to the maximum extent practicable."

Planning for the National Interest

To ensure the national interest is adequately addressed in the Hawaii CZM Program, the National CZM Act requires that the State coastal "management program provides for adequate consideration of the national interest involved in planning for, and in the siting of facilities (including energy facilities in, or which significantly affect, such State's coastal zone), and that the program assures that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude uses of regional benefit." (Section 306(e)(2)).

Previous experience has demonstrated the difficulty of defining the national interest in the planning and siting of facilities. There are typically many different participants with

various interpretations. Throughout the development of the Hawaii CZM Program, efforts were made to solicit comments and review statements to ensure that there would be no inherent conflict between the national interest and the policy base of the program (see page 100). The Hawaii CZM Program is a comprehensive program designed to consider the multiple water and land uses in the coastal zone. Accordingly, trade-offs must be made with respect to the allocation of land and water resources with priority designations being required to resolve conflicts. Because of the widespread participation in the development of the program, the policies are reflective of the needs and interests of local, State, and national governments.

The Hawaii CZM Program's policies recognize national defense and national security as one of the important aspects of national interest, since without the attainment of such objectives all other goals and objectives can be threatened. In addition, the policies calling for recreational and public oriented uses to have a high priority along the coast reflect the popularity of the shoreline as both a resource for both tourists and residents.

Tables 9 and 10 illustrate how Hawaii's management program has addressed the national interest. The first three columns of the table are drawn from NOAA's regulations on the CZM Act national interest requirements. (Section 923.52). The right hand column of the table lists the Hawaii Program objectives and policies that are relevant while Table 5, page 84, provides a listing of those statutes and ordinances which carry out the policies of the 1977 Hawaii CZM Act as specified in the right hand column. Further evidence of Hawaii's consideration of national interest is presented in the discussion on State/Federal Coordination and Consultation (page 104).

The DPED as well as other State and County agencies look to the following sources for policies and information that must be taken into account to adequately consider national interests in exercising both its planning and administrative responsibility:[1]

a. Federal laws and regulations;

b. Policy statements and Executive Orders from the President of the U.S. (e.g., National Energy Plan);

c. Special reports, studies, and comments from Federal and State Agencies;

d. Certificates, policy statements, and solicited opinions issued on specific projects by Federal regulatory agencies such as the Federal Energy Regulatory Commission;

e. Statements of the national interest issued by NOAA, and other Federal agencies.

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[1]Priorities are not intended by the order of the sources.

TABLE 9

NATIONAL INTERESTS IN LAND AND WATER USES AND FACILITIES SITING

Uses With National Interest	Associated Facilities	Associated Federal Agencies	Hawaii's CZM Program Objectives and Policies That are Most Relevant 1/
National defense and aerospace.	Military installations; defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA	Economic Uses
Energy Production and Transmission	Oil and gas; storage and distribution and transmission facilities; refineries; nuclear, conventional, and hydroelectric powerplants; deepwater ports; geothermal, biomass, and ocean thermal energy conversion facilities; solar and wind power operations.	Federal Energy Administration, Federal Power Commission, Department of Interior, Nuclear Regulatory Commission, Maritime Administration, Department of Transportation, Corps of Engineers, Coast Guard, Department of Commerce, Energy Research and Development Administration	Economic Uses, Coastal Hazards, Managing Developments
Open Space and Recreation	National seashores, parks, forests; large and outstanding beaches and recreation waterfronts; wildlife reserves.	National Park Service, Forest Service, Bureau of Outdoor Recreation, Fish and Wildlife Service, Army Corps of Engineers	Recreational Resources, Historic Resources, Scenic and Open Space Resources, Coastal Ecosystems, Coastal Hazards
Interstate Transportation	Interstate highways, airports, aids to navigation; ports and harbors, railroads.	Department of Transportation, Corps of Engineers, Maritime Administration, Interstate Commerce Commission, Coast Guard	Coastal Ecosystems, Economic Uses, Coastal Hazards
Regional Water Treatment Plants	Sewage treatment plants; desalinization plants.	Environmental Protection Agency	Coastal Ecosystems, Economic Uses

[1]See Table 6, p. 84-90, for a listing of those statutes and ordinances which carry out the policies of the 1977 Hawaii CZM Act as specified in this column.

TABLE 10

NATIONAL INTERESTS RELATED TO COASTAL RESOURCES

Resources	Major Related Federal Legislation	Associated Federal Agencies	Hawaii's CZM Program Objectives and Policies That are Most Relevant 1/
Water	Federal Water Pollution Control Act	Environmental Protection Agency, Corps of Engineers, Coast Guard	Coastal Ecosystems
Air	Clean Air Act	Environmental Protection Agency.	Economic Uses, Coastal Ecosystems
Wetlands	Federal Water Pollution Control Act; Fish and Wildlife Coordination Act.	Corps of Engineers, Environmental Protection Agency, Department of Interior, Department of Commerce.	Coastal Ecosystems
Endangered Flora and Fauna	Endangered Species Act	Department of Interior, Department of Commerce.	Coastal Ecosystems, Economic Uses
Floodplains and Erosion Hazard Areas	Flood Insurance Act	Housing and Urban Development, Corps of Engineers, Department of Agriculture.	Coastal Hazards
Barrier islands and Beaches	Coastal Zone Management Act	Department of Interior, Department of Commerce.	N.A.
Historic and Cultural Resources	National Historic Preservation Act	Advisory Council on Historic Preservation.	Historic
Wildlife Refuges and Reserves	Pitman-Robinson Act; Dingall-Johnson Act; Land and Water Conservation Fund Act.	Department of Interior, Department of Commerce.	Coastal Ecosystems
Areas of Unique Cultural Significance	National Historic Preservation Act	Advisory Council on Historic Preservation.	Historic
Minerals	Mineral Leasing Act	Department of Interior.	Economic Uses
Prime Agricultural Lands	Homestead Act	Department of Agriculture.	Economic Uses
Forests	National Forest Management Act	Department of Agriculture, Department of Interior.	Scenic and Open Space Resources, Coastal Ecosystems
Living Marine Resources	Fisheries Conservation and Management Act.	Department of Commerce, Department of Interior.	Coastal Ecosystems
Migratory Birds	Migratory Bird Treaty Act	Department of Interior	Coastal Ecosystems

[1] See Table 6, p. 84-90, for a listing of those statutes and ordinances which carry out the policies of the 1977 Hawaii CZM Act as specified in this column.

The process of synthesizing these various sources of information is broken down into three basic steps which can occur concurrently.

1. Planning for Facility Siting Impacts

The objectives and policies of the Hawaii CZM Act of 1977 provide a mechanism for recognition of national interests in the siting of facilities in the national interest. These objectives and goals do not preclude such uses from any part of the State. High priority is assigned to such uses as open space and recreation; historic, cultural, aesthetic and conservation uses; preservation of life and property; and production of food and fiber. The economic uses objectives of the Program are compatible with mineral resources interests of the nation relative to the protection and enhancement of coral beds, sand, manganese nodules and geothermal sources.

During Program implementation, the State and County agencies identified as part of the management network will hold appropriate public hearings in the implementation of their respective statutory mandates relative to carrying out Program objectives and policies. Federal agencies will be afforded the opportunity to participate in these hearings to assure that National interest considerations are adequately addressed as part of the State-County agency decision-making process.

2. Review of Applications for SMA Developments

Under the Hawaii CZM Act, SMA permits are required to construct or carry out development in the SMA portion of the coastal zone. An applicant subject to the SMA permit process is generally required to provide the following information:

a. Description of the proposed development project site and vicinity using maps, plans, photos, etc.;

b. Present use and plans;

c. Alternatives to the project or mitigation measures to lessen impact;

d. Description of the applicant's legal interest in the property;

e. An Environmental Impact Report or Statement or a negative declaration if required; and

f. Additional information as required by the County.

Each application is reviewed by the County planning agency staff and an evaluation is made to determine whether the proposed activity is compatible with the Hawaii CZM Act of 1977. The Planning Commission (or City Council on Oahu) acts on the recommendation of staff.

While Federally controlled lands are excluded from the coastal zone, as well as the SMA permit process, developments or activities with "spill over" effects into the coastal zone will be coordinated with the affected County. The national interest will also be considered as part of this evaluation in that Federal agencies will be afforded an opportunity to assist the County staff in this evaluation by providing information and Federal agency views on the proposed

development. The DPED will review County SMA decisions for patterns of non-compliance with the provisions of the Hawaii CZM Act.

Finally, aggrieved parties (including Federal agencies) will be able to seek judicial review of a County SMA permit decision if they believe that the national interest is not adequately considered.

3. Federal Consistency Determinations

An earlier section of this chapter outlines Hawaii's approach to evaluating the consistency of Federal activities and projects subject to the requirements of Section 307 of the National CZM Act. The consideration of national interest is required to be taken into account in any Federal consistency determination made by DPED. DPED will cooperate with the Federal agency involved by identifying acceptable alternatives which are compatible with Hawaii's CZM Program.

Federal/State Cooperation to Protect the National Interest

Hawaii, as previously noted, has received extensive assistance and cooperation from many Federal agencies in the preparation of the Hawaii CZM Program. Through this draft review and discussion process, there was an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the preparation of the Program. Although there is expected to be general support for the Hawaii CZM Act objectives among Federal agencies, there may be disagreements in applying the Act's policies to particular circumstances. Continued cooperation can ensure that the national interest is protected through a uniform application of the Act's policies to the entire coastal zone by whichever County, State, or Federal agency has regulatory jurisdiction.

Where the Hawaii CZM Program would conflict with an overriding national need that was not anticipated when the Program was being prepared, it may be necessary for the Federal government to deviate from the Program policies in carrying out a Federal activity or project that is in the national interest. The National CZM Act makes provisions for this deviation by requiring that Federal activities and projects must be consistent with the Hawaii CZM Program "to the maximum extent practicable." The National CZM Act also provides that Federal licenses, permits, and assistance can be approved by the Secretary of Commerce despite a determination by the State of inconsistency with the objectives and policies of the Hawaii CZM Act -- if the activity or project is found to be consistent with the objectives of the National CZM Act, as amended, or otherwise necessary in the interest of national security. (This finding, however, would not compel the responsible Federal Agency to authorize such an activity or project.)

Such cases of Federal override are expected to be rare. Except for national defense and national security needs as established by the President and the Congress, the determination of national interest needs, along with any measures necessary to mitigate the adverse impacts of meeting these needs, should be made cooperatively by the affected County, State, and Federal agencies.

As previously noted in the Participation, Consultation, and Coordination section, the Federal Contacts Group and/or the Hawaii Federal Executive Board will be utilized as the primary forum to resolve State/Federal differences during Program implementation (see page 100).

National Interest Matters of Particular Concern to Hawaii

National interest matters of particular concern to Hawaii in the management of its coastal zone are national defense, mineral extraction, and energy research and development, and energy reserves.

National Defense. In recognition of the paramount importance of national defense and national security, the Program specifically excludes from the defined coastal zone those Federal lands owned, leased, held in trust, or whose use is other wise by law subject solely to the discretion of the Federal government, its offices or agents. This applies to all lands within the coastal zone used for national defense or subject to the jurisdiction of the Department of Defense. Any plans concerning such areas will be coordinated with local Department of Defense representatives.

Mineral Extraction. The extraction of minerals from shorelands, shore waters or offshore areas is a potential coastal zone use with national implications. The DPED has been involved in extensive studies on the feasibility and impacts of manganese nodule mining and processing. Even if such minerals are not extracted within the territorial jurisdiction of the State, the processing or transshipment of such minerals might require locations and facilities in the coastal zone which could be considered in the national interest.

Energy Research and Development and Energy Reserves. Hawaii is vitally dependent upon adequate tanker terminals, power plants, oil storage facilities and refineries, all located in the coastal zone. The storage of such fuels is a matter of national concern.

Hawaii, along with various Federal agencies, is also taking an aggressive approach in determining the technical and economic feasibility of geothermal, wind, ocean thermal, solar and biomass energy conversion for domestic power production. These new developments may be located in the coastal zone out of necessity and/or economic and technical practicality. These energy experiments are nationally important efforts.

Finally, it should be noted that since Hawaii's identified uses of regional benefit are similar, if not equivalent, to the national interest matters of particular concern discussed above, the techniques and authorities relating to uses of regional benefit outlined on pages 78-80 will be used as appropriate to assure that national interest concerns are adequately considered during Program implementation.

CONCLUSION

From detailed description of the Hawaii CZM Program in Chapters 1-7, it can readily be seen that Hawaii has the necessary legal and administrative mechanisms to implement an effective program for the management of Hawaii's coastal resources.

However, coastal zone management is a process and as such it is apparent that the refinement of the management system does not cease with approval by the U.S. Department of Commerce. A program document, however well designed, is still merely the expression of a process at a given point in time. A process must continually undergo evaluation, review, and refinement and be responsive to new issues. As the Hawaii CZM Program continues, there will arise a need to formalize the refinements through legislative actions and the program amendment process.

When a possible amendment will affect various entities, than the DPED will develop such amendments in concert and consultation with those affected entities, as well as providing the opportunity for review by other interested parties.

Hawaii's CZM Program represents an effort at multi-level private and governmental attention to the problems of a fragile, complex, and extremely valuable resource system. It is hoped that this endeavor will grow and prosper throughout the coastal zone of the entire nation and that similar efforts can be directed at other resources and problems that are of concern to all levels of human activity.

ABBREVIATIONS

APC - Area of Particular Concern

CAC - Citizens' Advisory Committee

CIP - Capital Improvements Program

CZM - Coastal Zone Management

DLNR - Department of Land and Natural Resources

DOH - Department of Health

DOT - Department of Transportation

DPED - Department of Planning and Economic Development

EIS - Environmental Impact Statement

HRS - Hawaii Revised Statutes

LUC - Land Use Commission

MLCD - Marine Life Conservation District

NARS - Natural Area Reserve System

NEPA - National Environmental Protection Agency

NFIP - National Flood Insurance Program

NOAA - National Oceanic and Atmospheric Administration

OCS - Outer Continental Shelf

OCZM - Office of Coastal Zone Management

OEQC - Office of Environmental Quality Control

OTEC - Ocean Thermal Energy Conversion

PAC - Policy Advisory Committee

PA/I - Public Awareness and Involvement

SCF - Statewide Citizens' Forum

SCORP - State Comprehensive Outdoor Recreation Plan

SLH - Session Laws of Hawaii

SMA - Special Management Area

GLOSSARY

ACCESS: The unobstructed ability to reach, pass through, or utilize a specific area or resource.

ADEQUATE ACCESSIBLE AND DIVERSE RECREATIONAL OPPORTUNITIES: "Adequate" means that sufficient recreational opportunities are available to accommodate public recreational demands. Adequacy also measures the quality of recreational experience offered. "Accessible" means that the public is provided with legal and reasonably safe and convenient access to recreational opportunities. "Diverse" means that recreational opportunities are available to accommodate a wide variety of recreational activities, including less demanded activities such as hiking, biological observation, and horseback riding. For further examples see "coastal recreation resources."

ADEQUATE PUBLIC ACCESS: That which provides the public with reasonably safe and convenient access to recreational resources and has the capacity to accommodate the level of traffic generated by users.

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.

ARCH: A cave cut completely through the base of a point or promontory along the shoreline by wave action.

AREAS SUSCEPTIBLE TO SHORELINE SUBSIDENCE: Those areas defined in U.S. Geological Survey open-file report 74-239 (1974).

BAR: A beach which nearly or completely closes the entrance of a bay or stream.

BEACH: Temporary accumulations of rock fragments of erosion or calcareous origin--sand, pebble, cobble, or boulder--found along the shoreline to include all land up to the highest wash of the waves, as evidenced by the vegetation or debris line, whichever is higher.

BEACH ROCK: A calcareous sandstone formed by lithification of beach sand.

BENCH: A strip of relatively level earth or rock, raised and narrow along the shoreline.

BLOWHOLE: A crevice formed when wave action extends sea caves along joints or other cracks to the surface, through which sea water and spray issue violently in the form of a fountain. A well-known example may be found near Makapuu on Oahu.

BRACKISH WATER LAKES: Large enclosed bodies of water with measurable salinity. Three which are considered valuable are Nomilo Pond, Lake Kauhako, and Layson Lagoon.

CHANNELIZATION: The process of controlling the extent and frequency of stream flooding by artificially increasing channel capacity.

COASTAL DEPENDENT DEVELOPMENT: Those 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., a coral reef.

COASTAL HAZARDS: Such natural hazards as storm waves, tsunamis, stream flooding, erosion, and subsidence.

COASTAL OPEN SPACE RESOURCES: Vegetated or landscaped land on which a minimum of man-made structures have been constructed, usually used for recreational, agricultural or forest purposes.

COASTAL RECREATION RESOURCES: Those natural and man-made resources necessary to support recreational activities in near shore waters (e.g., ocean sailing, swimming, canoeing, fishing, biological observation), rocky marine beaches, mud flats and mangrove areas (e.g., sunbathing, camping, hang gliding, biological observation), coastal wetlands (e.g., biological observation, wild fowl observation), and near shore lands (e.g., hiking, camping, recreational housing).

COASTAL RESOURCES HAVING SIGNIFICANT RECREATIONAL VALUE: Those resources included in coastal recreation resources (see definition above) and which include existing public parks and potential recreational resources which can be developed to meet existing and projected public recreational demands, e.g., open space within or near developed areas which may be developed as parks.

COASTAL SCENIC RESOURCES: Those viewsheds and sites, including both man-made and natural features, which are generally perceived as visually and mentally pleasing.

COMPETING WATER NEEDS: Demands for water use stemming from such human activities as industry, agriculture, tourism, or residential development which reduce the quantity or quality of the water in a coastal ecosystem.

CRITICAL SHORELINE EROSION AREAS: Those areas identified by the U.S. Army Corps of Engineers in the "Hawaii Regional Inventory of the National Shoreline Study" (1971).

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

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 Oahu.

ECOSYSTEM: All natural elements, physical and biological, of a habitat or site in which any flora or fauna is found and upon which it is dependent.

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, or transportation of, any 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 by which earthy 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, and displaying a mixture of sea water diluted by freshwater from land drainage. Examples include Lumahai on Kauai and Waimanu on the Island of Hawaii.

GENERAL SHORELINE: A measurement of the coastline taken along the interface of land and ocean. In places where water from a stream, river, waterway, estuary, marsh, etc., enters the ocean, measurement is taken across the mouth of the entrance.

HEADLAND: Any projection of the land into the sea; generally applied to a cape or promontory of some boldness and elevation. Examples include Makapuu headland on Oahu and Koae volcanic headland on Maui.

INLAND PROJECTS (PREVENT COASTAL FLOODING FROM): Any project which changes the natural or existing drainage patterns of a watershed so that the rate of discharge flowing through the adjacent coastal area is increased. Such projects usually involve activities such as stream channelization, land clearing, extensive paving, etc.

LITHIFIED DUNES: Calcareous sand blown inland from beaches of the geologic past and now consolidated into rock by the cementing of grains. Geographic examples of high quality are Waihee, Maui and Mahaulepu, Kauai.

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 which display eastern, or western architectural styles adapted to Hawaii's climate or way of life; districts comprised of structures which collectively have significant historic, cultural, architectural, or environmental importance; or sites associated with historic events.

NEARSHORE 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 on Oahu.

NEW SHORELINE RECREATIONAL ACTIVITIES: Man-made recreational resources generally accessible to the public which include but are not limited to sandy beaches (created by bringing in and installing sand from other sources), artificial lagoons (created by dredging and filling or by installation of groins), and artificial reefs (creating opportunities for surfing or fishing and which are constructed by installing material such as rocks and boulders or junked automobiles on ocean bottoms).

NON-POINT SOURCES OF POLLUTION: Areas which generate pollutants (e.g., a plowed field) which find their way into coastal receiving waters.

OBJECTIVES: Expressions of actions by which goals are satisfied and which can be used to measure the effectiveness of the management program.

PERENNIAL STREAMS: Freshwaters flowing down altitudinal gradients in definite natural channels. Flowing water is present year round, but volume varies from low flow in dry season to high flow in wet season. Examples include Punaluu on Oahu and Hanawi on Maui.

POINT SOURCES OF POLLUTION: A single discharge point, such as a thermal electric generating facility water outlet, which delivers a pollutant to receiving coastal waters.

POLICIES: Action-oriented statements that set forth the general management procedures for realizing objectives.

PROTECTED CORAL COMMUNITIES: Hard bottom communities (with scattered sand channels and patches) dominated by living coral thickets, mounds, or platforms, 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.

PUBLIC ACCESS: Rights-of-way across privately-owned or otherwise restricted property which enable the public to use a particular public coastal resource.

RAISED REEF: An elevated reef occurring on calcareous rock shores as the result of a fall in sea level. One of the best examples is Barber's Point on Oahu.

REASONABLE DEDICATION OF SHORELINE AREAS WITH RECREATIONAL VALUE: Dedication which is "reasonable" in terms of the scope of the development to be undertaken and the demand for recreation areas, in relationship to existing or nearby recreation sites.

SAND PATCHES: Shorelines composed of: 1) the weathered calcareous remains of foraminiferans, mollusks, coralline algae, reef building corals, and echinoderms (white sand); 2) weathered remains of basaltic tuff (olivine); or 3) the weathered remains of basaltic lava (black sand).

SAND DUNE: A low hill or bank of drifted sand. Geographic examples of high quality include Kaena Point on Oahu and Waiehu Point on Maui.

SCRUB ECOSYSTEM: Those ecosystems located on the shoreline and the zone immediately back of it that is strongly influenced by the sea. The flora of these ecosystems are composed of species which may be incapable of terrestrial migration, which may be distributed by currents and waves, and which may tolerate salt in the soil or in the atmosphere. These include grasses, herbs, and shrubs.

SEA CLIFF: A cliff formed by wave action. Examples include Kaholo Pali on the southwest tip of Lanai and the Napali coast on Kauai.

SPIT: A beach extending out partly across the entrance of a bay or stream.

STORM WAVES: Wind driven waves which cause flooding of coastal areas.

STORM WAVE INUNDATION AREAS: Those areas identified in the Hawaii Water Resources Regional Study, "Hawaii Water Resources Plan" (1977).

STREAM FLOODING: Inundation of areas adjacent to stream which occurs when storm runoff overlaps the existing drainage channel and overtops the banks.

STREAM FLOODING AREAS: Those areas shown on maps prepared by the U.S. Corps of Engineers as part of the National Flood Insurance Program.

SUBSIDENCE: A downward movement of ground surface caused by a collapse of subsurface deposits. Subsidence is often triggered by earthquakes and occurs primarily on the Island of Hawaii.

TIDAL SHORELINE: A measurement of the shoreline taken along the interface of land and ocean. In places where water from a stream, river, waterway, estuary, marsh, etc., enters the ocean, measurement is taken along a line representing the landward limit of ocean tidal influence on such waters. In the case of a river entering the ocean, for example, measurement will include the distance along both banks of the river as far inland as

the reach of ocean tidal influences, plus the distance across the river along the line representing the landward limit of ocean tidal influence. Similarly, if a bank is completely under the influence of ocean tides, measurement will include the entire circumference of the marsh, except for the distance across its mouth to the sea.

"TIMELY" PROCESSING OF APPLICATION PERMITS: Development permission processing whereby the most efficient and least time-consuming review of a proposed development is achieved consistent with adequate evaluation and public participation.

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

TSUNAMI INUNDATION AREA: Those areas shown on maps prepared by the U.S. Corps of Engineers as part of the National Flood Insurance Program.

VALUABLE COASTAL ECOSYSTEM: Ecosystems along the coast which are unique, particularly scenic, or which serve some especially useful function. Particularly scenic ecosystems may include marshes, streams, beaches, and reef areas. Ecosystems which serve some especially useful function include tidal areas where fish breed, marsh areas where silt from runoff may settle to prevent destruction of offshore reefs, and littoral cells which are the source of sand for beaches.

VALUED SCENIC RESOURCES: Viewsheds and sites which have been officially or unofficially identified as having special value to the State.

WAVE SHELTERED COVES: Indented rocky shorelines removed from heavy wave action or surge. One good geographic example is Honaunau on the Island of Hawaii.

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. An example of such an area is the Heeia Meadows on the Island of Oahu.

PART III

DESCRIPTION OF THE ENVIRONMENT AFFECTED

PART III
DESCRIPTION OF THE ENVIRONMENT AFFECTED

Environmental Setting

The State of Hawaii, which consists of eight major and one hundred sixteen minor islands, extends over some 1,700 miles of the North Pacific Ocean. The islands are part of a submerged volcanic mountain range. A number of large peaks at the highest part of the range protrude above sea level and constitute the eight major Hawaiian Islands. Hawaii became the 50th State of the Union in 1959. The State is 47th in size and 40th in population.

Physical Description

The eight major islands of Hawaii, from north to south, are Niihau, Kauai, Oahu, Molokai, Lanai, Kahoolawe, Maui, and Hawaii. They form a 400 mile arc at the southeastern end of the Hawaiian archipelago, and comprise more than 99 per cent of the State's land area.

All of the islands in the archipelago were formed in a successive chain, over the expanse of geologic time, starting with the northwest islands and progressing southeast to Hawaii. Kauai is the oldest of the major islands, displaying advanced erosion of its mountain ranges, extensive fringe reef development offshore, and numerous sandy beaches along the coast.

At the southeastern end of the chain is the island of Hawaii, known locally as the Big Island. Still young and very active volcanically, it displays gently sloping peaks, poorly developed reefs, and few sandy beaches.

Physical features on the other islands fall in between these two extremes.

The physical features of the inland, shoreland and offshore environments are numerous and diverse. Their distribution and condition are described in detail in a 1975 report published by the Department of Planning and Economic Development entitled Hawaiian Coastal Water Ecosystems. Here only a general summary is provided.

Inland water ecosystems include coastal wetlands and streams. The former are featured in few places on each island, while intermittent and perennial streams are prominent, numbering over 350.

As many as 50 estuaries can be identified in the Hawaiian Islands. These are mostly small and support far fewer species than their continental counterparts. Among the

most widespread of other shoreline ecosystems are rocky beaches. These include shallow lava beaches, boulders, cliffs, tidepools, and limestone solution benches. Sediment beaches including sandy beaches, mud flats and mangroves are the features of the rest of the shoreline.

Offshore features include wide subtidal coral reef flats (barrier, fringing apron, stall and patch reefs) extending as much as 1000 meters seaward from the shore, shallow slopes and faces, deeper slopes, and deep water terraces.

Hawaii's climate is warm and mild, and is generally characterized by a "two-season" year. The winter, November through April, is wetter and slightly cooler than the summer months of May through October. The prevailing northeasterly trade winds predominate about nine months of the year and exert a controlling influence on annual weather patterns.

The general coastline (See Table 11) of the combined Hawaiian Islands, often characterized as the State's most precious resource, totals about 750 miles, and its tidal shoreline totals about 934 miles. Almost one half of Hawaii's total land area is within five miles of the shoreline. There is no point in the State more than 29 miles from the ocean.

Table 11—AREA AND COASTLINE OF COUNTIES, ISLANDS, AND CITIES

County, island, or city	Total area		Land area[1]		Inland water area[2]		General coastline[3]		Tidal shoreline[4]	
	Sq. mi.	Sq. km.	Sq. mi.	Sq. km.	Sq. mi.	Sq. km.	Statute miles	Km.	Statute miles	Km.
State total	6,450	16,707	6,425	16,642	25	65	750	1,207	1,052	1,693
Counties:										
Hawaii	4,038.0	10,458	4,037.0	10,456	1.0	3	266	428	313	504
Maui	1,161.1	3,007	1,160.3	3,005	0.8	2	210	338	343	552
Kalawao	13.3	34	13.3	34	—	—				
Honolulu	610.9	1,582	595.7	1,543	15.2	39	137	220	234	377
Kauai	627.1	1,624	619.1	1,603	8.0	21	137	220	162	261
Islands:										
Hawaii	4,038.0	10,458	4,037.0	10,456	1.0	3	266	428	313	504
Maui	728.8	1,888	728.2	1,886	0.6	2	120	193	149	240
Kahoolawe	45.0	117	45.0	117	—	—	29	47	36	58
Molokini	(5)	(5)	(5)	(5)	—	—	...	...	...	...
Lanai	139.5	361	139.5	361	—	—	47	76	52	84
Molokai	261.1	676	260.9	676	0.2	1	88	142	106	171
Oahu	607.7	1,574	592.7	1,535	15.0	39	112	180	209	336
Kauai	553.3	1,433	548.7	1,421	4.6	12	90	145	110	177
Niihau	73.0	189	69.6	180	3.4	9	45	72	50	80
Lehua	0.4	1	0.4	1	—	—	...	...	...	...
Kaula	0.4	1	0.4	1	—	—	...	3	2	3
Northwestern Haw'n I.[6]	3.2	8	3.0	8	0.2	1	25	40	25	40
Cities:										
Hilo[7]	298.9	774	298.9	774	—	—	...	...	...	...
Honolulu[8]	88.7	230	86.6	224	2.1	5	...	...	...	...
On Oahu	85.5	221	83.6	217	1.9	5	...	...	...	...

Note: For footnotes, see page 231.

Population

The people of Hawaii reflect the State's unique story of immigration from diverse parts of the world. In addition to the native Hawaiians, descendents of immigrants from Japan, China, the Philippines, Portugal, and the mainland U.S. are represented in significant numbers.

Even today, the ethnic composition of Hawaii's population continues to change. For example, between the 1960 and 1970 Census, the proportion of Caucasians increased from 32 per cent to 39 per cent of the population. Alien immigrants also have increased since U.S. immigration laws were amended in 1965. Between 1970 and 1976, aliens accounted for one-fourth of the non-military related immigrants to the State. Population growth in the State during the 1960s was rapid, averaging 2.1 per cent annually. The population in 1970 was 768,600. During the period 1970-1975, the average annual population growth rate increased to 2.3 per cent. However, the rate fell to 1.3 per cent between the years 1974 and 1975. The projected total State resident population for the year 2020 is approximately 1.93 million.

Hawaii's population growth has been unevenly distributed (See Table 12). Between 1930 and the early 1960s, population declined on all of the islands except Oahu. Since the 1960s, population growth patterns have gradually changed so that the combined population growth rate of the Neighbor Islands exceeds that of Oahu.

Table 12—POPULATION OF HAWAII, BY GEOGRAPHIC AREA: 1831 TO 1970

Geographic area	1831	1878	1910	1940	1960	1970
The State	129,814	57,985	191,874	422,770	632,772	769,913
Oahu[1]	29,745	20,236	81,993	257,696	500,409	630,528
Honolulu[1]	13,344	14,114	52,183	179,358	294,194	324,871
Rest of Oahu	16,401	6,122	29,810	78,338	206,215	305,657
Other islands	100,069	37,749	109,881	165,074	132,363	139,385
Hawaii	45,700	17,034	55,382	73,276	61,332	63,468
Maui	35,062	12,109	28,623	46,919	35,717	38,691
Kahoolawe	80	—	2	1	—	—
Lanai	1,200	214	131	3,720	2,115	2,204
Molokai	6,000	2,581	1,791	5,340	5,023	5,261
Kauai	10,947	5,634	23,744	35,636	27,922	29,524
Niihau	1,080	177	208	182	254	237
Urban[2]	13,344	14,114	58,928	264,262	483,961	643,222
Rural	116,470	43,871	132,946	158,508	148,811	126,691
PERCENT DISTRIBUTION						
Oahu[1]	22.9	34.9	42.7	61.0	79.1	81.9
Honolulu[1]	10.3	24.3	27.2	42.4	46.5	42.2
Rest of Oahu	12.6	10.6	15.5	18.5	32.6	39.7
Other islands	77.1	65.1	57.3	39.0	20.9	18.1
Urban[2]	10.3	24.3	30.7	62.5	76.5	83.5
Rural	89.7	75.7	69.3	37.5	23.5	16.5

Note: For footnotes, see page 231.

Land Ownership

Land ownership is highly concentrated in Hawaii. In 1969, major private owners (with holdings of 5,000 acres or more) controlled an estimated 45.2 percent of the total land area in the State. State agencies, including the Department of Hawaiian Home Lands, owned 38.7 percent of the total. The Federal government owned 9.8 percent of the total. (See Table 13) The counties owned about 0.1 percent of the total. Only 6.2 percent of the total was owned by small private land owners. (See Table 14)

Table 13.—REAL PROPERTY OWNED OR LEASED BY THE FEDERAL GOVERNMENT: 1965 TO 1975

Subject	June 30, 1965	June 30, 1970	June 30, 1974	June 30, 1975
OWNED				
Number of installations	102	160	242	249
Land area, total (acres)	363,795.3	396,900.7	417,824.1	405,529.8
Urban	23,004.6	57,202.3	52,228.2	50,862.3
Rural	340,790.7	339,698.4	365,595.9	354,667.5
Number of buildings	11,993	11,479	13,184	13,066
Cost, total ($1,000)[1]	1,007,444	1,115,240	1,252,897	1,269,178
Land	23,938	40,083	47,992	43,773
Buildings	475,948	545,140	646,853	681,712
Structures and facilities	507,558	530,017	558,052	543,693
Predominant usage (acres):				
Agriculture and grazing	...	—	—	—
Forest and wildlife	...	1,767.4	3,041.0	3,064.4
Parks and historic sites	...	218,318.0	238,559.8	238,559.8
Power development and distribution	...	—	—	—
Reclamation and irrigation	...	—	—	—
Office building locations	...	28.9	33.0	50.1
Military, excluding airfields[2]	...	175,223.9	115,719.3	116,205.1
Airfields	...		40,065.8	39,368.0
Harbor and port facilities	...	35.1	159.6	156.6
Flood control and navigation	...	625.7	1,482.1	1,482.1
Vacant	...	13.1	14.6	6.5
Institutional	...	1.5	359.5	359.5
Housing	...	81.4	82.5	82.5
Storage	...	34.0	529.8	529.8
Industrial	...	48.6	17,165.8	5,180.0
Research and development	...	5.2	11.0	11.0
Other land	...	624.3	600.3	474.4

[1] At time of acquisition; includes estimated equivalent cost of properties acquired through donation, exchange, devise, forfeiture, or judicial process.
[2] Figure for 1970 includes all Department of Defense land used for military functions.
Source: General Services Administration, *Inventory Report on Real Property Owned by the United States Throughout the World* (annual) and *Inventory Report on Real Property Leased to the United States Throughout the World* (annual).

Table 14 —LAND OWNERSHIP AND TENURE, BY ISLANDS: 1971-1974
(In acres. Includes area in public thoroughfares on Hawaii but excludes it elsewhere.)

Islands	Survey date	All owners[1]	Federal[2]	State[3]	Counties[3]	Private		
						Total	Fee simple	Leased
State total	...	4,045,931	296,765	1,399,839	2,327	2,346,999	1,857,199	489,800
Percent	...	100.0	7.3	34.6	0.1	58.0	45.9	12.1
Hawaii	1971	2,516,979	200,995	985,269	839	1,329,876	1,026,003	303,873
Maui	1972	461,402	12,275	155,284	365	293,478	255,272	38,206
Kahoolawe	1972	28,832	28,819	13	—	—	—	—
Lanai	1972	89,071	8	169	2	88,892	88,882	10
Molokai	1972	168,257	1,839	39,652	2	126,764	104,089	22,674
Oahu	1974	373,636	50,596	67,360	—	255,679	150,719	104,960
Kauai	1972	357,977	1,977	149,276	1,119	205,605	185,529	20,076
Niihau	1972	47,217	256	256	—	46,705	46,705	—
Other islands[4]	1968	2,560	—	2,560	—	—	—	—

Note: For footnotes, see page 231.

Only limited data are available about ownership of Hawaii's shoreline lands. Private land owners control 60 per cent of Hawaii's total 750 miles of shoreline and 67 per cent of Hawaii's 185 miles of sandy shoreline. The military controls 7 per cent of Hawaii's total shoreline and 9 per cent of Hawaii's sandy shoreline. Most of this is on the island of Oahu. In most cases, the public is completely barred or considerably restricted from use of military land. Because of terrain characteristics, only half of the shoreline theoretically available for public use is easily accessible; i.e., 124 miles. Most of this is on islands other than Oahu where 81 per cent of the State's population lives. (Rutka and Gopalakrishnan, 1974.)

The Economy

Hawaii's economy is sustained by four major export industries--tourism, defense, sugar, and pineapple. Beginning in World War II and up to 1970, defense was the State's major industry. Prior to that, sugar and, to a lesser extent, pineapple dominated the economy. Even to this day, vestiges of the old plantation economy remain, particularly in the rural areas. However, in recent years tourism has grown phenomenally. In 1970, it became the State's leading export industry.

There are minor export industries such as diversified agriculture and manufacturing which supply both local and Mainland markets. However, they are not a significant part of

Hawaii's economy at this time. Most of the State's other industries fall into the non-export category. These industries supply local residents with goods and services bought with money earned through the sale of labor, products, and other services to the export sector. Most industries in this category import products from the Mainland and then warehouse, distribute, and retail them for local consumption.

The Importance of Hawaii's Coastal Zone

Hawaii's shoreland and shorewater areas contain maritime and commercial activities including airports which account for approximately 95 per cent of all products moved to or from Hawaii or between the islands. Other marine-related economic activities in coastal areas include tourist services, boat building, marine construction, ship repair, customs, brokerage agencies, warehousing, supply, commercial diving, fish canning, agriculture, and power plants.

Hawaii's coastal areas also contain resources of great recreational, scenic, historic, and scientific value. Hawaii's scenic and recreational resources are renowned worldwide and are a primary reason for the State's attraction as a visitor destination area. Important historical and archaeological features still are found throughout Hawaii's coastal zone in spite of considerable prior losses to agricultural and urban development. Hawaii's coastal areas also provide habitat for wetlands birds, strand plants, and marine and freshwater aquatic species found nowhere else in the world.

Socio-Economic and Environmental Trends

A number of socio-economic and environmental trends need to be accounted for prior to an analysis of impacts. These trends are indicative of the overall environment in which the Hawaii CZM Program will be implemented and will affect impact assessment in two ways. First, they are the baseline conditions from which impacts can be determined. Second, socio-economic and environmental trends affect policy and implementation decisions and are in turn affected by such decisions. Counties, for example, wishing to stimulate their economy through development in particular areas may make conscious choices to accept certain environmental and social losses. These losses may seem to be a fair and legitimate tradeoff necessary to offset deleterious economic trends such as rising unemployment.

What follows is a general overview of these trends.

Economic Trends

Historic Economic Growth Trends

Hawaii's economy has changed considerably since westerners disrupted and to a large extent replaced the economically self-sufficient native Hawaiian culture in the 1800's. Large scale agricultural development based on sugar and pineapple plantations scattered throughout the major islands provided the initial stimulus for widespread social and economic change. Labor for the plantation was largely imported from foreign countries, notably China, Japan, Portugal, and later the Philippines. These immigrants eventually melded with the existing Hawaiian and Caucasian populations to form the unique culture of the islands. As an agrarian society operating on a plantation system, upward socio-economic mobility for laborers was minimal.

National defense provided the next stimulus for Hawaii's social and economic development. Hawaii was a natural choice for development as the military's key Pacific base because it was close enough to the Far East to be strategically important and near enough to the U.S. mainland to be supplied with necessary material. The development of Hawaii as a military base helped create a physical infrastructure and a local skilled labor base which benefited the growth of other industries. In addition, the influx of Federal dollars supported the growth of secondary service industries which provide goods and services to those employed in export industries.

Tourism is the State's most recent growth industry. The industry has grown rapidly since Hawaii achieved statehood in 1959, particularly during the late '60s and early '70s, and now surpasses defense as the dominant money earner for the State. (Since statehood, the growth rate in the number of visitors has increased an average of 17.7 per cent per year.)

The Outlook for Hawaii's Export Sector

Hawaii's export sector, though more diversified than in the past, is still reliant on a few major industries--tourism, defense, and Federal spending--which provide 81 per cent of the State's income and bring in the funds needed to pay for the wide range of goods and services that Hawaii residents and visitors import. These industries are highly sensitive to national and international economic fluctuations. As a result, Hawaii is more vulnerable to recessions which are largely beyond the State's control and influence. Periodic boom/bust cycles could be very disruptive in terms of personal income, employment investments, government revenues, and expenditures.

Tourism is the largest generator of civilian jobs in Hawaii. In 1975, the industry directly and indirectly generated 19.5 per cent of all the civilian jobs and was the source of 23 per cent of the State's export earnings. It shows good potential for continued growth at a slower rate than in the past and will probably provide a sizeable share of future jobs. (See Table 15). However, tourism is subject to economic instability. For example, during the 1974-1975 national recession, the visitor growth rate dropped from 6.1 per cent during the period 1973-1974, to 1.2 per cent during 1974-1975. A decline in the number of visitors vacationing in Hawaii can be caused by a national recession, incidents of crime, airline strikes, or international oil crises. Due to its size and influence, uneven growth in tourism contributes to boom/bust growth in construction and related activities.

Table 15 PASSENGERS ARRIVING IN HAWAII: 1966 TO 1976

Year	All arriving passengers
1966.....	1,279,151
1967.....	1,562,414
1968.....	1,683,326
1969.....	1,941,638
1970.....	2,219,559
1971.....	2,500,462
1972.....	3,053,557
1973.....	3,624,667
1974.....	3,882,957
1975.....	3,849,525
1976.....	4,340 442

A change in visitor growth rate from 8,000 daily visitors to no growth may result in the loss of an estimated 4,000 construction jobs and 4,200 non-construction jobs. In addition, growth in tourism has a less significant impact on increase than growth in other sectors because wage rates in tourism are lower than average wage rates throughout the State.

Distribution of visitor facilities in the islands is uneven. Seventy per cent of Hawaii's visitor facilities are located in Waikiki on seven-tenths of a square mile.

However, the growth rate of visitors facilities on Oahu is diminishing with the exhaustion of prime sites for hotels in Waikiki. Simultaneously, visitor accommodations on the Neighbor Islands have gradually become more marketable. As a result, visitors now tend to divide their time between hotels in Waikiki and hotels on the Neighbor Islands. Hence, future development of visitor facilities are anticipated to proceed much more rapidly on the Neighbor Islands than on Oahu. (See Table 16)

Table 16. — HOTEL UNITS, 1976 AND 1977, AND OCCUPANCY RATES, 1975 AND 1976, BY GEOGRAPHIC AREA

Geographic area	Number of units			Percent occupied[1]	
	Feb. 1976 (existing)	February 1977			
		Existing	Planned[2]	1975	1976
State total	42,648	44,986	13,942	(NA)	(NA)
Oahu	25,851	27,363	5,078	(NA)	(NA)
Waikiki and Kahala[3]	22,117	23,627	4,928	78.3	82.6
Ala Moana	1,681	1,676	—		
Central Honolulu	129	129	—		
Airport	702	702	—	(NA)	(NA)
Leeward Oahu	620	618	—		
Windward Oahu	602	611	150		
Hawaii	6,045	5,929	3,857	59.9	57.6
Hilo and Honokaa	2,167	2,130	—	57.3	51.4
Volcano	38	38	—		
Ka'u	13	21	—	74.3	78.9
North and South Kohala	404	409	3,200		
North and South Kona	3,423	3,331	657	59.3	58.5
Maui	7,007	7,898	1,950	72.3	74.8
Wailuku and Kahului	370	428	—	78.7	79.7
Lahaina to Napili	4,631	4,938	1,197	74.9	79.0
Kihei and Maalaea	1,900	2,425	663		
Kula, Makawao, and Paia	19	19	90	58.4	58.4
Hana	87	88	—		
Kauai	3,520	3,657	2,615	77.2	76.8
Kapaa and Wailua	1,554	1,711	1,027	79.0	80.2
Lihue	712	789	—		
Poipu and Kukuiula	730	679	648	74.0	73.3
Kalaheo	20	20	—		
Kokee	12	12	—	55.5	53.8
Hanalei	492	446	940		
Molokai	214	128	442	(NA)	(NA)
Lanai	11	11	—	(NA)	(NA)

NA Not available.
[1]Annual averages.
[2]Under construction or announced for future construction. Includes 1,037 to be completed in 1977, 3,535 in 1978, 1,550 in 1979, and 7,820 indefinite.
[3]Occupancy data limited to Waikiki and Diamond Head.
Source: Hawaii Visitors Bureau, *1975 Annual Research Report*, pp. 25-28; *Visitor Plant Inventory, February 1977;* and records.

Defense is Hawaii's second most important industry in terms of employment and overseas income generated outside the State. In 1975, this sector directly and indirectly generated 19 per cent of the civilian jobs in the State and 24.9 per cent of the State's export sector income. This sector has been subject to a slow, steady, downward trend in civilian employment of armed forces, which has affected Hawaii's economy and employment. In addition, over the past several years, the number of military personnel stationed in Hawaii has fluctuated considerably. These fluctuations in the defense industry are largely beyond State control and influence.

Since 1970, defense expenditures have been growing at a fairly rapid rate of 16.1 per cent annually. However, this increase is not reflected significantly in the civilian sector, since much of the increase was directed toward wage and salary hikes for military personnel. During the same period, civilian jobs provided by the military declined at an average rate of 480 jobs per year. The growth rate of future defense activities is expected to be minimal.

Defense activities in the State are concentrated on Oahu, which contains 99 per cent of all the defense generated civilian jobs and 99 per cent of all military personnel in Hawaii. Hence, any changes in defense activities will primarily affect Oahu.

Federal non-military expenditures in Hawaii are the third largest source of income to the State, comparable to existing levels of defense expenditures. Totalling $934.4 million in 1975, Federal civilian expenditures provided 21.5 per cent of the overseas income to Hawaii for that year.

Federal civilian jobs provided by the various Federal programs constituted 2.9 per cent of all civilian jobs in the State in 1975. Ninety-four per cent of these Federal jobs are located on Oahu. In addition to Federal jobs, Federal civilian expenditures directly and indirectly generated 13 per cent of all civilian jobs in the State in 1975.

Future growth of Federal expenditures in Hawaii will probably follow the growth rate of Federal expenditures on domestic programs. Projection for Federal budgets on domestic programs indicate that the growth of expenditures in Hawaii will be considerably less than the annual average of 8.8 per cent that occurred between 1968 and 1975. The major domestic functions that will probably receive priority in the projected Federal budgets are

the following: natural resources, environment, energy, agriculture, mass transit, health, and revenue sharing.

Sugar is the fourth largest source of income to the State. It is a distant fourth, however, with the industry providing only 7 per cent of the State direct income in 1975. In terms of jobs, the sugar industry directly and indirectly generates 8 per cent of the State's civilian jobs. This percentage is declining as mechanization and acreage reductions have led to steadily diminishing sugar employment.

Increasing competition from overseas producers and high labor and land costs put Hawaii's sugar industry in a less advantageous position. The lapse of the 40-year old Sugar Act in 1974 introduced a new element of instability to Hawaii's economy. Unless controls are instituted, it is likely that sugar will experience significant fluctuations. Sugar price fluctuations cause related fluctuations in corporate revenues and government tax collections, which in turn affect related economic activities and government spending.

While competition to Hawaii's sugar industry is increasing, it is expected that the industry will remain healthy in the short term due largely to research efforts which have resulted in high sugar yields per acre.

The pineapple industry in Hawaii is clearly on the decline as indicated by its declining share of the world pineapple market, acreage, production, and employment. (Hawaii's share fell from 72 per cent in 1950 to 27 per cent in 1975.) However, fresh pineapple sales are increasing rapidly and total sales have held up well because of price increases. In addition, the market potential for future growth for fresh pineapple on the mainland remains high.

The pineapple industry's importance to the health of Hawaii's economy has declined considerably. In 1975, the industry provided only 4 per cent of the total overseas income and directly and indirectly generated 1.9 per cent of the State's civilian jobs. However, pineapple is important to Maui County where the industry directly provides 8.4 per cent of all the County's jobs, especially on the island of Lanai where nearly all the jobs are dependent on the pineapple industry.

Diversified agriculture industry's growth is restricted by a number of problems, most of which are very difficult to eliminate. Major problems include a small local market

which cannot support large-scale mechanized operations; competition from overseas producers who can absorb transportation costs and undersell Hawaii products; high labor, land, and materials costs; and high overseas shipping costs.

A number of areas have potential for rapid growth if supported by capital, research, and favorable governmental location and regulation policies. Some industries with immediate growth potential include apparel and textile manufacturing, motion picture and television production, and astronomy. In addition, there is considerable interest in establishing Hawaii as an international business headquarters. Other industries having long-term growth potential include energy development, manganese nodule mining and processing, and bauxite mining.

The Outlook for Hawaii's Local Economy

The funds earned by Hawaii residents through the export sector help support a large and thriving local economy. Most industries in this sector are heavily dependent on imported raw materials and products which are retailed to the consumer without much intermediate processing. Conditions in Hawaii's export sectors have an almost immediate effect on the local sector. A slowdown in tourism, for example, would result in higher unemployment, lower personal income, and reduced consumer spending.

The construction industry was particularly hard hit by the effects of the 1973-1975 national recession. While the events which led to the troubled construction situation are not subject to simplistic analysis, certain key factors indicate that the industry's problems will not be resolved in the short term.

The construction industry's boom years during the late 60's and early 70's resulted from a sharp flow of visitor dollars and a backlog of demand for housing and vital public construction projects occurring simultaneously. This trend was reversed in 1975 when construction of private residential dwellings, after increasing at a rate of 5.4 per cent from 1965 to 1974, declined by 45 per cent from 1974 to 1975. The decline continued during 1976. This reversal was attributable to high interest rates, a slowdown in the economy, and an oversupply of higher priced units.

The effects of the decline on construction employment have been severe. The unemployment rate for this industry currently exceeds 20 per cent, highest for any industry

in the State. Compared to other States, construction jobs in Hawaii comprise a relatively larger share of total private employment. An estimated 8-1/2 per cent of the available Hawaii jobs are in construction and related manufacturing industries such as cement.

While, in the long run, construction activities should increase, it is not expected to attain past levels of activity. The demand for new housing will be tempered by rising construction costs making it increasingly difficult for potential buyers to enter the housing market. Except for a new mass transportation system, and possibly a new trans-Koolau highway project, both on Oahu, no large public construction projects appear on the horizon. Hotel construction, especially on the Neighbor Islands, is expected to expand as the visitor industry recovers from the national recession.

The role of manufacturing in Hawaii is comparatively smaller than in other states. The total income value added by manufacturing sales in 1972 as a percentage of total product was 30.6 per cent for the U.S. but only 8.7 per cent for Hawaii. Most of Hawaii's manufacturing companies are located on Oahu with food processing being the largest manufacturing activity.

Diversified agriculture, in addition to developing as a potential export industry provides local residents with locally produced goods. However, the amount of food produced for local residents has been decreasing if compared with the amount of food that is being imported from the mainland. With the exception of select products such as milk, eggs, and poultry, most food products can generally be purchased at lower prices from overseas sources.

Currently, there is a strong effort to encourage increased production of food for local consumption in order to decrease mainland dependence. Such efforts are limited by several factors: limited land and intense competition from urban land uses, mainland competitive advantages due to economies of scale, insect and nematode problems, steep barriers to entry for small farmers (land availability, marketing, financing).

Employment, Labor Force and Wages

Hawaii's economy has grown rapidly during the first six years of this decade, though not commensurate with the higher growth in employment demand. As a result, the number of unemployed has doubled in this period. In 1976, Hawaii's unemployment rate averaged 9.8 per cent, significantly higher than the national rate of 7.6 per cent. Unemployment rates were higher on the Neighbor Islands than on Oahu.

Hawaii's current high unemployment conditions result from several factors: the continuing adverse effects of the 1973-75 national recession, particularly in construction; and unusually high labor force growth during recent years resulting from increased rates of labor force participation, to name a few.

Trends indicate that the visitor industry will probably be the major provider of additional employement for the future. It is estimated that 48 percent of the jobs needed over the next ten years can be supplied by the visitor industry. To supply this number of jobs, it is estimated that about 26,500 hotel rooms will have to be built over the next ten years. In contrast, projections through 1980 indicate negative growth rates in jobs for the construction industries and all agricultural and food processing industries. In addition, growth in Federal employment is anticipated to be minimal.

It is anticipated that population dispersal throughout the State will continue, due to shifts within the economy. Faster economic growth and employment opportunities on the Neighbor Islands will probably result from higher growth in tourism and diversified agriculture on the Neighbor Islands than on Oahu. Slower growth in defense and Federal spending, both of which are concentrated on Oahu, may result in slower economic growth and employment opportunities on Oahu.

In summary, economic projections indicate that Hawaii's overall growth rate will likely be slower than in the recent past, due largely to expected slower growth in tourism, defense, and Federal spending. Although Hawaii's economic growth rate is expected to decrease, the average amount of growth per year is not expected to differ much from past years. The probability of major disruptions of Hawaii's economy increases proportionately as greater reliance is placed on industries which are sensitive to national and international economic and political conditions.

Environmental Trends

Exploitation of the natural environment is not a choice but a necessity if the present standard of living in Hawaii is to be maintained. In the past, exploitation has often been taken for granted. However, events of the past decade have brought a realization

that Hawaii's natural resoures are not unlimited. There is growing recognition that human activities which modify the natural environment create a chain of events that ultimately may reduce the benefits man derives from natural systems. Uses of natural resources are paid for by closing other possible options. Uses which now appear to be most beneficial may eventually foreclose other uses that are now poorly understood. The loss of future options might not be noticed until later when they are needed. Management acts as an intermediary device between the dual necessities of exploiting the natural environment and maintaining future resource-use options. Even renewable resources such as water require more enlightened management in order to assure an adequate supply for future generations.

Three relatively recent developments have catapulted resource exploitation into a major political, social and economic issue:

- o Rapidly diminishing supply of certain types of lands and waters.
- o Growing competition for the use of certain types of lands and waters.
- o Increasing sophistication in describing and monitoring natural systems and improved ability to understand and anticipate the impacts of man-induced environmental change.

The environmental trends can be measured, in part, by society's response to changes in the environment. This response is most clearly articulated in legislative or administrative actions which affect the environment.

In this regard the State of Hawaii has been keenly aware of the pressures placed upon its unique and fragile environment. The emergence of the State's management network, as described in Chapter 2, Part II, indicates a trend towards the preservation and maintenance of environmental resources. This is exemplified not only by recent environmental legislation, but also by the continued development and expansion of State environmental programs such as the Natural Areas Reserve System and the Marine Life Conservation Districts.

Natural Hazards

In terms of trends, natural hazards should perhaps be treated separately inasmuch as they are impacted by both environmental and socio-economic factors.

Coastal hazards in Hawaii and elsewhere result from exposure of man and his works to natural physical processes. Although the locations of areas susceptible to natural hazards are generally known, the occurrence of hazard events is usually not. The degree

of exposure of life and property, together with the rates, magnitudes, and frequencies of energy transfer determine the relative risk or probability of hazard. If people or valued property are not exposed to these phenomena, there are no threats to loss of life and property.

Some naturally hazardous areas such as flat flood plains or coastal plains tend to attract people and activities. In such areas there is always a problem of balancing socially desirable uses of such areas against acceptable risks. Under the pressures of a growing population, potential hazards are sometimes forgotten or underestimated.

The most damaging natural hazards in the coastal belts of the Hawaiian Islands are floods, tsunamis, storm waves, and shoreline retreat. (See Table 17) Land development in affected areas has often removed natural "defenses" such as wetlands and dunes against such hazards. One problem with managing hazardous areas is that controls may result in an over-estimation of the safety and may lure more people into the hazard zone.

TABLE 17

TSUNAMI WITH RUN-UP OF 2 METERS (6.6 FEET) OR MORE: 1946 TO 1977
(Correct to June 16, 1977)

Date	Maximum height in Hawaii		Deaths in Hawaii	Damage in Hawaii (dollars)
	Meters	Feet		
1946: April 1	17.0	55.8	159	26,000,000
1952: Nov. 4	6.1	20.0	—	1,000,000
1957: March 9	16.0	52.5	—	5,000,000
1960: May 22	10.5	34.5	61	23,000,000
1964: March 27	4.8	15.7	—	67,590
1975: Nov. 29	7.9	26.0	2	1,500,000

PART IV

PROBABLE IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT

The intent of the CZMA is to promote the wise use of the Nation's coasts. The CZMA encourages States to achieve this goal through better coordination of government actions, explicit recognition of long-term implications of development decisions, and the institution of a more rational decision-making process in concert with the overall CZMA policies. This process, which could affect much of the future activity in the coastal zone will have a substantial environmental impact.

Both beneficial and adverse environmental and socio-economic effects will result from Federal approval and State implementation of the Hawaii CZM Program. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy "to achieve wise use of 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."

Protection of the coastal zone may be viewed as beneficial to the environment and to the public welfare for many reasons, but it also may have adverse socio-economic effects on property owners and would-be property owners whose plans are limited or curbed by the program.

The overall purpose of this EIS is to determine if implementation of the Hawaii CZM Program processes as described in Part II, can reasonably meet the objectives the State has set forth which will in turn further the aims of the broader national CZMA.

A. IMPACTS DIRECTLY RESULTING FROM FEDERAL APPROVAL

Impacts associated with the Federal approval of the Hawaii CZM Program fall into two categories: (1) impacts due to a direct increase of funds and funding options to the State and local governments, and (2) impacts from the implementation of the CZMA.

Although the HCZMP could be implemented separate from the CZMA, Federal approval offers several advantages to the State and allows a more comprehensive program.

1. Program funding

Federal approval will permit the OCZM to award program administrative grants (Section 306) to Hawaii. This will allow increased employment of specialists such as planners, scientists, permit review and enforcement officials at both the State and local government levels. The effect will be to raise the professional level of resource management decision-making in the coastal zone. Section 306 grants will be used to help administer and enforce the State and local implementation programs, and for continual improvement of those programs. Funds will allow more detailed studies related to the human and natural environments which will increase the

quality of the information base from which coastal zone management decisions will be made. An increase in the staff will speed the permit review and appeals system and provide better enforcement of the program regulations, and thus help meet the CZMA objective of more coordinated governmental action.

Since Hawaii began participating in the Federal CZM program in fiscal year 1974, it has received $1,450,000 in funds under Section 305 (Program Development) of the CZMA and provided $650,000 in State matching funds. In addition, it has received $199,000 in land acquisition funds under Section 315 for the establishment of the Waimanu Estuarine Sanctuary.

Under Section 306 (Program Administration), Hawaii will receive $1,000,000 for the first fiscal year and further funding in that range until at least FY-80, or after if the life of the Federal Program is extended by Congress.

Local governments participated in the administration of the Shoreline Protection Act of 1975 since they were actually involved in processing permits. Such costs, while not fundable under Section 305 of the CZMA,but will be eligible under Section 306.

Additional funding for beach access, island preservation, research and training will also be made available at a later date if Federal funds for these purposes under the CZMA are appropriated. Section 308 Coastal Energy Impact Funds and Formula Grants are also available to Hawaii because of its participation in the national program.

The DPED has described the types of activities and functions Hawaii would like to carry out with Section 306 funds in Part II, Chapter 2.

2. Implementation of the CZMA

Federal Consistency Provisions. Federal approval and State implementation of Hawaii's CZM Program will have implications for Federal agency actions. Approval of the State's program will lead to activation of the Federal consistency provisions of the CZMA (Section 307). These provisions and the manner in which Hawaii intends to implement them are described in Part II, Chapter 7.

The overall purpose of the Federal consistency provisions is to provide for closer cooperation and coordination among Federal, State, and local government agencies involved in coastal related activities and management. This is considered to be a desirable impact and is one of the principal objectives of the CZMA.

The Hawaii CZM Program has evolved with the assistance and input of numerous Federal agencies with responsibility for activities in or affecting the coastal zone. Because of this

opportunity for coordination during the program planning stage, it is not anticipated that many conflicts will arise during implementation of the Hawaii CZM Program between the State's substantive policies and Federally licensed or conducted activities. No activities of relevant Federal agencies are excluded from locating in the coastal zone although these activities may have to meet environmentally protective policies to obtain coastal sites and/or be located outside the coastal zone if adverse environmental effects cannot be sufficiently mitigated.

Certain safeguards are built into Section 307 of the CZMA to prevent unreasonable use of Federal consistency provision to block activities which are necessary in the national interest, for national security, or are otherwise consistent with the CZMA.

When Federal agencies are undertaking activities including development projects directly affecting the State's coastal zone, they must notify the State of the proposed action and the parties will then have an opportunity to consult with one another in order to ensure that the proposed action not only meets Federal requirements, but also consistent, to the maximum extent practicable, with the State's management program. In the event of a serious disagreement between the State and a Federal agency, either party may seek Secretarial mediation services to assist in resolving the disagreement. By virtue of the availability of early Federal-State consultation and the mediation services of Secretary of Commerce, the potential for conflict resolution is enhanced. These procedures will provide all parties with an opportunity to balance environmental concerns along with other National, State and local interests.

In cases where the State judges that proposed Federal license, permit or assistance activities affecting its coastal zone are inconsistent with the State's coastal program, the Federal agency will be required to deny approval for the activities. State objections must be based upon the substantive requirements of the management program which include consideration of issues such as air and water quality protection, prevention of shoreline erosion, protection of valuable wetlands and other environmentally related objectives. Accordingly, State objections will often result in protection of the environmental quality of coastal resources. On the other hand, State objections may require Federally regulated and assisted projects to locate in alternative sites thereby causing adverse impacts in non-coastal areas.

Implementation of the Federal consistency provisions will be extremely important for both the State and local government agencies, particularly with respect to Federal assistance projects. Several local government officials expressed concern over the use of consistency in the administrative boundary where the objectives and policies of Act 188 are not legally required to be enforced but where during the interim period State agency authorities will attempt to meet the interest of those objectives and policies through existing laws and regulations. The potential implication is that some Federal assistance projects requested by local government agencies could

be found to be not consistent by the State CZM lead agency and therefore the proposal must be denied by the Federal agency.

While it is difficult to deny the basic purposes of the Federal consistency provisions, it may be the cause of denials of Federal assistance to States (including local governments) until such time as the assistance can be assured to be consistent with the State's approved management program. It is not expected that this would happen in many cases since coordination and consultation has increased between State, local and Federal government agencies, and the interim boundary is expected to be of a temporary nature.

In certain instances, a State objection to a proposed Federally licensed or assisted activity may be set aside by the Secretary of Commerce if the proposed activity is consistent with the objectives of the CZMA or is in the interest of National security. In the former case, the Secretary must find that (1) the activity will not cause an adverse impact on the coastal zone sufficient to outweigh its contribution to the National interest, (2) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the management program, and (3) that the proposed activity will not violate requirements of the Federal Water Pollution Control Act or the Clean Air Act. Accordingly, even if State objections are set aside by the Secretary, the override will be dependent upon consideration of environmental protection needs. This procedure conforms with NEPA's objective for incorporating environmental values in Federal agency decision-making.

Where the State determines that a proposed Federally regulated or assisted project is consistent with the requirements of the management program, the Federal agency may approve the project and the result is that the project will be in conformance with the State's management program requirements including those related to environmental protection. Notwithstanding State approval for the project, the Federal agency is not required to approve the license, permit or assistance application. The proposed project may still require Federal Government disapproval based upon overriding national interest grounds when Federal criteria are more stringent than the State's management program requirements. Accordingly, as between Federal and State environmental requirements for the coasal zone, the more stringent ones would apply, thereby fulfilling NEPA's objectives to administer Federal programs in a manner which enhances the quality of the environment.

National Interest

Federal approval of a State's program will also signify the State has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities

involve energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense; historic, cultural, aesthetic, and conservation values; and mineral resources to the extent they are dependent on or relate to the coastal zone.

This policy requirement of the CZMA is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

The provisions might have two impacts. First, it will prohibit a State from arbitrarily or categorically prohibiting or excluding any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will insure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to the more deliberate and less fragmented decision-making concerning siting of facilities in the coastal zone.

B. IMPACTS ASSOCIATED WITH PREVIOUS IMPLEMENTATION

In an attempt to understand the impacts associated with Federal approval, it was determined that there should be an exploration of the impacts which have resulted from the implementation of previous methods of control which are part of the management program. Previous sections in this EIS have identified coastal management problems which have resulted from improperly planned development. It has also been pointed out that many of these impacts were the result of a lack of enforcement or adequate information from which to make decisions, but not because there were no appropriate laws or adequate regulations.

Part II, Chapter I, describes Hawaii's earlier efforts in land use management and coastal related controls. Part II, Table 5, shows the numerous laws or ordinances which will be used to implement the State's management program. The two most significant laws which stand out as the means of control are the Land Use Law of 1961 and the Shoreline Protection Act of 1975. Impacts associated with the implementation of the latter-law as it was amended in 1977 will be reviewed in Section C which follows.

1. Land Use Law

Much of the success of Hawaii's CZM Program will rely on the coordination of the existing Federal, State and county network of land and water management systems. One of the most important of these systems is Hawaii's statewide land use zoning administered by the State Land Use Commission (LUC).

HISTORY[1/]

Hawaii was the first of the fifty states to have a General Plan. It was prepared by the State Planning Office, now the Department of Planning and Economic Development, in response to the State Planning Act of 1957, was submitted to the Governor in January of 1961 and subsequently approved by resolution of the Legislature. The Land Use Law is a result of this first State General Plan. In 1967 the plan was revised by the General Plan Revision Program.

During the preparation of the State General Plan of 1961, certain land use issues became clear:

1. Development of land for urban uses, in many cases, tended to occur in areas where it was uneconomical for public agencies to provide proper and adequate service facilities, and there was a consequent lag in the provision of such facilities, to the detriment of the general welfare and convenience;
2. Development of land for urban uses, in many cases, occurred on the state's limited prime agricultural land (10 percent of total land area) having a higher capacity for contributing to the long term basic economy of the State by remaining in agricultural use;

3. There was adequate land on all the islands of the State for full development of the urban uses forecast for the next twenty years without using lands with high capacity for intensive cultivation;
4. Development of urban areas should be encouraged in an orderly and relatively compact manner in order to provide for economy and efficiency in public services and utilities;
5. Land not required at any given time for urban or intensive agricultural uses should receive special attention regarding land management practices and use.

Subsequently, the 1961 Legislature passed the Land Use Law establishing the State Land Use Commission, calling for classification of all lands in the State and authorizing the adoption of rules or practice and procedure and regulations for land use within the various districts.

The law, as amended in 1963 by addition of the Rural District, and in 1965 to shorten petition processing time, provides for four districts: Urban, Rural, Agriculture, and Conservation determined by a nine member Land Use Commission appointed by the Governor and confirmed by the Senate. The Act was further amended in 1975.

PROVISIONS OF THE LAND USE LAW

Of the four districts provided, urban districts are generally defined as lands in urban use with sufficient reserve to accommodate foreseeable growth. Agriculture districts include lands with a high capacity for intensive cultivation, with a minimum lot size of one acre. Conservation districts are comprised primarily of lands in the existing forest and water reserve zones. Rural districts, the result of the amendment to the Law in 1963, are defined as lands composed primarily of small farms mixed with low density residential lots with a minimum lot size of one-half acre.

Land uses within urban districts are administered solely by the counties. In the agriculture and rural districts the Land Use Commission establishes the land use regulations, and the counties are responsible for their administration. The counties, however, may adopt more stringent controls than those imposed by the State. In the conservation districts, land uses are administered solely by the State Department of Land and Natural Resources.

Table 18 breaks down the estimated acreage by district. It shows that the urban and rural districts have increased in acreage mainly at the expense of agricultural land.

LEGISLATIVE MANDATE

The LUC's mandate provides for consideration of many of the concerns addressed by Hawaii's CZM Program in the 306 submission and the HCZM Act. The primary focus for these concerns will be through the State Plan when it is adopted in the Spring of 1978. Since 1975, the LUC has

Table 18 —ESTIMATED ACREAGE OF LAND USE DISTRICTS: 1964 TO 1977

(Total acreage, including inland water, as classified by the Hawaii State Land Use Commission under the provisions of Chapter 205, Hawaii Revised Statutes. All data are approximate.)

Year and island	Total area[1]	Classification by State Land Use Commission			
		Urban[2]	Conservation[3]	Agricultural[4]	Rural[5]
STATE TOTALS					
1964: August	4,111,500.0	117,800.0	1,862,600.0	2,124,400.0	6,700.0
1969: August	4,111,500.0	140,163.3	2,009,086.7	1,955,875.0	6,375.0
1974: March	4,111,500.0	147,472.0	1,986,428.9	1,968,727.2	8,871.9
1975: February	4,111,500.0	148,921.4	1,976,995.7	1,976,695.4	8,887.5
1977: January	4,111,500.0	149,197.5	1,976,995.7	1,976,392.6	8,914.2
ISLANDS: 1977					
Hawaii	2,573,400.0	33,628.5	1,310,573.0	1,228,586.5	612.0
Maui	465,800.0	15,376.4	193,678.7	253,194.6	3,553.3
Kahoolawe	28,800.0	—	28,800.0	—	—
Lanai	90,500.0	2,331.0	38,210.0	47,239.0	2,720.0
Molokai	165,800.0	3,293.1	49,767.7	111,844.2	895.0
Oahu	385,300.0	85,259.1	154,907.6	145,133.3	—
Kauai	353,900.0	9,309.4	198,758.7	144,695.0	1,136.9
Niihau	45,700.0	—	—	45,700.0	—
Kaula and Lehua	400.0	—	400.0	—	—
Northwestern Haw'n Islands	1,900.0	—	1,900.0	—	—

been operating under an Interim Statewide Land Use Guidance Policy (shown in Table 3, Part II) which directs it to avoid adverse environmental effects and contain urbanization.

In addition to these policies, during the last two years the LUC's Regulations gave explicit recognition to CZM objectives and policies by requiring that all requests for boundary amendments discuss whether the change was in conformance with the Shoreline Protection Act policies and guidelines.

Since 1975, the LUC has been a quasi-judicial body which must file findings of fact and conclusions of law when acting on petitions to amend land use district boundaries. As a result, a State court may overturn a contested land use change if the courts find that the decision is not supported by substantial evidence on the whole record. The Land Use Commission is responsible for approving all land use boundary amendments and all special permits within the rural and agricultural districts. As a result, its jurisdiction extends beyond the existing SMAs to include areas which may have significant impacts on coastal land and waters. Because of these factors, the Land Use Commission can help insure that the HCZM Act policies and objectives are achieved.

Survey of LUC Decisions

Because of the importance of LUC decisions to the success of the HCZM program, a survey was made of all petitions for land use district boundary amendments and all applications for special permits for non-conforming uses within the Agricultural and Rural districts during the period from July 1, 1975 to November 1, 1977.

During this time, there were 34 petitions to amend State Land Use District boundaries. Out of the 23 cases where a decision had been reached, there were three denials and one partial approval. (See Table 19.)

In one of the petitions, DPED asked for a downzoning of a coastal marsh from urban use to conservation.

As shown in Table 20, the bulk of the petitions were for changes from Agriculture to Urban.

There were five petitions for changes within the SMA. Table 21 summarizes the history of each case.

Placing conditions on approvals often has the effect of permitting use of the land and water through what is known as a performance standards approach to development. If a developer can meet certain standards, criteria or conditions which meet the concerns or intent of basic policies, they are then able to minimize adverse impacts. Conditioning permits however, does not necessarily mean all major concerns will be met.

In approving a petition for boundary changes, the Commission may impose conditions necessary to uphold the general intent and spirit of the Land Use Law and Regulations (Rule 7-1, LUC District Regulations). Such conditions may include, but are not limited to the following (detailed descriptions are found in Part VII of the District Regulations):

1) The Commission may require that the development be coordinated and timed to assure provision of service systems such as schools, roads, drainage, etc.
2) The Commission may require the petitioner to connect with existing public service systems in order to prevent scatterization, sprawl and costly leapfrog developments.
3) The Commission may require the petitioner to submit a development schedule providing for completion of the development within a reasonable time.
4) The Commission may attach conditions recommended by State and county agencies during their review of the petition.
5) The Commission may require the petitioner to dedicate land, for parks, school sites, public rights of way and easement for beach and mountain access.

TABLE 19

DISPOSITION OF PETITIONS TO AMEND THE STATE LAND USE DISTRICT BOUNDARIES, JULY 1, 1975 THROUGH NOVEMBER 1, 1977

Number of Cases	Disposition of Petitions
8	LUC Decision Pending
3	Petition Withdrawn Prior to LUC Decision
16	LUC Approved Petition Without Conditions
3	LUC Approved Petition with Conditions
1	LUC Partially Approved Petition with Conditions
3	LUC Denied Petition
34	TOTAL

TABLE 20

STATE LAND USE DISTRICT BOUNDARY AMENDMENT DECISIONS, BY ISLAND, JULY 1, 1975 THROUGH NOVEMBER 1, 1977

Type of Boundary Amendment		ISLAND					Total
		Oahu	Kauai	'Hawaii	Maui	Molokai	
Approved (Acres)	A to U	1,302.6	634.7	192.8	65.4	-	2,195.5
	A to R	-	111.8	-	268.2	-	380.0
	R to U	-	6.5	-	1.0	-	7.5
	C to U	-	-	-	-	-	-
	C to A	-	-	-	-	10.3	10.3
Denied (Acres)	A to U	619.2	-	-	27.8	-	647.0
	R to U	-	-	-	28.0	-	28.0
	C to U	-	-	-	60.0	-	60.0

Note: "A" means Agricultural; "U" means Urban; "R" means Rural; and "C" means Conservation.

TABLE 21

SUMMARY FACTS ABOUT PETITIONS TO AMEND THE STATE LAND USE DISTRICT BOUNDARIES WITHIN THE COUNTY SHORELINE SPECIAL MANAGEMENT AREAS JULY 1, 1975 THROUGH NOVEMBER 1, 1977 *Accurate up to April 1, 1978

CASE	1	2	3	4	5
Location	West Beach Oahu	Kawainui Marsh Oahu	Koloa-Poipu Kauai	Makena Maui	Molokai
PETITION (ACRES)	830 from A to U	249 from U to C	457 from A to U	60 from C to U 28 from R to U	10 from C to A
PROPOSED LAND USE	Resort	Open Sapce	Resort	Resort	Agriculture
PETITIONER	Private	DPED	Private	Private	Private
RECOMMENDATION OF LAND OWNER IF NOT PRESENTED BY PETITIONER	Not Applicable	Deny Petition	Not Applicable	Not Applicable	Not Applicable
RECOMMENDATION OF THE COUNTY PLANNING DIRECTOR	Approve Petition Without Conditions	Partially Approve Petition Without Conditions	Approve Petition With Conditions	Deny Petition	Approve Petition Without Conditions
RECOMMENDATION OF DPED	Deny Petition	Approve Petition Without Conditions	Approve Petition Without Conditions	Deny Petition	Approve Petition With Conditions
RECOMMENDATION OF PERSON(S) OTHER THAN THE PETITIONER OR LAND OWNER ADMITTED AS PART TO LUC PROCEEDINGS	Deny Petition	Approve Petition Without Conditions	Deny Petition	Deny Petition	Not Applicable
DISPOSITION OF PETITION (ACRES)	LUC Approved 640 from A to U With Conditions	LUC Denied the Petition	LUC Approved 457 from A to U With Conditions	LUC Denied Petition	LUC Approved 10 from C to A Without Conditions
COURT APPEAL	By Community Group Admitted as a Party	DPED and Adhoc Coalition	By Community Group Admitted as a Party	By Land Owner	Not Applicable

6) The Commission may require dedication of land to the Hawaii Housing Authority.

7) The Commission may require the petitioner to submit periodic reports indicating what progress has been made in complying with any attached conditions.

8) The Commission may require petitioners to notify the Commission of any intent to transfer ownership or to lease the subject property.

All conditions imposed by the Commission are recorded at the Bureau of Conveyances or filed with the Land Court and run with the land (Rule 7-1). Failure to comply with the attached conditions may result in the reversal of the boundary amendment (Rule 7-2, LUC District Regulations).

Examples of some of the conditions placed on petitions by the LUC follow:

- that proposed recreational amenities in the development including a golf course, tennis courts, bikeways, comfort stations, small boat harbors, boat launching ramps, and inland lagoons be available for public use
- that a 35 acre Estate be preserved as a public or private park and that most of the Estate be open to public use
- that the developer comply with his representation to the LUC by setting hotels at least 100 yards back from the natural shoreline and constructing inland salt water lagoons within the setback area
- that the developer dedicate beach rights-of-way to the entire shoreline, and particular to natural lagoons determined by the city and county of Honolulu
- that the developer complete comprehensive archaeological and botanical studies prior to application for county zoning changes or grading permits
- that the developer preserve archaeological sites deemed significant by the Bishop Museum
- that the developer provide a 500-foot wide landscaped buffer area between the proposed resort and a proposed deep draft harbor
- that the developer dedicate 20 acres of shoreline land to the county for beach park
- that the developer complete comprehensive archaeological and biological studies prior to application for county zoning changes or grading permits

In summary, it appears that the LUC has been willing to impose conditions on Land Use District boundary amendments which protect coastal resources and enhance public recreational opportunities. Community groups have gone to court to stop the LUC from reclassifying additional coastal lands for resort/residential purposes. Public agencies have not appealed LUC's decision to the courts for failure to heed their recommendations with the exception of DPED.

There is no attempt in this analysis to distinguish between good or bad/right or wrong decisions. It is meant to show potential effectiveness of the regulatory mechanism for addressing the complex issues involving resource trade-offs.

2. The Shoreline Protection Act of 1975 (Act 176)

In 1973, the Legislature passed S.B. No. 929 (Act 164) which directed DPED to prepare a coastal zone management program and to participate in the National CZM Program. While DPED was preparing the program, it was believed that accelerated development would take place along the shoreline and that some form of interim control would be necessary.

Act 176 (Chapter 205A, H.R.S.) established those interim controls through a county administered permit system for development (as defined in the Act) in county designated shoreline Special Management Areas (SMA's). Pursuant to Act 176, after December 1, 1975, no permits could be issued by any government agency to any development in the county SMA's worth more than $25,000 (other than isolated single-family homes, "grandfathered" subdivisions and planned unit developments) unless that development first had obtained a SMA permit. Act 176 established statutory policies and guidelines which the counties were directed to follow when issuing SMA permits (see Part II, Table 4 for those guidelines and Part II, Table 6 for a simplified outline for the SMA permit procedure). The counties were directed by law to enforce the policies and guidelines.

Act 176 gave the general public the right to ask for court review of whether county SMA permits complied with the policies and guidelines contained in the Act. This was a controversial feature because prior to Act 176, county zoning changes, approvals and permits in most cases could not be successfully appealed to the courts.

The 1977 State Legislature made SMA permits a permanent part of Hawaii's CZM Program. However, effective June 8, 1977, Act 188 completely revised the statutory CZM policies and objectives based upon policies DPED and the Statewide Citizens Forum had presented to the Legislature. Counties were directed to follow these policies when issuing SMA permits and all agencies were directed to review and revise their existing regulations if necessary to be in compliance as well. The interim statutory guidelines became permanent with the possibility that more could be added later on. The cause of action or appeals section of Act 176 became even stronger with the passage of Act 188. Citizens were given

standing to ask for court review of allocations of all public agencies--including but not limited to SMA permits--for compliance with CZM policies in the SMA. For these reasons, the impacts of the implementation of Act 188 may be different than Act 176.

An analysis of the existing available data from December 1, 1975, to June 8, 1977, follows.

Table 22 shows the final deposition of SMA permit applications with the city and county of Honolulu processing the majority of the permits. Two hundred permits over an 18 months period would not seem to indicate that there was a great rush to develop the shoreline, especially when compared to the fact that there were 22,785 building permits issued alone in 1976 (Source: 1977 Data Book) and that would not include all the potential activities that might otherwise require an SMA permit. It also shows that the majority of the States development is not taking place in the SMA. It is difficult to tell if this is an indication of slow growth, that the interim controls were effective in slowing development down until Act 188 was passed or, if this represents the normal pace of activities around the shoreline.

The only developments denied SMA permits were those with sewage disposal problems. Out of 200 SMA permit applications, 2 were denied and 1 was postponed because of unresolved sewage disposal requirements. County planning department staff recommended denial of both of the SMA permit appolications that were denied.

TABLE 22

FINAL DISPOSITION OF SMA PERMIT APPLICATIONS UNDER INTERIM CZM CONTROLS

Final SMA Permit Disposition	COUNTY				State of Hawaii
	Honolulu	Hawaii	Maui	Kauai	
Approved without conditions	94	19	8	7	128
Approved with conditions	16	15	29	9	69
Postponed at applicant's request	1	0	0	0	1
Denied	2	0	0	0	2
TOTAL	113	34	37	16	200

The types of uses granted are shown in Table 23 as well as their location whether they were makai (seaward) of the coastal highway or mauka (landward) of it.

TABLE 23

STATE OF HAWAII
USES GRANTED SMA PERMITS UNDER INTERIM CZM CONTROLS

(Note: Some permits allowed multiple uses.)

USES	LOCATION			TOTAL
	Not Recorded	Makai of Coastal Highway	Mauka of Coastal Highway	
Energy Facilities (power plants, cooling facilities, oil storage facilities)		2	2	4
Harbor and Boating Facilities (docks, piers, ramps)		8		8
Harbor and Boating Infrastructure (pavement, lights, warehouses)		6		6
Utility Pipes, Lines, and Pump Stations (water, oil, sewage, power)	23			23
Roads and Road Improvements	16			16
Drainage Improvements and Facilities	8			8
Sewage Treatment Facilities		1		1
Hotel Lodging Units		5	1	6
Resort Improvements other than Lodging Units (bars, restaurants, shops, recreation facilities)		13	2	15
Airport Improvements, Facilities and Concessions		3	4	7
Other Coastal Dependent Economic Uses		2		2
Subdivisions of Agricultural Land		3	1	4
Agricultural Facilities		2	1	3

TABLE 23
(continued)

USES	LOCATION			TOTAL
	Not Recorded	Makai of Coastal Highway	Mauka of Coastal Highway	
Other Economic Uses which are not Coastal Dependent (stores, manufacturing, maintenance yards, junkyards, storage)		12	15	27
Public Parks and Recreation Facilities (grass, lights, gymnasiums, swimming pools, comfort stations, parking lots)		21	5	26
Restoration of Historic and Prehistoric Buildings and Sites		1	1	2
Schools, School Improvements, and Libraries		5	4	9
Residential: 5 Units/Acre or Less		7		7
Residential: 6 to 10 Units/ Acre		4	2	6
Residential: 11 to 20 Units/ Acre		8	1	9
Residential: 21 to 30 Units/ Acre		3	3	6
Residential: 31 Units/Acre or More		1		1
Residential: Multiple Densities on Large Site (master planned resort housing)		2		2
Air Conditioning, Repair, and Minor Alteration of Existing Public Buildings	4			4
Other Miscellaneous Public and Non-Profit Uses which are not Coastal Dependent		3	6	9
TOTAL ALL USES	50	113	48	211

Many developments which obtained SMA permits did not have enough impacts to justify a public hearing. For example, agricultural facilities, park improvements, and minor alterations of existing buildings are probably sufficiently nonproblematic to warrant exemption from public hearings. As shown in Table 23, a sizable fraction of SMA permit application concerned relatively innocuous developments. Several county planning staff have stated that the possibility of exempting many of these types of uses should be closely looked at in the future in further efforts to streamline and make the SMA permit more meaningful.

Sixty-nine of the permits were approved with conditions recommended by County planning staff. Table 24 shows the types of discretionary conditions (i.e., those which might not have been imposed pursuant to other county ordinances) imposed on SMA permits.

TABLE 24

STATE OF HAWAII

DISCRETIONARY CONDITIONS EXPLICITLY IMPOSED ON SMA PERMITS UNDER INTERIM CZM CONTROLS

Shoreline setbacks in excess of Shoreline Setback Law requirements	0
Park/natural reserve dedication in excess of county park dedication ordinance requirements	3
Beach access dedication when not required by other county ordinance	9
Sewerage treatment more advanced than cesspools or injection wells	9
Erosion controls not required by other county ordinance	4
Agricultural land being used for agriculture	3
Site design and landscaping to preserve views of the shoreline from the coastal highway	11
County agency approval of a site design and/or landscaping plan following permit approval	45
Minimizing alterations of the shoreline, marshes, and river mouths	1
Elevating houses/hotels above tsunamis and floods if not required by other county ordinance	10
Archaeological survey or preservation if not required by other county ordinance	13
Other	16
Subtotal	124
None	128

SMA permits were given in all counties to hotel and/or residential development in tsunami and storm-wave hazard areas without flood-proofing requirements. As shown in Table 23 and Table 24, 27 hotel and residential developments given SMA permits were located in flood or tsunami areas, but only 10 of these developments were elevated above both the predicted 100-year tsunami and flood. Flood-proofing substantially adds to the cost of shoreline development. Section 205 A-2(c)(6), now requires that future developments comply with the standards of the Federal Flood Insurance Program.

Under interim CZM controls, SMA permits were given for new hotels in areas not already designated and used for hotels. Both were well designed developments and reserved substantial shoreline open space for public recreational use. It seems likely that there will be similar development proposals in the future.

In 1977 there were 44,986 units existing with an additional 13,942 units planned in the future. The majority of these new units will be built on or near the coastline, particularly in the Waikiki and Kahala area of Oahu, the North and South Kohala area of Hawaii, the Lahaina to Napili and Kihei to Maalaea areas of Maui, and the Kapaa, Wailua and Hanalei areas of Kauai. (Source: 1977 Data Book)

Act 176 did not provide much guidance as to where hotels should be permitted. Section 205 A-2(c)(5)(A) and (C) now requires that hotels be concentrated in areas already designated and used for resorts before new resort areas are designated.

SMA permits were given in the city and county of Honolulu for shoreline warehouses, maintenance yards, and other economic uses which are not coastal dependent. As shown in Table 23. about one-tenth of the Honolulu SMA permit applications concerned non-coastal dependent economic uses on the makai side of the coastal highway. Because much of Honolulu's leeward shoreline now is zoned and/or used for industry, there will probably be many similar SMA permit applications in the future. See Figure 3 for the location of industrial parks in Hawaii. Act 176 did not provide much guidance as to where non-coastal dependent economic uses should be permitted. However, Chapter 205A, HRS, now requires that development which is not coastal dependent be encouraged to locate in inland areas and that expanded recreational use be encouraged for publicly owned shoreline lands and waters.

SMA permits were given in all counties for relatively high density shoreline residential development. Table 23 summarizes the density and location of residential developments given SMA permits. It seems likely that there will be similar development proposals in the future. Act 176 did not provide much guidance as to where housing should be permitted. However, Chapter 205A, HRS, now requires that development which is not coastal dependent be encouraged in inland areas.

Figure 3

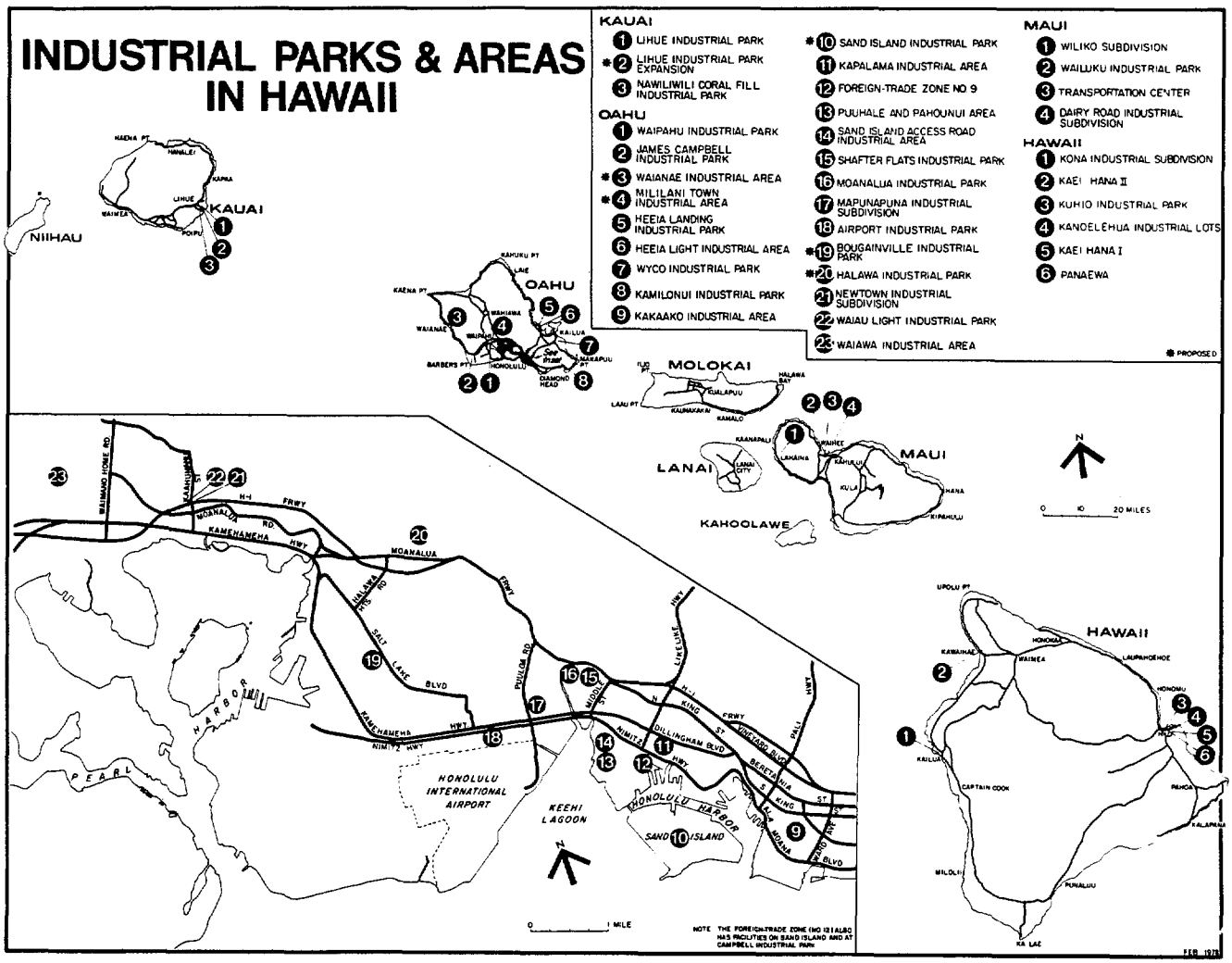


Table 25 gives some indication of the types of impacts which were associated with developments in the SMA.

TABLE 25

STATE OF HAWAII

SMA PERMIT IMPACTS UNDER INTERIM CZM CONTROLS

Stream Channelization	2
Alteration of Wetlands	0
Shoreline alteration necessary for coastal dependent development	15
Shoreline alteration not necessary for coastal dependent development	3
Destruction of historic/archaeological sites	1
Urbanization of agricultural land	2
New cesspools or injection wells	30
Housing/hotel in flood or tsunami area	27
Destruction of coastal recreational resources	1
Development of new coastal recreational resources or facilities (excludes maintenance of existing facilities and new facilities such as tennis courts which are not shoreline related)	19
Other	32

Out of the 200 SMA applications, six involved an appeal to the State Circuit Court. They were filed by either local community groups, local environmental groups, or in the case of the permit which was denied, the developer. They included residential developments and subdivisions, a commercial and office complex, and a private undersea laboratory.

Some of the management techniques employed during implementation of interim CZM controls may be useful in the future. Among other techniques, the county planning department staff frequently:

- o discussed proposed developments with developers and suggested appropriate modifications before SMA permit applications were filed;
- o required developers to prepare studies to indicate the impacts of proposed developments within the county SMAs;
- o recommended that conditions be imposed on SMA permits to mitigate adverse impacts.

Data is not available on the effects of conversations between county planning department staff and applicants for SMA permits. Presumably some developers were discouraged from applying for SMA permits and others modified their projects to meet the concerns of county planning staff.

Frequently, on major projects, applicants for SMA permits were required to prepare complete environmental impact studies to indicate the full range of impacts of their proposed developments. County planning staff also required limited ad hoc studies to develop information they felt necessary on such topics as sewage disposal impacts, archaeological sites, and view planes.

Pursuant to Chapter 205A, HRS, public hearings were held on every SMA permit application on the island where development was proposed. Pursuant to Chapter 205A, SMA permit hearing notices were advertised in both local island newspapers and in newspapers with Statewide circulation. In addition, all of the county planning departments developed techniques to ensure that notices of SMA permit applications reached landowners and lessees of property within several hundred feet of the property lines of affected parcels. One of the county planning departments, the Department of Land Utilization (DLU) in the city and county of Honolulu, employed a large budget mailing system to inform all interested persons of SMA permit hearing. Staff from DLU commented that over 50 percent of the hearings were unattended.

Once again, there is no attempt to imply values in this analysis but to briefly look at a very important management system which has been implementing controls in the coastal zone; and through this, hopefully give the decisionmakers and the public some feeling for the future impacts associated with the potential Federal action to approve the Hawaii CZM Program.

C. IMPACTS ASSOCIATED WITH FUTURE IMPLEMENTION

The Hawaii CZM Program is not a specific action taking place in a well-defined environment. Rather, it is an evolving government response to a number of local, State, and national coastal problems. As described in Part II, the Hawaii CZM Program is based on a complex network of government regulatory mechanisms and programs which have yet to be implemented as a concrete coastal management system.

In addition, the State of Hawaii, the "affected environment," is presently in a period of transition -- economically, socially, and environmentally -- which makes prediction of future conditions difficult. Implementation of the Hawaii CZM Program will have socio-economic, environmental, and legal-administrative impacts. Those impacts, however, will in large part depend on how the Program is implemented. There are a number of different directions that the Program may take, depending on actions taken by governmental policy makers, public response to such actions, the judicial system and general environmental trends. Each could influence the Program, determining the type, intensity, and quality of its impacts.

Attachment G contains a number of newspaper articles which will give the reader a flavor of coastal zone management experiences during the last three years of program development. They are an interesting assortment showing what some of the more controversial issues have been, current coastal zone management issues, and even a story of Federal consistency in action (see 3 Molokini bombs 'drowned'). The reader unfamiliar with Hawaii's coastal zone should take time to scan through these articles.

Also, a great deal of information, studies, and articles has been generated through the Hawaii CZM Program since it began in 1974. These items have been extensively distributed to interested parties. The Hawaii Coastal Zone News is published monthly with a distribution list of 9,000. These newsletters provide a forum for discussion of coastal zone management issues and related programs. Feature articles include descriptions of Hawaii's coastal ecosystems, management concerns of the Humpback Whales, water quality, permit processing, etc. Attachment D lists numerous technical documents that went into the development of the program and its policies. These are available through DPED to review if the reader is interested in a further analysis of the issues. Many of these documents have been used in developing not only Part II; but the EIA submitted by the State to OCZM and, likewise, used by OCZM to produce this document.

ADMINISTRATIVE IMPACTS

Hawaii's CZM Program could potentially have significant administrative impacts. Three effects are anticipated: 1) alterations to existing agency functions and responsibilities;

2) the introduction of new management tools for coastal resource areas; and 3) the delineation of a permanent CZM boundary.

A program such as CZM requires extensive coordination and cooperation between governmental agencies at the Federal, State, and county levels. Changes in agency responsibilities are often necessary to carry out new programs. This is true for Hawaii's CZM Program. Some of the more significant changes and the implications of those changes are covered in the following discussion of lead agency responsibilities, SMA permit issuing authorities, and the network of authorities.

New management tools and their potential impacts are treated in the discussion dealing with areas of particular concern (APCs), Federal consistency review, and managing development policies.

One of the more controversial issues discussed during the development of the CZM Program was the definition of a CZM boundary. Although a permanent CZM boundary has not been established (an interim boundary is in effect until it is), an attempt has been made to identify an array of impacts resulting from the establishment of both the interim and permanent CZM boundaries.

Agency Impacts. As indicated in Part II, the Hawaii CZM Act of 1977 assigns important functions to the DPED for administering the Program. A significant result of these new functions upon government operations is the creation of a new channel for improving intergovernmental coordination in managing Hawaii's coastal resources. Governed by one set of objectives and policies for the coastal zone, the DPED will be able to provide technical, financial, and administrative guidance and support to all State and county agencies in order to assure Statewide consistency and compliance. In addition, the DPED will serve as a clearinghouse for Federal activities impacting upon Hawaii's coastal area.

In a broader sense, all State and county agencies will be affected by the Hawaii CZM Program in their day-to-day management functions. Under the Hawaii CZM Act of 1977, county authorities will continue to review and issue SMA permits in compliance with a new and more comprehensive set of objectives, policies, and guidelines.

Furthermore all State and county agencies will need to review their activities and management operations for compliance with the CZM Program policies.

Agency Compliance. The Hawaii CZM Act of 1977 mandates that within two years after its enactment, all agencies shall amend their regulations, as may be necessary, to comply with the objectives and policies of the Act and with any additional guidelines that the State Legislature may enact. The cause of action provision of the Act compels compliance by giving any person or agency standing to commence a civil suit against agencies for non-compliance.

As a result, all agencies must review their rules and regulations for compliance with the objectives and policies of the Act. Regulations not in compliance must be amended.

Substantial revisions to existing rules and regulations of the various State and county agencies are not anticipated. Existing rules and regulations are presently geared for protection and management of natural resources. In some instances, existing agency rules and regulations contain provisions mandating compliance to any applicable statutes, ordinances, rules and regulations of the Federal, State, or county governments.

Cause of Action. Hawaii's CZM law provides that any person or agency may commence civil action (Section 205A-6(a), HRS) if an agency:

(1) Is not in compliance with one or more of the objectives, policies, and guidelines provided or authorized by the Act; or

(2) Has failed to perform any act or duty required to be performed under the Act; or

(3) In exercising any duty required to be performed under the Act, has not compiled with the provisions of the Act.

This provision is likely to have substantial impact on the implementation of the CZM Program. It is not possible to be precise in assessing this impact which is dependent to a large extent upon the action of private parties. It is, however, possible to discuss the types of impacts that this important provision of the Hawaii CZM law may have.

One resulting impact is that the provision itself provides a significant incentive for all agencies to comply with the CZM law. No agency will intentionally jeopardize its position through disregard of the law because of the risk of litigation.

Previous experience under the Shoreline Protection Act has shown that approximately three percent of the SMA permit decisions were appealed to the State Circuit Courts. Most of the appeals dealt with residential development and those cases were filed by local community groups and residents. Those appealed cases were filed under more limited provisions than now exist under the new cause of action. In addition to the guidelines which were used before to request an appeal, these are now the objectives and policies which will be the focus of the appeal.

While there are several distinct possibilities for interpretation of the cause of action, suffice it to say that it can be anticipated that an increase in court cases may result because of the cause of action provision. The provision itself applies only to the water and special management area and subsequently the coastal zone management area. In the administrative boundary, other methods of control exist (see Part II, Judicial Enforcement and Compliance) which may also see more use by individuals or groups concerned with larger projects which may significantly impact coastal resources.

Federal Consistency Review and Impacts on Federal Agencies. Hawaii's CZM Program will affect the Federal agencies insofar as the Program reinforces at the State level the priorities of the various Federal agencies, or conditions Federal activities, permit processing, and assistance to consider Hawaii's coastal objectives and policies. The substantive aspects of this effect are addressed in the section of this DEIS that examines the impacts of program implementation.

Certain administrative impacts to the exercise of Federal responsibilities will arise out of the requirement of the Federal Coastal Zone Management Act that Federal agencies conduct their activities affecting the coastal zone in a manner that, to the maximum extent practicable, is consistent with the program. Even those activities that occur on the State's Federal lands, which are extensive and excluded from the coastal zone by the Federal statute, will be required by the Federal agencies review to assure that "spillover" impacts are consistent with Hawaii's coastal policies and priorities. The requirement for consultation with and consideration of the State in planning Federal activities is a two-edged sword: while clarifying State priorities and thereby assisting in Federal permit decision-making and activities planning, it requires the additional administrative effort of formal consideration of the State program. The details of the cooperative effort are to be worked out by the State and each agency.

The Federal legislation recognizes that in cases of overriding national interest and, in particular, national security matters, consistency with a State's program may not always be attainable. This point is of no small significance in Hawaii, where the military presence is so great. The legislative history of the Act, however, makes clear that the Congress did not anticipate "that there will be any considerable number of situations where as a practical matter a Federal agency cannot conduct or support activities without deviating from approved State management programs."

MANAGING DEVELOPMENT

Government is responsible for a complex of efforts which deal with the adverse consequences of land development. A wide variety of laws and regulations have been enacted and almost every aspect of the development process involves a public agency in some sort of regulatory or monitoring role. The multitude of regulations and environmental permits dealing with land development projects, however, has resulted in a generally confused process for developers, government officials and public interest groups alike. Moreover, it is not yet clear that the highly regulated development process has signficantly minimized adverse consequences on valuable coastal resources.

Environmental and social problems associated with land development activities, such as air and water pollution, aesthetic blight, and loss of shoreline access persist regardless of

the increase in governmental authority over such activities. Yet, the demands on government agencies to address these problems have not lessened.

Confusion of the development process and uncertainty with the adequacy of public controls have engendered frustration among virtually all participants in the land development process. Moreover, there is criticism of Hawaii's system for the regulation and review of land development projects. Such criticism includes claims that: agency requirements are vague with respect to the process for acquiring development permits and the implication of new standards or guidelines for proposed developments which leave broad discretion to the regulatory authority; governmental review and approval at each step of the development process creates substantial uncertainties and added risks for the developer, and increases the costs of development which result from time-consuming delays such as required design changes and conditions placed on the project; there is duplication of effort in a manner that the decision-making information requirements of agencies may be similar; there are multiple administrative and appeal procedures which result in expensive delays in the processing of permits; there is insufficient communication and coordination among regulatory agencies; agencies tend to focus on only a narrow range of concerns related to proposed developments and ignore or underplay the broader implications of management decisions; and there appears to be a lack of a coordinated information base upon which to make management decisions.

Faced with the problems associated with the proliferation of bureaucratic "red tape," a number of efforts have been initiated by the public and private sectors to improve the coordination of regulatory procedures in the land development process. Among the major efforts are the following:

- The Honolulu-Pacific Federal Executive Board's compilation of two documents: (1) a register of government agencies and private groups involved with environmental concerns in the Pacific area; and (2) an Environmental Activity Approval and Permit Index to inform the public of the county, State and Federal regulatory requirements that have impact on environmental resources and to improve the efficiency of permit-processing procedures.
- The Construction Industry Legislative Organization's (CILO) project to streamline the development process. The project consists of three phases: (1) problem identification and recommendations; (2) methodology for implementing the proposed changes; and (3) formulation of specific legislation for submission to the Federal, State and county levels of government.
- Legislative enactment of Act 166, Session Laws of Hawaii 1976, which created the Council of Housing and Construction Industry to provide expertise, guidance and support to government in the areas of housing, construction, and other related problems.

- Legislative enactment of Act 74, Session Laws of Hawaii 1977, which mandated, among other things, that the counties set up a "Central Coordinating Agency" that would: maintain and update a repository of all requirements and review criteria of all Federal, State and county agencies having any control or regulatory powers over land development projects; study the feasibility and advisability of utilizing a master application form; maintain and update a master file of all applications for building permits, subdivision maps, and land use designations of the State and county; and schedule and coordinate, when requested by an applicant, any referrals, public information meetings or any public hearings.
- The Honolulu City Council's efforts to revise the Comprehensive Zoning Code (CZC), part of which involves the transfer to the Department of Land Utilization of approval of applications in such areas as Interim Development Control and Special Design Districts and approval of permit applications for special management areas, conditional uses, planned developments, and cluster developments.
- The Honolulu City and County Administration's proposal to expedite zoning applications or Oahu General Plan changes.
- The Department of Land and Natural Resources' proposal to combine the Conservation District Use Application (CDUA) approval with the Department of Transporation's requirement for a Shorewaters Construction Permit for construction activities within the shorewaters and conservation district of the State. This combined CDUA/Shorewaters Construction Permit process would culminate in Land Board action on the CDUA, provided that in cases where the DOT recommends disapproval and the Land Board approves, the applicant would be required to obtain a Shorewater Construction Permit under the existing permit system.
- The State of Hawaii Government Organization Commission's recommendation to combine the existing State departments into super-agencies and consolidate regulatory authority.
- The Department of Planning and Economic Development Aquaculture Planning Program's study of governmental requirements which apply to aquaculture and the need for streamlining the existing approval system to make it more conducive for aquaculture development.
- Legislative enactment of Act 188, relating to Coastal Zone Management, (successor to the Shoreline Protection Act, Chapter 205A, HRS) which sets forth objectives and policies and implementing actions for managing development activities in the coastal zone. As part of the Coastal Zone Management Program's initial effort to improve the development review process, the Department of Planning and Economic Development has prepared a register of government permits required for development.

While all of these efforts are directed at the broad objective of simplifying regulatory procedures, arrangements for coordinating independent activities are not well structured. There are differences in emphasis and provisions for exchange among the numerous efforts are piecemeal or nonexistent. In the absence of coordination, the practical utility of the combined effort is difficult to ascertain.

With the diversity of activities taking place among these numerous efforts, it is important to note the potential role of the CZM Program and the Hawaii CZM law (Act 188, SLH 1977) for coordinating the various activities. The CZM Program, when approved, will guide public and private uses of lands and waters in the coastal zone in concert with other government management programs. The DPED, as lead agency for the CZM Program, is undertaking a major effort, among its many tasks, to improve the coordination and simplification of regulatory procedures affecting coastal and inland areas. The Hawaii CZM law, in recognizing Hawaii's environment as "both undermanaged and overregulated," provides a vehicle to further the CZM Program's commitment to improve the coordination of regulatory procedures. In so doing, it can also promote the coordination of other streamlining efforts. The CZM law sets forth an objective in the area of "managing development" in the coastal zone, which is to:

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

In addition to the above, there are three general policies which are intended to provide the means for achieving the objective:

- Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;
- Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and
- 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 and review process.

The impact of these policies can only be considered to be beneficial to all concerned. It is clearly one of the major benefits development interests wanted. Not because it would require less of them by way of environmental management concerns but because "time is money" and any delays are always costly to the developers and ultimately the consumers. It will benefit environmentalists and the public because they will probably have fewer hearings to attend

Two recent publications by DPED show their commitment to this end (Permits and

Environmental Requirements for Aquaculture in Hawaii, and A Register of Government Permits Required for Development).

Areas of Particular Concern. This element of the Hawaii CZM Program provides an integrating mechanism for the various management programs operated statewide. These include Natural Area Reserves, Marine Life Conservation Districts, shoreline setback areas, economic development areas and the Federal/State Estuarine Sanctuaries Program. Agencies responsible for designation and management of these areas and administration of the programs will operate under a common set of coastal objectives and policies. On the basis of these objectives and policies, agency actions can be coordinated and programmed. Through technical and financial assistance and other support, funding priorities may be reordered, studies undertaken, future designations for the Natural Area Reserves or Marine Life Conservation Districts may increase and administration and management may improve. This would have a beneficial impact on the natural environment.

BOUNDARIES

Few issues have so dominated the concerns of so many people for so long a time than the determination of the Hawaii coastal zone boundary. The boundary issue is inextricably mixed with "home rule" concerns, increasing a permit requirement into areas that may or may not have a direct and significant impact upon coastal waters, whether CZM should be used to "solve" all the problems of the State, etc. The boundary has been of concern to local, State and Federal officials as well as the public as expressed by the voices of the Statewide Citizens Forum and the Regional Citizens Advisory Committees. Because it is a divisive issue, and it will certainly continue to be until a final boundary is determined, this section will explore the issues in an attempt to determine what the impacts of the interim as well as the final boundary may be.

The Indistinct Character of the Coastal Zone[2/]

The coastal zone means many different things to different people. Since the Commission on Marine Science, Engineering and Resources opened its discussion of the coastal zone, the formulation of an acceptable definition of what constitutes the coastal zone has remained a complexity. Some examples will serve to illustrate the variety of meanings attached to the rubric, "the coastal zone":

I frequently characterize the Coastal Zone as the girl next door, who grew up and matured and suddenly became attractive and desirable not only to me, but to all the other boys in the neighborhood. Each saw in her different attributes, each described her in different terms, each had different estimates of her dimensions, but all agreed she was something pretty special (Adams, 1969, p.87).

The Coastal Zone is the interface between land and sea, the land adjacent to the sea, and the sea bed adjacent to the land.

The Coastal Zone is the edge of sovereignty where the rights of the nation give way to freedom of the seas.

The Coastal Zone is a place where more people live than any other place.

The Coastal Zone is unique because of the degree to which activity in one area of the Zone affects uses at great distance from where the action takes place.

The Coastal Zone is unique because of the difficulty in determining boundary lines between private and public ownership of land and water.

The Coastal Zone is unique ... (because of) the degree to which the value of privately owned land and other resources is dependent upon close juxtaposition of non-marketable common resources held in trust for the use of all citizens (McBroom, 1969, pp. 80-81).

The Coastal Zone is an abstraction reflecting human appraisal of a sub-region which in turn includes a complex mix of other sub-regions (Fisher, 1970, p. 403).

"In all of these descriptions, the underlying common theme implies a region of transition between the land and the sea, encompassing a wide heterogeneity of physical features and a broad array of activities occurring therein. As generally delineated, it includes the outer reaches of the territorial sea as the seaward boundary, and extends inland to the landward extent of marine influences. The term is subject to definitional argument. No one can state precisely where the zone begins ashore, or where it ends at sea, in such a way that everyone else agrees or in such a manner as to provide a clear legal definition. The coastal zone is simply a matter of viewpoint. It is an organizing concept for looking at a part of our environment that represents an irreplaceable and extremely valuable asset. Thus, the promotion of coastal zone consciousness is an investigatory device undertaken to advance understanding, planning, and administration ... assuming, of course, that such a zone has operational meaning." (Emphasis added)

Significance of the Boundary

The importance of the boundary should not be underestimated. While it may be difficult to define, it is in the end the place where there is a common set of objectives and policies which will guide the decisions of developers, the public, and public administrators. Because of its importance, the Office of Coastal Zone Management provided the State of Hawaii substantial funds under Section 305 of the CZMA to determine the boundary. This process normally consists of identifying just what the coastal problems are (i.e. pollution, recreation, and access, etc), what are the sources of the problems, and how best to manage the problems.

It should be pointed out that the majority of the technical documents sustained the concept of an island-wide boundary. DPED stated the rationale for designating the whole State with the following reasons:

- It would allow the administration of the State's CZM Program to be integrated with other related Statewide planning efforts.

- Other State and County monies available for planning programs could be supplemented by CZM planning and management funds anywhere in the State.

- It would allow the State to demand Federal consistency with the CZM Program on a Statewide basis.

- It could address all activities generating impacts on the coastal lands and waters in the State and could be justified in operational and political terms in view of the technical studies undertaken on this issue.

However, the political realities of life have led to something much less than the inclusion of the whole State.

Problem Identification

In order to be successful, CZM requires widespread support. The State of Hawaii has had and continues to have this kind of support. It has been because of this support that the State Legislature passed Act 188 with objectives and policies, which are reflections of the problems previously identified during program development. This clear expression of intent now allows the State to define a boundary that can be made "operational" because the problems are identified and it is much easier to develop the criteria upon which to base a justified boundary.

Boundary Determination

In Act 188, the Legislature stated that the coastal zone management area would be the special management area after it has been determined to be in compliance with the objectives and policies. In August 1977, DPED presented OCZM with a draft management program that consisted of the current SMAs as the boundary but which had not yet been determined to be consistent with the objectives and policies. OCZM evaluated this proposal and because it had not officially been determined to be the coastal zone management area, rejected the proposal on the basis that it could not be assured to be an adequate program which could address the problems it had identified.

Since there was a gap between the request for Section 306 approval and the time available to the counties to amend the boundaries, there were two options open to the State, namely, apply for Section 305(d) funds during the interim or administratively add an additional boundary and use existing authorities which could be used to assure consistency. The State has chosen the latter alternative.

Impacts Resulting from the Interim Administrative Boundary

The interim administrative CZM area boundaries, including SMAs, will be in effect until the Counties amend their SMA boundaries and the DPED determines that such amended SMAs are in compliance with the objectives and policies of the Act. It should be noted, however, that the interim administrative boundary may continue indefinitely if the Counties fail to amend their SMAs to comply with the objectives and policies of the Act, because the Act does not indicate what will happen in the event of non-compliance within two years of the effective date of the Act.

The impacts associated with management under the SMA have been reviewed in Section B.2. of this Part. The impacts of administration in the rest of the administrative area were reviewed in Section B.2. (State Land Use Law) of this Part. Additional State laws will also be used in this area.

Table 26 summarizes source of the complications associated with designation of the interim administrative boundary.

Table 26 Impacts/Implications Resulting from the Interim Administrative Boundary

Assessment Criteria	Impacts/Implications
DPED Administrative Functions	o Disbursement of funds and compliance review applicable throughout interim administrative area.
Coastal Activities	o Actions within the SMA are subject to permit approval in accordance with the HCZM Act of 1977.
Regulation of Forest Reserves	o Forest reserve lands within the SMA are bound to the provisions of the HCZM Act of 1977. Activities on forest reserve lands are not considered to have a direct and significant impact on coastal waters or deny implementation of the coastal objectives and policies.
Federal Consistency	o Federal Consistency provisions applicable throughout interim administrative area.
State Agencies	o Use existing authorities to manage development for uses which would impact objectives and policies consistent with objectives and policies in administrative area as well as SMA.
Local Governments	o Administrative boundary does not require additional SMA permit system.

The minimum boundary criteria means that some recreational resources, historic resources, scenic and open spaces resources, economic uses, flooding areas (other than areas subject to stream flooding) and erosion areas (other than those shoreline areas having critical shoreline erosion problems) are not coastal zone management concerns. It means that while some erosion problems which may occur considerable distances inland but eventually impact coastal waters, may be addressed through other state and county programs but not necessarily through a SMA permit or be subject to the cause of action provisions of Act 188.

It should be remembered that while these are minimum criteria which address the major state concerns, the counties are not precluded from using their own criteria which they feel are important as well.

Impacts Resulting from the Minimum Inland Boundaries Implied by Coastal Ecosystems and Coastal Hazards Objectives and Policies

The Hawaii CZM Act of 1977 provides little substantive guidance for review and evaluation of the County-amended SMA boundaries, specifying only that the amended boundaries should be consistent with the Act's objectives and policies. The DPED in its 306 Program Document (see Part II, Chapter III) specifies a set of criteria to guide the Counties in amending their SMA boundaries. These criteria are based on the interpretation that, as a minimum, the objectives and policies for coastal ecosystems and coastal hazards should serve as primary considerations in establishing permanent inland CZM area boundaries. The rationale for this interpretation is based on the usage phase "in the coastal zone management area" which appears in all resource-management objective and policy sets, except those relating to coastal ecosystems and hazards. Impacts that may result from the Counties adopting a minimum inland CZM area boundary determination implied by coastal ecosystems and coastal hazards and policies are illustrated in Table 27.

Table 27 Impacts/Implications Resulting from the Designation of the Minimum Inland Boundary

Evaluation Criteria	Impacts/Implications
Administrative CZM area	o No longer applicable.
DPED Administrative Functions	o CZM Administrative responsibilities beyond amended SMAs precluded. o Disbursement of CZM funds beyond amended SMAs precluded. o Actions within the amended SMA subject to permit approval in accordance with the HCZM Act of 1977.
Regulation of Forest Reserves	o Forest reserve lands within the amended SMAs are bound to the provisions of the HCZM Act of 1977.
Federal Consistency	o Federal Consistency provisions applicable within amended SMAs or for Federal activities having "spill over" effects on SMA

LAND AND WATER USE IMPACTS

Hawaii's CZM Program can have a major impact on land and water use in Hawaii. For the first time in Hawaii's history, all public agencies issuing land use approvals and permits and enforcing land use controls will have a comprehensive and consistent set of statutory policies upon which to base decision-making. In addition, Hawaii's CZM law gives public agencies the power to impose conditions on land use approvals and permits (Section 205A-26(1)). CZM funds can be used to improve and enforce existing use authorities and to collect and organize information needed to regulate Hawaii's coastal zone effectively.

In general, Hawaii's CZM Program will have four kinds of land and water use impacts.

(1) Hawaii's CZM Program should result in the better enforcement of existing land and water use controls in the coastal zone. Agencies enforcing these controls will have specific criteria upon which to make decisions. The application of this program to all agencies should allow for better cooperation and consultation between agencies. In addition, the possibility of court actions may encourage active implementation of the program's objectives, policies, and guidelines.

(2) The Hawaii CZM Act contains some priority directions which should be implemented by agencies. In these cases, it would seem that limits on development are strongly stated. Policies contained in the Act provide that development which is not coastal dependent should be encouraged to locate in inland areas. Government owned shoreline lands and waters should be used whenever possible for public recreation. Coastal dependent development should be sited in areas already developed and only when that is not feasible should development be allowed to locate in new areas.

(3) As a result of Hawaii's CZM Program, coastal development will tend to be sited, designed, constructed and landscaped in ways which comply with the objectives, policies, and guidelines of the Act. It may become difficult to assemble capital for a private coastal development which has a high risk of being denied the necessary approvals. Further, it is expensive to develop plans for coastal development and then to be forced by agencies to revise those plans. Consequently, before permit applications are made, coastal development may be planned to minimize impacts on natural coastal recreational resources, water quality, archaeological resources, scenic resources, public views to and along the shoreline, coastal ecosystems, wetlands, stream banks, water flow in streams, inland salt water pools, and coastal flooding and other hazards. Coastal development plans may tend to preserve shoreline setbacks and to promise dedication of land for public shoreline rights-of-way. In cases of major coastal development, plans may tend to reflect an increase in open space.

(4) A broad range of conditions may be attached to approvals and permits for development within the coastal area. These conditions are explicitly authorized by the Hawaii CZM Act and the failure to use such power would presumably be subject to court action. Among the conditions which might be imposed are those that related to the minimization of adverse environmental or ecological impact; access dedication to publicly owned beaches, recreation areas, and natural reserves; preservation of archaeological sites; treatment of solid and liquid waste; erosion controls; alterations to existing land forms and natural vegetation; and elevation of buildings above tsunami and flood hazard areas. These conditions provide a balancing mechanism which allows development, but requires protection of coastal resources at the same time. This balancing function will probably insure considerable use of "conditions."

ENVIRONMENTAL IMPACTS

The environmental impacts of the HCZM Program can be seen in terms of three functional resources -- recreational, historic, scenic/open space -- and the broader natural ecosystem resource. The Hawaii CZM Act of 1977 identifies these as coastal resources which need protection and outlines a program to provide that protection.

The analysis of the three functional resource groups is approached through an examination of the supply of, quality of, and access to these resources. A more general impact analysis approach is taken in evaluating natural resources.

Impacts Upon Recreation. The Hawaii Coastal Zone Mangement Program should significantly improve the management of coastal recreational resources. Popular uses of these resources are indicated on Table 28. Agencies are required to consider recreation objectives and policies in all planning and regulatory actions affecting the coastal zone management area. Coastal recreational problems, issues, objectives, policies and management authorities and responsibilities are described in Part 2 of this document.

Impacts are expected from implementation of coastal recreation objectives and policies. These include increased opportunity for public recreation in coastal areas. Increased awareness of opportunities, increased supply of recreational areas for public use, increased access to and along shorelines, increased use of recreational areas, and increased development of recreational facilities likely will result from increased opportunity for public recreation in coastal areas.

Increased use of accessible recreational resources, increased accessibility and expansion of recreational opportunities and areas will use impacts. While use impacts can be anticipated, the impacts will depend on the effectiveness of recreational resource management. In extant public recreation areas, increased use may decrease intangible benefits derived from the recrea-

Table 28 —PARTICIPATION IN RECREATIONAL ACTIVITIES: 1975

Activities	Activity occasions per 1,000 population[1]		Percent of total participation by visitors[2]
	Weekend	Weekday	
Walking, jogging	97.0	103.0	21
Hiking	11.5	6.0	...
Camping	38.4	10.5	1
Group camping	1.9	1.0	...
Picnicking	103.0	23.0	...
Hunting, shooting	3.4	0.8	...
Archery	0.7	0.8	...
Golf	20.8	4.7	15
Swimming, sunbathing	176.0	83.3	26
Diving	22.0	6.8	8
Surfing	30.3	19.1	9
Boating	14.5	2.0	17
Canoe paddling	5.3	2.5	...
Fishing	32.4	11.8	4
Game playing	74.0	83.8	6
Tennis	9.7	14.2	...
Attending outdoor events	62.7	15.3	17
Bicycling	84.6	81.7	...
Motorcycling	5.3	3.1	...
Other activities	22.6	12.5	...

tional experience depending upon the intensity and nature of uses. Uses such as boating, fishing, diving, beach-bathing, picnicking, camping and observation, while clearly in the public interest, may stress natural resource bases such as water and shore habitats. But policies will be implemented consistent with conservation of natural resources.

Coordination of public (Federal, State and county) recreation and recreation-related plans and programs will be improved. Coastal areas with recreational value will be protected through acquisition, zoning and regulation. Increased use of these programs may result in increased public costs which are likely to be accepted for satisfaction of public recreational demand.

Private recreation enterprises, such as resorts, user suppliers, and marina operations will benefit from implementation of recreation policies since water dependent uses will be encouraged. Growth in the recreation industry can be expected. Implementation of coastal recreation policies likely will result in costs to the private sector. These may relate to dedications of shoreline areas with recreational value, and replacement of coastal areas with recreational value when damage is probable.

Impacts in terms of supply, quality and access are summarized in Table 29 . It is clear that the national interest in recreation in the State will be accommodated and enhanced.

Table 29. HCZM Impacts Upon Recreational Resources

Evaluation Criteria	*Major Anticipated Impacts
Supply	1. Increase in supply of shoreline recreation areas through acquisition, zoning and regulation. 2. Continued maintenance and possible increase in levels of park site dedication as a result of increased recognition and awareness of dedication requirements. 3. Inclusion of new recreational opportunities as part of emerging land use options. 4. Potential increase in public use of Federally owned shoreline lands and waters where safety or security permit. 5. Non-foreclosure of recreational use options through development concentration.
Quality	1. Improvements in water-related recreational environments through water quality improvements and through innovative ecosystem management techniques.
Access	1. Increase in access to coastal recreational areas as a result of coordinated agency implementation of statutory requirements.

*NOTE: While all anticipated impacts do not possess clear action-impact relationships, all impacts nonetheless can fundamentally be justified as a result of the cause-of-action provision of the Hawaii CZM Act of 1977.

Impacts Upon Historic Resources. The preservation and maintenance of Hawaii's historic resources is an important benefit of the Hawaii CZM Program. Although there are significant State programs in this area, these programs have been compartmentalized and the concern for historic preservation limited to relatively few agencies. The Hawaii CZM Program will require recognition of historic resource values by all agencies (State and county) which affect the coastal zone. Federal agencies will be encouraged to fully comply with Federal Executive Order 11593 to survey their properties for historic and prehistoric areas and sites.

Part II responds to this issue by articulating numerous implementing actions. Impacts upon the supply, quality, and access evaluative criteria for historic resources are delineated in Table 30. Additional funds may be made available for State and county agencies to undertake surveys and identify historic resources and determine their importance to the public. Some developers have complained that some historic resources have been preserved through land dedication without explanation of the importance of the resource to the State or county.

Table 30.HCZM Impacts Upon Historic Resources

Evaluation Criteria	*Major Anticipated Impacts
Supply	1. Increase in relative number of archaeological surveys in response to "tighter" development permit conditions. 2. Increase in relative number of preserved sites and salvage operations due to additional historic resources-related permit approval conditions.
Quality	1. Same as above.
Access	1. Same as above.

*NOTE: While all anticipated impacts do not possess clear action-impact relationships, all impact relationships, all impacts nonetheless, can be fundamentally justified as a result of the cause-of-action provision of the Hawaii CZM Act of 1977.

Impacts Upon Scenic and Open Space Resources. Scenic and open space resource issues are significant in terms of the viability of the tourist industry and the foreclosure of future land use options.

As indicated in Part II, the scenic and open space resource policies will advocate numerous measures for preserving the integrity of this valuable resource. The resulting impacts, however, will bear upon supply and quality only. Inasmuch as scenic and open space resources are by definition "access," this evaluative criterion is not addressed in this section. Table 31, therefore, identifies the anticipated scenic and open space resource supply and quality impacts.

The policies that deal with scenic and open space resources may be some of the most difficult to enforce and can be the cause of some of the more costly economic impacts on developments. Some development may be prohibited, additional costs for landscaping and structural design may be incurred, height limitations placed to protect views vs. the raising of buildings to protect them from certain hazards may conflict with one another, and the requirements to provide open space have in the past increased the cost of development.

Some of the results of the implementation of these policies will be a better definition of what constitutes coastal scenic and open space resources and that those resources will be identified. In some cases, actual improvement or restoration may either be required of developers or undertaken by public agencies.

Non coastal-dependent developments will be encouraged or required to move inland in some cases to preserve the open space or future development options by coastal-dependent facilities. This may have an adverse impact because it may not represent the highest economic value of the land but it will protect coastal resources. Future housing developments will be especially impacted by the implementation of these policies, particularly if the coastal zone management area is significantly expanded.

Impacts Upon Natural Resources

"The stresses placed on Hawaii coastal water ecosystems include depletion of near-shore fish and other marine life, destruction of coral reefs and fish habitat, destruction of wetland habitat, depletion of sand resources, interference with natural sand movements, reduction of ground water recharge areas, pollution of coastal waters, and destruction of near-shore land ecosystems." (DPED Hawaii CZM Program Advisory Committees Workshop, September 17-18, 1976.)

While it has been extremely difficult for Hawaii to distinguish coastal ecosystems from the island ecosystem and consequently where to draw the boundary line, it has never been difficult to define what the problems are that need to be addressed.

Table 31. HCZM Impacts Upon Scenic and Open Space Resources

Evaluative Criteria	*Major Anticipated Impacts
Supply	1. Increase in relative number of areas maintained as open space as a result of a more comprehensive approach to the permit approval process. 2. Increase in relative number of areas designated as open space in response to policies mandating concentrated development and inland location of non-coastal dependent developments.
Quality	1. Improvement of scenic resource corridors as a result of "tighter" permit approval conditions. 2. Improvements of overall visual quality of existing scenic and open space resources in response to policies advocating concentrated development and inland location of non-coastal dependent developments.

*NOTE: While all anticipated impacts do not possess clear action-impact relationships, all impacts nonetheless can be fundamentally justified by the cause-of-action provision of the Hawaii CZM Act of 1977.

Unfortunately, the understanding of coastal ecosystems and natural processes only recently has approached a level which could be considered sophisticated. Most existing State statutes were passed before this knowledge existed and, therefore, these laws do not reflect this current sophistication. As a result, the efforts in the coming years will, to a large extent, be groundbreaking.

The role of the Hawaii CZM Program with regard to natural systems is a major one, given the wealth of new technical data which must be reflected in the regulation of natural systems. Furthermore, the concept of a natural system will become increasingly crucial through the Hawaii CZM Program's implementation phase. A particular project will be considered in terms of its impacts upon the overall system which it affects rather than location-specific system elements.

Therefore, one of the important policies of the Act is to "(i)mprove the technical basis for natural resources management." Coastal zone management funds will be used to implement this particular policy as long as that information will be useful to the decision-makers and public.

Stresses in natural resource bases in the coastal zone management area potentially could intensify in the future as the population increases alteration of these land and water areas which support coastal ecosystems will be decided on the basis of coastal policies and objectives. These policies make preservation of coastal ecosystems a responsibility of all public agencies in Hawaii. These public agencies are responsible for minimizing adverse impacts as well. Together these are the basic rules which will direct public planning and regulatory actions in the coastal zone management area.

Hence, the most basic impact upon coastal ecosystems expected is that the function of coastal ecosystems will be maintained and improved. Specifically, the following impacts can be expected as a result of implementation of the Hawaii CZM Program:

1. The rate of which coastal wetlands are altered, inland salt water pools are filled, and streams are channelized will decrease in response to a more coordinated and comprehensive permit approval process.

2. Water in perennial streams will become more conducive to coastal ecosystem survival as improved water quality standards are advanced and quantity is assured.

3. Coastal water quality will improve as new siting criteria for point source wastewater outfalls are developed in conjunction with the "208" Program.

4. Non-point water pollution will be reduced as a result of improved intergovernmental regulation and coordination and improved water quality standards.

5. Coastal water pollution will be reduced in response to tighter enforcement of performance standards.

6. Mechanisms to regulate the harvesting of fish, shellfish, and coral will improve as the technical basis of harvesting regulations become more sophisticated.

7. The need to protect the overall ecological functioning of coastal ecosystems will be improved as a result of greater public awareness of the significance of such systems.

8. In addition to the coastal water ecosystems, those ecosystems identified in the minimum criteria to establish the permanent inland CZM area boundary (Part II, Table 1) will receive additional management through the program.

Two recent efforts, CZM and the "208" Water Quality Program of the Department of Health, should have a substantial impact on protecting coastal ecosystems. The Hawaii CZM Program will supplement and support the "208" Program with regard to coastal ecosystems. While both are new programs which are still in the development stages, their impacts in the preservation of coastal ecosystems are potentially significant.

The Department of Health's "208" Program is a statewide program and regardless of the final coastal boundaries determined by the counties, its impacts will be applied throughout the State. The role of the "208" Program as well as the water quality standards adopted pursuant to Chapter 37A of the State Health Regulations will be the basic enforcement tools setting criteria and standards which will enforce the following policies:

(c) "Minimize disruption or degradation of coastal 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." (205A-2(C)(4))

The policies do give recognition to competing water needs so it can be expected that trade-offs will be made, but they also prohibit land and water uses that violate State water quality standards. The combined CZM and 208 Programs will not in themselves stop growth and development but they do place constraints upon development and attempt to direct it to suitable areas.

One example of the States recent effort to promote water quality is of Kaneoke Bay. It has been reported that since the sewage outfall in Kaneoke Bay has been moved, there has been a marked improvement in the water quality of the Bay, however, further studies must be conducted to determine the extent of its restorative powers.

The Department of Health is currently in the process of revising the water quality standards. Significant proposed revisions to these regulations include:

1. Establishment of new system of classifying State waters based on ecological systems and beneficial human uses. State waters are classified as either Inland or Marine. Inland waters include both fresh and brackish waters with seven ecological subtypes. Marine waters are divided into four water types and six bottom subtypes.

2. Revision of the present use classes to be compatible with the ecosystem approach. No. presently allowed used of any water bodies are affected with the exception of certain streams. However, new point source discharges will not be allowed within embayments. A new use class is established for marine bottom, as distinct from the waters above.

3. Addition of new parameters and revision to existing parameters for measuring water quality and a new method of measurement. There is a new set of parameters with three different numerical expressions established for each ecological subtype. There are also different values proposed for "wet" and "dry" climate conditions in marine waters. Numerical parameters have been developed for marine water bottoms as well as the water column above.

4. Specification of laboratory requirements.

5. Establishment of minimum stream flow requirements based on flow duration curves. Certain streams are given Preservation Status with no diversion allowed. All diversions of streams or spring or ground waters (including all forms of surface diversion, wells, and tunnel system) which are operational as of January 1, 1978, are exempted from the proposed minimum stream flow requirements. All new diversions will be subject to the proposed requirements.

State air and water quality standards are incorporated into the Hawaii CZM Program.

The States areas of particular concern will help achieve the other policy to preserve valuable coastal ecosystems as well as management decisions on future land and water uses.

SOCIO-ECONOMIC IMPACTS

In dealing with a program that must be implemented in conjunction with an array of other State and county programs, and in social and economic systems that are constantly changing in response to other demands, potential socio-economic impacts can only be discussed in terms of trends.

An examination and analysis of trends can lead to the identification of significant impacts. Once the significant impacts are known, the program can be modified to affect those particular impacts in different ways.

The policies dealing with economic uses and managing development were incorporated into the Hawaii CZM Act by no accident. The numerous business and development interests on the Statewide Citizens Forum worked hard to ensure that the Act would be a balanced one which would take environmental and economic interests into account. Many of those individuals responsible for these policies feel that the Act is balanced and meets the majority of their concerns.

In fact, several individuals expressed confidence that developers can meet the environmental constraints placed upon development as long as time delays getting through the "red tape" are minimized and the standards and criteria for development are made more explicit so that there is better information available during the planning stages.

Programs such as the Hawaii CZM Program are intended to have an impact on existing regulatory mechanisms. Some are designed also as environmental protection measures and have an obvious effect on environmental resources. It is the socio-economic impacts of such programs that are usually insufficiently recognized. What follows is an identification of those socio-economic impacts in terms of those trends which can be discerned.

Impacts Upon Development Patterns. Hawaii's CZM program may have a substantial effect on development patterns. It will affect the manner in which governmental bodies review development applications and the manner in which proposals for private development are formulated and presented. Once the program is implemented, many of its effects will be felt very early in the development process. The Hawaii CZM Program will affect the patterns of development in primarily three ways: (1) it will alter the nature of private planning and design; (2) it will increase the sophistication of the standards the agencies apply in reviewing development; and (3) it will establish a set of priorities for use of the coastal area.

Private Planning and Design. Until recently, developers have not had to be overly concerned with the effect of their development on neighboring property or on the State in general. Review has been largely limited to the project plan itself and projects were treated as isolated

phenomena. In recent years the proliferation of government controls in general has fundamentally altered this planning process. Not only must developers now concern themselves with the effect of their development on others in the more tangible senses (e.g., pollution, erosion), they also must be concerned with more intangible impacts (e.g., aesthetics, meeting long-range State environmental quality objectives). All of these additional responsibilities have increased the complexity of the planning and design process.

Part of the problem for developers has been the complexity and vagueness of many of these requirements as well as the inconsistency between some of the Federal, State, and county planning objectives. As a result, the approval process has been extremely lengthy and has sometimes resulted in project abandonment. At other times this process has been the subject of litigation which is time-consuming and expensive to all involved. The regulators, those who are regulated, and the public have all felt that the process leaves much to be desired.

The Hawaii CZM Program should have a favorable impact in this regard. As the program is implemented it will provide a policy "umbrella" for all actions in the coastal area. The objectives and policies (and some of the guidelines) of the Hawaii CZM Act of 1977 set the standards that developers must meet, thereby centralizing or focusing policy requirements. Future guidelines developed pursuant to 205A-3(4) will provide additional helpful standards.

The CZM policies will undoubtedly mean that changes in planning and design will take place. To this extent, the Hawaii CZM Program may be seen by some to increase rather than decrease the problems. But because CZM objectives have been placed <u>over</u> other programs, rather than alongside those programs, the result should be a more coordinated regulatory framework.

The Hawaii CZM Program should facilitate quality design of coastal developments. Some of this improvement will result from increased attention being given to environmental and aesthetic values. Because these concerns will impact on <u>all</u> coastal developments, the overall quality of the coastline should be enhanced.

<u>Government Standards and Regulations</u>. The CZM Program will improve the sophistication of the standards and conditions which agencies use to evaluate development. If each agency were to develop its CZM capabilities on its own, the process could be both lengthy and costly. However, much of this capability already exists in various Federal, State and county agencies, and cooperation and consultation efforts are the probable course most of the agencies will take. This cooperative effort will not only promote the development of management capabilities, it will also establish communication channels which are essential parts of the overall CZM Program philosophy.

The Hawaii CZM Program is built on the premise that existing land and water management systems have sufficient jurisdiction to enforce the Program policies adequately. If Hawaii's CZM

Program is to be a success, cooperation within these systems is essential. Inter-agency cooperation in developing standards should provide the foundation for later cooperation in implementing those standards.

Improving the sophistication of agency standards and conditions is essentially a two-part process. The agencies must become more sophisticated in terms of (1) identifying impacts of any particular development, and (2) developing measures to mitigate those impacts.

The analysis of coastal impacts will involve the availability of technical and scientific data. Much of these data exist but they have not generally been available or utilized by decision-makers. The Hawaii CZM Program will seek to insure their availability and utilization. Among the "impacts" which will be most affected by the increased use of such data are shoreline erosion, damage to coastal ecosystems, the overall water quality program, and the preservation of historic resources.

The measures that can be taken to mitigate impacts are not as well documented. Nonetheless, technical and scientific data available to guide and aid the mitigation of the impacts discussed above. Mitigation can also be accomplished by development siting and design. County agencies already have a background in this area and the Hawaii CZM Program will serve to strengthen and provide uniformity to such efforts. Many State agencies may be dealing with siting and design considerations with relatively little background in doing so but, through consultation with county agencies, they can acquire that capability relatively quickly. Development siting as well as design standards and conditions can have a substantial effect in mitigating impacts on scenic and open space, recreational, and historic resources.

Use Priorities and Restrictions. Use priorities and restrictions are the essence of land-use controls and zoning mechanisms. As such they have long been a part of governmental review of development efforts. Changing economic conditions and patterns, population shifts, and changing housing patterns have also meant that these priorities and restrictions have been in a constant state of fluctuation. The Hawaii CZM Program is intended to decrease this fluctuation and provide a long-term set of priorities for coastal zone use. As indicated in Section 2, the implementation of the objectives, policies, and guidelines of the State land use law and the Hawaii CZM Act of 1977 establish use priorities. In this regard the establishment of use priorities can be viewed as a positive program impact. Specific impacts would, among others, include the following:

a). Preserve coastal resources and open space. The Hawaii CZM Program requires that priority be given to the preservation and enhancement of coastal resources. All actions should be investi-

gated in terms of their impact on these resources and wherever possible the impacts should be minimized or eliminated.

b). Avoid coastal hazards. The Hawaii CZM Program requires that significant consideration be given to coastal hazards problems. Areas susceptible to storm waves, flooding, tsunamis, and erosion can be identified with relative certainty and the use of these areas can be restricted either partially or fully. Coastal uses should be managed so that they do not (1) cause coastal hazards or (2) substantially increase the damages that such hazards cause. Shoreline erosion and flooding from inland sources, both of which can be caused by improper planning, design and siting, can be managed partly through the priority given to this concern.

c). Locate non-coastal development inland. The Hawaii CZM Program places a priority on retaining much of the currently undeveloped shoreline by requiring that developments which do not depend upon coastal siting be located inland areas. Those developments which are dependent on coastal siting, such as visitor industry facilities, will be given the priority for coastal sites.

d). Concentrate development in existing areas. The Hawaii CZM Program also places a priority on the increased use of developed areas before allowing the use of undeveloped areas. While this will mean increasing densities in those areas, it is considered preferable to low density developments which might cover the entire coastline.

e). Prohibit new development centers until existing areas are developed. There exist areas which have been designated as urban but have not as yet been developed. These areas will have the first priority for development once existing development sites have been fully utilized.

f). Use of government property for recreation. Governmental agencies own significant portions of Hawaii's coast line area and the Hawaii CZM Program makes public recreational use the highest priority for those areas. This use is essential since the acquisition of sufficient privately owned land to meet recreational needs would be prohibitively expensive.

Impacts Upon Land Values. Land values in Hawaii continue to rise as increased pressure for development is constrained by progressive State and county land use controls. These pressures are magnified in Hawaii's coastal areas where land is relatively flat and suited for development as compared to the mountainous inland areas.

The Real Estate Research Corporation cited the following as some of the key determinants of property values in their report analyzing the potential economic impacts of the California Coastal Plan. They are applicable to Hawaii's situation.

The key determinants of land values include:

- Natural site characteristics and environment
- Man-made site characteristics and environment
- Community image

- Demand for particular land uses
- Access
- Utilities
- Public facilities and services
- Taxes
- Land use and development regulations

The following table, also from the Real Estate Research Corporation's Study, summarizes impacts of government action on land values.

Table 32 IMPACT OF GOVERNMENT ACTION ON PROPERTY VALUES

Type of Action	Impact on Values of Subject Property	Impact on Values of Neighboring or Competitive Properties	Net Effect on Property Values	Relative Importance of Specific Actions in Determining Impacts
Restrictions on land use	Value declines	Value rises	Redistributional	Very important
Developer required to make improvements or pay fees	Value declines	Value rises	Slightly negative	Unimportant compared to other public actions
Resource amenities protected or restored by government action	Value rises	Value rises	Slightly positive to very positive	Very important
Shore access by the public maximized and protected	Value declines	Value rises	Slightly negative	Less important than use restrictions or amenity protection
Concentrating development in existing communities	If still undeveloped, value declines; if already improved, value rises	Value rises	Positive	Very important
Providing infrastructure, public facilities, and services	Value rises	Values unchanged	Positive	Important
Tax reduction or deferral for regulated, restricted, or encouraged uses of coastal properties	Value rises	Values unchanged	Slightly positive	Less important than use restrictions or amenity protection

Source: Real Estate Research Corporation.

The policies of the Hawaii CZM Program will be implemented through existing government mechanisms, and may result in the following land value impacts.

1. Land values in the coastal zone will not necessarily increase faster than other land values as a result of CZM objectives and policies. Land values may increase, however, in areas where the Hawaii CZM Act imposes on proposed developments additional restrictions and/or conditions already established by State land use district designations or county zoning. Permits for developments in areas containing coastal areas uniquely suited for recreation, archaeological resources, shoreline open space and scenic resources, or unique coastal ecosystems for example, may be denied unless certain conditions are met. Placement of conditions on development proposals may

be denied unless certain conditions are met. Placement of conditions on development proposals may tend to increase land values in such affected areas.

2. By restricting land use options in coastal areas, land values will be redistributed to other sites not subject to use restrictions. In coastal areas the value of land near or within existing developments will rise and coastal dependent developments may be compelled to move inland to avoid high costs.

3. Land values probably will decrease in coastal areas where there is no development. The Hawaii CZM Program will foreclose development of many of those areas by concentrating development in areas which are already developed. The undeveloped land will then be left in its present, less "valuable" (in the economic sense) state.

All of the above apply to land values in the coastal area. For areas inland of the coastal area, land values will probably increase as development is concentrated in existing communities, thus increasing the competition for the available sites.

Impacts Upon Cost of Development. The Hawaii CZM Program will affect the cost of development in two ways. First, land acquisition cost may increase as discussed in the previous section of "Land Values." The competition for available land will intensify and the increased prices paid to acquire that land will be reflected in higher development costs.

Second, the coastal development will probably be more costly as a result of Hawaii's CZM Program because of features such as siting and esign requirements, access and park dedication requirements, surveys to determine the archaeological resources of a site, and increased controls on shoreline erosion and hazard areas.

One effect which might normally arise from such a program is a delay in development approval processing. However, Hawaii's CZM Program has mitigated this effect by utilizing existing land and water use controls rather than adding a new one. In addition the DPED has made a management decision to place a high priority on developing permit coordination mechanisms and, if needed, legislation to implement such coordination. Processing delay is not likely, therefore, to be a significant impact of the CZM Program.

Some people have found that to meet restrictions placed upon their residential developments to meet flood and tsunami hazard criteria, have made the future development of their home prohibitively expensive and therefore cannot obtain the full enjoyment of their land. This is, of course, the unfortunate experience many people have found themselves caught in with respect to land use regulations and the governmental effort to protect the health, safety and welfare of the citizens.

In conjunction with "development costs" are benefits to the general public. By concentrating development and directing it away from coastal areas, coastal recreation opportunities and

maintenance of open space will be enhanced. The general public can anticipate also lower public investments for roads, sewers, and drain and water lines. New developments would be encouraged to make maximum use of available system capacities in developed areas or locate adjacent to built areas where such systems are already in place.

Impacts Upon Profitability. The overall impacts which the Hawaii CZM Program will have on the profitability of industries in the State cannot be readily quantified. The long-term effects should, however, be beneficial because it will provide for the comprehensive management of the coastal area and because it will prevent the foreclosure of options by premature development.

The development costs discussed in the last section will have an effect on profitability. New industries which are not coastal dependent will have economic incentives to locate inland. Those that are coastally dependent will probably face higher development costs. These costs may be damaging to industries which operate on low profit margins or which have lengthy "start-up" times.

Impacts upon Energy Facilities. Most of the energy facilities in the State use fossil fuels. Rather than planning for new facilities that require the use of fossil fuels, the State has decided to move towards developing alternate energy sources such as Ocean Thermal Energy Conversion (OTEC), solar energy, geothermal energy, wind conversion, and biomass conversion. Until these are farther along in development, the effect of the CZM Program on facilities requirements are difficult to forecast. It is significant to note that OTEC, geothermal, and wind conversion facilities are source dependent which may result in conflicts over siting. Use priorities established by the Hawaii CZM Program, however, are expected to minimize these conflicts.

Energy facilities have been classified as being coastal dependent facilities which will allow them a priority location in the coastal zone. However, Hawaii's significant program to develop exotic types of energy facilities (other than OTEC) will mean that there will be less pressure to develop all future facilities near coastal waters.

Energy facilities (including transmission lines, pipes, etc.) are subject to conditions placed on developments through the SMA permit. However, no conditions were placed through on the two energy facility developments processed under the Shoreline Management Act of 1975. Biomass conversion and solar energy facilities can be sited in locations that preclude impacts on coastal areas.

Impacts Upon Employment. Implementation of Hawaii's CZM Program will impact employment in various industries by impacting their profitability, as discussed in the previous section on Profitability. If the profitability of an industry is enhanced by the Hawaii CZM Program, its

potential for growth will increase along with its potential for providing jobs. Conversely, if profitability is adversely affected, the employment potential of the industry will diminish.

In terms of impacts on employment, two industries stand out as being particularly important because of the jobs they provide and their susceptibility to the impacts of the Hawaii CZM Program: the visitor industry and the construction industry. The visitor industry is important in this regard because it directly and indirectly generates more jobs than any other industry in the State. It has the greatest potential for growth of all the industries, and of the major export industries, it is the most dependent upon coastal resources. The construction industry, on the other hand, is important because it currently has the highest unemployment rate of any industry in the State.

Construction activities in the coastal zone, particularly with respect to the tourist industry, will be a major determinant for the industry's future viability. Current trends, as discussed in the socio-economic trends section, indicate slowed growth in the future for the visitor industry -- following slowed growth trends in the national economy. Similarly, the construction industry's recovery from its current slump will be slow, following growth trends in the visitor industry and the national economy.

In the long term, however, the CZM Program will help to preserve the growth potential of the visitor industry by protecting visitor attacting amenities such as recreational, historical, and aesthetic resources. As such, the long term stabilization of the construction industry will be maintained.

Impacts Upon Cultural Trends. The impact of the Hawaii CZM Program on cultural trends in the State will be a function of the development patterns which the program will encourage. For instance, in undeveloped coastal areas where new development will be discouraged, the rural lifestyle and economy will be preserved. Conversely, in those coastal areas where development already exists, accelerated development will further urbanize these areas.

Under the Hawaii CZM Program, agriculture will likely continue to be the primary economic base in rural areas. Hence, the culture fostered by such an economy will continue and the problems associated with development, such as the disruption of the rural lifestyle, will be diminished.

On the other hand, by discouraging new developments in undeveloped coastal areas, opportunities for diversifying the economy in those areas will be foreclosed. In view of this, an area subject to a faltering agricultural industry may suffer severe economic hardship leading to social disruption (e.g., high unemployment rates, high rates of out-migration, social and psychological stress). This is exemplified on Molokai, where declines in the pineapple industry

forced closure of a major plantation in 1975. Currently, the long-term trends for both the pineapple and sugar industry are not positive. There is a possibility that future declines could adversely affect the economy and culture of some rural areas.

Ideally, economic diversification should occur with minimal disturbance to the rural culture. This could be accomplished through agricultural diversification or possibly aquaculture. Although Hawaii CZM policies and guidelines will assure that this option is left open, market conditions will determine if this option will be followed.

Given favorable market conditions existing areas will experience accelerated development under the Hawaii CZM Program. Depending on the rate of development, social problems which are characteristic generally of rapid urban development may occur (e.g., crowding, increased competition for recreational resources, and disruption of the small town lifestyle). On the other hand, Hawaii CZM policies requiring protection of recreational, historical and aesthetic resources, will assure that such amenities will continue contributing to the society, thus minimizing adverse cultural impacts.

Impacts of this program upon the culture and economy of Hawaii will be mixed with the impacts and directions given by the State Plan, revised County General Plans, 208 Areawide Water Quality Program and other major plans and programs. The extent of the impacts both positive and negative will be a function as well as of the boundary of the coastal zone management area once that is finally determined.

IMPACTS UPON PUBLIC HEALTH AND SAFETY

Natural hazards exist in the coastal zone that pose significant risks to public health and safety. These hazards include storm waves, tsunami, flooding, erosion and subsidence. The Hawaii CZM Act of 1977 indicates that State policy is to "control" development in areas subject to these hazards, to prevent coastal flooding from inland projects, to ensure that developments comply with requirements of the Federal Flood Insurance Program, and to develop and communicate adequate information on the cited hazards.

Loss of life, personal injury and property loss from the identified hazards are aggravated needlessly by development that fails to take these natural forces into account. The problem is not so much that the extreme land, water and weather conditions occur, but rather that private and public entities have not adjusted their land use approach to reflect the knowledge that extreme conditions will occur, however infrequently.

Previous emphasis in disaster preparedness has been focused on relief and rehabilitation. This approach, which of course, reduces neither casualties or property damage, is being replaced

by acknowledgement, through the Hawaii coastal program, that these hazards exist, and that management of development should attempt to reduce casualties and economic loss from extreme coastal physical processes.

In planning to "develop and communicate adequate information on" coastal hazards, the Hawaii program seeks to generate awareness of the risks and development approaches that, voluntarily taken, will lead private and public parties away from construction in coastal hazard areas or to guard property against structurally unsound developments.

The attractions of shoreline development are great, however, and the Hawaii CZM Act requires development in high-risk areas be controlled through the administrative efforts of State and county public agencies. Through the mandated compliance with Federal Insurance Administration regulations (the Federal Flood Insurance Program), development in flood-prone areas will be limited. These limitations may increase the cost of construction and restrict highest-economic-return uses of private property. Similarly, the revision of the Special Management Area (SMA) boundaries required by Act 188 will guide development in the SMA to reflect standards that recognize coastal hazards, possibly increasing development costs or reducing private discretion over use of land in hazard zones.

In contrast, the potential benefits of a management program and land use practices that respect high risk coastal areas are great. A concentration on the development of hazard information and a warning system for evacuation of storm inundation areas reduce the threat to life and property. Development limitations, while distasteful in fair weather, reduce casualties and economic loss during extreme physical occurrences. These benefits to private individuals and property owners are reproduced in savings to the local, State and national taxpayer each time massive disaster assistance funds are saved by prudent land management. Participation in the Federal Flood Insurance Program further reduces the public disaster loss, and by requiring that individuals who expose themselves and their structures to unreasonable risk must insure themselves against the day when disaster may strike.

The Hawaii CZM Program will insure the comprehensive treatment of shoreline erosion problems. The erosion of an existing shoreline can either increase the threat of coastal hazards or create a threat of coastal hazards. As such, shoreline erosion management is a CZM priority. Existing regulatory measures can cope with these problems but have not been fully utilized. CZM will insure that all agencies consider the problems of shoreline erosion and that erosion problems are viewed in terms of a shoreline "system."

PART IV

PROBABLE IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT

PART V

ALTERNATIVES TO THE PROPOSED ACTION

A. Introduction

Given the nature of the proposed action - approval of the Hawaii CZM Program - all alternatives would involve a decision to delay or deny approval. Included as part of these alternatives is the possibility of preliminary approval of the State's program pursuant to section 305(d) of the CZMA. Preliminary approval would involve a finding that the State has satisfied all the requirements of section 305 of the Act but is deficient in meeting one or more of the requirements of section 306 which deficiencies could be resolved before the expiration of Section 305 grant authorizations. Preliminary approval would provide Hawaii with additional funds to resolve the deficiencies and to implement those portions of the program already found to be approvable. It would not provide the State with as much funding as would be available to them pursuant to section 306 nor would it allow the exercise of the Federal consistency provisions of the CZMA.

Delay or denial of approval could occur if it were found that Hawaii's program failed meet any of the requirements for approval contained in section 306 of the Act. In approving a coastal management program, the Assistant Administrator for Coastal Zone Management must make affirmative findings on more than twenty such requirements. While the Assistant Administrator has made a preliminary determination that the Hawaii CMP meets all the requirements for approval, a number of potential deficiencies were identified during the course of program development. The Assistant Administrator is satisfied these potential deficiencies have been addressed and resolved in the program presently under review. In order, however, to elicit public and agency comment and to assure that the Assistant Administrator's preliminary assessment is correct, this section identifies possible deficiencies and considers alternatives of delay or denial of approval for each alternative. The impacts associated with delay or denial on any basis are discussed in Part IV. These include loss of Federal monies to implement the program; inability to apply the Federal consistency provisions of the CZMA; and inability to assure adequate consideration of the national interest in the siting of facilities which are other than local in nature as required by section 306(c)(8) of the CZMA.

B. Possible Reasons for Delay or Denial

1. The Assistant Administrator could delay or deny program approval if the authorities applying to the administrative boundary were found to be insufficient to provide adequate specificity or comprehensive coverage in the interim period until the county special management areas (SMAs) are amended.

Act 188, which provides the policy framework and some of the primary legal authorities for carrying out Hawaii's CMP, is rather specific as to the application of these policies and authorities in existing SMAs and in the SMAs when amended, which become the permanent inland coastal zone boundary. The Act, however, is silent as to the application of these policies in the interim period before the SMAs are amended.

This raises the possibility that the policies and objectives of Act 188 could not be carried out in those portions of the interim, administrative boundary lying outside the existing SMAs (15 CFR 923.3). To address this potential problem the State did an extensive analysis of existing authorities to determine the extent to which these authorities fulfill the mandates of the policies and objectives of Act 188. (See Part II, Chapters 2 and 5.) This analysis indicates that not only are the existing authorities compatible with Act 188's objectives and policies, but also they provide greater specificity as to how these objectives and policies are to be interpreted.

Separate from the issue of specificity is that of comprehensiveness of coverage for uses in urban districts outside the SMAs, which once designated are not subject to State permits pursuant to the Land Use Law. The county development permits, which now must be issued in conformance with Act 188's objectives and policies, apply only in the presently defined SMAs in the interim period until the SMAs are amended. There may be some question whether existing State authorities, which will be utilized in the interim in the administrative boundary areas outside the existing SMAs in conformance with Act 188's objectives and policies, address sufficiently those uses outside the existing SMAs which may have direct and significant impacts on coastal waters. Existing State authorities address air and water quality impacts, sedimentation, and dredge and spoil disposal which the State maintains are sufficient to deal with uses of direct and significant impacts in those portions of urban districts that are outside existing SMAs but within the administrative boundary.

In light of these issues, the Assistant Administrator could delay approval of Hawaii's CMP until the SMAs are amended, thereby removing any question of the applicability and coverage of Act 188's objectives and policies to Hawaii's coastal zone. Under this alternative, the Assistant Administrator could grant preliminary approval pursuant to section 305(d) of the CZMA to provide funding for county amendment of their SMAs and review and approval by DPED. The impacts of this delay of approval are discussed in Part IV.

2. The Assistant Administrator could delay or deny approval if the State authorities to be applied to those portions of the administrative boundary outside the SMAs were found to be inadequate to accomplish the objectives and policies of Act 188.

While there is no question that the existing authorities the State proposes to apply within the administrative boundary are enforceable, by virtue of having been enacted by the State Legislature, there may be some question as to the ability of these authorities to be applied in conformance with and fulfillment of Act 188's policies and objectives (15 CFR 923.42(d)).

The Governor's letter of submission accompanying the State's management program indicates that all the State agencies exercising authorities under the Program are under his direct authority and "shall carry out their respective statutory mandates within the interim CZM area in keeping with the objectives and policies referenced in the Hawaii CZM Act of 1977 (Act 188)." The Governor's letter also indicates that he will further direct his State agencies on this matter at the appropriate time in the approval process.

To remove any possible question about the networking of State authorities, it may be appropriate for the Assistant Administrator to delay or deny approval until the Governor provides this further direction to State agencies. The Governor's action could take the form of an Administrative Directive which is equivalent to an Executive Order. An executive order (or equivalent) is an acceptable instrument under CZMA program approval regulations (15 CFR 923.42(d)(4)) for demonstrating the existence of an enforceable network of State agencies.

3. The Assistant Administrator could delay or deny approval if the State criteria for determining the minimum amended SMA boundaries were found to be insufficient to meet the objectives and policies of Act 188.

DPED has established a set of criteria (see Part II, Table 1, and Glossary) that will be used by the counties in amending their SMAs and by DPED in reviewing these amendments for their compliance with objectives and policies of Act 188. The criteria are derived from two of the seven major objectives of the Act - those having to do with coastal ecosystems and those having to do with coastal hazards. These were selected as minimum criteria on the basis that any uses with direct and significant impacts on coastal waters will be included in the permanent coastal zone boundary based on the areas encompassed by the coastal hazard and ecosystems criteria. The other objectives and policies of Act 188 speak more to how uses within the coastal zone boundary are to be managed once that boundary is established rather than to criteria for determining that boundary. There may be a questions, however, whether use of only two of the Act's objectives and policies will result in a broad enough inland boundary to meet the requirements of the CZMA (15 CFR 923.31).

However, in light of this possible question, the Assistant Administrator could delay final approval and instead grant preliminary approval until such time as additional criteria for determining the final coastal zone boundary are established based on the remaining objectives and policies of Act 188.

4. The Assistant Administrator could delay or deny approval if the compliance mechanisms outside the SMAs were found to be insufficient.

Act 188 contains a "cause-of-action" provision which gives broad standing for any State agency or local government to be sued for failure to comply with the provisions of the Act, including the objectives and policies. This "cause-of-action" applies within the existing SMAs, the coastal waters and to the permanent boundary after the SMAs are amended. During the interim period, the "cause-of-action" does not apply to those portions of the administrative boundary outside the existing SMAs. In these areas the State will rely on a combination of judicial and administrative compliance mechanisms described in Part II, Chapter 5. The primary judicial compliance mechanism is a provision in State law allowing the State's Attorney General, among others, to seek injunction against violations of State and County laws and ordinances.

While OCZM program approval regulations (15 CFR 923.41) do not require a single or even uniform compliance mechanism to apply throughout a State's coastal zone, there may be some question whether the administrative and judicial mechanisms described in the program document are sufficient to ensure compliance with the objectives and policies of Act 188. In light of this question, the Assistant Administrator could delay or deny approval until the permanent management boundary is in effect in which case the "cause-of-action" provision of Act 188 would apply or until the State's Attorney General provides an opinion that the compliance mechanisms described in the program are sufficient.

PART VI

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

Hawaii
Coastal
Zone
Management
Program

PART VI

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The Hawaii CZM program establishes a mechanism through which competing demands of environmental protection and economic development can be reconciled to the greatest possible degree. The Program is intended to maximize environmental benefits and minimize adverse effects that may result as a consequence of economic developmental quality and economic growth of the State are essential if the program is to achieve its objectives.

Adverse impacts may result from implementing policies which seek to concentrate development and favor coastal dependent developments. The Hawaii CZM Program will encourage all new developments to locate in areas which are already developed and have room and facilities for reasonable expansion. The increased density of these developed areas may aggravate existing problems of water quality and supply, erosion, and inadequate recreational resources. Adverse social impacts could result also from increases in density.

Coastal dependent developments may generate adverse impacts. Some energy facilities require, by necessity, a coastal location. As noted in Part II, Chapter VI, future energy facilities in Hawaii such as those for Ocean Thermal Energy Conversion will by necessity be located in the coastal zone. Others, like wind and geothermal conversion, depend on natural conditions and may require siting on or near the coastline. Such facilities may lead to impacts on water quality, marine and terrestrial ecosystems, and may detract from the visual appeal of the coastline surrounding the facility.

Hawaii must continue to rely on the visitor industry as its principal economic base. The coastline is one of Hawaii's principal visitor attractions and continued hotel siting in the coastal area appears necessary. This would result in increasing congestion of existing visitor destination areas or generating impacts at new visitor developments.

Some agricultural lands will probably continue to be converted to rural and urban districts. As Hawaii's population increases, existing allocated urban space will no longer adequately meet the demands placed upon it. To preserve scenic views often requires height limitations, set backs requirements, etc., which means that urban areas will be less dense

than may otherwise be the case and therefore, there will continue to be expansions into the more developable agricultural lands.

Hawaii's CZM Act is not intended to preclude development in the coastal area. In a very real sense it can be viewed as providing a set of mitigation measures which are to accompany coastal development. These measures will normally be attached to the permit or approval in the form of "conditions." The agencies administering those permits and approvals will have a certain amount of discretion in applying those conditions but the failure to condition permits and approvals adequately might lead to a court action pursuant to the cause of action provision of the Hawaii CZM Act.

Moreover, an established review procedure already exists at the Federal, State, and County levels for ensuring that environmental effects resulting from land and water uses are mitigated to the greatest extent possible on a project by project basis. Examples of established procedures include: Corps of Engineers 404 permit for activities occurring in navigable waters; State Department of Health NPDES permit for control of water pollution from "point" sources; State of Hawaii EIS procedures; and County grading ordinances for grubbing, grading, and stockpiling.

PART VII

RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES, AND CONTROLS FOR THE AFFECTED AREA

PART VII

RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES, AND CONTROLS FOR THE AFFECTED AREA

Hawaii has a variety of land use plans and controls, detailed in Part II. Within the overall framework of a State Plan and LUC land use district designations, the County governments design the basic land use plans for their Counties. A number of State and County agencies have additional controls over land use through the issuances of permits or approvals. These permits and approvals have a direct impact on land use by controlling the activities to which the land is subjected.

Hawaii's CZM Program has two basic effects. First, the SMA permit system instituted in December, 1975, supplements the existing system of permits and approvals. Second, the objectives and policies of Hawaii's CZM Act essentially impose a set of procedural and policy standards over the entire range of existing mechanisms.

The purview of the Act's objectives and policies encompasses the actions of all public agencies within the SMA. Although land use plans are not directly affected, the actions taken by land use planning agencies, including State land use district boundary amendments and County zoning changes, are subject to the objectives and policies. All permits and approvals issued by any State or County agency for actions within the SMA are also subject to the Act. Moreover, policies of both the planning agencies and the agencies issuing permits and approvals must conform with the objectives and policies of Hawaii's CZM Act.

Section 205A-5 of the Hawaii CZM Act of 1977 requires that by June of 1979, all agencies must have amended their regulations, as may be necessary, to comply with the policies, objectives of the Act and any guidelines which might be enacted by the Legislature. This should establish some internal consistency throughout the State where it may not now exist.

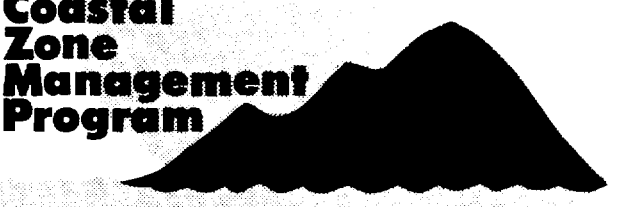
Throughout the development of the Hawaii CZM Programs, the Policy Advisory Committee which consists of Staff of the County Planning Agencies and State agency representatives, have reviewed the development of the HCZMP with their respective programs. Particularly

important in this regard has been the development of the State Plans (See The Hawaii State Plan, Environmental Concerns - A Technical Study, by DPED); The Areawide Waste Treatment Management Study (Section 208) which has been closely coordinated with the Department of Health during its development stage; and, the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The yet to be approved 208 program will reinforce the implementation of several of the coastal zone policies and the SCORP will provide additional guidance to interpreting the recreational, scenic and open space policies.

Naturally, the HCZMP consists of numerous State and County laws and regulations which are used to implement the policies and objectives, particularily in the administrative boundary. These authorities are listed in Part II, Table 5. Therefore, there is a very direct relationship between the implementation of the HCZMP and existing and proposed plans, policies and controls within the State.

PART VIII

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY



PART VIII

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE ENHANCEMENT AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

The HCZMP is not designed to induce short-term uses of the environment at the expense of long-term productivity. Its purpose is to enhance and maintain the long-term productivity of the coastal environment while meeting the current and future needs of the residents of Hawaii, as well as the millions of visitors that frequent its sunny shores and play an important role in the States economy.

The purpose of the HCZMP is to control or manage short-term uses in a balanced fashion by taking into account both environmental and economic development concerns. Some short-term uses such as housing, commercial, and industrial development will be prohibited in some of the more sensitive areas or areas which may be hazardous either through direct control or because conditions placed on development are economically prohibitive to developers. Some uses, for example, are currently prohibited by the State land use law in areas designated as conservation districts or agricultural districts. These areas are designated to enhance and maintain the long-term productivity of the environment.

The CZM Program's requirements in terms of cultural, recreational, and aesthetic values will undoubtedly require adjustments in private planning and design efforts. These values will also require increased sophistication on the part of government regulators of development. The effect of this will probably be to delay some of the short-term uses of the coastal area while public and private planners adjust to the requirements of the CZM law.

The major short-term uses which CZM allows are those which are coastal dependent. The coastal dependent uses in Hawaii include energy facilities, visitor industry facilities, and transportation facilities. Each of these uses has been determined to be essential to Hawaii's growth and will be allowed beacuse the benefits they offer outweigh the long-range foreclosure of coastal use options.

Complementing the Hawaii CZM Program is the work which is presently being done in the area of Water Quality Standards. The Hawaii CZM Program provide explicit support for this work and should be of crucial assistance in insuring the implementation of these standards. The rapid growth of Hawaii and man's past impact on water resources have made water quality a problem. The Hawaii CZM Program will help insure a long-term solution to this problem. Already some progress can be seen in areas that were once very degraded such as Kaneohe Bay. Studies are currently being conducted to determine if the coastal ecosystem can be restored through improved water quality conditions based upon more sound land and water use management techniques. Many people can attest to the improvements to Hanaauma Bay once it was designated an area of particular concern in the form of a Marine Life Conservation District. Therefore, the Hawaii CZM Program is truly designed to enhance as well as maintain the long term productivity of the environment.

PART IX

IRRETRIEVABLE OR IRREVERSIBLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Hawaii Coastal Zone Management Program

PART IX

IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Hawaii's CZM Program will allow use of the shoreline for economic developments which are coastal dependent such as harbors, visitor industry facilities, and energy facilities. Some of these developments will probably involve irreversible negative impacts on coastal resources. The basic rationale for allowing such resource commitments is economic necessity. However, to minimize adverse impacts from coastal dependent development, Hawaii's CZM Program requires concentration of future developments in areas which are already developed. Hence, it promotes efficient use of available resources and, at the same time, preserves existing open space and other resources in undeveloped coastal areas. Further, in areas where developments are allowed, irreversible commitments can be minimized by imposing conditions on development permits and approvals.

Implementation of Hawaii's CZM Program will require commitment of fiscal as well as human resources. Fiscal resources to be committed include Federal 306 grants and State matching funds as well as other monies needed to implement the Program. Human resources include the man hours required of Federal, State, and County governments for program administration.

In the broadest sense, the Hawaii CZM Program can be viewed as a means for assuring that decisions involving the irretrievable commitment of coastal resources will be made with consideration of potential costs and benefits to the general public. In the past, coastal developments accruing economic benefits to a small portion of the public have been permitted with little or no regard to the full intrinsic value of coastal resources to the greater public. Such resources include those identified in the Hawaii CZM Act; i.e., recreational, historic, aesthetic, and natural resources. The Hawaii CZM Program will encourage decision makers to make informed choices on the kinds of resource commitments to allow. More importantly, the cause of action provision of the Hawaii CZM Act will encourage protection of unique coastal resources including sandy beaches, surf sites, and historic sites.

PART X

MITIGATION MEASURES PROPOSED TO MINIMIZE IMPACTS

PART X

MITIGATION MEASURES PROPOSED TO MINIMIZE IMPACT

The Hawaii CZM Program is not a development proposal nor an economic development plan, but a tool which will be used by the State to comprehensively look at, review, and regulate land and water uses within the State's coastal zone. Based upon this, the greatest adverse impact which can be detected is that future development proposals may be stopped, slowed down, or completely withdrawn by the applicants for development because of the costs involved in delays, etc.

The best mitigation measureswhich the State Department of Planning and Economic Development as well as the County agencies are undertaking to minimize these impacts are the studies these agencies have made to "streamline" the permit process, to avoid duplication and overlap. These efforts are being undertaken both as part and outside of the purview of the Hawaii CZM Program because of their overall importance to the State's economy and regulatory decision-making processes.

PART XI

CONSULTATION AND COORDINATION

PART XI

CONSULTATION AND COORDINATION

Extensive consultation, coordination, and imput has been received in developing the Hawaii CZM Program (Part II) and likewise this EIS. Because the program was developed with the natural and human environment in mind, many alternatives have been considered. The coordination and consultation process of program development has been described in Part II, Chapter 5. The Hawaii public participation program has been one of the most extensive in the Nation with respect to involving the public (through Citizen Advisory Committees, questionaires, and newsletters) as well as major special interest groups (through the Statewide Citizens' Forum).

The preparation of this EIS has been a joint process which has included portions of the environmental impact assessment written by the Pacific Urban Studies and Planning Program of the University of Hawaii for the DPED and financed in part through a Coastal Zone Management Program Development Grant, and the Pacific Regional Managers Staff in the Office of Coastal Zone Management.

The following individuals and organizations were consulted and their views informally requested in the development of this draft EIS.

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Dave Raney, Sierra Club

William Van Allen, Bishop Estate

Harold Luscomb, Hawaiians Investment Co, Inc.

Willard Stluka, The Estate of James Cambell

Eddy Nagao, Home Builders Association of Hawaii

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Rutka, Justin and Channet Gopalakrishnan. 1974. Some Institutional Constraints to Coastal Zone Management. The American Journal of Economics and Sociology. 33:3.

Footnotes Table 11

[1] Dry land and land temporarily or partially covered by water, as marshland, swamps, etc., streams and canals under one-eighth statue mile wide; and lakes, reservoirs, and ponds under 40 acres of area.
[2] Permanent inland water surface, such as lakes, reservoirs, and ponds having 40 acres or more of area; streams, sloughs, estuaries, and canals one-eighth of a statute mile or more in width; deeply indented embayments and sounds, and other coastal waters behind or sheltered by headlands or islands separated by less than 1 nautical mile of water; and islands having less than 40 acres of area.
[4] Figures obtained in 1939-1940 with a recording instrument on the largest-scale charts and maps then available. Shoreline of outer coast, offshore islands, bays, rivers, and creeks is included to the head of tidewater or to a point where tidal waters narrow to a width of 100 feet.
[5] The area of Molokini is 18.6 acres (0.03 square miles or 7.5 hectares).
[6] The Northwestern Hawaiian Islands, from Nihoa to Kure Atoll, but exclusive of the Midway Islands (which are part of the Hawaiian Archipelago but not legally part of the State of Hawaii).
[7] As defined in Hawaii Revised Statutes, Sec. 70-1. As defined for statistical purposes under provisions of Sec. 26-18, Hilo has a land area of 56.1 square miles or 145 square kilometers.
[8] As defined for statistical purposes under HRS, Sec. 26-18. Includes the Northwestern Hawaiian Islands from Nihoa to Kure Atoll, exclusive of the Midway Islands.
Source: Data from Geography Division, U.S. Bureau of the Census, and U.S. Coast and Geodetic Survey, cited in the Hawaii State Department of Planning and Economic Development, *Hawaii, the Natural Environment* (1974), pp. 9 and 13.

Footnotes Table 12

[1] Includes the Northwestern Hawaiian Islands (except Midway) and, before 1960, the Palmyra Islands.
[2] Limited to Honolulu before 1910.
Source: Robert C. Schmitt, *The Missionary Censuses of Hawaii* (Bishop Museum, May 1973), table, p. 9, and *Demographic Statistics of Hawaii: 1778-1965* (University of Hawaii Press, 1968), pp. 70 and 115-116; U.S. Bureau of the Census, *U.S. Census of Population: 1970*, Final Report PC(1)-A13, table 9, as corrected.

Footnotes Table 14

[1] Because of the omission of public thoroughfares and for other reasons, totals by island differ considerably from official area data in table 102, footnote 1.
[2] Treatment of ceded land is unspecified.
[3] County land on Oahu is included with State land.
[4] Lehua, Kaula, and the Northwestern Hawaiian Islands, except Midway.
Source: Hawaii State Department of Planning and Economic Development, Hawaii Urban Planning Information Center, *Land Inventory Report 1972* for Hawaii County (1974, p. 19), Maui County (1974, pp. 25-26), and Kauai County (1974, pp. 25 and 29), and underlying data; Hawaii State Department of Land and Natural Resources, *Report to the Governor 1973-1974*, p. 54 (for Lehua, Kaula, and N.W.H.I.); Honolulu Department of General Planning, Oahu land use inventory, 1974, special tabulation by DPED.

APPENDIX 1

HAWAII CZM ACT OF 1977

A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Findings and Purpose. The legislature finds that Congress has enacted the Coastal Zone Management Act of 1972, Public Law 92-583, as amended, which recognizes the national interest in the effective planning, management, beneficial use, protection, and development of the coastal zones of the several states.

It is a purpose of this Act, to authorize a Hawaii state coastal zone management program that complies with the requirements of the National Coastal Zone Management Act. However, the controlling purpose of this Act is to provide for the effective management, beneficial use, protection, and development of the coastal zone. Where Hawaii's unique geographical and political circumstances result in the necessity of choosing between the intent of the federal legislation and specific requirements the purpose of this Act shall control.

The legislature further finds that Hawaii's environment is both undermanaged and overregulated; that new regulatory mechanisms must not be added onto, but rather combined with, the existing systems; and that the counties have shown their ability and willingness to play a constructive role in coastal zone management by their actions under chapter 205A, part II, Hawaii Revised Statutes,

SECTION 2. Repeal. Part I of chapter 205A, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 205A, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

"PART I. COASTAL ZONE MANAGEMENT"

Section 205A-1. Definitions. As used in this part, unless the context otherwise requires:

(1) "Agency" means any agency, board, commission, department, or officer of a county government or the State government;
(2) "Authority" means the authority administering chapter 205A, Hawaii Revised Statutes, at the time of the effective date of this Act.
(3) "Coastal zone management area" means the special management area after compliance pursuant to section 205A-23 of this chapter and as defined in part II of this chapter.
(4) "Coastal zone management program" means the coastal zone management program as provided by this part;
(5) "Department" means the department of planning and economic development.
(6) "Development" means the development as defined in part II of this chapter.
(7) "Land" means the earth, water, and air above, below, or on the surface;
(8) "Lead agency" means the department of planning and economic development;
(9) "Person" means an individual, corporation, or partnership, and an organization or association, whether or not incorporated.
(10) "Shoreline" means the shoreline as defined in part II of this chapter.

Section 205A-2. Coastal Zone Management Program; Objectives and Policies.

(a) The objectives and policies in this section shall apply to both parts I and II of this chapter.
(b) Objectives.
    (1) Recreational resources;
        (A) Provide coastal recreational opportunities accessible to the public.
    (2) Historic resources;
        (A) Protect, preserve, and, where desirable, restore those natural and man-made historic and pre-historic resources in teh coastal zone management area that are significant in Hawaiian and American history and culture.
    (3) Scenic and open space resources;
        (A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
    (4) Coastal ecosystems;
        (A) Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
    (5) Economic uses;
        (A) Provide public or private facilities.and improvements important to the State's economy in suitable locations.
    (6) Coastal hazards;
        (A) Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.
    (7) Managing development;
        (A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

(7) Managing development;
(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 and review process.

Section 205A-3. Lead Agency. The lead agency shall:
(1) Receive, disburse, use, expend, and account for all funds that are made available by the United States and the State for the coastal zone management program;
(2) Provide support and assistance in the administration of the State coastal zone management program;
(3) Review Federal programs, permits, licenses and development proposals for consistency with the coastal zone management program;
(4) In consultation with the counties and the general public prepare guidelines in furtherance of the objectives and policies of the Act to be submitted 20 days prior to the convening of the 1978 Regular Session of the Legislature for review, modification and enactment by the Legislature.
(5) Conduct a continuing review of the administration of the coastal zone management program and of the compliance of State and county agencies;
(6) Facilitate public participation in the coastal zone management program;
(7) Review State programs within the coastal zone management area from the shoreline to the seaward limit of the State's jurisdiction for consistency with the coastal zone management program; and
(8) Prepare an annual report to the governor and the legislature which shall include recommendations for enactment of any legislation necessary to require any agency to comply with the objectives and policies of this chapter and the guidelines enacted by the legislature.

Section 205A-4. Implementation of objectives, policies, and guidelines.
(A) In implementing the objectives of the coastal zone management program full consideration shall be given to ecological, cultural, historic, and esthetic values as well as to needs for economic development.
(B) The objectives and policies of this chapter and the guidelines enacted by the legislature shall be binding upon actions within the coastal zone management area by all agencies.

Section 205A-5. Compliance. Within two years of the effective date of this chapter, all agencies shall amend their regulations, as may be necessary, to comply with the objectives, and policies of this chapter and the guidelines enacted by the Legislature.

Section 205A-6. Cause of Action.
(a) Subject to chapters 661 and 662, Hawaii Revised Statutes, any person or agency may commence a civil action alleging that any agency:
(1) Is not in compliance with one or more of the objectives, policies, and guidelines provided or authorized by this Act; or
(2) Has failed to perform any act or duty required to be performed under this Act; or
(3) In exervising any duty required to be performed under this Act, has not complied with the provisions of this Act.
(b) In any action brought under this section, the department, if not a party, shall intervene as a matter of right.
(c) A court, in any action brought under this section, shall have jurisdiction to provide any relief as may be appropriate, including a temporary restraining order or preliminary injunction.
(d) Any action brought under this section shall be commenced within sixty days of the act which is the basis of the action.
(e) Nothing in this section shall restrict any right that any person may have to assert any other claim or bring any other action.

SECTION 4. Section 5, Act 176, Session Laws of Hawaii 1975, is amended to read as follows:
"SECTION 5. This part shall take effect upon its approval , and shall remain in effect until implementation of a coastal zone management program pursuant to the Coastal Zone Management Act of 1972, Public Law 92-583, and to Section 205A-1 and Section 205A-2, Hawaii Revised Statutes."

SECTION 5. Section 205A-21, Hawaii Revised Statutes, is amended to read as follows:
"Section 205A-21. Findings and Purposes. The legislature finds that, until a general coastal management program can be developed and implemented, special interim controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the State policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

(c) Policies.
(1) Recreational resources;
(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 commission, board of land and natural resources, county planning commissions; and crediting such dedication against the requirements of section 46.6
(2) Historic resources;
(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;
(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;
(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.
(5) Economic uses;
(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 management area; and
(C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments 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;
(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 Program; and
(D) Prevent coastal flooding from inland projects.

SECTION 6. Section 205A-22, Hawaii Revised Statutes, is amended by amending one definition and adding three new definitions to be appropriately designated and to read:

"(1) "Authority" means the county planning commission except in counties where the county planning commission is advisory only wi which case "authority" means the county council or such body as the council shall by ordinance designate. authority administering chapter 205A, Hawaii Revised Statutes, at the time of the effective date of this Act.

(7) "Lead agency" means the department of planning and economic development.

(8) "Coastal zone management area" means the special management area after compliance pursuant to section 205A-23 of this part.

(9) "Coastal zone maangement program" means the coastal zone management program as provided in this chapter."

SECTION 7. Section 205A-23, Hawaii Revised Statutes, is amended to read as follows:

"Section 205A-23. County Area Boundaries. (a) Each county shall, after holding public hearings, provide for the delineation of the boundary of the special management area of that county on maps of appropriate scale. Copies of such maps shall be filed with the authority prior to December 1, 1975. The special management area in each county shall be as shown on such maps filed with the authority as of the effective date of this Act.

(b) Within two years of the effective date of this Act, the authority shall review and amend as necessary its special management area boundaries, subject to lead agency review as to compliance with the objectives and policies of this chapter and the guidelines enacted by the legislature. Copies of the amended maps shall be filed with the authority and the lead agency.

(c) After determination by the lead agency that there is compliance pursuant to Section 205A-5 the special management areas shall be the coastal zone management areas."

SECTION 8. Section 205A-24, Hawaii Revised Statutes, is repealed.

" Section 205A-24. Special management area objectives. The objectives of the special management area shall be the maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but nor limited to, its amenities and aesthetic values, and to provide adequate public access to publicly owned or used beaches, recreation areas and natural reserves. "

SECTION 9. Section 205A-25. Special management policy. It shall be the policy of the authority through its programs, 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 toward 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.

(6) Encourage citizen participation in the planning process for the special management area so that it continually embraces more citizens and more issues. "

SECTION 10. Section 205A-26, Hawaii Revised Statutes, is amended to read as follows:

"Section 205A-26. Guidelines. (a) In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

(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.

(D) 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 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.

(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 areas and 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.

(E) Any development which would adversely affect water quality, existing areas of open water freee of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

(b) Guidelines adopted by the authority shall be consistent with the coastal zone management program objectives, and policies, of this chapter and the guidelines enacted by the Legislature.

SECTION 11. Section 205A-29, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

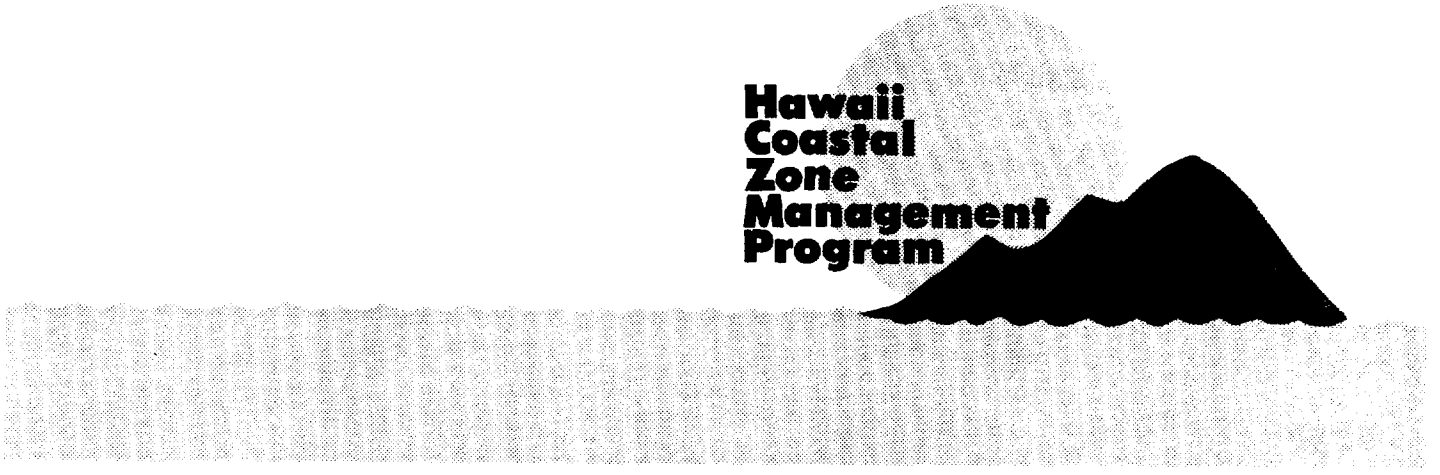
"(a) The authority in each county shall adopt, prior to December 1, 1975 and may amend pursuant to chapter 91, the rules, regulations and procedures necessary for application of permits and hearings. The authroity may require a reasonable filing fee. The fee collected shall be used for the purposes set forth herein."

SECTION 12. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 13. This Act shall take effect upon its approval.

APPENDIX 2

SHORELINE PROTECTION ACT OF 1975 (CHAPTER 205A, HRS)



PART I. [LONG-RANGE GOALS]

[§205A-1] Findings and purposes. The legislature finds that Congress has enacted a Coastal Zone Management Act of 1972, Public Law 92-583, which recognizes the national interest in the effective planning, management, beneficial use, protection, and development of the coastal zones of the several states. This Act authorizes grants to the states to encourage them to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with the federal and local governments and other vitally affected interests, to plan and develop management programs for the land and water resources of their coastal zones. These programs shall include unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

As required by the Federal Coastal Zone Management Act, the state land use commission has the authority to administer land and water use regulations in coastal zones, control development in order to ensure compliance with the State's management program in coastal zones, and resolve conflicts among competing uses in coastal zones. The State and the counties, as well as agencies of the State and the counties, also have the authority as required by the Federal Coastal Zone Management Act to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the state's management program for its coastal zones. It is the purpose of this chapter to authorize the state department of planning and economic development to prepare a plan for the management of the State's coastal zones which complies with the requirements of the Federal Coastal Zone Management Act, and which guides the State and counties in the exercise of their authority in coastal zones. [L 1973, c 164, §1]

[§205A-2] Coastal zone management program. The department of planning and economic development shall prepare a coastal zone management program which shall set forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone, which shall conform to the state comprehensive outdoor recreation plan as adopted and include such other elements as may be required by the Federal Coastal Zone Management Act, or any amendment to that Act. This program shall guide the department, the land use commission, and other agencies of the State and counties in the exercise of their authority to implement the management program in the State's coastal zones. The department shall and is authorized to comply with any condition, regulation, restriction, or requirement imposed by the federal government under its authority to make grants available to the states for the preparation of coastal zone management programs. [L 1973, c 164, §2]

[§205A-3] Expenditures. The department of planning and economic development may use and expend federal grants which are made to the State for the development and administration of the coastal zone management program and state funds as may be for matching purposes with federal planning grants. [L 1973, c 164, §3]

PART II. INTERIM CONTROLS

[§205A-21] Findings and purposes. The legislature finds that, until a general coastal management program can be developed and implemented, special interim controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. [L 1975, c 176, pt of §1]

[§205A-22] Definitions. As used in this part, unless the context otherwise requires:

(1) "Authority" means the county planning commission except in counties where the county planning commission is advisory only in which case "authority" means the county council or such body as the council shall by ordinance designate.

(2) "Development" means, on land, in or under water, any of the following, the total cost of fair market value of which exceeds $25,000 or which significantly affects the coastal zone, taking into account potential cumulative effects: The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, the division or subdivision of land; change in the intensity of use of water, ecology related thereto, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public utility, and the extensive removal of vegetation, except crops. Whenever any of the above described activities is or may become a part of a larger project, the total cost or fair market value of the activity for the purposes of this chapter shall be the total cost or fair market value of this larger project. Development does not include construction, repairs or maintenance of a single family residence which is not a part of a large development.

(3) "Applicant" includes any individual, organization, partnership, or corporation, including any utility, and any agency of federal, state, and county government.

(4) "Shoreline" means the line at the seashore along the upper reaches of the wash of the waves, usually evidenced by the vegetation line or, if there is no vegetation line, then by debris left by the wash of the waves.

(5) "Special management area" means the land extending not less than one hundred yards inland from the "shoreline" as defined within this part. The special management area shall also include the surrounding area extending one hundred yards from the border of any body of surface water subject to

salinity intrusion or tidal influences and the waters themselves. However, such areas which abut any inland waterway or body of water wholly or partially improved with walls and upon portions of which there are numerous residential, commercial, or other structures of a substantial nature in existence as of the effective date of this bill, are excluded from the management area.

(6) "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aquaduct, telephone line, and electrical power transmission and distribution line. [L 1975, c 176, pt of §1]

[§205A-23] **County area boundaries.** Each county shall, after holding public hearings, provide for the delineation of the boundary of the special management area of that county on maps of appropriate scale. Copies of such maps shall be filed with the authority prior to December 1, 1975. [L 1975, c 176, pt of §1]

[§205A-24] **Special management area objectives.** The objectives of the special management area shall be the maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values, and to provide adequate public access to publicly owned or used beaches, recreation areas and natural reserves. [L 1975, c 176, pt of §1]

[§205A-25] **Special management area policy.** It shall be the policy of the authority through its programs, 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 toward 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.

(6) Encourage citizen participation in the planning process for the special management area so that it continually embraces more citizens and more issues. [L 1975, c 176, pt of §1]

[§205A-26] **Guidelines.** In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

(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.

(D) 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 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.

(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 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.

(E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land. [L 1975, c 176, pt of §1]

[§205A-27] **Designation of special management area authority.** The authority is designated the special management area authority and is authorized to carry out the policies and procedures of this part, as it affects the coastal zones of that county. [L 1975, c 176, pt of §1]

[§205A-28] **Permit required for development or structure.** No development or structure shall be constructed in any county within the coastal zone special management area, as designated on maps prepared by the county planning department, without obtaining a permit in accordance with this part. [L 1975, c 176, pt of §1]

[§205A-29] **Procedure.** (a) The authority in each county shall adopt, prior to December 1, 1975 and pursuant to chapter 91, the rules, regulations and procedures necessary for application of permits and hearings. The authority may require a reasonable filing fee. The fee collected shall be used for the purposes set forth herein.

(b) A hearing shall be set no less than twenty-one nor more than ninety days after the date on which the application is filed, unless the ninety-day period is waived by the applicant. The authority shall give adequate notice to individuals whose property rights may be adversely affected, and written public notice once in a newspaper of general circulation in the county in which the area is situated and once in a newspaper of general circulation in the State at least twenty days in advance. The notice shall state the nature of the proposed development for which a permit application is made and of the time and place of the public hearing.

Any such hearing shall when possible be held jointly and concurrently with an environmental impact statement hearing, if such hearing is held under chapter 343. In counties with council districts, the hearing shall be held in the council district in which the development is proposed.

(c) The authority shall act upon an application within thirty days after the conclusion of the hearing, unless an extension has been agreed to by the applicant. Such action shall be final, unless otherwise mandated by court order when a judicial review is sought pursuant to chapter 91.

(d) No county or state department authorized to issue permits pertaining to any development within the special management area shall authorize any development unless approval is first received from the authority, in accordance with the procedures adopted pursuant to this part. [L 1975, c 176, pt of §1]

[§205A-30] **Emergency and minor permits.** Each county authority shall provide specific procedures not inconsistent with this part for the issuance of a permit, pursuant to the procedural requirements within this part. and judicial review from the grant and denial thereof, in cases of emergency requiring immediate action to prevent substantial physical harm to persons or property and in cases of minor permits for structural developments not in excess of $25,000. [L 1975, c 176, pt of §1]

[§205A-31] **Appeals.** Any person, including an applicant for a permit, aggrieved by the decision or action of a permit-granting authority, shall have a right to judicial review of any decision or action of the authority. [L 1975, c 176, pt of §1]

[205A-32] **Penalties.** (a) Any person who violates any provision of this part shall be subject to a civil fine not to exceed $10,000.

(b) In addition to any other penalties, any person who performs any development in violation of this part shall be subject to a civil fine not to exceed $500 a day for each day in which such violation persists. [L 1975, c 176, pt of §1]

Act 176, SL 1975, further provides as follows:

SECTION 3. This part shall not apply to developments or structures for which a building permit, planned development permit, planned unit development permit or ordinance, or special permit for cluster development was issued prior to December 1, 1975, or to subdivisions of property into single family residential lots of one acre or less which have received final approval and on which subdivision improvements including but not limited to grading, utilities, roads, street lighting and all required on-site and off-site improvements have been completed prior to December 1, 1975. This part shall not apply to interior renovations.

SECTION 4. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. This part shall take effect upon its approval, and shall remain in effect until implementation of a coastal zone management program pursuant to coastal zone management Act of 1972, Public Law 92-583, and to Section 205A-1 and Section 205A-2, Hawaii Revised Statutes.

APPENDIX 3

LAND USE LAW
(CHAPTER 205, HRS)

CHAPTER 205
LAND USE COMMISSION

[PART I. GENERALLY]

§205-1 Establishment of the commission. There shall be a state land use commission, hereinafter called the commission. The commission shall consist of nine members who shall hold no other public office and shall be appointed in the manner and serve for the term set forth in section 26-34. One member shall be appointed from each of the counties and the remainder shall be appointed at large. The commission shall elect its chairman from one of its members. The members shall receive no compensation for their services on the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties. Six affirmative votes shall be necessary for any boundary amendment.

The commission shall be a part of the department of planning and economic development for administration purposes, as provided for in section 26-35.

The commission may engage employees necessary to perform its duties, including administrative personnel and an executive officer. The executive officer shall be appointed by the commission and his position shall be exempt from civil service. Departments of the state government shall make available to the commission such data, facilities, and personnel as are necessary for it to perform its duties. The commission may receive and utilize gifts and any funds from the federal or other governmental agencies. It shall adopt rules guiding its conduct, maintain a record of its activities and accomplishments, and make recommendations to the governor and to the legislature through the governor. [L 1963, c 205, pt of §2; Supp, §98H-1; HRS §205-1; am L 1975, c 193, §2; am L 1976, c 43, §1]

§205-2 Districting and classification of lands. There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts.

In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;

In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included;

In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and

In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in section 183-41 are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to section 183-41, shall constitute the boundaries of the conservation districts; provided that thereafter the power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county.

Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low density residential lots. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics.

Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, and game and fish propagation; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; agricultural parts and open area recreational facilities.

These districts may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept. [L 1963, c 205, pt of §2; Supp, §98H-2; HRS §205-2; am L 1969, c 182, §5; am L 1975, c 193, §3]

§205-3 Retention of district boundaries. Land use district boundaries existing as of [June 2, 1975,] shall continue in full force and effect subject to amendment as provided in this chapter or order of a court of competent jurisdiction based upon any litigation filed prior to July 1, 1975 or filed within thirty days after service of a certified copy of any final decision and order made as part of the commission's 1974 periodic boundary review, whichever occurs later. [L 1963, c 205, pt of §2; Supp, §98H-3; am L 1975, c 193, §4]

§205-4 Amendments to district boundaries. (a) Any department or agency of the State including the land use commission, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district.

(b) Upon proper filing of a petition pursuant to subsection (a) above, the commission shall, within not less than sixty and not more than one hundred and eighty days, conduct a hearing on the appropriate island in accordance with the provisions of sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

(c) Any other provision of law to the contrary notwithstanding, notice of the hearing together with a copy of the petition shall be served on the county planning commission and the county planning department and all persons with a property interest in the land recorded at the department of taxation. In addition, such notice shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings, and shall be published at least once in a newspaper in the county in which the land sought to be redistricted is situated as well as once in a newspaper of general circulation in the State at least thirty days in advance of the hearing. The notice shall comply with the provisions of section 91-9, shall indicate the time and place that maps showing the proposed district boundary may be inspected, and further shall inform all interested persons of their rights under subsection [(e)] of this section.

(d) Any other provisions of law to the contrary notwithstanding, prior to hearing of a petition the commission and its staff may view and inspect any land whch is the subject of the petition.

(e) Any other provisions of law to the contrary notwithstanding, agencies and persons may intervene in the proceedings in accordance with this subsection.

(1) The petitioner, the department of planning and economic development and the county planning department shall in every case appear as parties and make recommendations relative to the proposed boundary change.

(2) All departments and agencies of the State and of the county in which the land is situated shall be admitted as parties upon timely application for intervention.

(3) All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

(4) All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer if one is appointed may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (A) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (B) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

(5) The commission shall pursuant to chapter 91 adopt rules governing the intervention of agencies and persons under this subsection. Such rules shall without limitation establish: (A) the information to be set forth in any application for intervention; (B) time limits within which such applications shall be filed; and (C) reasonable filing fees to accompany such applications.

(f) Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the view of such citizen or community group concerning the proposed boundary change.

(g) Within a period of not more than one hundred and eighty and not less than forty-five days after the close of the hearing, unless otherwise ordered by a court, the commission shall, by filing findings of fact and conclusions of law, act to approve the petition, deny the petition, or to modify the petition by imposing conditions necessary to uphold the intent and spirit of this chapter or the policies and criteria established pursuant to section 205-16.1 or to assure substantial compliance with representations made by the petitioner in seeking a boundary change. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances.

(h) No amendment of a land use district boundary shall be approved unless the commission finds upon the clear preponderance of the evidence that the proposed boundary is reasonable, not violative of section 205-2 and consistent with the interim policies and criteria established pursuant to section 205-16.1, or any state plan enacted by the legislature which plan shall supersede any interim guidance policies.

(i) Parties to proceedings to amend land use district boundaries may obtain judicial review thereof in the manner set forth in section 91-14, provided that the court may also reverse or modify a finding of the commission if such finding appears to be contrary to the clear preponderance of the evidence. [L 1963, c 205, pt of §2; am L 1965, c 32, §2; Supp, §98H-4; HRS §205-4; am L 1972, c 187, §2; am L 1975, c 193, §5; am L 1976, c 4, §11]

[§205-4.5] Permissible uses within the agricultural districts. (a) Within the agricultural district all lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B shall be restricted to the following permitted uses:

(1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber;

(2) Game and fish propagation;

(3) Raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activity or uses related to farming and animal husbandry;
Farm dwelling as used herein shall mean a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.

(5) Public institutions and buildings which are necessary for agricultural practices;

(6) Public and private open area types of recreational uses including day camps, picnic grounds, parks and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;

(7) Public, private, and quasi-public utility lines, and roadways, transformer stations, solid waste transfer stations, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants and major storage tanks not ancillary to agricultural practices, or corporation yards or other like structures;

(8) Retention, restoration, rehabilitation or improvement of buildings or sites of historic or scenic interest;

(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities that are normally considered direct accessory to the abovementioned uses; or

(11) Agricultural parks.

(b) Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in section 205-6 and section 205-8, and construction of single-family dwellings on lots existing before [June 4, 1976]. Any other law to the contrary notwithstanding no subdivision of land within the agricultural district with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B shall be approved by a county unless the said A and B lands within the subdivision shall be made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition as prescribed in this section which restriction and condition shall be encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or lessee from obtaining mortgage financing from any of the mortgage lending agencies set forth hereinbelow, and said requirement is the sole reason for failure to obtain mortgage financing, then such requirement of encumbrances shall, insofar as such mortgage financing is so jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that such conditional waiver shall thereafter become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies mentioned hereinabove are the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, Farmers Home Administration, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal, state or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns.

(c) Within the agricultural district all lands, with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class C, D, E, or U shall be restricted to the uses permitted for agricultural districts as set forth in section 205-5(b). [L 1976, c 199, §1]

§205-5 Zoning. (a) Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to section 183-41.

(b) Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the land use commission shall be permitted. Other uses may be allowed by special permits issued pursuant to this chapter. The minimum lot size in agricultural districts shall be determined by each county through its zoning ordinance, subdivision ordinance or other lawful means, provided that in no event shall the minimum lot size for any agricultural use be less than one acre.

(c) Unless authorized by special permit issued pursuant to this chapter, only the following uses shall be permitted within rural districts:

(1) Low density residential uses;

(2) Agricultural uses; and

(3) Public, quasi-public, and public utility facilities.

In addition, the minimum lot size for any low density residential use shall be one-half acre and there shall be but one dwelling house per one-half acre. [L 1963, c 205, pt of §2; Supp, §98H-5; HRS §205-5; am L 1969, c 232, §1]

§205-6 Special permit. The county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use his land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which his land is located for permission to use his land in the manner desired.

The planning commission shall conduct a hearing within a period of not less than thirty nor more than one hundred twenty days from the receipt of the petition. The planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

The planning commission may under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter. The planning commission shall act on the petition not earlier than fifteen days after the public hearing. A decision in favor of the applicant shall require a majority vote of the total membership of the planning commission, which shall be subject to the approval of the land use commission, provided that the land use commission may impose additional restrictions as may be necessary or appropriate in granting such approval, including the adherence to representations made by the applicant. A copy of the decision together with the findings shall be transmitted to the commission within sixty days after the decision is rendered. Within forty-five days after receipt of the county agency's decision, the commission shall act to approve, approve with modification, or deny the petition. A denial either by the county agency or by the commission, or a modification by the commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure. [L 1963, c 205, pt of §2; Supp, §98H-6; HRS §205-6; am L 1970, c 136, §1; am L 1976, c 4, §2]

§205-7 Adoption, amendment or repeal of rules. The land use commission shall adopt, amend or repeal rules relating to matters within its jurisdiction in the manner prescribed in chapter 91. [L 1963, c 205, pt of §2; Supp, §98H-7; HRS §205-7; am L 1975, c 193, §6]

§205-8 Nonconforming uses. The lawful use of land or buildings existing on the date of establishment of any interim agricultural district and rural district in final form may be continued although the use, including lot size, does not conform to this chapter; provided that no nonconforming building shall be replaced, reconstructed, or enlarged or changed to another nonconforming use and no nonconforming use of land shall be expanded or changed to another nonconforming use. In addition, if any nonconforming use of land or building is discontinued or held in abeyance for a period of one year, the further continuation of such use shall be prohibited. [L 1963, c 205, pt of §2; Supp, §98H-8]

§205-9 REPEALED. L 1975, c 193, §7.

§205-10 REPEALED. L 1975, c 193, §8.

§205-11 REPEALED. L 1975, c 193, §9.

§205-12 Enforcement. The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and the restriction on use and the condition relating to agricultural districts under section 205-4.5 shall report to the commission all violations. [L 1963, c 205, pt of §2; Supp, §98H-12; HRS §205-12; am L 1976, c 199, §2]

§205-13 Penalty for violation. Any person who violates any provision under section 205-4.5, or any regulation established relating thereto, shall be fined not more than $5,000, and any person who violates any other provision of this chapter, or any regulation established relating thereto, shall be fined not more than $1,000.

If any person cited for a violation under this chapter fails to remove such violation within six months of such citation and the violation continues to exist, such person shall be subject to a citation for a new and separate violation. There shall be a fine of not more than $5,000 for any additional violation.

Prior to the issuance of any citation for a violation, the appropriate enforcement officer or agency shall notify the violator and the mortgagee, if any, of such violation, and the violator or the mortgagee, if any, shall have not more than sixty days to cure the violation before citation for a violation is issued. [L 1963, c 205, pt of §2; Supp, §98H-13; HRS §205-13; am L 1976, c 199, §3]

§205-14 Adjustments of assessing practices. Upon the adoption of district boundaries, certified copies of the classification maps showing the district boundaries shall be filed with the department of taxation. Thereafter, the department of taxation shall, when making assessments of property within a district, give consideration to the use or uses that may be made thereof as well as the uses to which it is then devoted. [L 1963, c 205, pt of §2; Supp, §98H-14]

§205-15 Conflict. Except as specifically provided by this chapter and the regulations adopted thereto, neither the authority for the administration of the provisions of section 183-41 nor the authority vested in the counties under the provisions of section 46-4 shall be affected. [L 1963, c 205, pt of §2; Supp, §98H-15]

[§205-16] Compliance with state plan. Upon enactment of the state plan, no amendment to any land use district boundary nor any other action by the land use commission shall be adopted unless such amendment or other action conforms to the state plan. [L 1975, c 193, §12]

[§205-16.1] Adoption of interim statewide land use guidance policy. The legislature hereby adopts the following as interim statewide land use guidance policy set forth in this section. Except when the land use commission finds that an injustice or inequity will result, the commission shall observe and comply with these interim statewide land use guidance policies during the period commencing from [June 2, 1975,] until the effective date of the enactment of the state plan. The state plan shall be a long-range, comprehensive plan and policies which shall serve as a guide for the future long-range development of the State in accordance with chapter 225.

INTERIM STATEWIDE LAND USE GUIDANCE POLICY

The interim policies are:

(1) Land use amendment shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.
(2) Lands to be reclassified as an urban district shall have adequate public services and facilities or as can be so provided at reasonable costs to the petitioner.
(3) Maximum use shall be made of existing services and facilities, and scattered urban development shall be avoided.
(4) Urban districts shall be contiguous to an existing urban district or shall constitute all or a part of a self-contained urban center.
(5) Preference shall be given to amendment petitions which will provide permanent employment, or needed housing accessible to existing or proposed employment centers, or assist in providing a balanced housing supply for all economic and social groups.
(6) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county.
(7) Insofar as practicable conservation lands shall not be reclassified as urban lands.
(8) The commission is encouraged to reclassify urban lands which are incompatible with the interim statewide land use guidance policy or are not developed in a timely manner. [L 1975, c 193, §10]

[§205-16.2] Legal effect of interim statewide land use guidance policy. The interim statewide land use guidance policy set forth in section 205-16.1 shall remain in full force and effect during the period from [June 2, 1975,] until the effective date of the enactment of the state plan. [L 1975, c 193, §11]

APPENDIX 4

SHORELINE SETBACK LAW (CHAPTER 205, PART II, HRS)

CHAPTER 205

[PART II.] SHORELINE SETBACKS

§205–31 **Definitions.** As used in this part, unless the context otherwise requires:

(1) "Agency" means the planning department of each county.

(2) "Shoreline" means the upper reaches of the wash of waves, other than storm and tidal waves, usually evidenced by the edge of vegetation growth, or the upper line of debris left by the wash of waves.

(3) "Shoreline area" means all of the land area between the shoreline and the shoreline setback line.

(4) "Shoreline setback line" means that line established by the state land use commission or the county running inland from and parallel to the shoreline at a horizontal plane. [L 1970, c 136, pt of §2; am L 1973, c 107, §1(1)]

§205–32 **Duties and powers of the commission and agency.** The commission shall establish setbacks along shorelines of not less than twenty feet and not more than forty feet inland from the upper reaches of the wash of waves other than storm and tidal waves. The agency shall promulgate rules and regulations within a period of one year after June 22, 1970, pursuant to chapter 91, and shall enforce the shoreline setbacks and rules and regulations pertaining thereto. [L 1970, c 136, pt of §2; am L 1973, c 107, §1(2)]

§205–33 **Prohibitions.** (a) It shall be unlawful to remove sand, coral, rocks, soil, or other beach compositions for any purpose, except for reasonable domestic, non-commercial use, within the shoreline area or within 1,000 feet seaward of it or in ocean water of 30 or less feet in depth, except that any sand mining operation which has been legally in operation for a period of at least two years immediately prior to June 22, 1970, may be continued for a period not to extend beyond July 1, 1975. However, if during the period prior to July 1, 1975, the sand mining operation is substantially increased, it shall be unlawful to further continue such mining operation. This prohibition shall not apply to the commercial mining of sand or other minerals, or taking of coral or rock in the territorial ocean when such mining or taking is located 1,000 or more feet from the shoreline or in ocean water of 30 or more feet in depth and has the written permission of all governmental agencies having jurisdiction thereof. Anything to the contrary notwithstanding, the prohibition shall not apply to sand mining for experimental purposes to be conducted by the Department of Ocean Engineering, University of Hawaii, in the offshore waters, one-half mile north of Keauhou Bay, provided, however, that such sand mining for experimental purposes shall not commence until written permission is received from all governmental agencies having jurisdiction thereof; provided further that a federal environmental impact statement be prepared and approval received therefor; and provided further that said sand mining for experimental purposes shall be completed on or before April 30, 1977.

(b) Except as otherwise provided in this part no structure or any portion thereof, including but not limited to seawalls, groins, and revetments, shall be permitted within the shoreline area; provided that any lawful nonconforming structure existing on June 22, 1970 shall be permitted; provided further that any structure which is necessary for safety reasons or to protect the property from erosion or wave damages shall be permitted. A structure not conforming to this section but for which a building permit application has been filed on or before June 22, 1970, shall also be permitted as a nonconforming structure, subject to the ordinances and regulations of the particular county.

(c) Any nonconforming structure, including but not limited to residential dwellings, agricultural structures, seawalls, groins, and revetments may be replaced or reconstructed within the shoreline area; provided that no nonconforming structure shall be substantially enlarged or changed to another nonconforming use within the shoreline area. If the use of any nonconforming structure is discontinued or held in abeyance for a period of one year, the further continuation of such use shall be prohibited. [L 1970, c 136, pt of §2; am L 1973, c 107, §1(3); am L 1974, c 79, §1]

[§205-34] Shoreline setback lines established by county. The several counties through ordinances may require that shoreline setback lines be established at a distance greater than that established by the commission. [L 1970, c 136, pt of §2]

"Section 205-35 Functions of agency. (a) The agency shall administer the provisions of this part. It shall review the plans of all applicants who propose any structure, activity, or facility which otherwise would be prohibited by this part.

The agency may require that the plans be supplemented by accurately mapped data showing natural conditions and topography relating to all existing and proposed structures, buildings and facilities.

The agency may also require reasonable changes in the submitted plans in order to obtain optimum compliance practicable.

(b) After reviewing the plans, the agency shall transmit the plans with its recommendations to the county planning commission except in counties where the county planning commission is advisory only in which case to the county council or such body as the council shall by ordinance designate. Such governmental body shall grant a variance for such structure, activity, or facility if, after a hearing pursuant to chapter 91, it finds in writing, based on the record presented either: (1) that such structure, activity, or facility is in the public interest; or (2) that hardship will be caused to the applicant if the proposed structure, activity, or facility is not allowed on that portion of the land within the shoreline area. Any variance granted may be subject to such conditions as will cause the structure, activity, or facility to result in a minimum interference with natural shoreline processes. Such governmental body shall render written approval or disapproval within forty-five days after the hearing on the applicant's plans, unless such period is extended by written agreement between the governmental body and the applicant." [L 1970, c 136, pt of §2; am L 1973, c 107, §1(4); am L 1976, c 64]

"Sec. 205-36 Exemptions. Tunnels, canals, basins, and ditches, together with associated structures used by public utilities as the term is defined in section 269-1, wharves, docks, piers, and other harbor and waterfront improvements and any other maritime facility and water sport recreational facilities may be permitted within the shoreline area; provided that the plans therefor are submitted for review and are approved by the agency after a public hearing has been held and that the appropriate state body has found that the proposed structures will result only in a minimum interference with natural shoreline processes; provided further that any such structure constructed by a governmental body shall be exempt from the provisions of this part except as to the requirement that two public hearings shall be held by the governmental body charged with such construction, once when the project is first conceived and again when the project is substantially designed and planned, but prior to the letting of the contract. Repair, strengthening, reinforcement, and maintenance of fishponds, and improvements for aquaculture farms shall be exempt from this chapter, upon issuance of a permit or waiver of the requirements for same by the board of land and natural resources."

[L 1970, c 136, pt of §2; am L 1973, c 107, §1(5); am L 1975, c 27, §3; am L 1976, c 57]

§205-37 Conflict of other laws. In case of a conflict between the requirements of any other state law or county ordinance regarding shoreline setback lines, the more restrictive requirements shall apply in furthering the purposes of this part. Nothing herein contained shall be construed to diminish the jurisdiction of the state department of transportation over wharves, airports, docks, piers, small boat, or other harbors, and any other maritime or water sports recreational facilities to be constructed on state land by the State; provided that such plans are submitted for the review and information of the officer of the respective agency charged with the administration of the county zoning laws, and found not to conflict with any county ordinances, zoning laws, and building code. [L 1970, c 136, pt of §2; am L 1973, c 107, §1(6)]

Revision Note

L 1970, c 136, §3, severability, omitted. See §1-23.

APPENDIX 5

HAWAII COMMUNITY DEVELOPMENT AUTHORITY (CHAPTER 206E, HRS)

[CHAPTER 206E]
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

PART I. GENERAL PROVISIONS

[§206E-1] Findings and purpose. The legislature finds that many urban areas of the State are substantially underdeveloped or blighted, and are or are potentially in need of urban renewal, renovation, or improvement to alleviate such conditions as dilapidation, deterioration, age, and other such factors or conditions which make such areas an economic or social liability.

The legislature further finds that there exists within the State vast, unmet community development needs. These include a lack of suitable housing for persons of low income; insufficient commercial and industrial facilities for rent; residential areas which do not have facilities necessary for basic liveability, such as parks and open space; and areas which are planned for extensive land allocation to one, rather than mixed uses.

It is further determined that the lack of planning and coordination in such areas has given rise to these community development needs and that existing laws and public and private mechanisms have either proven incapable or inadequate to facilitate timely redevelopment and renewal.

The legislature finds that a new and comprehensive authority for community development must be created to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of this chapter is to establish such a mechanism in the Hawaii community development authority, a public entity which shall determine community development programs and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans to fruition. For such areas designated as community development districts, the legislature believes that planning and implementation program of the Hawaii community development authority will result in communities which serve the highest needs and aspirations of Hawaii's people. [L 1976, c 153, pt of §1]

[§206E-2] Definitions. As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

(1) "Authority" means the Hawaii community development authority established by section 206E-3.

(2) "County" means any county of the State.

(3) "Local governing body" means the county council.

(4) "Project" means a specific work or improvement, including real and personal properties, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved by the authority, including a residential project, a redevelopment project, or a commercial project, all as defined herein, or any combination thereof, which combination shall hereinafter be called and known as a "multipurpose project."

(A) "Residential project" means a project or that portion of a multipurpose project, including residential dwelling units, designed and intended for the purpose of providing housing accommodations for persons or families of low income and such facilities as may be incidental or appurtenant thereto;

(B) "Redevelopment project" means an undertaking for the acquisition, clearance, replanning, reconstruction, and rehabilitation or a combination of these and other methods, of an area for a residential project, for an incidental commercial project, and for other facilities incidental or appurtenant thereto, pursuant to and in accordance with this chapter. The terms "acquisition, clearance, replanning, reconstruction, and rehabilitation" shall include renewal, redevelopment, conservation, restoration, or improvement, or any combination thereof;

(C) "Commercial project" means an undertaking involving commercial or light industrial development, which includes a mixed use development where commercial or light industrial facilities may be built into, adjacent to, under or above residential units.

(5) "Project cost" means the total of all costs incurred by the authority in carrying out all undertakings which it deems reasonable and necessary for the development of a project including but not limited to: studies, surveys, plans, and specifications, architectural, engineering, or any other development related services, acquisition of land and any improvement thereon, site preparation and development, construction, reconstruction, and rehabilitation; the necessary expenses in administering the chapter; the cost of financing the project; and relocation costs as provided in chapter 111.

(6) "Public agency" means any office, department, board, commission, bureau, division, public corporation agency, or instrumentality of the federal, state, or county government.

(7) "Public facilities" includes streets, utility and service corridors, and utility lines where applicable, sufficient to adequately service developable improvements in the district, sites for schools, parks, parking garage, sidewalks, pedestrian ways, and other community facilities.

(8) "Qualified person" includes any individual, partnership, corporation or any public agency, possessing the competence, expertise, experience, and resources, including financial, personnel and tangible resources, required for the purposes of the project and such other qualifications as may be deemed desirable by the authority in administering the chapter.

(9) "Real property" means lands, structures, and interests in land, including lands under water and riparian rights, space rights, and air rights and any and all other things and rights usually included within the term. Real property also means any and all interests in such property less than full title, such as easements, incorporeal hereditaments, and every estate, interest, or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages, or otherwise. [L 1976, c 153, pt of §1]

[§206E-3] Hawaii community development authority; established. (a) There is established the Hawaii community development authority, which shall be a body corporate and a public instrumentality of the State, for the purpose of implementing this chapter. The authority shall be placed within the department of planning and economic development for administrative purposes.

(b) The authority shall consist of eleven voting members. The director of finance, the director of planning and economic development, the comptroller, and the director of social services, or their respective designated representatives shall serve as ex officio, voting members. Seven members shall be appointed by the governor for staggered terms pursuant to section 26-34; provided that three members shall be selected from a list of ten prospective appointees recommended by the local governing body of the county in which the designated district is situated. If an additional district is designated by the legislature in a county other than the county in which the initial designated district is situated, the total membership of the authority shall be increased as prescribed above by the appointment of three additional members. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

(c) The authority shall appoint the executive director who shall be the chief executive officer. The authority shall set the salary of the executive director, who shall serve at the pleasure of the authority and shall be exempt from chapters 76 and 77.

(d) The authority shall annually elect the chairman and vice chairman from among its members.

(e) The members of the authority appointed under subsection (b) shall serve without compensation, but each shall be reimbursed for expenses, including travel expenses, incurred in the performance of their duties. [L 1976, c 153, pt of §1]

[§206E-4] Powers; generally. Except as otherwise limited by this chapter, the authority may:

(1) Sue and be sued;
(2) Have a seal and alter the same at pleasure;
(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
(4) Make and alter bylaws for its organization and internal management;
(5) Make rules with respect to its projects, operations, properties, and facilities, which rules shall be in conformance with chapter 91;
(6) Through its executive director appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their salaries, without regard to chapters 76 and 77;
(7) Prepare or cause to be prepared, a community development plan for all designated community development districts;
(8) Acquire, reacquire, or contract to acquire or reacquire by grant or purchase, real, personal, or mixed property or any interest therein; to own, hold, clear, improve, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, or otherwise dispose of, or encumber the same;
(9) Acquire or reacquire by condemnation, real, personal, or mixed property or any interest therein for public facilities including but not limited to streets, sidewalks, parks, schools and other public improvements;
(10) By itself, or in partnership with qualified persons, acquire, reacquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project; own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of, or encumber any project, and in the case of the sale of any project, accept a purchase money mortgage in connection therewith; and repurchase or otherwise acquire any project which the authority has theretofore sold, or otherwise conveyed, transferred, or disposed of;
(11) Arrange or contract for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, or other places, or for the furnishing of facilities or for the acquisition of property or property rights or for the furnishing of property or services in connection with a project;
(12) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on such terms and conditions as it deems advisable;
(13) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time to modify such plans, specifications, designs, or estimates;
(14) Provide advisory, consultative, training, and educational services, technical assistance, and advice to any person, partnership, or corporation, either public or private, in order to carry out the purposes of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
(15) Procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable;
(16) Contract for and accept gifts or grants in any form from any public agency, or from any other source;
(17) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this chapter. [L 1976, c 153, pt of §1]

[§206E-5] Designation of community development districts; community development plans. (a) The legislature, by statute, may designate an area as a community development district if it determines that there is need for replanning, renewal, or redevelopment of that area. The designation shall describe the boundaries of the district.

(b) After designation, the authority shall develop a community development plan for the designated district. The plan shall include but not be limited to community development guidance policies, district-wide improvement program and community development rules.

(c) The authority may enter into cooperative agreements with qualified persons or public agencies, where the powers, services, and capabilities of such persons or agencies are deemed necessary and appropriate for the development of the community development plan.

(d) Whenever possible, planning activities of the authority shall be coordinated with federal, state and county plans. Consideration shall be given to state goals and policies, adopted state plan or land use guidance policies, county general plans, development plans, and ordinances.

(e) The authority shall hold a public hearing on a proposed community development plan pursuant to chapter 91 and, after consideration of comments received and appropriate revision, shall submit the community development plan to the governor for his approval. After approval, the governor shall submit to the legislature, prior to the start of any regular session, the community development plan with a request for appropriation of the required moneys.

(f) The authority may amend the community development plan pursuant to chapter 91 as may be necessary. [L 1976, c 153, pt of §1]

[§206E-6] District-wide improvement program. (a) The authority shall develop a district-wide improvement program to identify necessary district-wide public facilities.

(b) The cost of providing district-wide improvements shall be assessed against the properties in the district specially benefiting from such improvements. For the purpose of creating assessment districts the authority shall fix the assessments against lands specially benefited, and may adopt, pursuant to chapter 91, the appropriate provisions of the assessment ordinances of the county in which the project is located with the powers, duties and functions to be performed by the authority, or the authority may establish rules pursuant to chapter 91 for assessing the cost and special benefits of, and payments for district-wide improvements.

(c) All sums collected under this section shall be deposited in the Hawaii community development revolving fund established by section 206E-16. [L 1976, c 153, pt of §1]

[§206E-7] Community development rules. The authority shall establish community development rules under chapter 91 on health, safety, building, planning, zoning, and land use which, upon final adoption of a community development plan, shall supersede all other inconsistent ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon. Rules adopted under this section shall follow existing law, rules, ordinances, and regulations as closely as is consistent with standards meeting minimum requirements of good design, pleasant amenities, health, safety, and coordinated development. The authority may, in the community development plan or by a community development rule, provide that lands within a community development district shall not be developed beyond existing uses or that improvements thereon shall not be demolished or substantially reconstructed, or provide other restrictions on the use of the lands. [L 1976, c 153, pt of §1]

[§206E-8] Use of public lands; acquisition of state lands. (a) Any provision of chapter 171 to the contrary notwithstanding, the governor may set aside public lands located within community development districts to the authority for its use.

(b) If state lands under the control and management of other public agencies are required by the authority for its purposes, the agency having the control and management of those required lands shall, upon request by the authority and with the approval of the governor, convey, or lease such lands to the authority upon such terms and conditions as may be agreed to by the parties.

(c) Notwithstanding the foregoing, no public lands shall be set aside, conveyed, or leased to the authority as above provided if such setting aside, conveyance, or lease would impair any covenant between the State or any county or any department or board thereof and the holders of bonds issued by the State or such county, department, or board. [L 1976, c 153, pt of §1]

[§206E-9] Acquisition of real property from a county. Notwithstanding the provision of any law or charter, any county, by resolution of its local governing body, may, without public auction, sealed bids, or public notice, sell, lease for a term not exceeding sixty-five years, grant or convey to the authority any real property owned by it which the authority certifies to be necessary for its purposes. The sale, lease, grant, or conveyance shall be made with or without consideration and upon such terms and conditions as may be agreed upon by the county and the authority. Certification shall be evidenced by a formal request from the authority. Before the sale, lease, grant, or conveyance may be made to the authority, a public hearing shall be held by the local governing body to consider the same. Notice of the hearing shall be published at least ten days before the date set for the hearing in such publication and in such manner as may be designated by such local governing body. [L 1976, c 153, pt of §1]

[§206E-10] Condemnation of real property. The authority upon making a finding that it is necessary to acquire any real property for its immediate or future use for the purposes of this chapter, may acquire the property by condemnation pursuant to chapter 101, including property already devoted to a public use. Such property shall not thereafter be taken for any other public use without the consent of the authority. No award of compensation shall be increased by reason of any increase in the value of real property caused by the designation of a community development district or plan adopted pursuant to a designation, or the actual or proposed acquisition, use or disposition of any other real property by the authority. [L 1976, c 153, pt of §1]

[§206E-11] Construction contracts. The authority shall award construction contracts in conformity with the applicable provisions of chapter 103. [L 1976, c 153, pt of §1]

[§206E-12] Dedication of facilities as condition of development. The authority shall establish rules requiring dedication of land or facilities, or cash payments in lieu thereof by developers as a condition of developing real property pursuant to the community development plan. Where state and county dedication laws, ordinances, or rules differ, the provision for greater dedication shall prevail. [L 1976, c 153, pt of §1]

[§206E-13] Public projects. Any project or activity of any county or agency of the State in a designated district shall be constructed, renovated, or improved in consultation with the authority. [L 1976, c 153, pt of §1]

[§206E-14] Sale or lease of redevelopment projects. The authority may, without recourse to public auction, sell, or lease for a term not exceeding sixty-five years, all or any portion of the real or personal property constituting a redevelopment project to any person, upon such terms and conditions as may be approved by the authority, if the authority finds that the sale or lease is in conformity with the community deveopment plan. One of the terms of the sale shall provide for the repurchase of the property by the authority at its option, in the event that the purchaser, if other than a State agency, desires to sell the property within ten years. The repurchase price shall be the original price at which the property was sold by the authority increased by any improvement to the property, valued at cost, made by the purchaser, and an amount equivalent to the decline in the purchasing power of the dollar, if any at the time of sale, as measured by the consumer price index or the cost of living index of the United States Bureau of Labor Statistics, as may be applicable, computed from the date of initial purchase or the addition of an improvement by the purchaser less any depreciation measured on a straight line basis. If the purchaser is a state agency, it may include as a term of its sale of the property purchased from the authority, a provision for the repurchase of the property in conformance with this section. [L 1976, c 153, pt of §1]

[§206E-15] Residential projects; cooperative agreements. If the authority deems it desirable to develop residential dwelling units for persons or families of low income, it may enter into an agreement with qualified persons to construct, maintain, operate, or otherwise dispose of such units and projects. Sale, lease, or rental of such dwelling units shall be as provided by the rules established by the state housing agency. [L 1976, c 153, pt of §1]

[§206E-16] Hawaii community development revolving fund. There is created the Hawaii community development revolving fund into which all receipts and revenues of the authority shall be deposited. Proceeds from the fund shall be used for the purposes of this chapter. [L 1976, c 153, pt of §1]

[§206E-17] Exemption from taxation. The authority shall not be required to pay assessments levied by any county, nor shall the authority be required to pay state taxes of any kind. [L 1976, c 153, pt of §1]

[§206E-18] Assistance by state and county agencies. Any state or county agency may render services upon request of the authority. [L 1976, c 153, pt of §1]

[§206E-19] Annual report. The authority shall submit to the governor and the legislature, at least twenty days prior to the start of any regular session, a complete and detailed report of its activities. [L 1976, c 153, pt of §1]

[§206E-20] Court proceedings; preferences; venue. Any action or proceeding to which the authority, the State or the county may be a party, in which any question arises as to the validity of this chapter, shall be preferred over all other civil causes, except election cases, in any court of this State and shall be heard and determined in preference to all other civil cases pending therein except election cases, irrespective of position on the calendar. The same preference shall be granted upon application of counsel to the authority in any action or proceeding questioning the validity of this chapter in which the authority may be allowed to intervene. [L 1976, c 153, pt of §1]

[§206E-21] Issuance of bonds. The director of finance may, from time to time, issue general obligation bonds pursuant to chapter 39 in such amounts as may be authorized by the legislature, for the purposes of this chapter. [L 1976, c 153, pt of §1]

PART II. KAKAAKO COMMUNITY DEVELOPMENT DISTRICT

[§206E-31] Kakaako community development district; purposes. The legislature finds that:

(1) The Kakaako district is centrally located in Honolulu proper, in close proximity to the central business district, the government center, commercial industrial and market facilities, major existing and contemplated transportation routes and recreational and service areas;

(2) Due to its present function as a service and light industrial area, the district is relatively underdeveloped and has especially in view of its proximity to the urban core where the pressure for all land uses is strong the potential for increased growth and development that can alleviate community needs such as low-income housing, parks and open space, and commercial and industrial facilities.

(3) The district, if not redeveloped or renewed, has the potential to become a blighted and deteriorated area. Due to its present economic importance to the State in terms of industry and subsequent employment, there is a need to preserve and enhance its value and potential;

(4) Kakaako has a potential, if properly developed and improved, to become a planned new community in consonance with surrounding urban areas.

In coordinating community development in the Kakaako district, the authority shall plan a mixed-use district whereby industrial, commercial, residential, and public uses may coexist compatibly within the same area.

The authority shall plan for the above uses, but shall also respect and support the present function of Kakaako as a major economic center, providing significant employment in such areas as light industrial, wholesaling, service, and commercial activity. [L 1976, c 153, pt of §1]

[§206E-32] District; established, boundaries. The Kakaako community development district is established. The district shall include that area bounded by King Street, Piikoi Street from its intersection with King Street to Ala Moana Boulevard, Ala Moana Boulevard from Piikoi Street to its intersection with Punchbowl Street, and Punchbowl Street to its intersection with King Street. [L 1976, c 153, pt of §1]

[§206E-33] Kakaako community development district; development guidance policies. The following shall be the development guidance policies generally governing the authority's action in the Kakaako community development district:

(1) Development shall result in a community which permits an appropriate land mixture of residential, commercial, industrial, and other uses. In view of the innovative nature of the mixed use approach, urban design policies should be established to provide guidelines for the public and private sectors in the proper development of this district;

(2) Existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district. No plan or implementation strategy shall prevent continued activity or redevelopment of industrial and commercial uses which meet reasonable performance standards;

(3) Activities shall be located so as to provide primary reliance on public transportation and pedestrian facilities for internal circulation within the district or designated subareas;

(4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and design review;

(5) Redevelopment of the district shall be compatible with plans and special districts established for the Hawaii Capital District, and other areas surrounding the Kakaako district;

(6) Historic sites and culturally significant facilities, settings, or locations shall be preserved;

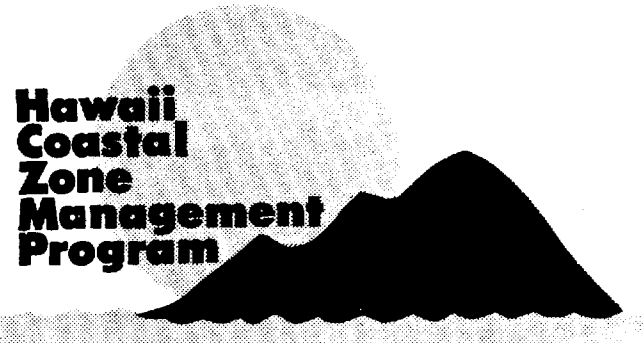
(7) Land use activities within the district, where compatible, shall to the greatest possible extent be mixed horizontally, that is, within blocks or other land areas, and vertically, as integral units of multi-purpose structures;

(8) Residential development shall ensure a mixture of densities, building types, and configurations in accordance with appropriate urban design guidelines; integration both vertically and horizontally of residents of varying incomes, ages, and family groups; and an increased supply of housing for residents of low- or moderate-income shall be required as a condition of redevelopment in residential use. Residential development shall provide necessary community facilities, such as open space, parks, community meeting places, child care centers, and other services, within and adjacent to residential development;

(9) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it. [L 1976, c 153, pt of §1]

APPENDIX 6

REGULATIONS FOR NATURAL AREA RESERVES



REGULATION NO. 7

(Natural Area Reserves System)

REGULATION RELATING TO THE PROTECTION, CONTROL AND USE OF AHIHI-KINAU NATURAL AREA RESERVE, ISLAND OF MAUI.

Section 1. PURPOSE AND INTENT. The Legislature has found that the State of Hawaii possesses unique natural resources such as geological features and distinctive marine and terrestrial plants and animals, many of which occur nowhere else in the world, that are highly vulnerable to loss by the growth of population and technology; that these unique natural assets should be protected and preserved for present and future generations of man to provide viable illustrations of an original natural heritage, to act as base lines against which changes made in environments of Hawaii can be measured, to serve as reservoirs of natural genetic materials, and to be used, as feasible, for research in natural sciences and outdoor teaching laboratories. In keeping with these findings, the Legislature has authorized the establishment of a statewide Natural Area Reserves System to preserve in perpetuity endangered species, important geological sites, and specific land and water areas which support native flora and fauna in their natural communities.

Section 2. DESIGNATION. This regulation shall govern the protection, control and use within the AHIHI-KINAU NATURAL AREA RESERVE, hereinafter called the "Reserve," which is established by Governor's Executive Order No. 02668. It constitutes a three-component system:

A. The lava flows forming Cape Kinau resulting from the last volcanic activity on Maui Island and their developing dry land vegetation.

B. An inshore marine ecosystem containing relatively unmodified floral and faunal communities with diverse speciation.

C. Mixohaline ponds with unique environmental character and rare animals.

Section 3. LOCATION. The Reserve shall include all submerged and emerged lands, and inshore, ponded and subterranean waters of Cape Kinau and the southern part of Ahihi Bay, Island of Maui, as described and depicted in Exhibits A and B, attached hereto and made parts hereof.

Section 4. USE RESTRICTIONS AND CONTROL IN THE RESERVE.

A. The cutting, killing, damaging, burning or removal of any terrestrial or aquatic plant or animal life or related acts are prohibited in the Reserve, including but not limited to angling, netting, spearing, trapping, or the gathering of coral, shellfish, or limu.

B. The possession in the Reserve of implements for removing terrestrial or aquatic plants or animals, objects of antiquity, hunting or fishing gear including but not limited to firearms and archery equipment, angling devices, seines, nets, spears, traps, pry bars or noxious chemicals, is prohibited.

C. The introduction, possession or release of any viable form of foreign plant or animal life in the Reserve is prohibited. "Foreign" shall mean originating outside the Reserve.

D. The presence, introduction, possession or operation of any vehicle in the Reserve is prohibited.

E. The introduction or possession of any vessel on the fast or dry lands in the Reserve is prohibited and no person shall operate a vessel on or in the waters except as provided in the State Boating Regulations, Department of Transportation, State of Hawaii.

F. Swimming, wading or otherwise entering mixohaline lava ponds or brackish water ponds not definitely part of the open ocean in the Reserve or the placement of any materials in such waters, are prohibited.

G. The appropriation, excavation, injuring or destroying of any historic or prehistoric ruin or monument or any object of antiquity in the Reserve are prohibited.

H. The installation of any new structures, construction of new access routes, or the modification of existing road or trails are prohibited.

I. Activities not consistent with preservation of natural values or scientific or education uses, such as the disturbance, excavation or removal of lava or other mineral material and grazing or other agricultural uses, are prohibited.

J. Discarding of any foreign material, refuse, or litter of any description or depositing into waters within or bordering upon lands of the Reserve, any substance which pollutes or is liable to cause pollution of said waters is prohibited.

K. The willful tearing down, defacing, or disturbing of any public notice, sign, monument, or buoy posted or installed within or on the boundary of the Reserve is prohibited.

L. Camping, building fires, or nighttime use between one-half (½) hour after sunset and one-half (½) hour before sunrise in the Reserve are prohibited.

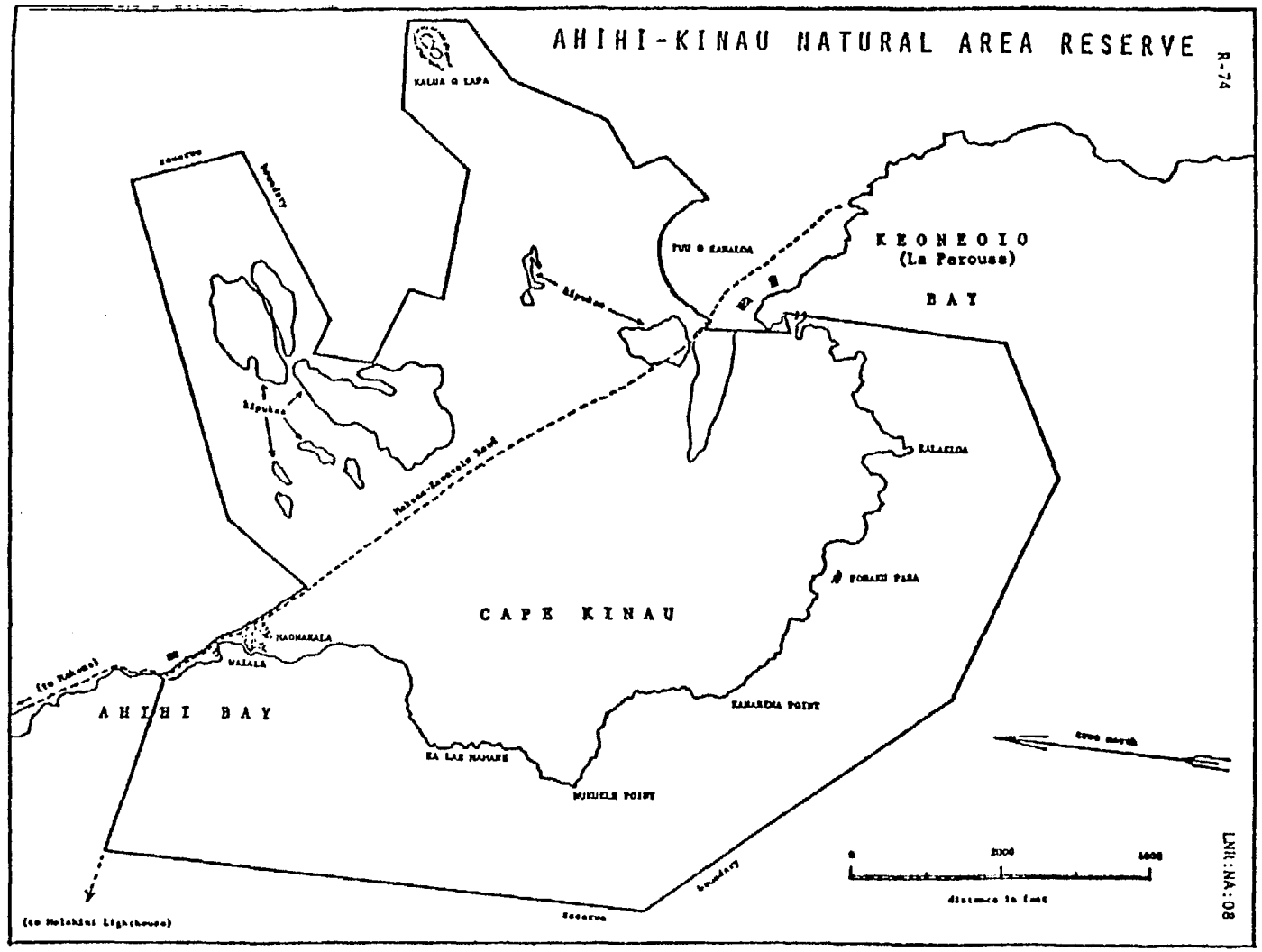
Section 5. EXCEPTED USES AND PERMITS.

A. The Board or the Chairman of the Board after approval of the Commission may issue permits granting exceptions to the restrictions of this regulation for research or educational purposes. Each request for such special-use permit shall be submitted in writing and shall be considered on its own merits, particularly its effect on the Reserve. Said permits shall be non-transferable and subject to cancellation or termination by the Board or its duly authorized representative.

B. Designated parking areas within the Reserve are excepted from specified restricted uses and from the prohibition of the introduction or possession of prohibited materials or articles as set forth in the above Sections 4B, 4C, 4D, 4E, and 4L, of this Regulation. Exceptions apply to vehicle operation, possession of boats, and catch devices intended for use outside the Reserve, possession of plant and animal materials originating outside the Reserve and being transported through it.

C. The Reserve boundary landward from the Makena-Keoneoio Road is intended to include only recent lava flows and their vegetated kipukas. Because practical boundary lines cannot precisely follow the lava's edge, those portions of vegetated, non-kipuka lands extending into the Reserve along boundary courses 3 through 23 are excluded from the restrictions of this Regulation.

Section 6. PENALTY. Any person who violates any of the provisions of this regulation shall be fined upon conviction thereof not more than One Hundred Dollars ($100.00) or imprisoned not more than thirty (30) days, or both for each offense.


AHIHI-KINAU NATURAL AREA RESERVE
R-74
KEONEOIO
(La Perouse)
BAY
CAPE KINAU
AHIHI BAY
KALUA O LAPA
KALAELOA
PONAKU PARA
KANAKENA POINT
MUKUELE POINT
EA LAE MAMANE
MAONAKALA
WAIALA
(to Makena)
(to Molokini Lighthouse)
0
2000
4000
distance in feet
LNR:NA:08

APPENDIX 7

REGULATIONS FOR MARINE LIFE CONSERVATION DISTRICTS

REGULATION NO. 32

REGULATION CONCERNING THE ESTABLISHMENT, PROTECTION AND REGULATION OF THE HANAUMA BAY MARINE LIFE CONSERVATION DISTRICT, ISLAND OF OAHU.

PART I

Section 1. The Board of Land and Natural Resources, hereinafter called the "Board", does hereby declare and establish the Hanauma Bay Marine Life Conservation District, hereinafter called "Conservation District", for the purpose of studying, preserving, protecting, conserving and propagating all manner of marine life and geologic features.

Section 2. LOCATION.

The Conservation District shall consist of all of that area known as Hanauma Bay, more particularly described in Exhibit "A" and shown on the map marked Exhibit "B", hereto attached and made parts hereof.

PART II

Section 1. PROHIBITION.

A. Except as hereinafter provided in Section 2, it shall be unlawful for any person to hook, spear, seine, capture, injure, kill, destroy, alter, deface, possess or remove any fish, crustacea, mollusk, sea shells, coral or any other plant or animal life, or any rocks, sand or any geologic features, from the Conservation District. Possession by any person of fishing gear, including, but not limited to hook and line, rods, reels, seines and spears, crowbar and noxious chemicals, within the Conservation District shall be deemed to be prima facie evidence of violation of this regulation.

B. Polluting or contaminating the waters of the Conservation District is prohibited. This includes, but is not limited to, depositing bottles, cans, paper garbage, food and other refuse, washing clothing and other items, bathing animals, and cleaning fish.

C. Construction of piers, jetties or any other structures, installation of utilities, or reclamation of land is prohibited.

Section 2. EXCEPTION.

Any person who shall desire to undertake any activity prohibited under Section 1 shall first apply in writing and obtain a written permit from the Board or its authorized representative.

Section 3. PENALTY.

Any person violating any of the provisions of this regulation shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty days or both, as provided in Section 21-137, Revised Laws of Hawaii 1955.

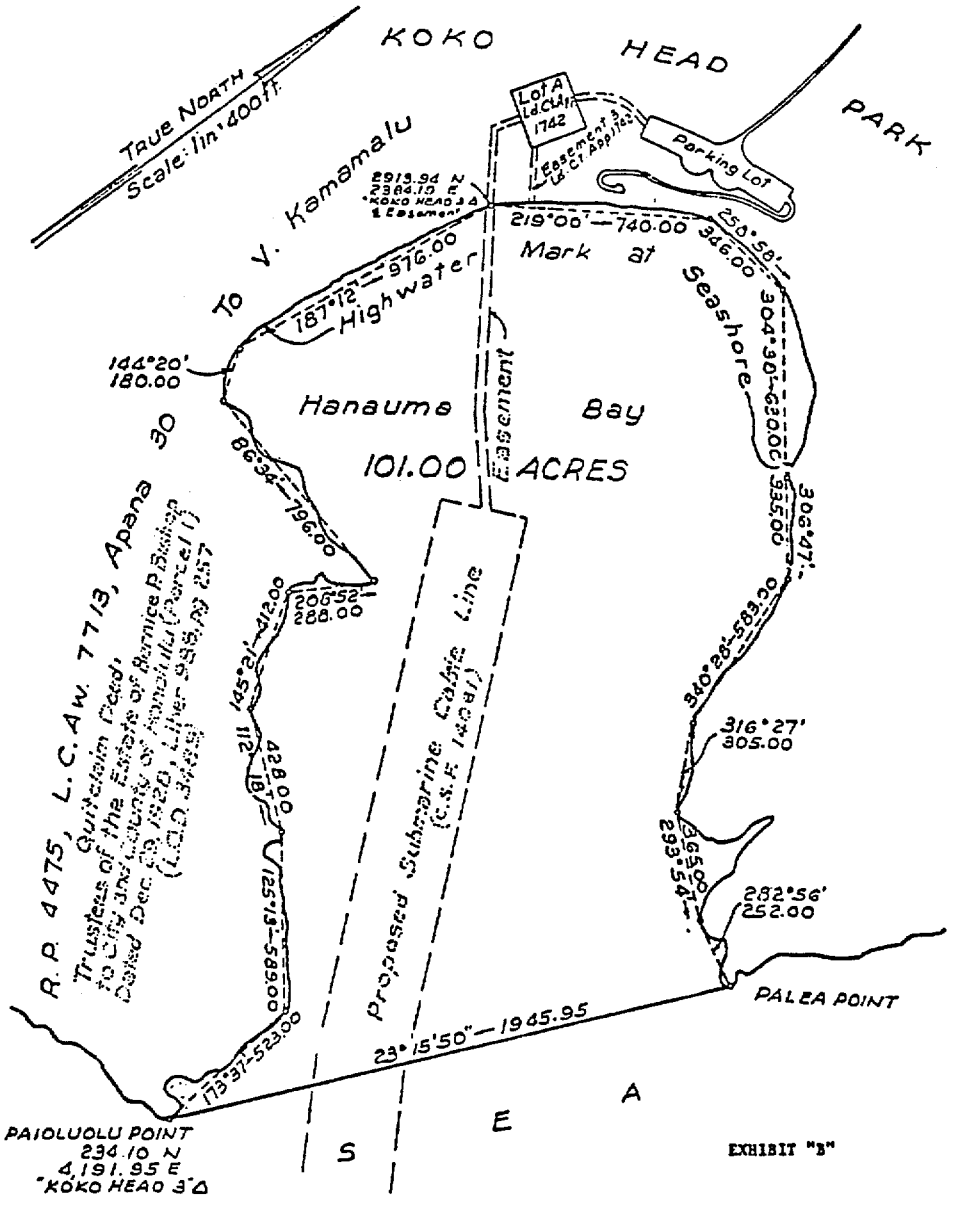


EXHIBIT "B"

HANAUMA BAY
MARINE LIFE CONSERVATION DISTRICT
MAUNALUA, HONOLULU, OAHU, HAWAII
Scale: 1 in. = 400 ft.

JOB 0-3853
C. BK. 1 - CHRYSTAL

TAX MAP: 3-9-12

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C. S. F. No. 15309

J.C.Jr. Aug 16, 1967

REGULATION NO. 33

REGULATION CONCERNING THE ESTABLISHMENT, PROTECTION AND REGULATION OF THE KEALAKEKUA BAY MARINE LIFE CONSERVATION DISTRICT, ISLAND OF HAWAII.

PART I

Section 1. ESTABLISHMENT OF DISTRICT.

The Board of Land and Natural Resources does hereby declare and establish the Kealakekua Bay Marine Life Conservation District for the purpose described in Section 2 of this Part.

Section 2. PURPOSE.

It is the purpose of this regulation to preserve, protect and conserve the marine resources and geological features within the Kealakekua Bay Marine Life Conservation District.

Section 3. DISTRICT.

The Kealakekua Bay Marine Life Conservation District, Subzones A and B, shall consist of and include that portion of the area known as Kealakekua Bay, as described in Exhibit "A" and delineated on Exhibit "B", attached hereto and made parts hereof.

PART II

Section 1. ACTIVITIES PROHIBITED.

It shall be unlawful, within Subzones A and B of the District, for any person:

A. Fishing, etc. To fish for, take, possess or remove any fish, mollusk, crustacea, or other marine animal.

B. Geological features. To take, alter, deface, destroy, possess or remove any rocks, coral, sand or other geological features or specimens.

C. Pollution. To contaminate or otherwise alter the physical, chemical or biological properties of the waters, including change in temperature, taste, color, turbidity or odor thereof, or to discharge, directly or indirectly, waste materials of any kind, whether treated or not, and whether animal, mineral or vegetable, and whether liquid, gaseous, radioactive or solid, including sewage and agricultural and industrial wastes, so as to cause said waters of Kealakekua Bay to be reduced in quality below the standards applicable to the area as set out in Chapter 37-A of the Public Health Regulations, Department of Health, State of Hawaii, and any amendments thereto, which chapter is hereby incorporated herein and made a part hereof as though fully recited herein.

D. Construction. Without permission of proper governmental authority, to construct, install, erect or place piers, jetties, moorings, utilities, or structures of any kind, or sink any type of water craft or other sizable object, or abandon any type of water craft or other sizable object, sunk or unsunk.

E. Boats, etc. To operate, anchor or moor any vessel in a manner contrary to the Rules and Regulations Governing Boating of the Department of Transportation, State of Hawaii, and any amendments thereto, which by reference are hereby incorporated in this Regulation and made a part hereof as though fully recited herein.

Section 2. EXCEPTIONS.

Notwithstanding any provision of this regulation to the contrary, and except as prohibited by any other rule, regulation or law, it shall be lawful for any person:

A. Fishing. Within Subzone B, to fish for, take, possess or remove any fish with or by the use of hook and line and thrownet, provided, that within said Subzone, any fishing method or device may be used for the taking of akule, opelu and crustacea; provided further, that no traps may be used for the taking of crustacea.

B. Permits. To take, for scientific, propagation, or other purposes approved by the Board of Land and Natural Resources, any fish and the eggs thereof, mollusks, crustacea, and any other form of marine animal in accordance with Sections 187-4 and 190-4, Hawaii Revised Statutes.

Section 3. PENALTY.

Any person violating the provisions of this regulation shall be fined not more than $100 or imprisoned not more than 30 days or both, as provided in Section 190-5, Hawaii Revised Statutes.

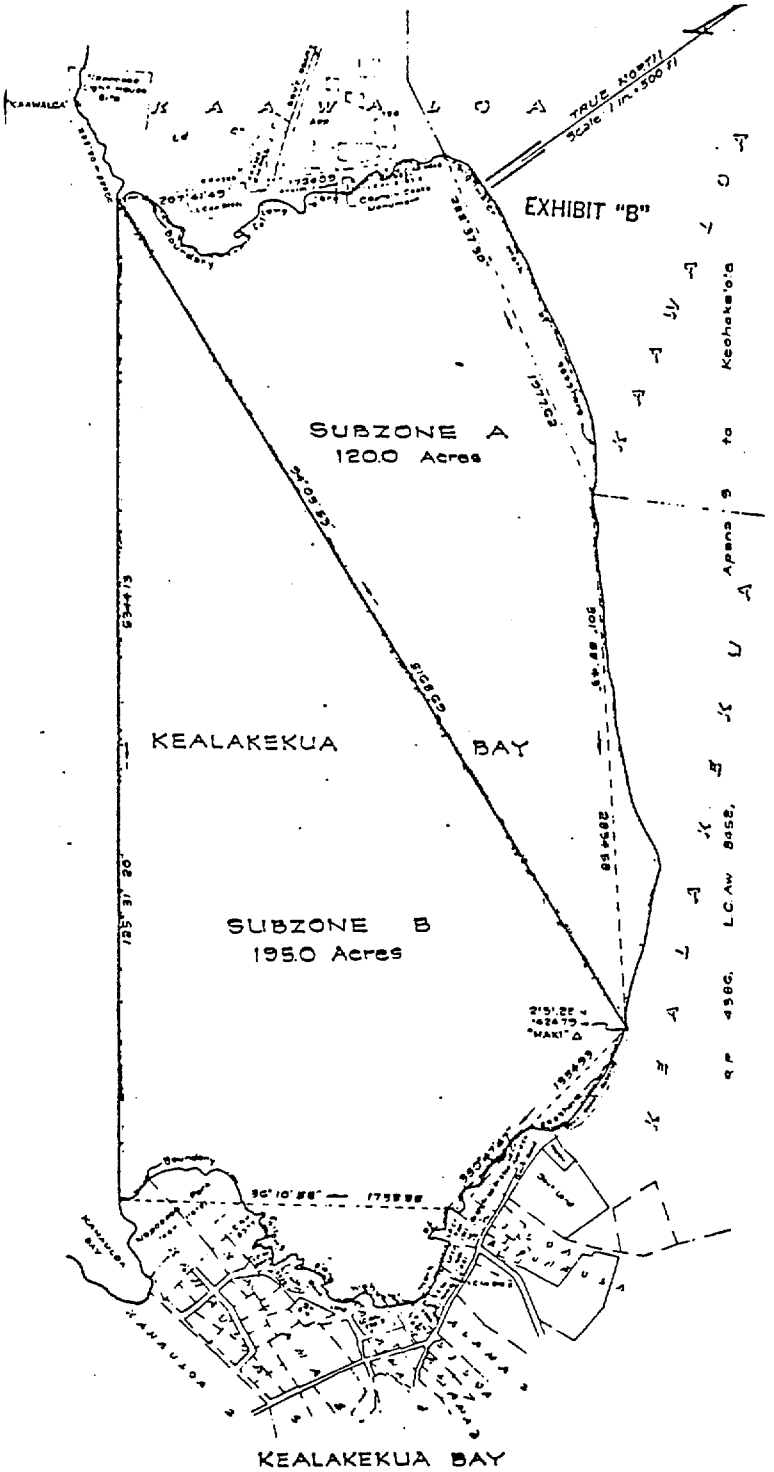
EXHIBIT "A"
KEALAKEKUA BAY MARINE LIFE CONSERVATION DISTRICT
SUBZONES A AND B
SITUATED IN THE OFF-SHORE WATERS OF
KAAWALOA, KEALAKEKUA, KILOA, WAIPUNAULA
KALAMA 1, 3, 4 and 5, LILOA AND KAHAULOA 1
South Kona, Island of Hawaii, Hawaii

SUBZONE A: Beginning a highwater mark at seashore at the east corner of this subzone, the northeast corner of Subzone B and the west corner of Government Beach Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HAKI", being 2151.22 feet North and 1424.79 feet West, as shown on Government Survey Registered Maps 3077 and 2724, thence running by azimuths measured clockwise from True South:

1. 94° 05' 53" 5168.69 feet along Subzone B; Thence running along highwater mark at seashore for the next three (3) courses, the direct azimuths and distances between points on said highwater mark at seashore being:
2. 207° 41' 49" 1764.09 feet;
3. 282° 37' 30" 1977.62 feet;
4. 301° 55' 43" 2834.58 feet to the point of beginning and containing an AREA of 120.0 ACRES

SUBZONE B: Beginning at highwater mark at seashore at the northeast corner of this subzone, the east corner of Subzone A and the west corner of Government Beach Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HAKI" being 2151.22 feet North and 1424.79 feet West, as shown on Government Survey Registered Maps 3077 and 2724, thence running by azimuths measured clockwise from True South: Along highwater mark at seashore for the first two (2) courses, the direct azimuths and distances between points on said highwater mark at seashore being:

1. 350° 47' 47" 1354.93 feet;
2. 36° 10' 58" 1732.25 feet;
3. 125° 31' 20" 5344.13 feet;
4. 274° 05' 53" 5168.69 feet along Subzone A to the point of beginning and containing an AREA of 195.0 ACRES.



KEALAKEKUA BAY
MARINE LIFE CONSERVATION DISTRICT

REGULATION 40.

CONCERNING THE ESTABLISHMENT, PROTECTION AND CONSERVATION OF THE MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT, ISLAND OF LANAI.

PART I

SECTION 1. Establishment of District. The Board of Land and Natural Resources does hereby declare and establish the Manele-Hulopoe Marine Life Conservation District for the purpose described in Section 2 of this part.

SECTION 2. Purpose. It is the purpose of this regulation to preserve, protect and conserve the marine resources and geological features within the Manele-Hulopoe Marine Life Conservation District.

SECTION 3. Subzones. The Manele-Hulopoe Marine Life Conservation District shall consist of Subzones A and B, as described in Exhibit "A" and delineated on Exhibit "B", attached hereto and made parts hereof.

PART II

SECTION 1. Activities Prohibited. It shall be unlawful, within Subzones A and B of the District, for any person to engage in the following activities, except as provided for in Section 2 of this part:

(a) Fishing. To fish for, take, possess or remove any fin-fishes, mollusk (including live sea shells and opihi), crustacea, algae (limu) or other marine life.

(b) Geological features. To take, alter, deface, destroy, possess or remove any rocks, coral, sand, or other geological features or specimens.

(c) Pollution. To pollute or to dispose or discharge trash or other unauthorized waste in a manner contrary to provisions contained in Chapters 37, 37-A and 37-B and other applicable Chapters of the Public Health Regulations, Department of Health, State of Hawaii, and any amendments thereto, which by reference are hereby incorporated in this Regulation and made a part hereof as though fully recited herein.

(d) Construction. Without permission of proper governmental authority, to construct; install; erect; or repair piers, jetties, moorings, utilities, or structures of any kind; or abandon any type of water craft or other sizable object; sunk or unsunk, except as may be required for the normal utilization, operation and maintenance of the facilities of the Manele Small Boat Harbor in accordance with prior agreements and assurances made between the State and Federal Governments.

(e) Boats. To operate, anchor or moor any vessel in a manner contrary to the Rules and regulations Governing Boating of the Department of Transportation, State of Hawaii, and any amendments thereto, which by reference are hereby incorporated in this Regulation and made a part hereof as though fully recited herein.

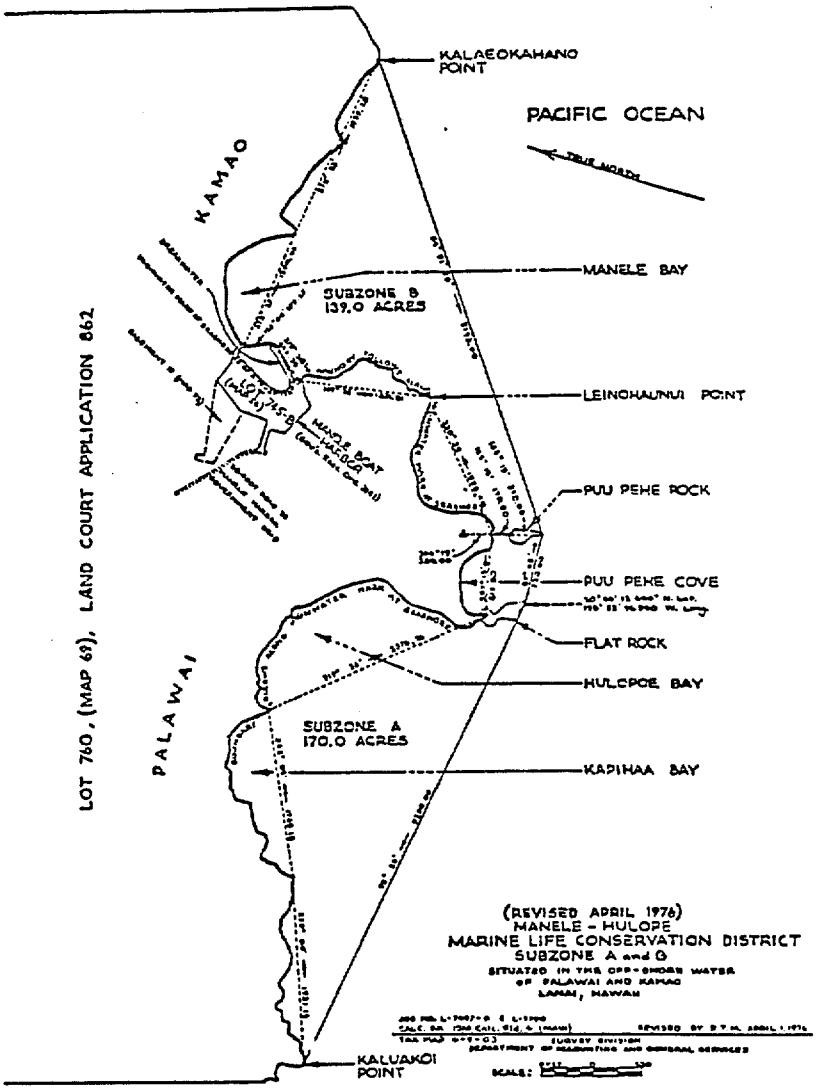
SECTION 2. Exceptions. Notwithstanding any provisions of this regulation to the contrary, and except as prohibitied by any other rule, regulation or law, it shall be lawful for any person to engage in the following activities within the Manele-Hulopoe Marine Life Conservation District:

(a) Fishing. To fish for, take, possess or remove fin-fishes and crustaceans as follows:
   1) Within Subzone A by hook and line from the shoreline only, and;
   2) Within Subzone B by any legal fishing method, except spears, traps, and nets other than throwncts.

(b) Permits. To take for scientific, propagation or other purposes, any fish, mollusks, crustacea, and the eggs thereof, and any other form of marine life or to engage in any activity prohibited in this regulation as authorized by a permit issued by the Board of Land and Natural Resources.

SECTION 3. Penalty. Any person violating the provisions of this regulation shall be fined not more than $100 or imprisioned not more than 30 days or both, as provided in Section 190-5, Hawnii Revised Statutes.

Adopted this 22nd day of October, 1976 by the Board of Land and Natural Resources.


KALAEOKAHANO POINT
PACIFIC OCEAN
KAMAO
MANELE BAY
SUBZONE B
139.0 ACRES
LEINOHAUNUI POINT
PUU PEHE ROCK
PUU PEHE COVE
FLAT ROCK
HULOPOE BAY
PALAWAI
SUBZONE A
170.0 ACRES
KAPIHAA BAY
LOT 760, (MAP 69), LAND COURT APPLICATION 862
KALUAKOI POINT
(REVISED APRIL 1976)
MANELE - HULOPE
MARINE LIFE CONSERVATION DISTRICT
SUBZONE A and B
SITUATED IN THE OFF-SHORE WATER
OF PALAWAI AND KAMAO
LANAI, HAWAII

DLNR REGULATION 42

The Board of Land and Natural Resources, pursuant to Chapter 190, Hawaii Revised Statutes, and every other law hereunto enabling, does hereby adopt the following regulation for the establishment, protection and conservation of the Molokini Shoal Marine Life Conservation District, County of Maui.

REGULATION 42. CONCERNING THE ESTABLISHMENT, PROTECTION AND CONSERVATION OF THE MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT, COUNTY OF MAUI.

PART I

SECTION 1. Establishment of District. The Board of Land and Natural Resources does hereby declare and establish the Molokini Shoal Marine Life Conservation District for the purpose described in Section 2 of this part.

SECTION 2. Purpose. It is the purpose of this regulation to preserve, protect and conserve the marine resources and geological features within the Molokini Shoal Marine Life Conservation District.

SECTION 3. District. The Molokini Shoal Marine Life Conservation District shall consist of and include that portion of the submerged lands and overlying waters surrounding Molokini Islet from the highwater mark at the seashore to a depth of 30 fathoms.

PART II

SECTION 1. Activities Prohibited. It shall be unlawful for any person to engage in the following activities within the District, except as provided for in Section 2 of this Part:

(a) Marine Life. To fish for, take, injure, kill, possess or remove any fin-fish, crustacean, mollusk (including shell and opihi), and eggs thereof, coral, alga (limu) or other marine life.

(b) Gear Possession. To have or possess in the water any spear, trap, net, crowbar, or any other device that may be used for the taking of marine life or geological features.

(c) Geological Features. To take, alter, deface, destroy, possess or remove any rock, sand or other sediment, coral, or other geological feature or specimen.

(d) Pollution. To pollute, or to dispose or to discharge trash or other unauthorized waste in a manner contrary to provisions contained in Chapters 37, 37-A and 37-B and other applicable Chapters of the Public Health Regulations, Department of Health, State of Hawaii, and any amendments thereto, which by reference are hereby incorporated in this regulation and made a part hereof as though fully recited herein.

(e) Construction. Without permission of proper governmental authority, to construct; install; erect; replace piers, jetties, moorings, utilities, or structures of any kind; or abandon any type of water craft or other sizable object, sunk or unsunk.

SECTION 2. Exceptions. Notwithstanding any provisions of this regulation to the contrary, and except as prohibited by any other rule, regulation or law, it snall be lawful for any person to engage in the following activities within the Molokini Shoal Marine Life Conservation District:

(a) Fishing. To fish for, take, possess or remove fin-fishes by trolling with use of artificial lures, only.

(b) Personal Safety. To possess while in the water any knife and any shark billy, bang stick, powerhead, and carbon dioxide (CO_2) injector for the sole purpose of personal safety.

(c) Permits. To take, for scientific, or other purposes, any fish, mollusk, crustacean, and the eggs thereof, and any other marine life, or to engage in any activity prohibited in this regulation as authorized by a permit issued by the Board of Land and Natural Resources.

SECTION 3. Penalty. Any person violating the provisions of this regulation shall be found guilty of a petty misdemeanor.

SECTION 4. Severability. Should any section, subsection, sentence or clause, or phrase of this regulation be for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this regulation.

APPENDIX 8

STANDARDS FOR STATE LAND USE DISTRICTS

(1) "U" Urban District. In determining the boundaries for the "U" Urban District, the following standards shall be used:

(a) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses.

(b) It shall take into consideration the following specific factors:

1 Proximity to centers of trading and employment facilities except where the development would generate new centers of trading and employment.

2 Substantiation of economic feasibility by the petitioner.

3 Proximity to basic services such as sewers, water, sanitation, schools, parks, and police and fire protection.

4 Sufficient reserve areas for urban growth in appropriate locations based on a ten (10) year projection.

(c) Lands included shall be those with satisfactory topography and drainage and reasonably free from the danger of floods, tsunami and unstable soil conditions and other adverse environmental effects.

(d) In determining urban growth for the next ten years, or in amending the boundary, lands contiguous with existing urban areas shall be given more consideration than non-contiguous lands, and particularly when indicated for future urban use on State or County General Plans.

(e) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the State and County General Plans.

(f) Lands which do not conform to the above standards may be included within this District:

1 When surrounded by or adjacent to existing urban development; and

2 Only when such lands represent a minor portion of this District.

(g) It shall not include lands, the urbanization of which will contribute towards scattered spot urban development, necessitating unreasonable investment in public supportive services.

(h) It may include lands with a general slope of 20% or more which do not provide open space amenities and/or scenic values if the Commission finds that such lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

(2) "A" Agricultural District. In determining the boundaries for the "A" Agricultural District, the following standards shall apply:

(a) Lands with a high capacity for agricultural production shall be included in this District except as otherwise provided for in other sections of these regulations.

(b) Lands with significant potential for grazing or for other agricultural uses shall be included in this District except as otherwise provided for in other sections of these regulations.

(c) Lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the Agricultural District.

(d) Lands in intensive agricultural use or lands with a high capacity for intensive agricultural use shall not be taken out of this District unless the Commission finds either that:

1 such action will not substantially impair actual or potential agricultural production in the vicinity of such lands, and/or

(3) "C" Conservation Districts. In determining the boundaries for the "C" Conservation District, the following standards shall apply:

(a) Lands necessary for protecting watersheds, water sources and water supplies shall be included in this District except as otherwise provided for in other sections of these regulations.

(b) Lands susceptible to floods, and soil erosion, lands undergoing major erosion damage and requiring corrective attention by the State or Federal Government, and lands necessary for the protection of the health and welfare of the public by reason of the lands' susceptibility to inundation by tsunami and flooding, to volcanic activity and landslides may be included in this District.

(c) Lands used for national or state parks may be included in this District.

(d) Lands necessary for the conservation, preservation and enhancement of scenic, historic or archaeologic sites and sites of unique physiographic or ecologic significance shall be included in this District except as otherwise provided for in other sections of these regulations.

(e) Lands necessary for providing and preserving parklands, wilderness and beach reserves, and for conserving natural ecosystems of endemic plants, fish and wildlife, for forestry, and other related activities to these uses shall be included in this District except as otherwise provided for in other sections of these regulations.

(f) Lands having an elevation below the maximum inland line of the zone of wave action, and marine waters, fish ponds and tide pools of the State shall be included in this District unless otherwise designated on the district maps. All offshore and outlying islands of the State of Hawaii are classified Conservation unless otherwise indicated.

(g) Lands with topography, soils, climate or other related environmental factors that may not be normally adaptable or presently needed for urban, rural or agricultural use, shall be included in this District, except where such lands constitute areas not contiguous to the Conservation District.

(h) Lands with a general slope of 20% or more which provide for open space amenities and/or scenic values shall be included in this District except as otherwise provided for in other sections of these regulations.

(i) Lands suitable for farming, flower gardening, operation of nurseries or orchards, growing of commercial timber, grazing, hunting, and recreational uses including facilities accessory to such uses when said facilities are compatible with the natural physical environment, may be included in this District.

(4) "R" Rural District. In determining the boundaries for the "R" Rural District, the following standards shall apply:

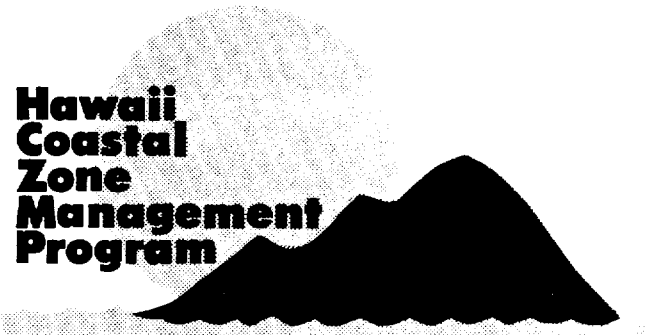
(a) Areas consisting of small farms; provided that such areas need not be included in this District if their inclusion will alter the general characteristics of the areas.

(b) Activities or uses as characterized by low density residential lots of not less than one-half (1/2) acres and a density of not more than one single-family dwelling per one-half (1/2) acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low density residential lots.

(c) Generally, parcels of land not more than five (5) acres; however, it may include other parcels of land, which are surrounded by, or contiguous to this District and are not suited to low density residential uses or for small farm or agricultural uses.

APPENDIX 9

PERMISSIBLE USES BY STATE LAND USE DISTRICT



Permissible Uses by Land Use District

1. PERMISSIBLE USES WITHIN THE "U" URBAN DISTRICT. Any and all uses permitted by the Counties, either by ordinances or regulations, shall be allowed within this District, subject to any conditions imposed by the Commission.

2. PERMISSIBLE USES WITHIN THE "A" AGRICULTURAL DISTRICT.

   (1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber.

   (2) Game and fish propagation.

   (3) Raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use.

   (4) Farm dwellings, farm buildings, or activities or uses related to farming and animal husbandry.

   (5) Public institutions and buildings which are necessary for agricultural practices.

   (6) Public and private "open area" types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps.

   (7) Public, private, and quasi-public utility lines, and roadways, transformer stations, solid waste transfer stations, etc., and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants and major storage tanks not ancillary to agricultural practices, or corporation yards or other like structures.

   (8) Retention, restoration, rehabilitation or improvement of buildings or sites of historic or scenic interest.

   (9) Roadside stands for the sale of agricultural products grown on the premises.

   (10) Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities that are normally considered direct accessory to the above-permitted uses.

   (11) Agricultural parks.

3. PERMISSIBLE USES WITHIN THE "C" CONSERVATION DISTRICT.* Uses of land within a Conservation District are governed by the Rules and Regulations of the State Department of Land and Natural Resources under Chapter 183, HRS.

4. PERMISSIBLE USES WITHIN THE "R" RURAL DISTRICT.

   (1) Any and all uses permitted under Section 3-3 relating to agricultural uses and those uses that are compatible within the Agricultural District.

   (2) Low density residential uses with a minimum lot size of one-half (1/2) acre. There shall be no more than one single-family dwelling per one-half (1/2) acre.

* See Appendix 10

APPENDIX 10

CONSERVATION DISTRICT PERMISSIBLE USES

REGULATION NO. 4

A REGULATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, PROVIDING FOR LAND USE WITHIN THE CONSERVATION DISTRICT, PROVIDING FOR SUBZONES, USES, APPEALS, ENFORCEMENT AND PENALTY, PURSUANT TO CHAPTER 183-41, HAWAII REVISED STATUTES, AS AMENDED

SECTION 1.

DEFINITIONS

A. As used in this Regulation certain words, terms and phrases are defined as follows:

1. Accessory Use: A use which is incidental and subordinate to one of the permitted uses in a subzone.

2. Artificial Reef: An area of the sea where man-made objects have been placed on the ocean bottom to create habitat for fish and other marine organisms to improve fishing opportunities.

3. Board: Board of Land and Natural Resources, State of Hawaii.

4. Chairman: Chairman of the Board of Land and Natural Resources, State of Hawaii.

5. Commercial Purpose (Use): All those activities designed for profit, which include the exchange or buying and selling of commodities, or the providing of services, or relating to or connected with trade, traffic or commerce in general; provided, however, that the use of land for utility purposes shall not be considered a commercial purpose.

6. Conditional Use: A use, other than a permitted use, including subdivision, which may be allowed by the Board under certain conditions as set forth in this Regulation and as determined by the Board.

7. Conservation: A practice, by both government and private landowners, of protecting and preserving, by judicious development and utilization, the natural and scenic resources attendant to land, including territorial waters within the State of Hawaii, so as to ensure optimum long-term benefits for the inhabitants of the State of Hawaii.

8. Conservation District: Those lands within the various counties of the State of Hawaii bounded by the Conservation District line as established under the provisions of Act 187, SLH 1961, and Act 205, SLH 1963, or future amendments thereto.

9. Department: Department of Land and Natural Resources, State of Hawaii.

10. Historic Site: A specifically defined location, site, or area designated on the National or State register of historic places and identified with the lives of historic personages or with important events, or generally containing, but not limited to, ethnographical, physical, archaeological or other objects pertaining to the indigenous culture of the State of Hawaii or that of an introduced culture of significance to the State of Hawaii.

11. Landowner: An owner of land, or of any estate or interest in that land.

12. Marine Sanctuary: An area of the sea designated to preserve, protect, conserve, propagate and manage fish and other marine life where fishing may be prohibited or controlled and where other uses of the marine resources are restricted by regulation or statute.

13. Nonconforming Use:

    a. The lawful use of any building, premises or land for any trade, industry, residence or other purposes which is the same as and no greater than that established prior to October 1, 1964, or prior to the inclusion of such building, premises, or land within the Conservation District; or

    b. Any parcel of land not more than ten acres in area which, as of January 31, 1957, was subject to real property taxes and upon which such taxes were being paid, and which was held and intended for residential or farming use, whether actually put to such use or not; provided that the use, whether or not established, shall be limited to either:

        (1) One residential dwelling; or

        (2) A farm with no more than one residential dwelling.

14. Occasional Use: An irregular and infrequent use not to exceed seven (7) days which causes no permanent change in the land, water or area in which it occurs.

15. Permitted Use: A primary use or uses of land as permitted under Section 2 of this Regulation or any amendment thereto.

16. Plant Sanctuary: An area of land designated to preserve, protect, conserve and manage particular plant species.

17. Public Fishing Area: An area designated for the protection, conservation, propagation and management of fish and where fishing by the public is permitted by Regulation of the Department.

18. Public Hunting Area: Designated areas of land which constitute habitat for game birds and/or mammals and which are open to the public for hunting and permitted by Regulation of the Department.

19. Residence: A building used or designated and intended to be used as a home or dwelling place for one (1) family.

20. Restricted Watershed: A designated area from which the domestic water supply of any city, town, or community is or may be obtained, or an area where water infiltrates into artesian or other groundwater areas from which the domestic water supply of any city, town, or community is or may be obtained and which is declared Restricted Watershed by the Board.

21. Scenic Reserve: Designated areas possessing natural, scenic, wildland qualities which in total or individually outweigh all other values the area may possess, when evaluated in the long run for public interest.

22. Subdivision: A division of a parcel of land into more than one parcel.

23. Temporary Variance: A use of land or some other area where that use differs from the permitted subzone use, where good cause is shown, and where the proposed variance is determined by the Board to be in accordance with good conservation practices.

24. Wilderness Area: A relatively large designated area having a diversity and abundance of native flora and fauna and geological formation, largely undisturbed by man or his influences, in which the introduction of exotic plants and animals, mining, grazing of domestic animals, removal of vegetation, overnight camping and the construction of roads or structures is prohibited or restricted.

25. Wildlife Sanctuary (Refuge): A designated area of land and/or water designated to preserve, protect, conserve, and manage wildlife, where hunting and other activities may be restricted through Regulation of the Department.

SECTION 2.

SUBZONES; PERMITTED USES; NONCONFORMING USES

A. Establishment of Subzones; Maps:

There are hereby created subzones within the Conservation District which subzones are designated by legend on official maps placed on file in the offices of the Lieutenant Governor and the Department and which maps are incorporated into this Regulation by reference.

1. When for any purpose, a certified copy of this Regulation is required, the text of this Regulation together with pertinent portions of the Conservation District subzone maps shall suffice to provide a complete copy of this Regulation for certification.

B. Protective "P" Subzone:

The objective of this subzone is to protect valuable resources in such designated areas as restricted watersheds, fish, plant and wildlife sanctuaries, significant historic, archaeological, geological and volcanological features and sites, and other designated unique areas.

1. Boundaries. The boundaries of the "P" subzone shall encompass:

   a. Lands and waters necessary for protecting watersheds, water sources and water supplies;

   b. Lands and waters necessary for the preservation and enhancement of designated historic or archaeological sites and designated sites of unique physiographic significance;

   c. Areas necessary for preserving natural ecosystems of native plants, fish and wildlife, particularly those which are endangered; and

   d. All land encompassing northwestern Hawaiian Islands except Midway Island.

2. Permitted Uses. The following uses are permitted within the "P" subzone:

   a. Research, recreational and educational use which require no physical facilities;

   b. Establishment and operation of marine, plant and wildlife, sanctuaries and refuges, wilderness and scenic areas, including habitat improvement;

   c. Restoration or operation of significant historic and archaeological sites listed on the National or State Register;

d. Maintenance and protection of desired vegetation, including removal of dead, deteriorated and noxious plants;

e. Programs for control of animal, plant and marine population, to include fishing and hunting;

f. Monitoring, observing and measuring natural resources;

g. Occasional use;

h. Any other public facilities not enumerated herein where the public benefit outweighs any impact on the Conservation District.

C. Limited (L) Subzone:

The objective of this subzone is to limit uses where natural conditions suggest constraints on human activities.

1. Boundaries. The boundaries for the "L" subzone shall encompass:

a. Lands susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention by the County, State or Federal Governments; and

b. Lands necessary for the protection of the health and welfare of the public by reason of the land's susceptible to inundation by tsunami and flooding or to volcanic activity and landslides which incorporate a general slope of 40% or more.

2. Permitted Uses. The following uses are permitted in the "L" subzone:

a. All permitted uses stated in the "P" subzone;

b. Emergency warning systems or emergency telephone systems;

c. Flood, erosion, or siltation control projects; and

d. Growing and harvesting of forest products.

D. Resource (R) Subzone:

The objective of this subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

1. Boundaries. The boundaries for the "R" subzone shall encompass:

a. Lands necessary for providing future parkland and lands presently used for National, State, County or private parks;

b. Lands suitable for growing and harvesting of commercial timber or other forest products;

c. Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping and picnicking;

d. Offshore islands of the State of Hawaii, unless placed in a "P" or "L" subzone;

e. Lands and territorial waters below the upper reaches of the wash of waves, usually evidenced by the edge of vegetation or by the debris left by the wash of waves, unless placed in a "P" or "L" subzone; and

f. All territorial waters not expressly assigned to any subzone shall be in the "R" subzone.

2. Permitted Uses. The following uses are permitted in the "R" subzone:

a. All permitted uses stated in the "P" and "L" subzone;

b. Aquaculture;

c. Artificial reefs; and

d. Commercial fishing operations.

E. General (G) Subzone:

The objective of this subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

1. Boundaries. The boundaries for the "G" subzone shall encompass:

a. Lands with topography, soils, climate or other related environmental factors that may not be normally adaptable or presently needed for urban, rural or agricultural use; and

b. Lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing, including facilities accessory to such uses when said facilities are compatible with the natural physical environment.

2. Permitted Uses. The following uses are permitted in the "G" subzone:

a. All permitted uses as stated in the "P", "R" and "L" subzones; and

b. Development of water collection, pumping, storage, control and transmission.

F. Hawaii Loa College Special Subzone, Educational Use:

All that area identified by Tax Map Key 4-5-35: portion of 02 and designated as "Hawaii Loa College Subzone (Educational Use)" on Conservation District Map OA-Kaneohe.

G. Haka Site Special Subzone, Cemetery Use:

All that area identified by Tax Map Key 4-7-04: portion of 07 and designated as "Haka Site Subzone (Cemetery Use)" on Conservation District Map OA-Kaneohe.

H. Kapakahi Ridge Special Subzone, Nursing or Convalescent Home Use:

All that area identified by Tax Map Key 3-5-19: 13 and Tax Map Key 3-5-24: portion of 01 and designated as "Kapakahi Ridge Subzone (Nursing or Convalescent Home)" on Conservation District Map OA-Honolulu-1.

I. Other Uses:

No other use, including a nonconforming use, as defined in Section 1A(13) shall be made of any building, structure, premises or land within the Conservation District, unless such use is approved by the Board in accordance with this Regulation.

SECTION 3.

BOUNDARIES

A. Conservation District Boundary Interpretation:

Whenever an application is for use of a parcel straddling or abutting the boundary of the Conservation District, maps containing a boundary interpretation by the Land Use Commission shall be submitted with such application.

B. Subzone Boundary:

The boundaries of subzones within the Conservation District:

1. Shall follow natural or fixed physical features; or

2. Shall be defined by a series of straight lines; or

3. Where coterminous with Forest Reserve boundaries, shall be determined by metes and bounds descriptions of the Forest Reserve.

Any uncertainty regarding the location of the subzone boundaries shall be resolved by the Board whose determination shall be final.

SECTION 4.

APPLICATIONS

A. General Requirements:

1. Implementation: Applications shall be submitted to the Department and approval by the Board shall be obtained prior to the initiation of any work within the Conservation District, except as provided in Section 9; provided however, the Board may authorize the Chairman to review and approve applications covering permitted uses within the subzones described in Section 2 of this Regulation. If within one hundred eighty (180) days after receipt of such application by the Department, the Chairman and/or the Board shall fail to give notice, hold a hearing, and render a decision thereon, such landowner may automatically put his land to the use or uses requested in his application, subject, however, to all of the conditions of Section 6 of this Regulation.

2. Signature: All applications shall be signed by the landowner prior to submission to the Department.

3. Form and Content; Copies: The form and content of applications and the number of copies to be submitted shall be filed in a manner prescribed by the Board.

4. Environmental Impact: All applications shall be subject to applicable Federal and State statutory requirements relating to environmental impact.

5. Fees. Each application shall be accompanied by a filing fee of fifty ($50.00) dollars. In addition, each application requiring a public hearing under this Regulation shall be accompanied by a hearing fee of an additional fifty ($50.00) dollars.

All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.

B. Plans:

1. Except where a final plan is submitted, every application shall be accompanied by a preliminary plan, which shall be a part of the application until superseded by a final plan approved by the Board;

2. When applicable, the preliminary and/or final plan shall include location map, site plan, floor plan, elevations and landscaping plan; and

3. When applicable, as determined by the Chairman, the following shall also be required:

   a. Maintenance plans shall be submitted for all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency;

   b. Plans shall be submitted when grading, trenching, filling, dredging or soil disposal is required;

   c. Drainage plans for uses in areas subject to flooding, for uses in areas in or adjoining waterways and for uses in high rainfall areas;

   d. Plans shall be submitted for any use of animal, plant or mineral resources; and

   e. Areas shall be surveyed by the applicant for significant historic and archaeologic features, and protection or salvage plans shall be submitted.

SECTION 5.

NOTICE; HEARINGS

A. General Requirements:

Whenever any landowner or government agency whose property will be directly affected by this Regulation or amendment thereto makes an application to change the boundaries or permitted uses of any subzone, or establish a new subzone with certain permitted uses, or where the Board proposes to make such change or changes itself, such change or changes shall be put in the form of a proposed amendment by the applicant, complete with necessary maps, four (4) copies of which shall be filed with the Board. The Board shall then give notice by publication at least once in a newspaper of general circulation in the State and in the county in which the land is located, and by mail to all landowners whose property will be directly affected by any such proposed change or changes or the establishment of a new subzone. Such notice shall be given not less than twenty (20) days prior to the date set for the hearing, and shall state the time and place of the hearing and the changes or establishment of a new subzone proposed. The proposed Regulation and the necessary maps shall be made available at the Department for inspection by interested members of the public.

B. Specific Requirements:

Public hearings shall be held:

1. For conditional uses in the Protective (P) subzone, except, that any applicant who has undergone a public hearing by any Federal, State or County agency, pursuant to applicable laws, rules or regulations, and for the same purpose and use as applied for under this Regulation, shall be considered to have met this provision, provided however, that a certified copy of the minutes of the public hearing are attached to and incorporated as a part of the application; and

2. On all applications for a proposed use of land for commercial purposes.

C. Conduct of Hearings:

The Board shall hold a special meeting for the purpose of conducting a public hearing. The hearing shall be a full hearing before the Board, conducted by the Chairman, or authorized member of the Board. For the purpose of its public hearing or hearings, the Board shall have power to summon witnesses, administer oaths, and require the giving of testimony and shall have and enjoy all other powers authorized by law.

All public hearings held pursuant to this section shall be conducted in the county in which the land is located.

SECTION 6.

STANDARDS: LAND USE CONDITIONS AND GUIDELINES

A. Conditions:

Any use allowed within the Conservation District after the effective date of this Regulation is subject to the following conditions:

1. The use shall be compatible with the locality and surrounding areas, and appropriate to the physical conditions and capabilities of the specific parcel(s) of lands;

2. The existing physical and environmental aspects of the subject areas, such as natural beauty and open space characteristics, shall be preserved or improved upon, whichever is applicable;

3. All buildings, structures and facilities shall harmonize with physical and environmental conditions stated in this Regulation;

4. Use of the area shall conform with the program of the appropriate Soil and Water Conservation District, or plan approved by and on file with the Department;

5. When provided and/or required, potable water supply and sanitation facilities must have the approval of the Department of Health and the Board/Department of Water Supply;

6. When provided and/or required, boat harbors, docks and similar facilities must have the approval of the Department of Transportation;

7. The construction, alteration, moving, demolition and repair of any building or other improvement on lands within the Conservation District, shall be subject to the building codes of the respective counties in which the lands are located; provided that prior to the commencement of any construction, alteration or repair of any building or other improvement, four (4) copies each of the final location map, plans and specifications shall be submitted to the Chairman, or his authorized representative, for approval, provided however, that any alteration or repair which does not change or expand on the existing land use shall not be subject to the above;

8. Provisions for access, parking, drainage, fire protection, safety, signs, lighting and changes in the landscape must have the approval of the Chairman or his authorized representative;

9. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate such interference, nuisance, harm or hazard.

10. Obstruction of public roads, trails and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails or pathways acceptable to the Department.

11. Except in the case of public highways, access roads shall be limited to a maximum of two lanes.

12. Overloading of off-site roadways, utilities and public facilities shall be minimized.

13. Clearing areas for construction purposes shall require prior approval by the Chairman. Ground cover of slopes over 40% shall not be removed unless specifically authorized by the Chairman.

14. Cleared areas shall be revegetated within thirty (30) days, unless otherwise provided for in a plan on file with and approved by the Department.

15. Upon approval of a particular use by the Board, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, and, all work and construction must be completed within three (3) years of the approval of such use.

B. Guidelines

1. All applications shall be reviewed in such a manner that the objective of the subzone(s) is given primary consideration.

2. All applications shall be reviewed such that any physical hazard, as determined by the Department shall be alleviated by the applicant when required by the Board.

3. All applications for subdivision shall address their relationship with the City and County/County General Plan.

4. All applications must meet the purpose and intent of the State's Conservation District.

C. Deviation

Deviation from any of the conditions provided herein may be considered by the Board, only when supported by a satisfactory written justification that:

1. The deviation is necessary because of the lack of practical alternatives;

2. The deviation shall not result in any significant adverse effects to the environment;

3. The deviation does not conflict with the objective of the subzone; and

4. The deviation is not inconsistent with the public health, safety or welfare.

D. Compliance with Statutes

Any landowner and/or user of land within the State's Conservation District shall be responsible for and comply with all applicable statutes, ordinances and rules and regulations of the Federal, State, City and County and County governments.

SECTION 7.

REVOCATION OF PERMITS

In any case where an applicant has failed to comply with any of the conditions imposed by the Board, the Board may direct the Chairman to revoke the permit.

SECTION 8.

TEMPORARY VARIANCE

Notwithstanding any provision of this Regulation to the contrary, the Board may grant for such period it deems advisable, temporary variances from zoned use, where good cause is shown and where the proposed variance is for a use determined by the Board to be in accordance with good conservation practices; provided, however, that no such variance shall be approved for more than one (1) year.

SECTION 9.

EMERGENCY

Notwithstanding any provision of this Regulation, the Board may delegate to the Chariman, authorization to act on behalf of the Board in such actions deemed to be emergency in nature to the extent that the emergency is alleviated.

SECTION 10.

APPEALS

Any final order of the Board or Chairman pursuant to this Regulation may be appealed in the manner provided by Section 183-43, Hawaii Revised Statutes, as amended.

SECTION 11.

DELEGATION

The Board may delegate to the Chairman such powers and duties as may be lawful or proper.

SECTION 12.

ENFORCEMENT

The Board shall enforce the provisions of this Regulation in accordance with the provisions of Chapter 183, Hawaii Revised Statutes, as amended.

The Chairman shall prescribe procedures for the internal management of enforcement functions under this Regulation.

SECTION 13.

PENALTY

Any person, firm or corporation violating any of the provisions of this Regulation shall be punishable by a fine not to exceed five hundred dollars ($500.00), or otherwise, as provided by law.

SECTION 14.

AMENDMENTS

Procedures for amending this Regulation are prescribed in Section 183-41 (3), Hawaii Revised Statutes, as amended.

SECTION 15.

SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Regulation be for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Regulation. The Board hereby declares that it would have passed this Regulation, and every portion hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

APPENDIX 11

JUDICIAL REMEDIES FOR ENFORCEMENT

Judicial Remedies for the Enforcement of Hawaii CZM Objectives and Policies and Relevant State and County Laws and Regulations

The cause of action provision (Section 205A-6, HRS) of Hawaii's Coastal Zone Management Act (Chapter 205-A, HRS) provides a substantial entryway for the judicial review of agency actions. While there are other ways to obtain judicial review, few can obtain such review as easily. Therefore, when the cause of action provision applies, it will probably become the preferred remedy.

Hawaii's CZM Program also relies on the network of existing State and County laws and regulations to provide protection for valuable resources inland of the Special Management Area (where the cause of action provision does not apply). None of these laws or regulations contains a cause of action provision similar to Section 205A-6, HRS. The enforcement of these provisions by their respective agencies is however subject to judicial review.

The Enforcement Problem

The enforcement problem that is presented is threefold. Enforcement of these laws and regulations by State agencies and by County agencies must be assured, as well as adherence to them by private parties. In each situation, the enforcement problem is slightly different although the issues to be faced in each of these situations are the same. There are two principal issues: (1) Is there a remedy to insure the enforcement of the law or regulation; and (2) Do public officials and private citizens have standing to utilize the remedy that is available?

In Hawaii, as in all other coastal states, the problem of judicial enforcement of complementary laws is complicated not only because the remedies available against State and local governments vary, but also because the law of standing to invoke these remedies is not always clear.

The judicial remedies that are available against State and County governments vary in Hawaii inasmuch as only State and County administrative agencies are fully covered by the State Administrative Procedures Act (Chapter 91, HRS). However, County legislative bodies, namely, several County Councils, are not covered. When the Administrative Procedures Act does not apply, it is necessary to rely on certain special judicial remedies, known historically as "extraordinary writs," which provide an alternative method of relief against governments and governmental agencies as discussed below.

The Standing Problem

Standing is another complicated problem. In addition to finding that a remedy is available, a court must be able to find that a person or organization bringing the suit is entitled to bring it, namely, that the plaintiff has judicial "standing." At the Federal level, the courts have developed a law of standing to litigate environmental issues.[1] In Hawaii the law of standing is not nearly as well developed. As a young State, however, Hawaii has relied on the judicial precedents set in Federal cases and in courts of neighboring jurisdictions such as California.

The issues arise, as noted earlier, in three contexts: with State agencies, with County agencies, and with private individuals.

Judicial Remedies as Applied to State Agencies

An explicit judicial remedy is provided for this problem by the State Administrative Procedures Act. That statute provides:

> Section 91-7 Declaratory judgment on validity of rules
>
> (a) Any interested person may obtain a judicial declaration as to the validity of an agency rule as provided in subsection (b) herein by bringing an action against the agency in the circuit court of the county in which the petitioner resides or has its principal place of business. The action may be maintained whether or not petitioner has first requested the agency to pass upon the validity of the rule in question.
>
> (b) The court shall declare the rule invalid if it finds that it violates constitutional or statutory provisions, or exceeds the statutory authority of the agency, or was adopted without compliance with statutory rule-making procedures.

This type of lawsuit is called a "declaratory judgement," that is, a declaration by the court that the rule is either valid or invalid. It would obviously apply to any case in which the agency violates its own statutory mandates.

The more difficult area is the question of standing. While the suit is authorized for any "interested person," the term "person" is defined in the statute to exclude public agencies. (See Section 91-1(2), HRS.) It does not, however, specifically exclude public officials. The term "interested" is neither defined in the statute nor have there been any cases which have defined it. However, the Federal courts have given this term a broad meaning in the environmental context.[2] There are no conclusions that can be reached with assurance except that an agency cannot be an "interested person," but given the Federal court precedents in the environmental area, the Hawaii courts may read this provision quite broadly.

Declaratory judgments are useful to challenge an existing rule, but it is an entirely different problem if the agency has not adopted a rule or regulation necessary to implements its statutory mandate. In this situation a possible remedy is mandamus, which is one of the special extraordinary writs available to achieve judicial enforcement of statutory duties and responsibilities. It is available in the following three circumstances: 1) to compel an agency to carry out a duty which is ministerial, i.e., mandatory; 2) to compel an agency to exercise its discretion to perform a duty it has not performed; and 3) to set aside an agency action which is discretionary when the agency's performance of that duty was clearly erroneous.

Rule 81.1 of Hawaii Rules of Civil Procedure abolishes the writ of mandamus but a later court case would seem to have revived it.[3] Further, since the Hawaii Rules are based on the Federal Rules of Civil Procedures, Federal case precedent should be available to Hawaii to help determine when this form of judicial relief is available.

Another special remedy is the injunction and which is simply a remedy provided by the court to prevent an agency from carrying out an illegal act. If an agency planned to take some action in violation of its statutory mandate, an injunction would prevent such an action. The usual basis upon which a private citizen has standing to seek an injunction is his or her status as a taxpayer. Taxpayer suits against agencies are allowed in Hawaii.[4] It should be noted that the remedy of injunction is within a court's inherent pwoers and does not require a statute to make it effective.

There is, however, a statute which specifically authorizes the attorney general to secure an injunction against the violation of a State statute or County ordinance (see Section 603-23, HRS). This suit may be brought in the name of the State (or the County in the case of County attorneys), even though the statute literally reads that the attorney general or County attorney must sue.[5] Since all State agencies are represented by the attorney general's office, and similarly for County agencies by the County attorney, this statute should insure the implementation of State statutes and County ordinances.

Judicial Remedies as Applied to County Agencies and Legislative Bodies

The discussion of judicial remedies against State agencies also applies to County agencies and legislative bodies, except that County legislative bodies are not subject to the State Administrative Procedures Act as noted above. The special remedies of mandamus and injunction by taxpayers are more easily obtained at the County level because the necessary taxpayer status is easier to prove. Another remedy which also may be quite useful is Section 603-23, HRS, especially if the violation is of State law by a County body.

Assuming it is allowed, mandamus is also an effective means of enforcing County compliance with State laws. It is well-established (though these cases seldom arise) that mandamus may be used to require local legislative bodies to adopt[6] or amend[7] local legislative ordinances when this is required by State law.

Judicial Remedies as Applied to Private Persons

Many cases arise where private persons are violating State statutes or County ordinances. Naturally, private entities are not covered by the State Administrative Procedures Act, and mandamus is likely to be of little use in these cases. The injunction, which is available to prohibit violations of State and local laws, is the remedy which will be most effective. As stated earlier, there is no need to base this on a statute, inasmuch as it is within the court's inherent powers. Also useful are the statutory powers of the attorney general which give the attorney general the ability to prosecute violations of State laws (see Section 26-7 and Section 28-2, HRS).

[1] Sierra Club v. Morton, 405 vs. 727, 92 S. Ct. 1361, 31 L. Ed. 2d 636.

[2] see note 2.

[3] Nam Sing Shak v. McVey, 506 P. 2d 8.

[4] Bulgo v. County of Maui, 430 P. 2d. 321 is one of the more recent statements of this right.

[5] City and County of Honolulu v. Cavness, 364 P. 2d. 646.

[6] Taylor v. Abernacuny, 222 A. 2d. 863 (Penn.), is an example of one such case.

[7] Youngblood v. Board of Supervisors of San Diego County, 71 Cal. App. 3d. 655, 139 Cal Rpt. 741.

APPENDIX 12

SMA PERMIT PROCESS

ORDINANCE NO. 4529

BILL NO. 129 (1975)
(Draft No. 4)

A BILL FOR AN ORDINANCE TO ESTABLISH THE AREA AND RULES AND REGULATIONS FOR AN INTERIM SHORELINE PROTECTION DISTRICT FOR OAHU

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. General Provisions

A. Authority

Pursuant to authority conferred by Chapter 205-A, Hawaii Revised Statutes, as amended by Act 176, Session Laws of Hawaii 1975, the rules and regulations hereinafter contained are hereby established and shall apply to all lands within the special management area of the island of Oahu.

B. Purpose

It is the City and County of Honolulu's policy to preserve, protect; and where possible, to restore the natural resources of the coastal zone of Hawaii. Special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means.

Amended Ord 77-190 10/19/77

C. Definitions

Whenever the following words are used in these Rules and Regulations, they shall have the meaning ascribed to them in this section. These definitions are intended to clarify but not replace or negate the definitions used in HRS, Chapter 205-A, as amended.

(1) "Agency" means the Department of Land Utilization, City and County of Honolulu.

(2) "Applicant" includes any individual, organization, partnership, firm, association, trust, estate, or corporation including any utility, and any agency of Federal, State and County government.

(3) "Council" means the City Council of the City and County of Honolulu, which body shall act as the "authority" under Chapter 205-A, HRS.

(4) "City and County" means the City and County of Honolulu.

(5) "Crops" means agricultural produce or part(s) of plants or trees cultivated for commercial or personal use.

(6) "Development" means, on land, in or under water, any of the following, the total cost or fair market value of which exceeds $25,000 or which significantly affects the coastal zone, taking into account potential cumulative effects: The placement or erection of any solid material or any gaseous, liquid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to the division or subdivision of

land; change in the intensity of use of water, ecology related thereto, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public utility, and the extensive removal of vegetation, except crops. Whenever any of the above-described activities is or may become a part of a larger project, the total cost or fair market value of the activity for the purposes of this ordinance shall be the total cost or fair market value of this larger project. Development does not include construction, repairs or maintenance of a single-family residence which is not a part of a larger development.

(7) "Director" means the Director of the Department of Land Utilization, City and County of Honolulu.

(8) "EIS" means an informational document prepared in conformity with Chapter 343, HRS, and the Environmental Quality Commission's Rules and Regulations, and which discloses the environmental effects of a proposed action, the effects of a proposed action on the economic and social welfare of the community and State, effects of economic activities arising out of the proposed action, measures proposed to minimize adverse effects and alternatives to the action and their environmental effects.

(9) "Shoreline" means the line at the seashore along the upper reaches of the wash of the waves, usually evidenced by the vegetation line, or if there is no vegetation line, then by debris left by the wash of the waves.

(10) "Shoreline Survey" means that survey required under Rule 10.1 of the Shoreline Setback Rules and Regulations of the City and County of Honolulu adopted pursuant to HRS 205-32.

(11) "Special management area" means the land area extending not less than 100 yards inland from the shoreline, delineated on the maps established by the Council and filed with the Agency and the office of the Clerk, City and County of Honolulu.

(12) "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aquaduct, telephone line, and electrical power transmission tower and distribution line.

SECTION 2. Special Management Area

Special management area, as established by the Council and shown on the special management area maps hereby made an exhibit of this ordinance and filed with the Authority on December 1, 1975, shall be Oahu's official special management area to be administered and enforced under the provisions of this ordinance.

SECTION 3. Objectives and Policies

The objectives and policies of this ordinance shall be those contained in Section 205A-2, HRS. (Amended, Ord. 77-100, 10/19/77)

SECTION 4. Review Guidelines

The following guidelines shall be used by the Council or its designated agency for the review of developments proposed in the special management area. (Amended, Ord. 4603, 6/23/76)

A. All development in the special management area shall be subject to reasonable terms and conditions set by the Council to insure that:

(1) 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;

(2) Adequate and properly located public recreation areas and wildlife preserves are reserved;

(3) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and

(4) 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 earthquake.

B. No development shall be approved unless the Council has first found that:

(1) 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 effect 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;

(2) The development is consistent with the findings and policies set forth in Section 3.

C. The Council shall seek to minimize, where reasonable:

(1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.

(2) Any development which would reduce the size of any each or other area usable for public recreation.

(3) 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 the mean high tide line where there is no beach.

(4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the State highway nearest the coast.

(5) Any development which would adversely affect water quality, existing areas of open water free of visible structure, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries, potential or existing agricultural uses of land.

SECTION 5. Procedural Guidelines

All development within the special management area shall be subject to assessment by the Agency under the provisions of this ordinance. Such assessment shall be pursuant to the policies set forth herein.

A. Consultation

Any applicant contemplating development within the special management area shall contact the Agency for information regarding procedures and general information which may have a direct influence on his proposed development.

Any development which has been assessed under NEPA or under Chapter 343, HRS, and for which a negative declaration has been filed or a required EIS has been accepted subsequent to the effective date of this ordinance may apply directly for a special management permit pursuant to Section 7, waiving the assessment procedures in Section 5-B.

B. Assessment Procedures

(1) Filing

Any applicant subject to assessment shall be responsible for filing the following with the Agency:

(a) A tax map key identification of the property on which the applicant proposes his development.

(b) A plot plan of the property, drawn to scale.

(c) A written description of the proposed development and a statement of objectives.

(d) A written description of the affected environment which addresses the development's technical, economic, social, and environmental characteristics.

(e) A shoreline survey if the parcel abuts the shoreline.

(f) Any other relevant plans or information pertinent to the analysis of the development required by the Agency.

(2) Assessment

The Director shall assess the proposal upon the applicant's compliance with Section 5.B(1) based on the following criteria:

(a) The total cost or fair market value of the development.

(b) The potential effects and the significance of each effect according to the Significance Criteria established by Section 6.

(3) Determination

(a) The Director shall, within thirty (30) days after receipt of the development proposal, notify the applicant by mail with a copy to the Council that he has determined the proposal to:

(i) be exempt from the requirements of this Ordinance;

(ii) require a minor permit;

(iii) require a shoreline management permit, but not to require an environmental impact statement; or

Amended
Ord. 77-100
10/19/77

(iv) require a shoreline management permit, and to require an environmental impact statement.

(b) The Director shall declare a development proposal exempt where he finds that the proposal:

(i) is specifically exempted under Section 11 hereof; and

(ii) is specifically exempted under Section 3 of Act 176(1975).

(c) The Director shall issue a minor permit where he finds that the development proposal:

(i) has a total cost or fair market value not in excess of $25,000; and

(ii) will not significantly affect the special management area.

(d) The Director shall declare that a shoreline management permit is required, and shall file a negative declaration with the Council (and with the Environmental Quality Commission if such is required under the provisions of Chapter 343, HRS), where he finds that the proposal:

(i) has a total cost or fair market value in excess of $25,000; and

(ii) will not significantly affect the special management area or

(iii) is supported by studies which, in the Director's judgment, sufficiently describe the potential environmental effects on the special management area. (Amended, Ord. 77-100, 10/19/77)

Amended Ord. 77-100 10/19/77

(e) The Director shall declare that a shoreline management permit is required, and will file an application preparation notice with the Council (along with an EIS preparation notice with the Environmental Quality Commission if such is required under the provisions of Chapter 343, HRS), regardless of the total cost or fair market value of the proposal where he finds that the proposal may significantly affect the special management area and that sufficient information to evaluate this impact is not available.

(f) The application preparation notice shall contain all the information required to be presented in an EIS preparation notice under Sub-Part C, Rule 1.31 of the Environmental Impact Statement Regulations, adopted and approved on May 22, 1975.

SECTION 6. Significance Criteria and Procedures

In assessing the significance of a development the Director shall confine his criteria to the policies and guidelines in Sections 3 and 4 of this ordinance. In processing a negative declaration or environmental impact statement, the Director shall adhere to the procedures set forth in Chapter 343, HRS, and the regulations adopted thereunder by the Environmental Quality Commission. In the event that a development is not subject to the Chapter, but the Director requires an EIS, filing shall be with the agency and appeal by an applicant in the event of non-acceptance shall be to the Council.

Amended Ord. 77-100 10/19/77

SECTION 7. Application Procedures

Any applicant who has received a determination under Section 5.B(3) that his proposal requires a special management permit or has been exempted from that determination under Section 5.A shall submit a complete application to the Agency. Such application shall include:

A. A completed application form (to be obtained from the Agency).

B. A copy (or copies) of either the negative declaration [Section 5.B(3)(d)], or a copy (or copies) of a completed and accepted EIS [Section 5.B(3)(e)].

C. Any additional information as to the areas of critical concern as deemed necessary by the Agency.

D. A $100 filing and processing fee. Such filing fee shall be waived for public agency projects.

Upon compliance with the foregoing procedures, the Director shall notify the applicant by certified mail within 7 days of receipt that the application has been accepted. The Director shall also concurrently provide the Council with the date of acceptance of the application and a brief description of the proposal contained in the application and the addresses and information required for the notice of public hearing pursuant to Section 8 of this Ordinance.

SECTION 8. Public Hearings

The Agency, pursuant to powers of delegation given to the City Council under Act 176, Session Laws of Hawaii 1975, shall hold a public hearing at a date set no less than twenty-one (21) nor more than ninety (90) calendar days after the date on which the application is accepted, unless the ninety-day period is waived by the applicant. The Agency shall give adequate notice to the owners of all property within 300 feet of the affected property as well as to all owners of all property described in the application. The Agency shall give written notice, once in a newspaper of general circulation in the County and once in a newspaper of general circulation in the State, at least twenty (20) calendar days in advance. The notice shall state the nature of the proposed development for which a permit application is made and of the time and place of public hearing. (Ord. 4603 6/23/76)

The hearing shall be held in the Council District in which the development is proposed. Whenever possible, any such hearing will be held jointly and concurrently with any other hearing required for the same development.

Upon conclusion of the public hearing, the Agency shall transmit its findings and recommendations thereon, within ten (10) calendar days, directly to the City Council for its consideration and decision. (Ord. 4603 6/23/76)

SECTION 9. Action by the Council

A. The Council shall grant or deny an application for shoreline management permit within twenty (20) calendar days after receiving the Agency's findings and recommendations, unless the extension has been agreed to by the applicant. The City Council may hold an additional public hearing prior to making its decision where, in its discretionary judgment, significant community interest exists or strong opposition to granting a shoreline management permit is indicated at the Agency-conducted public hearing.

The City Council's action shall be final, unless otherwise mandated by court order when a judicial review is sought pursuant to Section 46-4 of the Hawaii Revised Statutes. (Ord. 4603 6/23/76)

B. No development or structure shall be constructed within the special management area without first obtaining a special management permit, a minor permit, or being exempted pursuant to the provisions of this Ordinance.

C. No City and County or State board, commission, agency, or department authorized to issue permits including but not limited to State Land Use redesignations, General Plan amendments, and zoning changes pertaining to any development within the special management area established by this Ordinance shall authorize any development unless approval is first received from the Council in accordance with the procedures adopted pursuant to the provisions of this Ordinance.

SECTION 10. Emergency Permits

In cases of emergency repairs to existing public utilities including, but not limited to, flood control structures, water, sewer, gas, and electric transmission lines and highways, the respective governmental agency or public utility company is exempt from obtaining a permit pursuant to the requirements of this Ordinance. Two reports on such repair projects, the total cost of which exceeds $25,000, shall be recorded with the Council and the Agency, one within 3 days after the start of the project and the other upon its completion by the respective Agency.

In the event an impending disaster or disaster has been declared under Chapter 13, Article 41, Revised Ordinances of Honolulu, 1969, as amended, or under Chapters 127 and 128, HRS, the requirements of this Ordinance shall be waived.

SECTION 11. Exemption

Exempted from compliance with restriction of this Ordinance are:

A. Interior renovations;

B. Construction, repair, or maintenance of a single-family residence not part of a larger development; and

C. Planting, harvesting, or removal of crops.

SECTION 12. Penalties

A. Any person who violates any provision of this Ordinance shall be subject to a civil fine not to exceed $10,000.

B. In addition to any other penalties, any person who performs any development in violation of this part shall be subject to a civil fine not to exceed $500 a day for each day in which such violation persists.

SECTION 13. Appeals

Any person, including an applicant for a permit, aggrieved by the decision or action of the Agency shall have the right to the Council's review of any decision or action of the Agency.

SECTION 14. Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of conditions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

City and County of Honolulu, Department of Land Utilization

APPLICATION FOR SPECIAL MANAGEMENT PERMIT

Permit Number_____
Expiration Date_____

1. APPLICANT

Application for development of the property herein described is hereby made pursuant to the provisions of Section 7 of Ordinance No. 4529, for a special management permit within the Special Management Area.

(To insure the accurate and efficient processing of this application and to avoid errors and delay, supply all the required information. Fill out all blank spaces clearly, concisely, and completely, and sign the application.
If you are not the recorded owner of the property, you are considered the authorized agent of the recorded owner. If you are filing as an authorized agent, supply the information for both the recorded owner and yourself, and a letter authorizing you to act as agent.)

Recorded Owner	Authorized Agent
Name:_____	Name:_____
Mailing Address:_____	Mailing Address:_____
_____	_____
Phone Number:_____	Phone Number:_____

2. PROPERTY

a. Street Address:_____ b. Tax map key:_____

c. Lot size:_____ d. Present use of property and/or buildings:_____

3. PROPOSED DEVELOPMENT

Outline concisely the type of development proposed:_____

_____

_____

_____

_____

4. DRAWINGS, DOCUMENTS AND FILING FEE

a. Submit accurate scale drawing showing dimensions and shape of the lot; sizes, uses, and locations of existing and proposed buildings; open areas; driveways; pedestrian walks; off-street parking and loading areas; landscaped areas; fencing; and walls.

b. Submit a copy of either the negative declaration issued under Section 5-B-(3)-(d) of Ordinance No. 4529 or a completed and accepted Environmental Impact Statement required under Section 5-B-3-e of the Ordinance.

c. Submit $100 filing and processing fee to Department of Land Utilization, 650 South King Street (fee waived for public agency projects).

6. SIGNATURE

_____ or _____
Recorded Owner Authorized Agent

_____ _____
Date Date

DEPARTMENT OF LAND UTILIZATION USE

[ ] A. This application is filed complete with the following: [ ] Site plan

[ ] Accepted EIS [ ] Negative Declaration [ ] Authorization of agent

[ ] B. Application is returned for corrections:_____

_____

_____

[ ] C. Action/Date:

Public Hearing_____City Council_____

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

Minor Permit--Interim Shoreline Protection Ordinance
Project Identification:_____

Applicant : _____
Project Area: _____
Tax Map Key : _____
File Number : _____

We have reviewed your proposal and find that it lies within the Special Management Area established by Ordinance No. 4529. We find that your proposed development:

( ) has a total cost of less than $25,000.00; or

( ) has a fair market value of less than $25,000.00; and

( ) will have no significant effect on the Special Management Area.

Therefore, a Minor Permit is hereby issued under the provisions of Ordinance No. 4529.

Very truly yours,

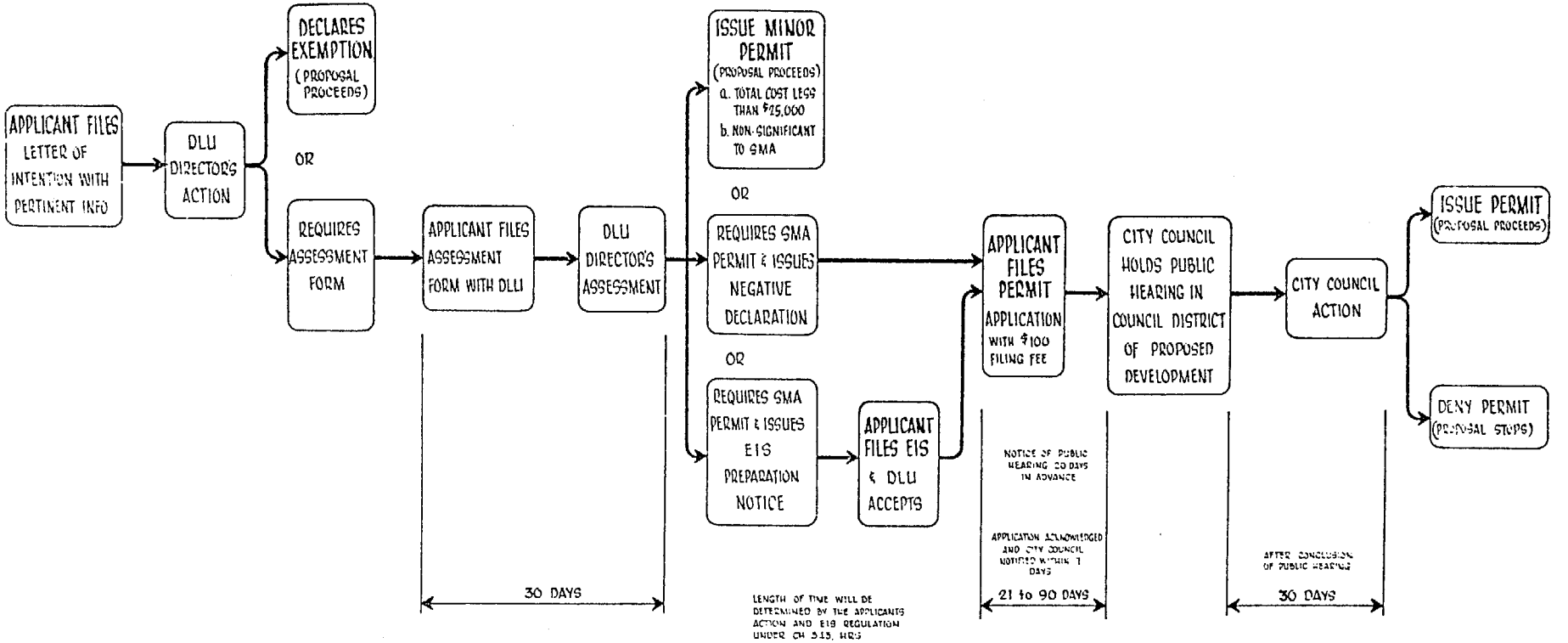
GEORGE S. MORIGUCHI
Director of Land Utilization

GSM:

PROCEDURE FLOW CHART

INTERIM SHORELINE PROTECTION ORD # 4529

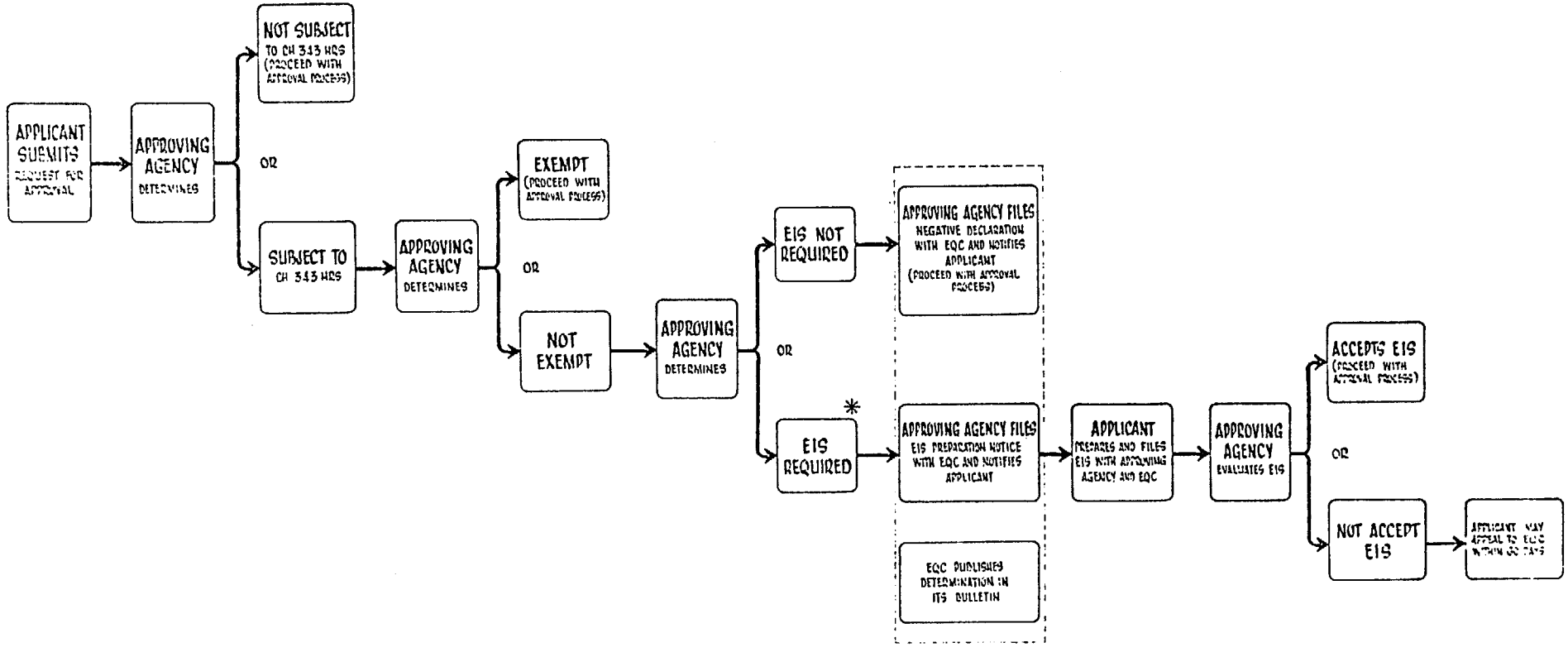
DECEMBER 1, 1975



DEPT. OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
DEC. 1, 1975

EIS PROCEDURE FLOW CHART

CH 343 HRS



* EIS REQUIRED BY INTERIM SHORELINE PROTECTION ORDINANCE NO. 4529 PROCEDURE STARTS HERE.

DEPT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
DEC 1975

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU HAWAII 96813

FRANK F. FASI
MAYOR

GEORGE S. MORIGUCHI
DIRECTOR

Date: _____

Dear Sir:

Shoreline Protection Ordinance Review
Tax Map Key: _____
Type of Project: _____
_____

We have reviewed your proposed development located on the referenced tax map key. We find that:

[ ] The proposed development is exempt from the provisions of Ordinance No. 4529 by reason that it is:

[ ] Not within the Special Management Area

[ ] The construction, repair or maintenance of a single-family dwelling (or accessory thereto) not part of a larger development

[ ] Interior renovation of an existing structure

[ ] Planting, harvesting or removal of crops

[ ]

[ ] The proposed development lies within the Special Management Area established under Ordinance No. 4529 and is subject to environmental assessment by this Department. Depending upon the results of this assessment, the development may require City Council action in obtaining a Special Management Permit.

In order to further process your proposed development, the attached request for assessment form must be filed with this Department. Within 30 days of receipt of this completed form, you will be advised how to proceed further with the processing of your development. Since the assessment of your development will depend entirely on the information which is provided with your submission, it is urged that the information and plans accompanying the form be as complete and as detailed as necessary to clearly describe the development.

Should you have any questions or require assistance in the preparation of the form, please contact the undersigned staff member at 523-

Very truly yours,

(for) GEORGE S. MORIGUCHI
Director of Land Utilization

GSM:
Attach.

City & County of Honolulu
Department of Land Utilization

REQUEST FOR ASSESSMENT
Under the Provisions of Section 5, Ordinance No. 4529
Interim Shoreline Protection Ordinance

1. REQUEST

Assessment of the development of the property herein described is requested under Section 5 of Ordinance No. 4529.

(Note: To assure accurate and efficient assessment of the proposed development, it is urged that the information submitted with this form be as complete and detailed as necessary to clearly describe the development. Fill out all blank spaces, submit the required narative material and plans on separate sheets, and sign the form.

If you are not the recorded owner of the property and/or if you are filing as an authorized agent, supply the information for both the recorded owner and yourself, and a letter authorizing you to act as agent.)

Recorded Owner	Authorized Agent
Name:_____	Name:_____
Mailing Address:_____	Mailing Address:_____
_____	_____
Phone Number:_____	Phone Number:_____

2. PROPERTY

a. Street Address:_____ b. Tax map key:_____

c. Lot size:_____ d. Present use of property and/or buildings:_____

_____

e. Zoning District:_____

3. PROPOSED DEVELOPMENT

a. The following information is hereby submitted:

(1) A scale plan of the property showing property lines, existing development and contours and, if the property lies on the shoreline, a shoreline survey certified by the State Surveyor.

(2) A description of the proposed development in terms of (a) what is it you propose to develop, and (b) what do you seek to accomplish by developing in the manner proposed.

(3) A description of the technical, economic, social and environmental characteristics of the proposed development and their effect on the coastal zone.

(4) An estimate of the total cost or fair market value of the proposed development.

b. The following data as checked is submitted to further clarify the development proposal:

( ) Location of proposed improvements.

( ) Building dimensions and setbacks from property line.

( ) Parking layout, dimensions and total number of stalls.

( ) Existing street, street names and diagram showing vehicular and pedestrian access to the proposed project and to any adjacent beach areas.

( ) Contours at suitable vertical intervals of the finished conditions to be achieved by any proposed grading to be shown by contours, spot elevations or other means. Elevations shall be marked on the site plan.

( ) Description of existing and proposed view corridors and planes from the nearest public right-of-way makai through the development.

( ) Building elevations and sections with dimensions including building heights meeting the appropriate district height requirements.

( ) Building sizes, appearance and form with sketches and perspective.

( ) Specifications or actual sample of exterior finish, texture, material and color for exterior, roof, and all exterior finishes.

( ) Any special provisions which are necessary for the disposal of sewage and for accommodating surface drainage from the development.

4. SIGNATURE

_____ or _____

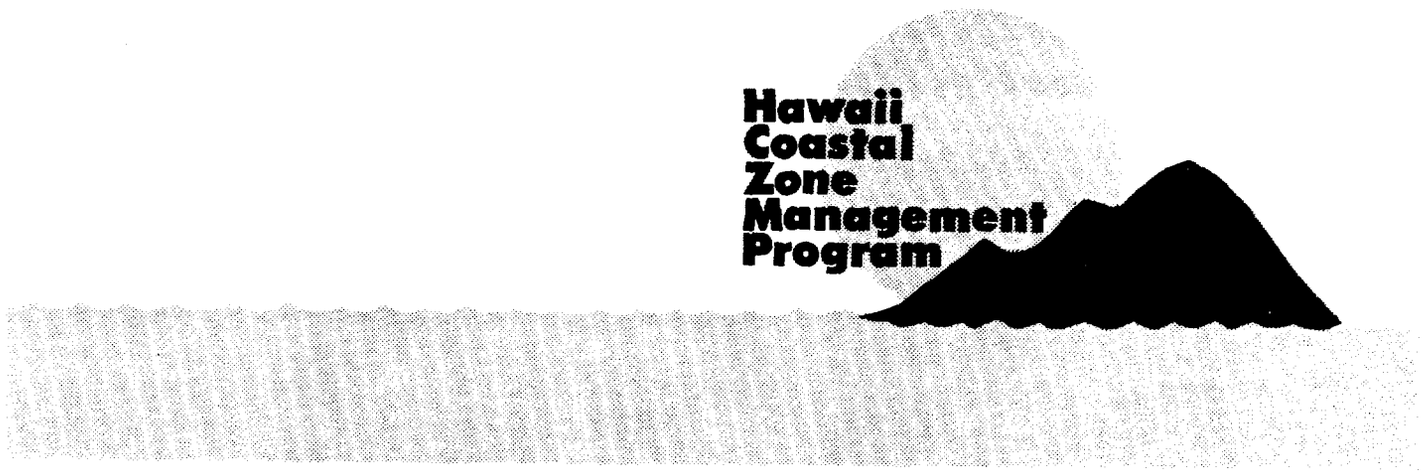
Recorded Owner | Authorized Agent

_____ _____

Date | Date

APPENDIX 13

FEDERAL LICENCES AND PERMITS SUBJECT TO FEDERAL CONSISTENCY REVIEW



FEDERAL LICENSES AND PERMITS SUBJECT TO CERTIFICATION FOR CONSISTENCY

Within the State of Hawaii, the following Federal agency licenses and permits will be subject to the certification process for consistency with the management program under Section 306(c)(3), if the activity being licensed or permitted affects land or water uses in the coastal zone:

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 applications under the Clean Air Act of 1970 as amended.

Department of Transportation - U.S. Coast Guard:

- Permits for construction of bridges under 33 USC 401, 491-507 and 525-534.
- Permits for deepwater ports under the Deepwater Port Act of 1974 (P.L. 93-627).

Department of Transportation - Federal Aviation Administration:

- Permits for construction and operation of airports.

Department of Agriculture:

- Permits for water plants, dams, canals, etc., under 16 USC 497.
- Permits for construction of hotels, etc., on National Forestry Service lands under 16 USC 497.

Department of Commerce - Office of Ocean Management and National Marine Fisheries Service:

- Permits within Marine Sanctuaries under 33 USC 1401-1444.
- Permits for taking or importing marine mammals under 16 USC 1374.

Department of the Interior - Bureau of Land Management - U.S. Geological Survey:

- Permits and licenses required for drilling and mining on Outer Continental Shelf Lands (BLM).
- Permits and approvals of exploration and operating plans pertaining to the extraction of leasable minerals (USGS).

Department of Energy - Federal Energy Regulatory Commission:

- Licenses for construction and operation of hydroelectric generating projects including primary transmission lines.
- Permits and licenses for construction and operation of facilities needed to import, export, or trnasship natural gas.

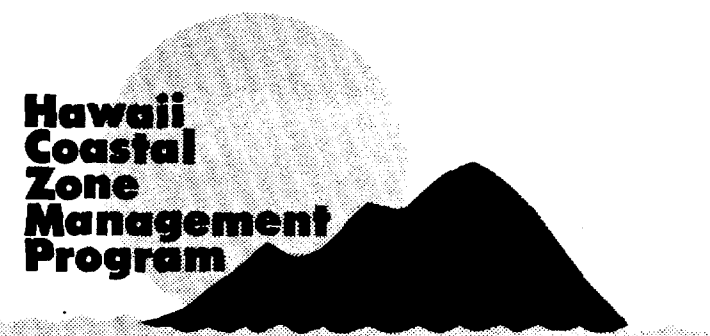
Federal Activities Outside the Coastal Zone but Requiring a Federal Consistency Determination:

- Federal activities in forest reserves which disturb land and water resources.

This listing has been intentionally limited to those permits where the Federal license or permit may significantly affect coastal land and water uses. This is desirable to minimize the administrative burdens on the governmental entities as well as the applicant. If it is found that the issuance of other Federal permits and licenses causes significant effects on coastal land and water uses, the consistency requirements will be applied to those permits or licenses through administrative addition to the list above.

APPENDIX 14

FEDERAL FINANCIAL ASSISTANCE PROGRAMS SUBJECT TO CONSISTENCY REVIEW



FEDERAL FINANCIAL ASSISTANCE PROGRAMS[1]

Federal Grants, Loans and Guarantees in the Coastal Zone[2]

1. Grants for Planning and Management

AGRICULTURE

*	Rural development planning grants

COMMERCE

11.302	EDA planning assistance
11.418	NOAA CEIP grants

DEFENSE

12.600	Community economic adjustment

HEALTH, EDUCATION & WELFARE

13.206	Areawide comprehensive health planning

HOUSING & URBAN DEVELOPMENT

14.203	Comprehensive planning assistance
14.702	State disaster plans and programs

INTERIOR

15.401	Outdoor recreation State planning
15.904	Historic preservation

TRANSPORTATION

20.103	Airport planning grants
20.205	Highway research, planning and construction
20.505	Urban mass transportation studies grants

WATER RESOURCES COUNCIL

65.001	Water resources planning

ENVIRONMENTAL PROTECTION AGENCY

66.001	Air pollution control program grants (planning)
66.005	Air pollution survey and demonstration
66.302	Solid waste planning grants
*	Areawide waste treatment planning and water quality implementation plans (Sec. 208)
*	Statewide continuing planning process for water pollution control

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[1] Source: Modification of information from a report by Harold F. Wise, et.al., A Handbook For The Coastal States (Washington: OCZM, 1975).

[2] Reference numbers are from OMB classification. An asterisk means that a number has not been assigned yet.

2. Grants for State, Local and Private Development

AGRICULTURE

10.409	Irrigation, Drainage, and Other Soil and Water and Conservation Loans
10.414	Resource conservation and development loans
10.418	Water and waste disposal systems for rural communities
10.419	Watershed protection and flood prevention loans
10.901	Resource conservation and development
10.904	Watershed protection and flood prevention (Exception: small projects costing under $7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems.)
	Rural Development Act of 1972 -- loans and grants for essential rural community facilities (Sec. 104), rural industrialization assistance (Sec. 118), watershed protection and flood prevention (Sec. 201 e, f, g), water storage facilities (Sec. 301)

COMMERCE

11.300	EDA grants and loans for public works and development facilities
11.304	EDA public works impact projects
11.407	NOAA commercial fisheries research and development
11.411	NOAA fishery cooperative service
*	NOAA grants to purchase and operate estuarine sanctuaries under Coastal Zone Management Act of 1972
11.501	Maritime development and promotion of ports and intermodal transport systems
11.508	Maritime capital construction fund

DEFENSE

12.101	Corps beach erosion control projects
12.102	Corps flood control works and Federally-authorized coastal protection works, rehabilitation
12.105	Corps protection of essential highways, highway bridge approaches and public works
12.106	Corps flood control projects
12.107	Corps navigation projects
12.108	Corps shagging and clearing for flood control
12.109	Corps shagging and clearing for navigation

HOUSING AND URBAN DEVELOPMENT

14.207	New communities--loan guarantess
14.211	Surplus land for community development
14.307	Urban renewal projects
14.607	Public housing--modernization of projects
14.701	Disaster assistance

INTERIOR

15.400	Outdoor recreation--acquisition and development
15.501	Irrigation 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	Sport fish management
15.609	Wildlife enhancement
15.610	Wildlife research information
15.611	Wildlife restoration
15.904	Historic preservation

TRANSPORTATION

20.102	Airport development aid program
20.201	Forest highways
20.204	Highway beautification-landscaping and scenic enhancement
20.209	Public lands highway
20.500	Urban mass transportation capital improvement grants
20.501	Urban mass transportation capital improvement loans

TREASURY

*	General revenue sharing

ENVIRONMENTAL PROTECTION AGENCY

66.001	Air pollution control program grants
66.015	Construction grants for wastewater treatment works
66.017	Water pollution control-State and interstate program grants
66.504	Solid waste research grants
66.505	Water pollution control demonstrations
66.000	Environmental protection-consolidated program grants
*	Programs under Federal Water Pollution Control Act Amendments of 1972

3. Operational, Service and Research Grants

AGRICULTURE

10.902	SCS soil and water conservation
10.903	SCS soil surveys
10.906	River basin surveys and investigations

COMMERCE

11.303	EPA technical assistance
11.417	NOAA sea grant
11.400	NOAA geodetic control surveys
11.401	Nautical charts and related data (NOAA)

DEFENSE

12.100	Corps aquatic plant control
12.104	Corps flood plain management service

HOUSING AND URBAN DEVELOPMENT

14.214	Urban systems engineering demonstration grants
14.216	Governmental management--technical assistance and information services

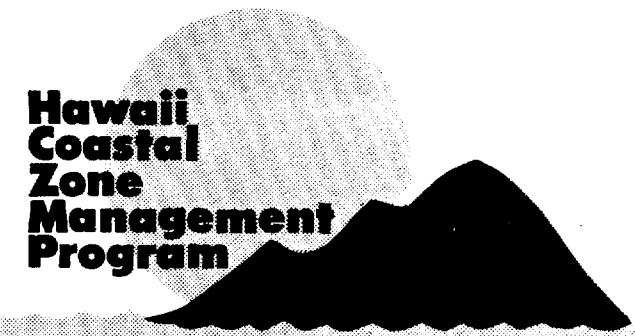
INTERIOR

15.800	USGS geologic and mineral resource surveys and mapping
15.801	USGS map information
15.802	USGS minerals discovery loan program
15.803	USGS topographic surveys and mapping
15.804	USGS water resources investigations
15.950	OWRR additional water resources research
15.951	OWRR water resources research-assistance to States for institutes
15.952	OWRR water resources research-matching grants to State institutes
15.953	OWRR water resources scientific information center

NATIONAL SCIENCE FOUNDATION

47.036	Intergovernmental science and research utilization
*	Research applied to national needs (RANN) program

ATTACHMENT A
PROGRAM DEVELOPMENT



PROGRAM PURPOSES

Six independent purposes were articulated in Hawaii's initial program development grant application. These were:

1. Preserve and improve the quality of the marine and coastal environment for recreation, the conservation of natural resources, aesthetics, and the health and social well-being of the people of Hawaii.
2. Promote the orderly growth of commerce, industry and employment in the coastal zone as it proves to be compatible with the above goal.
3. Promote the orderly and responsible use and development of coastal and marine resources.
4. Encourage the effective use of scientific and engineering resources of public and private agencies affecting coastal zone management activities in the State.
5. Promote the cooperation and coordination of governmental bodies and public or private organizations in developing related public policy.
6. Provide an overview of the complicated interrelationships between land use and the marine environment as they apply to a statewide coastal management system.

WORK PROGRAM

These purposes were to be addressed in a work program that was described previously as being based upon six program elements: boundary alternatives, permissible land and water uses, geographic areas of particular concern, land and water use control mechanisms, priority of uses, and organizational structure. The three-year work program that was designed to accomplish these work elements is shown as Table A . The second column gives a summary of the program tasks related to each program element. The remaining columns indicate the phasing of the three-year program and the primary participants in the work elements.

The multi-phasing of the program development has generally remained on time as shown in Table A . As can be seen, the culmination of the work program was in FY 76-77 in which a series of products were generated. These products were essentially the identification of specific coastal problems to be treated and a policy options examination which together would lead to a policies plan and implementing legislation. (See Tables B and C). All of these products were presented to the Hawaii CZM advisory groups for deliberation and modification. (See Attachment B on the Public Awareness and Involvement Program and Figure A.

Three major products resulted from this process which form the core of the management program. The Policies Plan (see Attachment C), based on a policy option paper that dealt with issues regarding the coastal zone boundary, lead agency, control mechanisms, and seven papers

HAWAII COASTAL ZONE MANAGEMENT FOUR-YEAR OVERALL WORK PROGRAM DESIGN

PROGRAM ELEMENT	SUMMARY OF MULTI-YEAR WORK PROGRAM TASKS	PHASING OF MULTI-YEAR TASKS[1]	FISCAL YEARS[2] 74-75 75-76 76-77 77-78	RELATION TO SECTION 306 APPROVAL CRITERIA
920.11 Boundaries of the Coastal Zone	Analysis of inland boundary alternatives.	1st year (and 2nd year)[2]		923.11(a)(1 and 3)
	Recommendations for implementation.	2nd - 4th year		923.11(a)(1)
	Final boundary determination and adoption.	2nd - 4th year		923.11(a)(1)
920.12 Permissible land and water uses which have a direct and significant impact on coastal waters	Description and analysis of uses permitted by Federal, State and local laws and ordinances.	1st - 4th year		923.11(a)(4), 923.44(a)
	Inventory, mapping and categorization of land and water uses.	1st year and ongoing		923.11(a)(3 and 4), 923.12(a)(2)
	Collection, development and application of criteria and measures assessing the use changes and impacts on the coastal zone environment.	1st year and ongoing		923.12(a)(1), 923.12(a)(3 and 4), 923.15(a)
920.13 Geographic areas of particular concern	Development of basic data, analyses and criteria necessary to identify specific geographic area of particular concern.	1st - 3rd year		923.13(a)
	Inventory and identification of areas of particular concern.	1st year (and ongoing)		923.13(a)
	Designation of areas of particular concern.	2nd or 3rd year and ongoing		923.13(a)
	Inventory, identify, survey estuarine sanctuaries and other environmentally sensitive areas.	1st year and ongoing		923.16(a)
920.14 Means of exerting State control over land and water use	Legal analysis of alternative land and water use control mechanisms to include consideration of relevant constitutional provisions, legislative enactments, regulations, and pertinent judicial decisions.	1st year (and ongoing)		923.11(a)(1 and 2), 923.17(a), 923.21(a), 923.25(a), 923.26(a)
	Implementation of recommended changes in existing laws, policies and practices to comply with the implementary provisions of the National CZM Act.	2nd or 3rd year and ongoing		923.11(a)(1 and 2), 923.21(a), 923.25(a), 923.26(a)
920.15 Designation of priority uses within specific geographic areas throughout the coastal zone	Determination of State and County interests, priorities, and objectives in the preservation, conservation, and orderly development of specific areas within the coastal zone.	1st year (and ongoing)		923.14(a), 923.31(a)(2), 923.32(a)(1), 923.44(a)
	Integration of the above results with State and County planning and decision-making processes and related CZM Program tasks.	2nd year and ongoing		923.14(a), 923.31(a)(2), 923.32(a)(1), 923.44(a)
920.16 Organizational structure to implement the management program	Management and institutional analysis of CZM organizational options and structures, methods of public participation, and methods of State CZM program adoption.	1st year (and ongoing)		923.22(a), 923.23(a), 923.24(a), 923.25(a), 923.26(a), 923.31(a) (1 and 3), 923.32(a)(2 and 4), 923.41(a), 923.42(a), 923.44(a)
	Implementation of recommended changes.	2nd or 3rd year and ongoing		923.22(a), 923.23(a), 923.24(a), 923.25(a), 923.26(a), 923.31(a) (1 and 3), 923.32(a)(2 and 4), 923.41(a), 923.42(a), 923.44(a)

[1] 1st year = FY 1974-75
2nd year = FY 1975-76
3rd year = FY 1976-77
4th year = FY 1977-78

▬▬ = Ongoing

[2] Modifications to the Overall Program Design are represented by the dotted lines and parenthesis.

HAWAII CZM
PLANNING PROCESS AND PRODUCTS

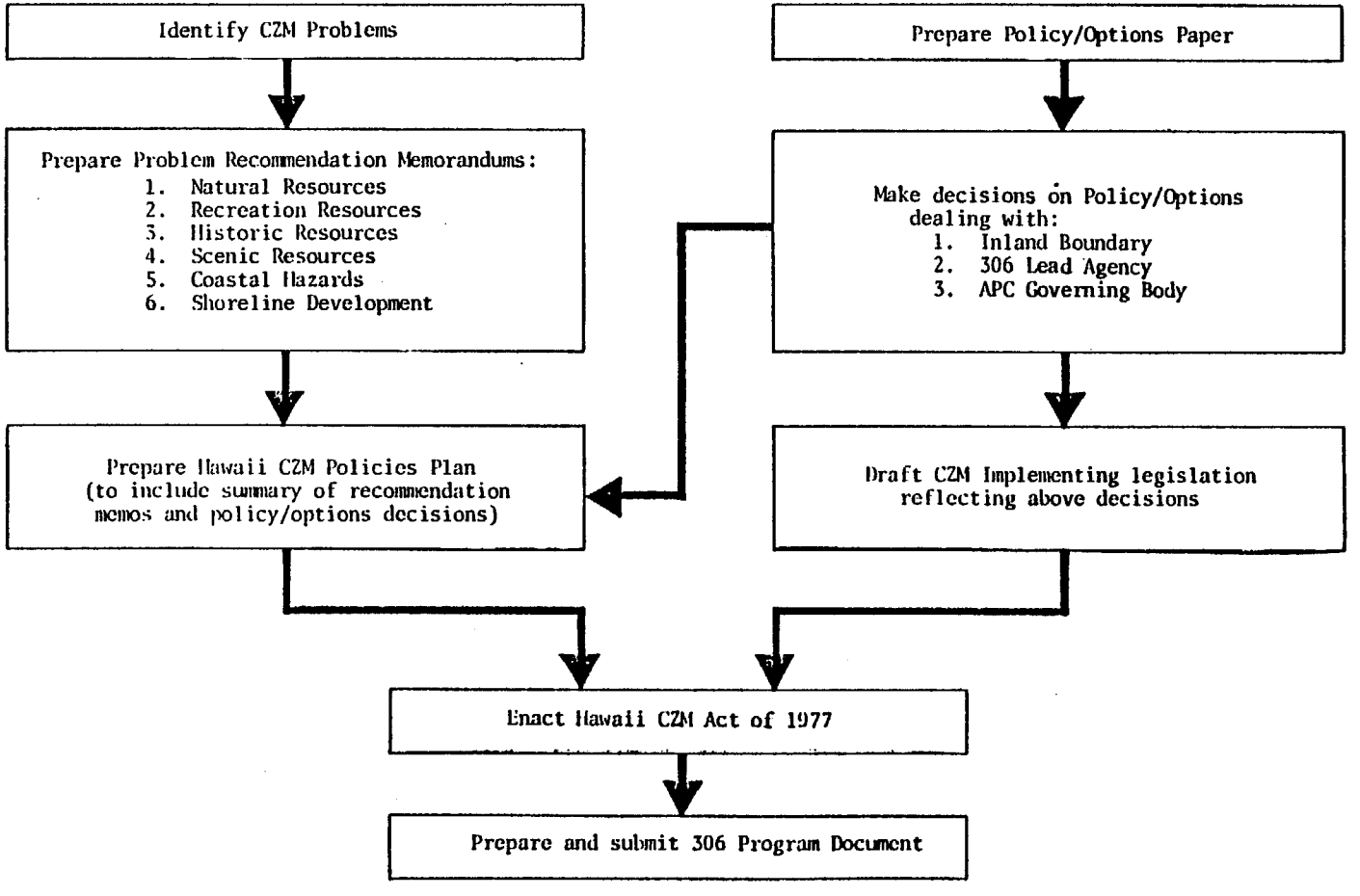


Table B

TABLE C

HAWAII CZM PROGRAM: MAJOR ACTIVITIES TIME CHART

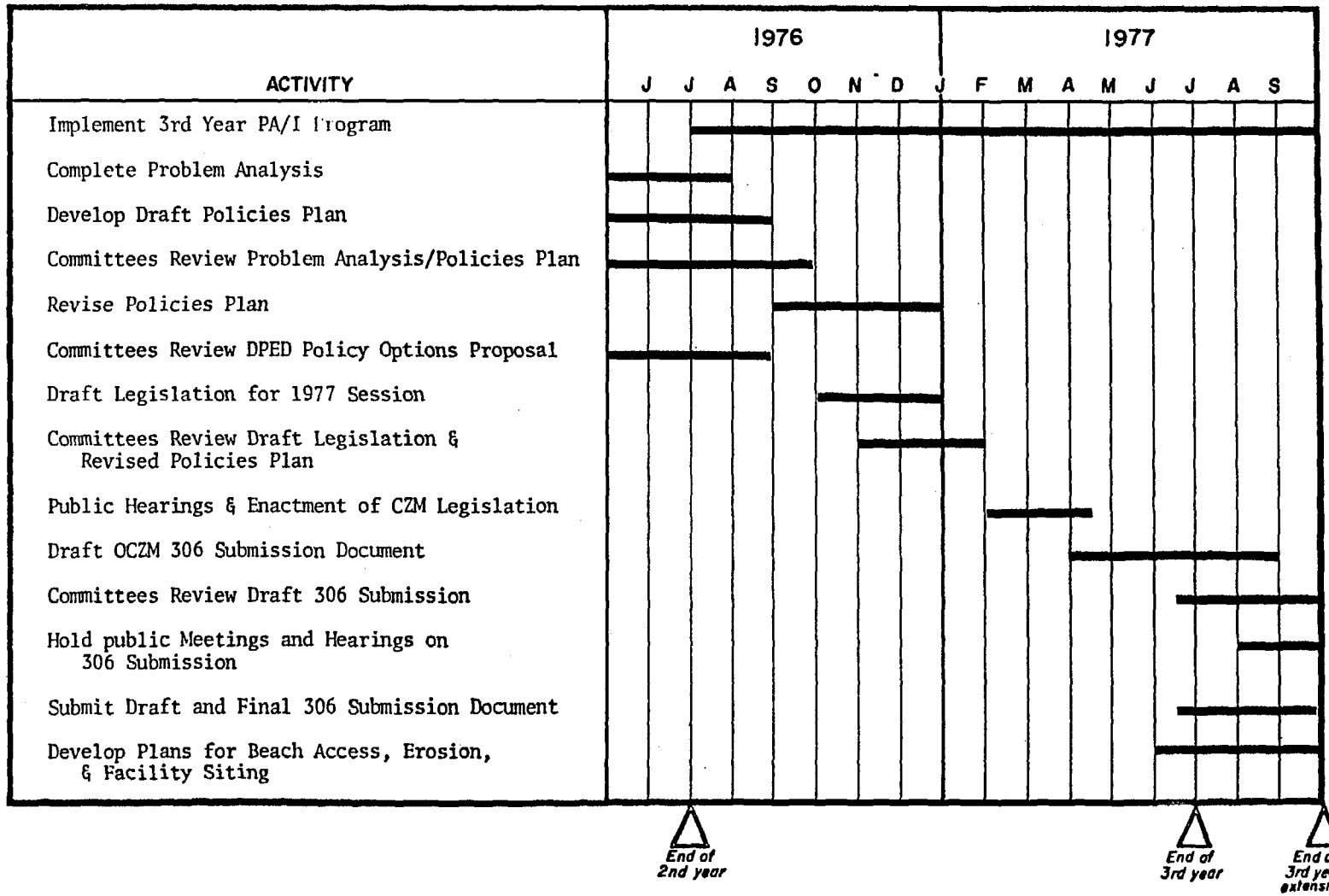
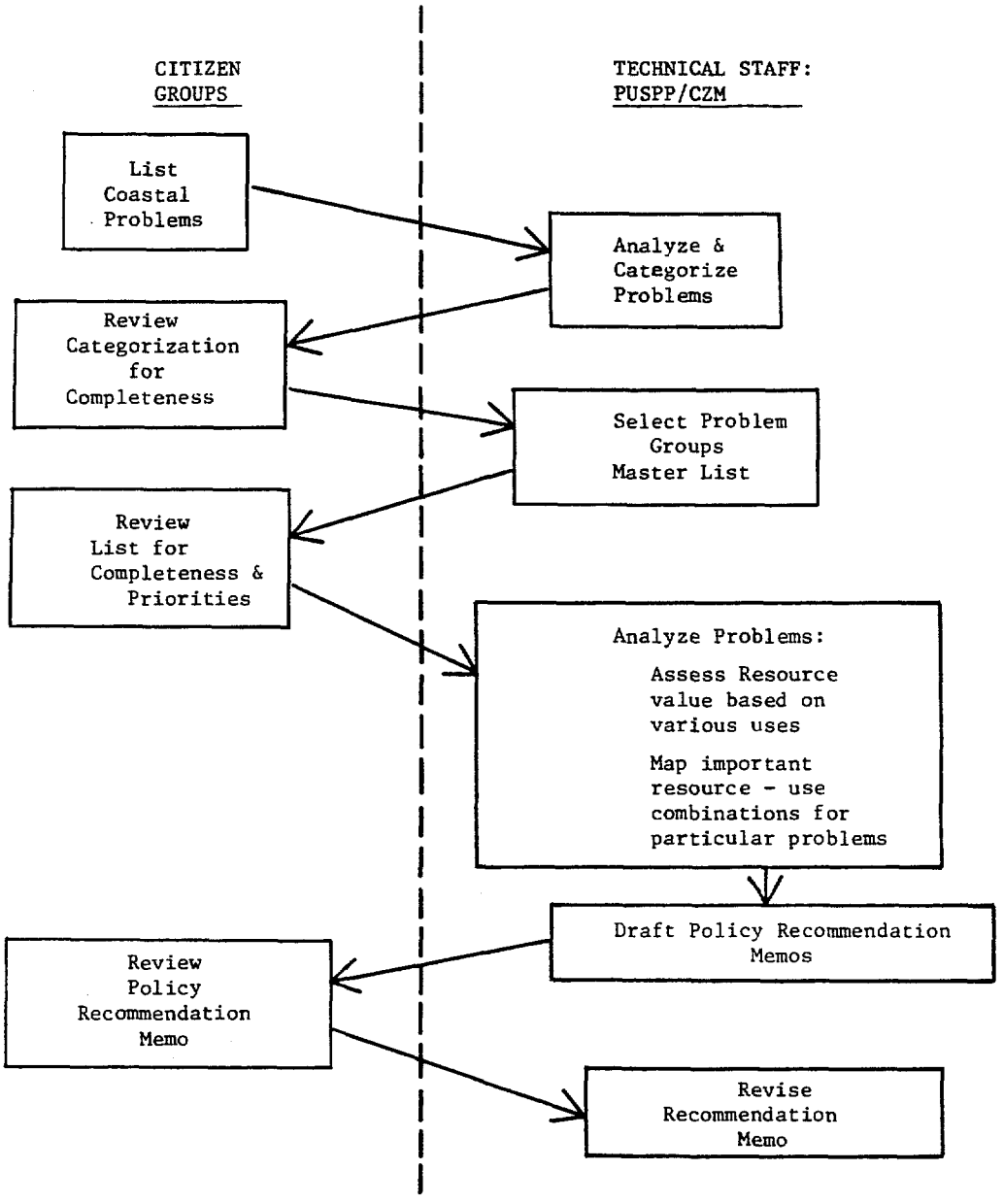


Figure A

TECHNICAL POLICY RECOMMENDATIONS:
INFORMATION FLOW BETWEEN CITIZEN GROUPS & TECHNICAL STAFF

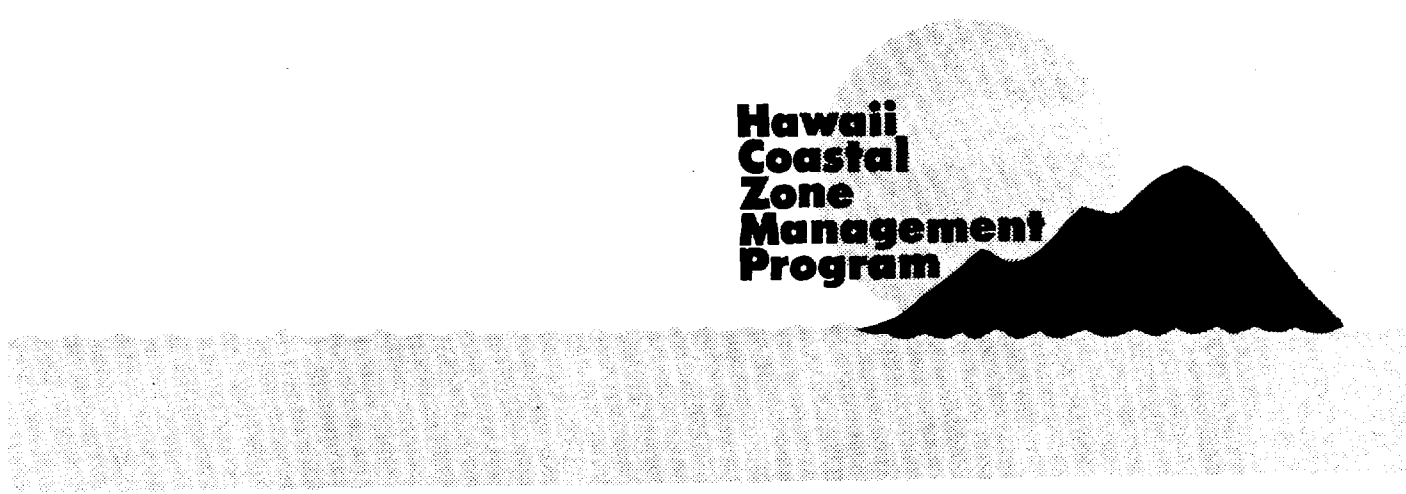


which analyzed in detail problems identified by the citizens groups. The Hawaii CZM Act of 1977, shown in Appendix 1, resulted from the draft legislation that was developed from the policies plan.

Most of the technical work that led to these products (Policies Plan, Policy Options Paper - boundary, lead agency, control mechanisms, and so on, 1977 CZM Act) was produced by the DPED staff and the CZM consultants. Attachment D presents a summary of the principal technical documents including a description of substantive aspects of the program to which they relate. The technical work provided much of the data and information that was needed for the formulation of the recommendations and proposals concerned with boundaries, permissible uses, geographic areas of particular concern, and priority of uses. The organization reports deal mainly with management structure and program implementation, as well as the Public Awareness and Involvement (PA/I) Program. Finally, the legal report analyzed and made recommendations pertaining to land and water use control mechanisms.

ATTACHMENT B

PUBLIC AWARENESS /INVOLVEMENT PROGRAM



PUBLIC AWARENESS/INVOLVEMENT PROGRAM

Hawaii has been conducting an extensive Public Awareness/ Involvement (PA/I) program to assure the citizens of the State full opportunity to participate in the development of the CZM program.

The major purpose of the Hawaii CZM Public Awareness/Involvement (PA/I) Program is to capitalize on the expertise of government and non-government persons and to achieve broad public acceptability and support for the Program by involving all appropriate State, County and Federal agencies as well as individuals citizens and special interest groups by:

1. Informing, educating and raising the overall public awareness with regard to CZM problems, issues and opportunities;

2. Facilitating discussion and dialogue between the public and DPED; and

3. Obtaining and considering public values, preferences and priorities on the multi-aspects and alternatives of Hawaii's CZM program, e.g., boundaries, land and water use controls, organizational options and structures, and their resulting impacts.

First Year Work Efforts

The Coastal Zone Management Advisory Committee, which was formed to assist in the preparation of the FY 1974-75 application, was composed of nine technical and governmental representatives whose agencies and organizations were certain to be involved in coastal zone planning. Prior to formation of this Committee, the DPED staff conducted indepth interviews with governmental, university, and research persons and others especially qualified in the planning and management of Hawaii's coastal environment. These interviews produced a wide variety of perspectives regarding the State's coastal zone problems, issues, and opportunities. As a result, most of these major concerns and issues were included in the FY 1974-75 application.

At this time, several PA/I related actions were undertaken through the CZM program:

1. A major paper describing sixty citizen participatory and information mechanisms was developed and several options were implemented;

2. The organization of State and Regional Citizen Advisory Committees was initiated in cooperation with the County Planning Departments and the Governor of the State of Hawaii; and

3. Public informational meetings and hearings were held on the designation of an estuarine sanctuary on the Island of Hawaii which enabled the CZM staff to obtain some indication of public and individual preferences and attitudes regarding environmentally sensitive areas.

In addition to these more structured activities, testimony was presented to the 1975 Hawaii State Legislature on the scope and status of the Hawaii CZM program. Extensive mass media coverage of this activity effectively served to generate wide public interest.

Second Year Work Efforts

During the FY 1975-76, the public awareness/involvement element of the Hawaii CZM program was conceptually structured to attain wide and effective coverage on public preferences and priorities within the constraints of the Program's resources. This was primarily accomplished through the establishment and use of advisory groups. Various mass media and communication techniques were also employed to support and reinforce this base in order to inform, educate and achieve overall awareness by the general public.

Hawaii CZM Advisory Groups

Appropriate government agencies were represented on the Policy Advisory Committee and by the Federal Advisory Contacts Groups, while individual citizens and special interest groups participated in the public meetings and proceedings of the Statewide Citizens Forum and Regional Citizens Advisory Committees. All of these bodies provided input directly to DPED which served as the primary coordinator and secretariat for their activities. This PA/I advisory group structure as shown in Figure A-1, allowed DPED to obtain maximum coverage of Hawaii's diverse publics and their respective viewpoints.

The Policy Advisory Committee is composed of representatives from the Hawaii Senate and House of Representatives, the four County Planning Departments, Honolulu Department of Land Utilization, and the following State agencies: Department of Health, Office of Environmental Quality Control, Department of Transportation, Office of Marine Affairs Coordinator, Department of Land and Natural Resources, and the Land Use Commission. Its function is to address policy and technical concerns of the CZM program from a State and local government perspective; to provide substantive input to the CZM program, including the drafting of appropriate implementing legislation; and to inform their respective agency staffs on progress of the CZM program. The Committee has met twenty-four times to date.

The Federal Advisory Contacts Group is composed of 48 local and regional Federal agency offices which are regularly informed of the progress of the CZM program. Their primary function is to provide input to DPED on all substantive program elements especially those relating to Federal lands, Federal agency activities, and the siting of facilities in the National interest. This input has been received by DPED not only at the eight formal meetings held in Honolulu to date, but also in written communications and legal opinions.

In addition, several Federal agencies provided technical assistance to the CZM program's consultants and to DPED staff in the preparation of the FY 1975-76 documents listed in **Attachment D. Over 50 contacts were** made with the following agencies:

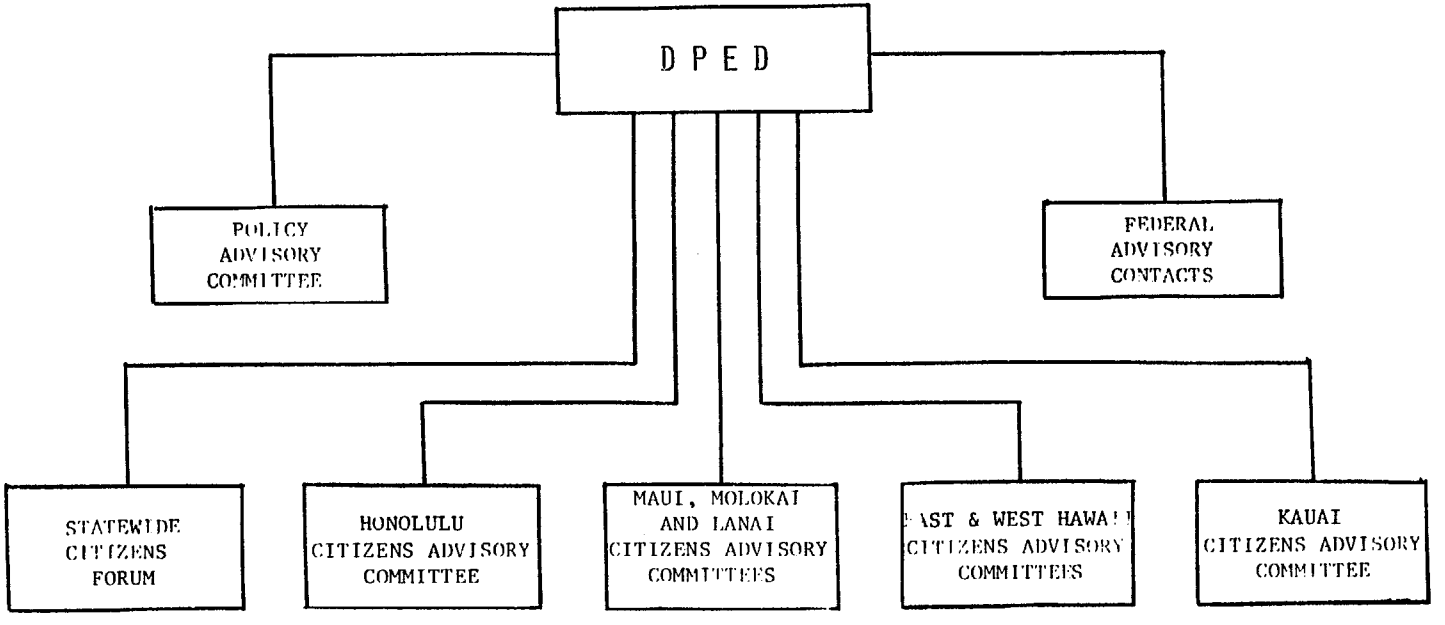
Federal Agency

Navy
Air Force
Coast Guard
Army Corps of Engineers
National Park Service
Department of Interior
Geological Survey
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Fish and Wildlife Service
Sea Grant Marine Advisory Program
Forest Service
Department of Housing and Urban Development
Flood Insurance Administration
Civil Defense
Environmental Protection Agency

FIGURE B

COASTAL ZONE PUBLIC AWARENESS AND INVOLVEMENT PROGRAM

COMMITTEE ORGANIZATION



National Aeronautics and Space Administration
Federal Aviation Administration
Federal Communications Commission
General Services Administration
Postal Service

The Statewide Citizens Forum includes members from various statewide interest groups and the Chairmen of the Regional Citizens Advisory Committees as shown in Table A-1. It is a representative body of many diverse and comprehensive interests. The primary function of this group is to review the content and progress of the program and to determine citizen preferences and priorities from a statewide perspective. To date, the Forum has met officially 51 times.

The Regional Citizens Advisory Committees are composed of representatives of the general public from seven major areas of the State - Oahu (Honolulu), Kauai, East Hawaii, West Hawaii, Maui, Molokai, and Lanai - and were organized and serviced by the County Planning Departments and DPED. The DPED provided funds for five County liaison persons to aid in this effort. The purposes of these Committees were to review the content and progress of the CZM program, to determine citizen preferences and priorities from a County perspective, and to advise DPED on the PA/I program as it applied to each County.

In November 1975, a workshop was held in Honolulu to which all Regional Advisory Committee members were invited. Presentations were made by DPED, the Hawaii CZM program consultants, and by the National Office of Coastal Zone Management as well as by the Chairmen of the Statewide Citizens Forum and the Policy Advisory Committee. Introductory material was presented to the citizens and committee roles and directions were discussed.

The regional committees began meeting on a regular basis soon after the workshop. As of this date, the East and West Hawaii Committees have each met 23 times. The Kauai Committee has met 23 times, the Lanai Committee 19 times, the Molokai Committee 18 times, the Maui Committee 23 times, and the Honolulu Committee 38 times.

The membership of the entire PA/I committee structure is shown in Table A-2. The number of meetings listed by general discussion purposes for all groups in the PA/I program is summarized in Table A-3. Committees provided notice of meetings according to requirements of the State "Sunshine Law" (Ch. 92 HRS) and were open to the public. Public attendees were encouraged to participate in the meeting discussions.

Public Awareness

Public awareness of the Hawaii State CZM program was encouraged by DPED in FY 1975-76 by the following:

1. Public Information Centers were established at regional libraries throughout the State.* A major information center is also part of the DPED library in Honolulu. A CZM information file at each center contains general introductory information on the National and State CZM programs; copies of the National and State laws and guidelines; copies of minutes of the Policy Advisory Committee, Statewide Citizens Forum and Regional Citizens Advisory Committee for that particular island. Copies of the Program's Summary Reports, Technical Reports and Supplements are also included.

* Hilo, Kailua-Kona, Lihue, Waimea, Lanai City, Kaunakakai, Lahaina, Wailuku, Kaimuki, Kaneohe, Pearl City, State Branch - Honolulu.

TABLE D

Hawaii Coastal Zone Management Program Statewide Citizens' Forum

Organizations Represented

Citizens' Advisory Committees for Honolulu, Kauai, Molokai, Lanai, Maui, East Hawaii and West Hawaii

Alexander & Baldwin
Aloha Association
American Institute of Architects
American Institute of Planners
American Society of Civil Engineers
American Society of Landscape Architects
Amfac Communities
Audubon Society
Bishop Estate
Bishop Museum
C. Brewer & Company
Campbell Estate
Castle & Cooke, Incorporated
Chamber of Commerce of Hawaii
Common Cause
Congress of Hawaiian People
Conservation Council for Hawaii
Construction Industry Legislative Organization
Council of Presidents
Environmental Educational Association of Hawaii
General Contractors Association
Hawaii Carpenters Union
Hawaii Council of Dive Clubs
Hawaii Government Employees Association
Hawaii Hotel Association
Hawaii Marine Association
Hawaii Public Health
Hirano Brothers, Limited
Home Builders Association of Hawaii
League of Women Voters of Hawaii
Life of the Land
Mike McCormack Realtors
Oahu Development Conference
Outdoor Circle
Shoreline Protection Alliance
Sierra Club
Soil Conservation Society of America
Tax Foundation of Hawaii
United Public Workers
Windward Action Group

TABLE E

ADVISORY GROUPS MEMBERSHIP

EAST HAWAII CITIZENS ADVISORY COMMITTEE: Ken Griffin (Chairman), Ernest Bouvet, Danielle Fellows, John Fernandez, Don Hashimoto, Dorothy Hirawatari, Peter Haunaia, Roland Kaneshiro, Bill Reich, Yukio Shiigi, Richard Yamada.

WEST HAWAII CITIZENS ADVISORY COMMITTEE: Pete L'Orange (Chairman), Ed Crook, Serge D'Rovencourt, Pete Hendricks, Roy Honda, Bob Iwamoto, Dan Johnson, Walter Kahiwa, Masayoshi Onodera, Francis Schobel, Elizabeth Von Beck, Takeo Wakida.

HONOLULU CITIZENS ADVISORY COMMITTEE: Donald S. Bowman III (Chairman), Arthur Akinaka, Pearl Bates, Robin Camara, Phyllis Fox, Fred Gross, Donald R. Hanson, Ruby Hargrave, Dennis Hiu, Harold S. Levy, Jr., Hazel Malmbeck, Creighton Mattoon, Snookie Mello, Stan Mersberg, John Moriyama, Lawrence S. Okinaga, Stanley Sumida, Peter Tagalog, Huston Eubank.

KAUAI CITIZENS ADVISORY COMMITTEE: John Arzadon (Chairman), Potenciana Augustin, Nick Beck, Philip F. Conrad, L.A. Faye, Jr., Yukitoshi Inouye, Richard Iwamoto, Richard Johnston, Yoshiko Kano, Bill Nesmith, Sally Netzer, Tetsuji Omoto, Bruce Sakimae, Elaine Taira.

LANAI CITIZENS ADVISORY COMMITTEE: Donald Rietow (Chairman), Secinando Buena, Robert Cushnie, Dean Del Rosario, Goro Hokama, Shiro Hokama, Solomon Kahoohalahala, Elaine Kaopuiki, Lawrence Kawasaki, Kenneth Sabino, Wallace Tamashiro.

MAUI CITIZENS ADVISORY COMMITTEE: Hannibal Tavares (Chairman), Colin Cameron, Jack Crouse, Stanley Gima, John Hanchett, Jr., Don Kimura, B. Martin Luna, Michael Minn, Rom Mizoguchi, Charles Ota, Shuji Seki, Charles Street.

MOLOKAI CITIZENS ADVISORY COMMITTEE: Clara Sabas (Chairperson), Fred Bicoy, E. Loy Cluney, Louis Hao, Patrick Kawano, Edith Lum, Alfred Oshiro, George Tamura.

STATEWIDE CITIZENS FORUM: Aaron Levine, Chairman (Oahu Development Conference), Dave Raney, Vice-Chairman (Sierra Club), Edward Aotani (Construction Industry Legislative Organization), Douglas Ah Leong (Congress of Hawaiian People), John Bedish (Soil Conservation Society of America), Hans Bertsch (Life of the Land), Charles Burrows (Conservation Council for Hawaii), Kenneth Chong (General Contractors Association), Richard Cox (Alexander and Baldwin), Julia Crane (Outdoor Circle), Gerald Daly (American Institute of Planners), Donna Duran (Council of Presidents), Mervin Gilliland (Amfac Communities), Warren Haight (Castle & Cooke, Inc.), R.L. Herberg (C. Brewer & Company), Marion Kelly (Bishop Museum), Valerie Humphries (Windward Action Group and Resource Center), Stanley Ito (Hawaii Carpenters Union), George Joy (United Public Workers), Clement Judd, Jr. (Hawaii Hotel Association), Harold Luscomb (Chamber of Commerce of Hawaii), Dorothy Marsh (League of Women Voters of Hawaii), John McAuliffe, Jr. (American Institute of Architects), Douglas Meller (Shoreline Protection Alliance), Mike Miura (Hawaii Government Employees' Association), James Morrow (Hawaii Public Health), Eddy Nagao (Home Builders Association of Hawaii), Jimmy Oshiro (Hirano Brothers, Ltd), Tom Papandrew (American Society of Landscape Architects), Joe Ramia (Development Association of Hawaii), Jim Shon (Common Cause), Fred Trotter (Campbell Estate), William Van Allen (Bishop Estate), Dick Van Horn (Hawaii Council of Dive Clubs), Bud Vuillemot (American Society of Civil Engineers), Joanne Yukimura (League of Women Voters of Hawaii), Chairpersons of East Hawaii, West Hawaii, Honolulu, Kauai, Lanai, Molokai, and Maui Citizens Advisory Committees.

POLICY ADVISORY COMMITTEE: Jacqueline Parnell, Chairperson (Department of Health), Ramon Duran (Department of General Planning, City and County of Honolulu), Sidney Fuke (Hawaii County Planning Department), Tosh Ishikawa (Maui County Planning Department), Honorable Richard Kawakami (House of Representatives), Honorable Jean King (Senate), Hideto Kono (Department of Planning and Economic Development), Libert Landgraf (Department of Land and Natural Resources), Richard O'Connell (Office of Environmental Quality Control), Brian Nishimoto (Kauai County Planning Department), Stanley Sakahashi (Land Use Commission), Douglas Sakamoto (Department of Transportation), Carl Smith (Department of Land Utilization, City and County of Honolulu), Stanley Swerdloff (representing Marine Affairs Coordinator).

The following Federal agencies and offices are invited to attend meetings as a Federal Contacts group:

U.S. Navy, U.S. Air Force, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Soil Conservation Service, U.S. Geological Survey, National Park Service, Hawaii Water Resources Regional Study, National Weather Service, Federal Aviation Administration, Department of Housing and Urban Development, Environmental Protection Agency, U.S. Forest Service, U.H. Environmental Research Laboratories, U.H. Sea Grant Program, National Marine Fisheries Service, Naval Undersea Center, Federal Energy Administration, General Services Administration, Bureau of Sport Fisheries and Wildlife, Division of River Basin Studies and Law Enforcement (Department of the Interior), U.S. Attorney's Office, Federal Highway Administration, Economic Development Administration, Maritime Administration, Federal Power Commission, and Department of Transportation.

TABLE F

Meetings By Purpose *

Advisory Group \ Discussion Topic	Grant Formulation	Technical Issues	Policy Plan	CZM Legis.	306 Approval Process	306 Draft Submission Document	Guidelines	Coordinated Permit Process
East Hawaii Citizen Advisory Committee	6	17	7	3	3	3	3	1
Lanai Citizen Advisory Committee	2	17	3	3	1	2	1	1
Honolulu Citizen Advisory Committee	5	25	6	5	2	4	1	1
Kauai Citizen Advisory Committee	6	11	3	2	4	5	2	5
Maui Citizen Advisory Committee	3	10	3	4	2	3	1	2
Molokai Citizen Advisory Committee	3	8	2	3	1	2	1	1
West Hawaii Citizen Advisory Committee	5	14	5	4	3	3	3	1
Statewide Citizen's Forum	9	23	4	6	2	7	7	2
Policy Advisory Committee	7	13	7	4	2	2	1	1
Federal Agency Contacts Group	3	3	1	1	1	1	1	1
Total	54	132	41	35	21	32	21	16

* Note: Several topics were often discussed in a single meeting.

2. Various newsletters carried information to the public on CZM. Both the U.H. Sea Grant Marine Advisory Program and the Oahu Development Conference featured articles on Coastal Zone Management. The Department of Planning and Economic Development regularly published updates of activities and program progress through its own newsletter. In addition, the information and public services office of DPED assisted in publicity efforts for program activities.

3. Visual presentations to various community groups, business groups, government agencies, and educational forums included the "CZM Hawaii" slide show and the film "This Is Your Coast" produced by OCZM NOAA. A more technical slide show on inventory mapping was initially presented at a Remote Sensing Data Seminar in March 1976.

4. DPED staff and County liaison presentations were made before such organizations as civic clubs, environmental groups, and community organizations. DPED staff persons also testified at State legislative hearings on matters of interest to CZM.

5. Advisory committee members appeared on TV and radio talk shows.

6. News articles were developed and released announcing meeting dates and agendas which also contained news on the overall CZM program.

7. Brochures and other publications on Coastal Zone Management were distributed as requested.

8. Marine-related curriculum developed by the University of Hawaii included material on Coastal Zone Management for use in Hawaii's public schools.

Third Year Work Efforts

Hawaii CZM Advisory Groups

The level of involvement of all CZM advisory groups increased during FY 1976-77 as each group continued to review, advise and impact upon grant formulations; technical issues, such as boundaries, organization, and legal controls; policy plan development; proposed legislation; and the draft Hawaii CZM Program Submission Document. In addition to regular meetings, the advisory groups participated in the CZM program as follows:

1. The Kauai and Honolulu Regional Citizens Advisory Committees conducted public information meetings on their respective islands to assist them in developing problem lists and reviewing recommendation memos.

2. All groups including Federal agency representatives participated in an Advisory Committees Workshop on the Draft Policy Plan held in Honolulu in September 1976. Published proceedings of the workshop included summary comments of the over 100 participants on the proposed policies.

3. Federal agencies serving with DPED on the local Federal Executive Board established a sub-committee on Coastal Zone Management.

4. The Statewide Citizens Forum, which includes the Chairmen of the Regional Citizens Advisory Committees, drafted amendments to the proposed CZM objectives and policies. It was this amended version which was adopted in toto by the State Legislature.

5. Members of the Regional Citizens Advisory Committees, the Statewide Citizens Forum, and the Policy Advisory Committee testified before the State Legislature on pending CZM legislation and were instrumental in the successful passage of the Hawaii CZM Act of 1977.

6. Individual members of the Policy Advisory Committee and the Federal Contacts Group, as well as their agency staff persons, met personally with DPED staff and consultants to provide information, opinion, and reactions to the progress of CZM program formulation. More than 20 written comments on the draft Program Submission Document were received from various Federal agencies.

7. In conjunction with individual advisory group review of the draft Program Submission Document, a workshop was held in August 1977 to enable Federal, State and County agency representatives, State legislators, members of special interest groups and citizens from throughout the State to interact with each other and with representatives of the Office of Coastal Zone Management on major program issues. A transcript of the workshop was prepared and made available to the general public.

Public Awareness

Public awareness efforts in FY 1976-77 emphasized not only the dissemination of information to the general public, but also expanded in scope to facilitate communication and feedback. The DPED contracted with the University of Hawaii Sea Grant Marine Advisory Program to prepare and publish a monthly newsletter. Coastal Zone News, which presently has a circulation of over 9,000 contains articles on CZM committee activities; information on National and State CZM related programs; and provides a forum for discussion of substantive issues. Letters to the editor are solicited to provide a means of responding to concerns of the general public. This supplements the DPED newsletter which has devoted much space to CZM matters.

A second slide show was prepared to explain the draft Policy Plan to the public. This was presented at the twelve public information meetings conducted on each major island during November and December of 1976. Comments and suggestions received at these meetings were considered in the final formulation of the Policy Plan and drafting of CZM legislation. Public service announcements advertising these meetings as well as sources of general information were carried on radio stations throughout the State. Advertisements were placed in State and local newspaper announcing the date, time, and location of the various meetings.

Several reports and related materials were prepared as part of the CZM program and were widely distributed or otherwise made available to the public. Furthermore, in order to reach the widest possible audience to present the basic CZM program objectives and policies as contained in the final Policy Plan, a special Sunday newspaper supplement was prepared and published in February 1977. This resulted in 240,000 copies of this report, included as Appendix 5, published by the Honolulu Advertiser and Star-Bulletin; 9,000 copies by the Kauai Garden Island; 13,000 copies by the Maui News; and 17,000 copies by the Hawaii Tribune-Herald; or a total publication and distribution of 279,000 copies. Newspaper articles subsequently published focused on the substantive elements of the proposed CZM legislation.

Fourth Year Work Efforts

Hawaii CZM Advisory Groups

Within the general context of continuing program review functions, Hawaii CZM Advisory Groups have provided input to DPED on revisions to the draft Program Submission Document, implementation guidelines, and the feasibility of a coordinated permit process.

With respect to the latter subject, the DPED has published a register of State, County and Federal permits necessary for development activities in Hawaii's coastal areas to facilitate public awareness of approval requirements and to assist in program efforts to coordinate government permit processes.

Public Awareness

In addition to public awareness activities such as Coastal Zone News, DPED cooperated with the League of Women Voters of Hawaii in their sponsorship of the "What Hawaii's Coastal Zone Means to Me" poster contest in public and private schools statewide. A traveling exhibit featuring winning posters has been presented to the DPED by the League of Women Voters for display in public areas throughout the State.

Summary

The DPED has made a concerted effort unique to Hawaii State government to provide information and solicit input from agencies, special interest groups, elected representatives, and the general public during the entire process of CZM program development. The formal involvement of over 200 individuals has meant large costs in terms of money, time, and effort. However, the quality of participation which has resulted from these expenditures and from an "open" planning process will undoubtedly assure the effective implementation of Hawaii's CZM program.

ATTACHMENT C

HAWAII CZM POLICY PLAN

Hawaii Coastal Zone Management Program Policy Plan

Hideto Kono
Director
Frank Shirotsuka
Deputy Director
Richard Poirier
CZM Program Manager

This special section is published by the State Department of Planning and Economic Development as part of its effort to keep the public informed of the development of the Hawaii Coastal Zone Management Program. For further information, write to: Hawaii CZM, State Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804; or visit the Department at 250 South King Street. You may also call the Department's Information Office, 548-4025.

CLEAR PUBLIC GOALS PROTECT IMPORTANT RESOURCES AND REDUCE NEEDLESS HAZARDS

The competition for use of Hawaii's shoreline — the near-shore waters and the near-shore land areas — is intense due to the valuable resources located in these areas. These same resources are often susceptible to irreversible damage if mistreated. Careless use of shoreland areas can also expose people to unnecessary risks from flooding or tsunami inundation.

Clear goals for management of resources and hazards may help us minimize the lost opportunities and needless risks that can result from haphazard use of our coastal treasures — the incomparable recreational, historic, scenic, and natural resources which make Hawaii world famous.

NATURAL COASTAL HAZARDS

Improper use of shorelands and upland areas expose man and property to needless risk.

The economic benefits of use of Hawaii's shorelands have encouraged the use of some areas with high risk of storm waves, flooding, subsidence, lava flows, and tsunami inundation. The results have been tragic and costly.

- Between 1950 and 1975, stream flooding in the state caused 22 deaths and over $13 million in damages.
- The 1960 tsunami in Hilo killed 61 people and destroyed 537 buildings, causing $22 million in damages.
- The combination of earthquake, locally generated tsunami, and subsidence of the Kalapana shoreline killed 2 people and caused over $3 million in damages.

Man's management of upland areas can also have a pronounced effect on the amount of flooding in lowland shoreline areas. For example, development activities in Kahaluu, Oahu, between 1965 and 1973 significantly increased flood hazards in the near-shore lowland areas, leading to predictions that flood heights that had previously been expected to occur only once every 50 years could now be expected every 25 years.

ECONOMIC DEVELOPMENT AND GOVERNMENT REGULATORY SYSTEMS

Economic development demands on shoreland areas often conflict with social and environmental interests.

Shoreline sites are essential for some economic uses and desirable for many others. Uses such as harbors, sewage treatment plants, power plants, resorts, fisheries, aquaculture operations, and oceanographic research establishments are impractical or impossible without easy access to coastal waters. Many of these developments are critical to Hawaii's well-being.

Often these economic uses have significant adverse physical, social, or environmental impacts which may fall most heavily on residents of the immediate area or on those who do not significantly benefit from the use. As a result, economic development of the shoreline is a significant cause of social conflict in Hawaii today. Decisions about the appropriate location of such uses have enormous implications both for the current economic health of the State and the long term attractiveness of the islands as a place to live and to visit.

Inefficient governmental regulatory systems interfere both with conservation of resources and with needed economic development.

A confusing, costly, time-consuming, and unpredictable permit process has resulted from the increasing proliferation of environmental and land development control requirements in Hawaii. Not only have the new controls placed severe burdens on developers, but in addition, the complex and uncoordinated way in which they are applied often has prevented accomplishing the sound environmental and social purposes for which they were designed.

The existing situation encourages public cynicism and apathy, lack of communication and cooperation, myopic and unpredictable decision-making, and expensive delays in the processing of permits.

HISTORIC RESOURCES

Valuable historic resources are being destroyed.

Hawaii's historic and cultural resources are important culturally and economically. They contribute to the collective understanding of what Hawaii is and to a unique vacation experience for our visitors.

Many land and water uses alter or permanently destroy archaeological resources in Hawaii, making the collection of scientific information or the preservation of valuable remains and artifacts impossible. (Between 1930 and 1960, 65% of the known archaeological sites on Oahu were destroyed.)

Not all sites need be preserved but recording the characteristics of the sites and preserving associated relics is imperative if archaeologists are to recreate the story of Hawaii's ancient past.

COASTAL WATER ECOSYSTEMS

Hawaiian coastal water ecosystems are threatened by extensive man-caused disruptions of natural conditions.

Coastal water ecosystems are valuable for a number of reasons. They are the basis of the recreational and commercial fishing business which grosses an estimated $18 million annually. They are central to much of the local way of life, especially on the Neighbor Islands. They are of great scientific interest and serve as a biological reservoir and a living museum of international significance.

Man-induced stresses on these ecosystems have resulted in serious resource losses including depletion of near-shore fish and other marine life; destruction of coral reefs and fish habitat; destruction of wetland habitat; depletion of sand resources; interference with natural sand movements; reduction of ground water and recharge areas; pollution of coastal waters; and destruction of near-shore land ecosystems.

RECREATIONAL RESOURCES, OPEN SPACE AND SCENIC VIEW PLAINS

Recreational resources are limited and under increasing demand.

Current trends threaten the capacity of Hawaii's coastal recreational resources to provide the quality of recreational experience that Hawaii residents and visitors expect to receive.

The demand for coastal recreation activities such as beach use or water sports is rising under the influence of population growth, tourism, and increased incomes and leisure time. At the same time, Hawaii's economic growth patterns have often caused reduced public access to the coast or damage to valued recreation areas.

Coastal open space is diminishing rapidly; scenic views are being disrupted by massive or ugly structures.

As the State Legislature declared in 1973, " . . . resort development is often scattered; the visual impact of new development is often ill considered; historic sites are often infringed upon; buildings of significant architectural, cultural or historical value are disappearing and injudicious development mars the scenic landscape which is Hawaii's priceless asset." (Act 119, 1973).

The quality of Hawaii's scenic resources is also degraded by the proliferation of litter in scenic and open space areas. Litter most noticeably occurs at popular scenic and historic sites, along beaches, and adjacent to the roadways that provide access to these areas.

An Overview of the Policy Plan

What Is a Policy Plan?

It is an outline of what should be done and why.

It explains what kind of rules will be made and when.

It explains how the rules will be enforced and who will enforce them.

It explains how the plan was developed, who participated, and how decisions about the plan were made.

It explains how the plan can be changed and updated.

The policy plan summarizes the proposed Hawaii Coastal Zone Management program and describes the processes and policies recommended for managing Hawaii's coastal zone.

Why Do We Need a CZM Plan?

Those of us who live in Hawaii regard the shoreline as a special place; a place for gathering food, for recreation and for contemplation and inspiration. We also recognize that the beaches, the coral reefs and the other physical and biological resources that make the shoreline a special place are part of our heritage — and part of our legacy to our children and to their children.

Those of us who live in Hawaii also recognize that these resources are irreplaceable or replaceable only at great cost. We know we must manage them carefully. We are beginning to understand the many ways in which human activities can degrade or deplete our precious resources or contribute to potentially destructive natural hazards. We are also beginning to understand how to insure that human activities do not needlessly deplete nor destroy valuable resources.

This accumulating knowledge and information about resource management can, if we choose to use it, help us prevent destruction of our shoreline areas. Careful management of our coastal resources will involve making choices, some of which are difficult and controversial. To the extent we can agree what we want to achieve and how we want to go about it, our task is made easier. This Policy Plan represents just such an attempt to build a consensus.

How Was The Plan Developed?

This plan was developed by the Department of Planning and Economic Development (DPED) and its consultants in cooperation with members of the Statewide Citizens' Forum, Citizen Advisory Committees on each island, agency personnel, resource experts and others. Financial support was provided by the State and by the National Oceanic and Atmospheric Administration, Department of Commerce, under the terms of the National Coastal Zone Management Act of 1972.

OBJECTIVES

- Provide coastal recreational opportunities accessible to all the people and assure that recreation activities are compatible with each other and with the conservation of coastal resources;
- Protect, preserve, and, where desirable, restore those historic and pre-historic resources in the coastal zone that are significant in Hawaiian and American history and culture;
- Protect, preserve, and, where possible, restore the quality of coastal scenic and open space resources;
- Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems;
- Provide for public and private facilities in the coastal zone and for improvements important to the State's economy which are consistent with social, economic, and environmental objectives;
- Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and lava flows; and
- Improve coordination of the development review process and improve communication and public participation in the management of coastal resources and hazards.

In developing the plan, members of the citizens' groups, agency personnel, resource experts and others identified major problems and concerns that need to be addressed in Hawaii's Coastal Zone Management program. A set of recommendation memos was developed — one each on problems in the management of historic resources, coastal ecosystems, scenic resources, recreation resources, shoreline development, and natural hazards. These memos outlined problem causes, detailed how Federal, State, and County agencies currently deal with the problems, and made specific recommendations as to how the existing management system could be changed in order to improve coastal resource management.

This plan summarizes the major points made in those six recommendation memos and incorporates many comments and recommendations made by members of citizen groups and agencies on those memos and previous drafts of this plan.

In a sense, Hawaii's coastal zone management plan will always reflect a degree of tentativeness. As we learn more, through experience and research, about how to manage our coastal resources, we will wish to incorporate such new knowledge in the plan. And as more citizens of Hawaii become involved in coastal zone management issues, we will want to elaborate upon this plan to reflect their concerns and insights. What is not tentative, what does not subsist simply on an interim basis, is the commitment to preserve, protect, develop and use Hawaii's coastal zone for the benefit of all Hawaii's people.

HOW IS THE PLAN ORGANIZED?

The major findings summarized in this plan lead to the objectives, problem statements, policies, and actions included in this plan.

The section on coastal resources contains the objectives for managing recreational, historic, scenic, and economic resources and coastal ecosystems. The section on coastal hazards contains the objectives for reducing threats to life and property due to natural coastal hazards. The section on managing development contains objectives for improving the processes for managing shoreline development.

Each of these three sections has three main parts: a statement of the objective, a set of policies for achieving the objective, and recommended implementing actions that provide further detail as to how the policies are to be implemented.

The final section outlines DPED's proposed management program for implementing the Coastal Zone Management (CZM) Program in Hawaii. This section makes it clear that most of the objectives in Hawaii's CZM Program can be achieved by building on to and coordinating with existing coastal management programs. No new agencies would be required.

COASTAL RESOURCES

Recreational Resources

Objective

- Provide coastal recreational opportunities accessible to all the people and assure that recreation activities are compatible with each other and with the conservation of coastal resources.

Government's basic problem is to keep up with recreational demand so as to maintain the desired quality of experiences and to insure that such experiences are readily accessible to the vast majority of the people. Three basic conditions affect the ability of governmental agencies to meet this challenge — agency efficiency, level of funding, and the level of support from governmental land use management processes. Unfortunately, Hawaii's existing recreational supply system is not efficient, adequately funded, or sufficiently supported by land use controls. Specific problems include:

1. *Insufficient or Inconsistent Funding* (e.g., insufficient funding to perform mandated operations or to acquire access and park areas, uncertainty about funding due to the lengthy justification process required to secure Capital Improvement Program (CIP) and operating funds, disruption of planning and operations by competing projects and funding processes);

2. *Lack of Information and Analysis* (e.g., inadequate statewide data on actual use of coastal areas and waters based on actual on-site observation, no statewide surveys conducted on-site to determine actual user satisfaction with existing conditions or desired changes);

3. *Insufficient or Inadequate Laws and Regulations* (e.g., existing water quality regulations and planning programs are insufficient to insure desirable recreational water quality conditions);

4. *Ineffective Performance* (e.g., inadequate statewide coordination, planning and implementation as a result of the funding, information, and regulatory problems mentioned previously, communication barriers, and jurisdictional confusion);

5. *Extreme and Costly Delays in the Development Review Process* (e.g., public agencies experience the same difficulties dealing with the maze of land and water use controls about which developers complain); and

6. *Lack of Public Awareness and Public Participation* (e.g., lack of State public information programs or public involvement in planning of State recreational resources development.)

Approach

In order to achieve the objective for management of coastal recreational resources, State, County, and Federal land and water management programs should:

1. Improve coordination and increase funding of the existing coastal recreation planning and management system.

2. Increase the extent and diversity of recreational opportunities in the coastal zone by protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas; by providing for an adequate supply of shoreline parks suitable for public recreation; and by providing adequate public access to and along all shorelines with recreational value, as needed.

3. Plan for and manage recreational activities as necessary to minimize recreational use and activity conflicts.

The following implementing actions represent necessary first steps to implement these policies:

POLICY 1— COORDINATION AND FUNDING

a. Consolidate recreational responsibilities by (1) transferring all State recreational responsibility to the Department of Land and Natural Resources (DLNR), or (2) transferring some State recreational programs, notably Department of Transportation's regulatory and program authority, from the State to the individual Counties, or (3) transferring all responsibility for outdoor recreation, on land and in the territorial waters, to the Counties.

b. Support research on recreational carrying capacity, resource user behavior and satisfaction, and man-made aids to natural resource use such as artificial reefs.

c. Provide a structure through the State Comprehensive Outdoor Recreation Plan to: determine on a regular basis State and County overall interests, priorities, and objectives, and prepare an annual coordinated legislative program, including operating budget and capital improvement program requests.

d. Support public participation in statewide recreation planning through public information and participation programs.

POLICY 2— DIVERSITY OF RECREATIONAL OPPORTUNITIES

a. Adopt feasibility and compatibility standards to minimize the impact of proposed land or water use on recreational resources and/or recreational activities.

b. Adopt standards in regulation or legislation specifying that special coastal resources, such as surf sites, sandy beaches, or reefs, are to be preserved or if destroyed or diminished by public or private development, be replaced when feasible or be adequately compensated monetarily.

c. Incorporate evaluation guidelines and feasibility and compatibility standards in existing or new State and County land and water controls.

d. Assist in the revision of Department of Health water quality standards, currently underway, so as to insure that the revised standards reflect recreational requirements and not simply the preservation of coastal water ecosystems.

e. Finance harbors, boat ramps, and other coastal recreational facilities involving high public expenditures per recreational user through increased user fees so as to make them more self-supporting than at present.

f. Establish a vigorous open space and access acquisition/maintenance program which includes (1) use of a special land purchase fund; (2) use of easements and rights-of-way; (3) park dedication requirements which occur earlier in the land reclassification process than at present; (4) nomination and promotion of additions to the National Park System (but only under conditions satisfactory to the State and the affected County); (5) acceleration of the State program to transfer excess Federal lands to the State for recreational purposes; and/or (6) expanded access to Federally controlled shorelands where appropriate for recreational use.

g. Affirm, through legislative and legal action if necessary, traditional public rights-of-way and access to shorelands.

POLICY 3— MINIMIZE RECREATIONAL USE AND ACTIVITY CONFLICT

a. Adopt evaluation guidelines which facilitate early identification of proposed activities which have the potential of adversely affecting special and unique coastal recreational resources such as surf sites, sandy beaches, coral reefs, and recreational fishing areas.

b. Enact legislation specifying that recreational uses requiring access to special coastal resources shall have precedence over other public uses of governmental lands in shoreline areas.

c. Provide a structure through the State Comprehensive Outdoor Recreational Plan to identify and resolve conflicts between agencies.

Historic Resources

Objective

- Protect and preserve, and, where desirable, restore those historic and pre-historic resources in the coastal zone that are significant in Hawaiian and American history and culture.

There are no insurmountable technical problems to assuring that at least some historical and pre-historical information is preserved before development activities obliterate the record of the past. A wide range of alternatives exists for saving this information, ranging from preserving very important sites to special archaeological "salvage" operations to recover relics and record the characteristics of sites that development activities cannot avoid destroying.

However, the present regulatory system is insensitive to the dimensions of the scientific and cultural loss occurring daily in Hawaii. Archaeological impact is viewed as a minor concern, and funding in the past has been inadequate to insure that the goals of the State historic preservation program could be met.

Specific management problems include:

1. *Lack of Information and Analysis* (e.g., maps and tax key information on known sites are not readily available to planners; the information on the State Inventory of Known Sites has not been analyzed to establish where areas of significant archaeological potential exist).

2. *Lack of Jurisdiction* (e.g., there is no provision in current law that insures protection of pre-historic archaeological resources located on private land that are not listed on the State Register of Historic Places).

3. *Lack of Compliance* (e.g., many areas under Federal control have not been surveyed in detail to determine if there are sites of archaeological value present as is required by Federal Executive Order 11593).

4. *Lack of Clear Guidelines* (e.g., there are no Statewide evaluation guidelines indicating when and where an archaeological impact evaluation should be done or what it should include; there are no feasibility and compatibility standards specifying what can be done to minimize the impact of development on archaeological resources or what requirements of quality or approach the minimum protection measure — the "salvage" operation — should be required to attain).

5. *Lack of Incentives* (e.g., current pressures make private historic preservation unattractive).

Approach

In order to achieve the objective for management of coastal historic resources, State, County, and Federal land and water management programs should:

1. Identify and analyze significant archaeological resources;

2. Maximize information retention through preservation of remains and artifacts or through salvage operations; and

3. Support State Goals for restoration, interpretation, and display of historic resources.

(For details on State Goals, **see Historic Preservation in Hawaii,** Vol. I, Hawaii Interim Preservation Plan, State of Hawaii Department of Land and Natural Resources, 1976.)

The following implementing actions represent necessary first steps to implement the policies listed above:

POLICY 1— SIGNIFICANT ARCHEOLOGICAL RESOURCES

a. Prepare maps indicating areas of high archaeological potential with the assistance of local residents, State and County agencies, and professional archaeologists.

b. Induce Federal agencies to survey Federal lands of high and moderate archaeological potential in accordance with the requirements of Federal Executive Order 11593. Priorities for the order of survey should be set in consultation with the State Historic Preservation Officer.

POLICY 2— PRESERVATION OR SALVAGE

a. Adopt and incorporate in existing governmental land use control processes State guidelines for archaeological impact evaluation and prepare maps to be used by planners, developers, and others in applying such guidelines.

b. Adopt feasibility and compatability standards which assure that the location, design, and construction of development provide for the preservation or conservation of historic resources.

POLICY 3— RESTORATION, INTERPRETATION, AND DISPLAY

a. Adopt State agency regulations and County ordinances to insure that archaeological "salvage" operations throughout the State meet minimal requirements of quality and consistency of approach.

b. Enact legislation to encourage private actions to locate, preserve, restore, and display archaeological resources.

Scenic And Open Space Resources

Objective

- Protect, preserve, and, where possible, restore the quality of coastal scenic and open space resources.

Scenic and open space resource conservation has not received top priority in past planning decisions in Hawaii. This is due at least in part to the apparent abundance of scenic beauty in Hawaii and to the complex and value-laden nature of the issue. Existing regulatory mechanisms at the Federal and State levels deal, for the most part, only incidentally with scenic and open space resources. As a consequence, governmental systems do not effectively protect valued resources and prevent needless damage.

Increased costs and litigation due to the proliferation of litter have been incurred by governmental agencies responsible for providing access to coastal areas. Litter problems also are a major impact which encourages landowners and residents to oppose increased access. Specific management problems include:

1. *Lack of Standard Analytical Methods* (e.g., because evaluating scenic impact is a matter of personal judgment and taste, clear and easily applied guidelines are difficult to produce. One result is that scenic impact often is left out because it cannot be quantified.)

2. *Lack of Clear Guidance* (e.g., there is no State level statement of political intent to protect specific visual resources. The absence of such a policy allows encroachment on important views and sense of open space.)

3. *Lack of Incentives for the Preservation of Visual Resources* (e.g., current economic pressures and the absence of incentives discourage private efforts to preserve scenic and open space resources.)

4. *Lack of Funding to Acquire and Manage Desirable Open Space* (e.g., The State Fund for the Environment established by the State Legislature in 1973 has never been funded.)

5. *Lack of Adequate Maintenance* (e.g., for a variety of reasons, litter and junk periodically pile up in shoreline areas.)

Approach

In order to achieve the objective for management of scenic and open space resources, State, County, and Federal land and water management programs should:

1. Identify valued scenic resources in the coastal zone.

2. Insure that new developments in scenic areas are compatible with their visual environment by designing and locating such developments so as to minimize the alteration of natural landforms and existing public views to and along the shoreline.

3. Establish a vigorous access and open space acquisition program and develop an active litter reduction campaign.

The following implementing actions represent necessary first steps required to implement these policies:

POLICY 1— IDENTIFICATION OF SCENIC RESOURCES

a. Develop Official County Registers of Scenic Resources (including scenic districts, open space areas, scenic sites, view corridors, and view planes) based on County plans, nominations from DPED, DLNR, and the public.

POLICY 2— NEW DEVELOPMENTS

a. Require a scenic impact evaluation for any action having significant impact on a resource listed in the Official County Register of Scenic Resources.

b. Develop experimental programs at the County level to involve the public in the design of the environment and the evaluation of projects.

c. Support County programs for the evaluation of projects.

d. Adopt guidelines requiring government agencies to evaluate and minimize negative impacts of projects or actions on scenic resources and open space areas.

POLICY 3— ACQUISITION PROGRAM AND LITTER REDUCTION CAMPAIGN

a. Affirm, through legislative and legal action if necessary, traditional public rights-of-way and access to shorelands.

b. Consider recycling, prohibition of non-returnable bottles and cans, enforcement of anti-litter and anti-dumping laws and ordinances, and programs to clean up areas where illegal dumping has occurred.

Coastal Ecosystems

Objective

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

A vast, complex array of Federal, State, and County laws, regulations, and programs governs the use of natural resources and land and water uses affecting resources. Under existing laws, no single process exists for coordinating the review of projects likely to have an impact on natural resources. The decision-making process applicable to a particular project depends on what resource is involved, where it is located, and what the specific project or use is.

Because of the ad hoc, uncoordinated nature of the present control system, the public interest in conservation of Hawaii's natural resources is often not adequately served and needless waste and expense are incurred by those in the private sector. Specific deficiencies include:

1. *Lack of Information and Analysis* (e.g., long-term trends in beach erosion and growth are not analyzed on a statewide basis).

2. *Insufficient or Inadequate Laws and Regulations* (e.g., fresh water and marine ecosystems receive little or no protection given the species-specific orientation of existing laws).

3. *Ineffective Enforcement or Performance* (e.g., agencies are often unable to do more than perform maintenance operations and cope with day to day crisis situations).

4. *Narrow Management Focus*, stemming from inadequate Environmental Impact Statement (EIS) requirements, lack of predictability of impacts, narrow interpretation of analytical requirements, and fragmentation of authority. The result is that decisions about proposed developments often do not take into account significant impacts on natural resources.

5. *Lack of Public Awareness, Interest, and Effective Public Participation* due to the confusing complexity of the process, the insensitivity of the process to valid conflicts, and extensive public cynicism and mistrust.

Approach

In order to achieve the objective for management of coastal ecosystems, State, County, and Federal land and water management programs should:

1. Improve the technical basis for existing State natural resource management systems.

2. Preserve coastal ecosystems of special biological or economic importance.

3. Insure that stream diversions and similar land and water uses with significant potential for disruption or degradation of coastal water ecosystems are minimized.

4. Promote water quantity and quality planning and management practices which reflect the tolerance of freshwater and marine ecosystems and prohibit land and water uses which violate State water quality standards and the State implementation plan for air quality.

The following implementing actions represent necessary first steps to implement these policies:

POLICY 1— NATURAL RESOURCE MANAGEMENT

a. Promote public participation in statewide natural resources management through public information and participation programs.

b. Support base line studies of natural resources and processes in coastal water ecosystems.

c. Develop and implement a comprehensive training program to improve natural resource planning and management skills in State and County government.

d. Evaluate and report on the effectiveness of past State and County conservation and preservation efforts.

e. Enact legislation to remedy indicated deficiencies in the management of coastal water ecosystems attributable to inadequate statutes.

POLICY 2— ECOSYSTEM PRESERVATION

a. Map valuable coastal ecosystem areas, with the assistance of the Department of Land and Natural Resources' (DLNR) Natural Area Reserve Program, the Department of Health's (DOH) Areawide Waste Treatment Management Program, and the Endangered Species Program of the U.S. Fish and Wildlife Service.

b. Adopt evaluation guidelines which facilitate early identification of activities which threaten to disrupt valuable coastal ecosystems (e.g., ecosystems supporting rare and endangered species), and require adequate evaluation of the potential for such disruption.

c. Adopt and apply feasibility and compatibility standards which will minimize the disruption of valuable coastal ecosystems.

d. Identify and map beaches where long-term erosion threatens valuable structures in back-beach areas.

e. Adopt feasibility and compatibility standards which insure that natural sand processes, in areas where valuable back-beach structures are threatened by beach retreat, are not aggravated so as to increase the hazard or potential damage.

POLICY 3— COASTAL ECOSYSTEM CONSERVATION

a. Map land and water areas, with the assistance of the DOH Areawide Waste Treatment Management Program and DLNR, where proposed activities would have a high potential for damage to coastal water ecosystems.

b. Undertake studies on alternative sources of sand for construction purposes.

c. Identify and map statewide long-term trends in beach erosion and accretion.

d. Adopt evaluation guidelines which insure that the impact of land and water uses with significant potential for disruption of coastal water ecosystems is evaluated.

e. Adopt feasibility and compatibility standards, the application of which will minimize the disruption of coastal ecosystems.

f. Modify the Environmental Impact Statement (EIS) regulations to insure that "Negative Declarations" are not used to avoid necessary review and comment on projects that may have significant environmental effects.

POLICY 4— WATER QUALITY MANAGEMENT

a. Revise State water quality standards to reflect the tolerance of coastal freshwater and marine ecosystems.

b. Improve the monitoring of water quantity and quality and the enforcement of water quality regulations.

c. Revise water quality regulations to require analysis of pollutant causing activities on a site-specific basis, rather than on a blanket basis, so as to assure that the resources and physical characteristics at the location of the stress are evaluated.

d. Revise penalties for violation of water quality standards so as to realistically discourage violations of water quality regulations.

Economic Uses

Objective

- Provide for public and private facilities in the coastal zone and for improvements important to the State's economy which are consistent with social, economic, and environmental objectives.

Shoreline sites are desirable for many uses, but for some uses they are essential. Some commercial, industrial and transportation activities must have sites on or near the shoreline. Many of these uses are critical to Hawaii's economic well-being including the provision of essential goods, services, and jobs, as well as tax revenues. Such uses and activities include:

1. Transportation facilities such as airports, deep draft harbors and major highways that serve shoreline areas;

2. Utilities including power plants and sewage treatment plants;

3. Essential industrial activities closely related to the foregoing facilities and infrastructure;

4. Tourism development areas;

5. Fisheries, aquaculture operations, and other ocean extractive operations; and

6. Oceanographic research and development and other scientific or professional activities which require proximity to the ocean.

Many shoreline areas are suitable for several potential uses. Because accessible space at the shoreline is limited, proposals to use shoreline sites in particular ways often create conflicts in the community.

Public and private decisions about how shoreline areas are to be used have enormous implications both for the current economic health of the community and the long-term attractiveness of the islands as a place to visit and to live.

Specific management problems include:

1. *Lack of clear priorities for determining shoreline uses.* There are no clear guidelines for determining which uses and activities should have the highest priority within general land use classes. (e.g., When should a power plant have priority over other industrial or recreational uses?)

2. *Lack of clear guidelines for siting necessary but potentially environmentally damaging uses.* Important, but "unpopular" uses and facilities should be located and constructed on the basis of clearly understood guidelines. (e.g., How should industrial uses be located and constructed so as to minimize impact?)

Approach

In order to achieve the objective for management of economic uses, State, County, and Federal land and water management programs should:

1. Insure that there are suitable sites for aquaculture, transportation, commercial and industrial activities that are dependent on proximity to shoreline areas.

2. Direct the location and expansion of coastal dependent developments at sites presently designated or used for such developments and permit reasonable long-term growth at such sites.

3. Insure that development dependent on proximity to the shoreline areas, including specifically, harbors and ports, visitor industry facilities and related services, and energy generating facilities, is located, designed and constructed so as to minimize adverse social, visual, and environmental impacts in the coastal zone.

The following actions can be implemented through the use of existing land and water management programs:

POLICIES 1 and 2— SITES FOR COASTAL DEPENDENT USE

a. Identify those uses and activities such as harbors, marine facilities, energy facilities, recreation, and waste disposal facilities, that are dependent on proximity to the shoreline, including specifically activities and uses that may occur in the future.

b. Develop priorities among these uses within existing planning and zoning designations.

POLICY 3— MINIMIZE ADVERSE IMPACTS

a. Permit coastal dependent industrial and energy facilities, airports and deep-draft harbors outside of existing areas only if:

1) utilizing currently designated locations for such uses is not feasible or locating such uses at existing sites would be more environmentally damaging than at other locations;

2) using existing sites would adversely affect the public welfare; and

3) adverse environmental effects are minimized or mitigated.

b. Assure that industries that extract materials from or discharge chemical, thermal, or other wastes into or affecting Hawaii's territorial sea shall do so only in areas where the impact of such uses and activities on fishing, navigation, recreation, and natural ecosystems can be minimized or mitigated.

c. Locate new hotels and other visitor industry facilities so as to minimize adverse social, visual, and environmental impacts and public facility costs.

d. Coastal dependent developments should be located, designed, and constructed whenever possible, to allow for other multiple beneficial uses, including, but not limited to, recreation uses.

COASTAL HAZARDS

Objective

- Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and lava flow.

Until recently, government action subsidized occupancy of some hazardous areas by not considering such hazards in allowing land uses and by providing low cost assistance to the victims of inundations.

The existing structure of land and water use controls is just beginning to reflect the new awareness that government should discourage the use of hazardous areas. The Federal Flood Insurance Program, a program being jointly developed by County agencies, the Federal Flood Insurance Administration, and the Army Corps of Engineers in Hawaii, will restrict development in areas with tsunami and stream flooding hazards and require the purchase of flood insurance by occupants of hazardous areas. However, several problems persist. Specific management problems include:

Tsunami and Storm Wave

1. *Lack of Information* (e.g., insufficient historical data on tsunamis in many areas or on storm waves in some areas).

2. *Management Focus Too Narrow* (e.g., the present management system does not adequately address storm wave hazards).

3. *Lack of Problem Awareness* (e.g., people who died in the 1974 storm waves on the north shore of Oahu probably were not aware of the potential hazard).

Stream Flooding

Specific management problems include:

1. *Lack of Regulation of Floodplain Occupancy and Upstream Actions Affecting Downstream Flooding* (e.g., existing regulation of upstream development actually encourages moving excess surface water downstream more quickly, increasing the peak flood level).

2. *Lack of Information* (e.g., historical data on stream flooding is insufficient).

3. *Inadequate Application of Existing Analytical Tools* (e.g., relatively simple techniques which can be used to predict added downstream flooding associated with particular development are not yet widely used).

Approach

In order to achieve the objective for management of coastal hazards, State, County, and Federal land and water management programs should:

1. Improve available storm wave, tsunami, and flood hazard information.

2. Restrict development in areas subject to tsunami, storm wave hazard, erosion, and stream flooding.

3. Review proposed upland projects in terms of their possible impacts on coastal flooding.

The following implementing actions represent necessary first steps to implement these policies:

POLICY 1— IMPROVED INFORMATION

a. Support studies to improve the information on tsunami and storm wave hazard provided by the Federal Flood Insurance Program.

b. Review and update official Flood Insurance Program Rate Maps to reflect changing flood hazards resulting from upland land use changes.

POLICY 2— RESTRICTED DEVELOPMENT IN HAZARD AREAS

a. Support Federal Flood Insurance Program restrictions on use of tsunami and storm wave hazard areas.

b. Adopt regulations requiring construction moratoria immediately following tsunami damage to allow time for evaluation of land use alternatives, including public acquisition.

c. Prohibit public expenditure for improvements which

would encourage development of tsunami and storm wave hazard areas.

d. Support public information programs to increase public awareness of hazards.

e. Support research into tsunami-resistant construction criteria and structural design standards.

f. Support Federal Flood Insurance Program restrictions on development in floodways and controls on development in flood fringe areas.

g. Prohibit public expenditures for improvements which would encourage residential, industrial, or commercial development of undeveloped flood plain areas. Restrict public flood control projects to the protection of developed areas; use flood proofing, flood insurance, and other non-structural approaches in undeveloped areas.

POLICY 3— IMPACTS OF INLAND PROJECTS

a. Apply analytic techniques to assess the impact of proposed or anticipated land use changes on downstream flooding.

b. Investigate alternative means for minimizing the potential flooding impacts of upland development, including specific site engineering techniques.

c. Evaluate and revise existing general plan and zoning designations in terms of potential cumulative impact on flooding in each drainage basin.

MANAGING DEVELOPMENT

Objective

- Improve coordination of the development review process and improve communication and public participation in the management of coastal resources and hazards

The present approach to planning, locating, and operating private and public facilities in the coastal zone can best be described as fragmented.

There is scarcely a single aspect of the development process in which some public agency is not involved in some sort of regulatory or monitoring role. And yet a paradox emerges: Not only does the maze of regulations become more difficult and costly for the private developer to negotiate, but it is not even clear that the increasing complexity of land use decision-making processes results in the protection of the interests of the public. This unfortunate situation is characterized by:

1. *Waste and Inefficiency* associated with the present maze of regulatory authority (e.g., time delays, added costs, duplication of effort).

2. *Uncertainty in the Existing Decision-Making Processes* (e.g., lack of a clearly defined process for acquiring development permits, uncertainty as to how new standards or guidelines will be applied to proposed developments).

3. *Lack of Accountability* (e.g., "buck passing").

4. *Narrow Management Focus* (e.g., agencies make decisions based on consideration of only a small range of the impacts).

5. *Ad Hoc Decision-Making* (e.g., extremely general and vague plans and regulations encourage case-by-case decisions which respond primarily to private initiative and which have little relation to any overall strategy for managing resources and/or hazards).

6. *Lack of a Full Range of Resources and Hazard Managment Tools* (e.g., agencies are often faced with an either-or situation—either condemnation, which is expensive, or police power controls, which may sometimes be confiscatory and sometimes be give-aways.)

7. *Lack of a Coordinated Information Base* to improve coastal resource and hazard management.

Approach

In order to achieve the objectives for improving management of development, State, County, and Federal land and water management programs should:

1. Utilize and implement existing statutory authority to the maximum extent possible in managing present and future coastal zone development.

2. Eliminate extreme delays in governmental land and water use management programs and resolve overlapping or conflicting permit requirements.

3. Improve the information base and facilitate public participation in the planning and review of development projects in the coastal zone.

4. Communicate the potential short and long-term impacts of proposed projects early in their life-cycle and in terms understandable to the general public.

The following implementing actions represent necessary first steps to implement these policies:

POLICIES 1 and 2— EXISTING STATUTORY AUTHORITY AND ELIMINATION OF EXTREME DELAY

a. Maintain a Permit Register which lists all the permits required by governmental agencies in managing coastal resources and hazards and encourage agencies to enforce and follow-up on specific permits.

b. Enact legislation or regulations to establish a coordinated permit process. (The process might include shortened time limits for agency review, consolidated hearings, a coordinated review procedure supervised by DPED, or single permit forms for multiple agency use.)

POLICIES 3 and 4— INFORMATION BASE, PUBLIC PARTICIPATION, AND COMMUNICATION

a. Develop and implement a resource and hazard information and display system which allows State and County agencies and others ready access to such data.

b. Support research on the feasibility of minimizing impacts of land and water uses on coastal resources and hazards and on compatibility of competing uses of coastal area.

c. Identify and map "sensitive" resource and hazard areas (areas where specific land and water uses have a high probability of damaging resources or greatly increasing hazard).

d. Support public information and participation programs which promote better communication between developers, agencies, and citizens.

carrying out the HCZM plan

How Can CZM Improve Existing Land and Water Use Management?

Implementing the policies and actions recommended above would:

1. Provide mechanisms for coordinating State, County, and Federal agency programs.

2. Increase the sensitivity of existing State and County regulations to coastal resource and hazard problems.

3. Streamline the development review process to eliminate waste and confusion and speed up decision making.

4. Improve public information and facilitate public participation in the management of coastal resources and hazards.

5. Provide a special management tool, the Area of Particular Concern (APC), for dealing with critical coastal resources and hazard situations.

How Would CZM Relate to Other State and County Planning?

The major responsibility for locating urban activities, developing public facilities to support those activities, and determining appropriate population densities rests with on-going State and County general and functional planning programs. CZM will not change this.

The tools and programs of CZM would supplement and support other State and County planning programs through three processes:

1. The Area of Particular Concern Process. This process provides a new planning mechanism for obtaining a coordinated response to a crisis situation of statewide concern in a specific location.

2. Assistance to Other State and County Planning and Management Programs. Funds would be provided to support:

- Improvements in planning information, analytical tools, and regulations.
- Coordination efforts including insuring Federal consistency; providing public information and public participation forum; and supporting inter-agency joint planning, budgeting, and implementation efforts (including coordinated permit procedures);
- Resource and hazard management practices.

3. The State Plan. All State and County agencies will have two years to review and amend their statutory authority and regulations for compliance with CZM objectives, policies, and guidelines. In turn, the CZM objectives, policies and guidelines will necessarily be considered in the new State Plan. When that plan is adopted, the CZM Plan will be made consistent with the State Plan.

Areas of Particular Concern

The reason for creating an Area of Particular Concern (APC) process is to give State and local government a method for dealing with special situations that would be difficult to manage using conventional regulatory programs.

The APC process provides an opportunity for taking a hard look at environmental and development problems in special crisis situations before irretrievable commitments are made. Designating an area as an APC is an interim measure that lapses as soon as a more permanent management scheme is developed and approved. In fact, the APC designation will lapse automatically after a specified period of time unless it is renewed by the Governor.

The purpose of an APC would be *to protect valuable resources from further disturbance or to assure that acceptable levels of environmental quality are met by major developments.*

Nomination, Designation, Planning, and Management

APCs could be nominated by citizens through petitions or by State or County agencies. The nomination would specify the geographic boundary and the reasons why the area is nominated as an APC.

Once an area is nominated, a Coastal Zone Commission (composed of State, County, and citizen representatives) would evaluate the proposed nomination to determine if the area meets the legal criteria for consideration as an APC. If the proposed APC satisfies the criteria, State and County agencies and the public would be notified of the nomination and asked for information and comments.

After receiving input from all interested parties, the Commission would assess the importance of the area and prepare a report of its findings. The report will contain the Commission's recommendations on:

- policies that are proposed for the area
- the proposed planning and management agency for the area (which may be the Commission)
- the proposed budget and work plan for the preparation of a plan and management program for the area
- the proposed period of time during which the designation as an APC will be in effect
- proposed interim development policies, if any, which will be in effect until the plan and management program are adopted
- the proposed boundaries of the area
- the reasons why the area is recommended as an APC

The Coastal Zone Commission would hold one or more hearings on the island in which the APC is proposed and make a determination as to the statewide significance of the area. Based on its review, the Commission will adopt a rule either for or against designation and forward the nomination and its rule to the Governor.

The Governor, after reviewing the report and rule, will determine whether or not to designate the area an APC. He will specify the planning and management agency for the APC; its geographic bounds; the purpose of making the designation and the goals to be achieved; the duration of the designation; and the budget and work plan for preparing the plan for the APC. The Governor may suspend all or some development activities in the APC until the APC plan is complete. The APC takes effect immediately upon his designation.

Once the designated APC planning agency receives the funding required for the planning effort, it will contact all affected Federal, State, and County agencies and consult with the public to obtain information and receive comments on the content of the APC plan. To prepare the APC plan, the agency will inventory the resources and/or hazards in the APC as well as identify government management responsibilities and major public and private plans for resource use. The APC plan will detail the methods necessary to accomplish the purpose of the APC designation including necessary coordination of responsibilities and public plans and any required new controls or regulations.

The APC planning agency will hold one or more public hearings on its plan and management program. After the hearings, the agency will adopt by rule the plan and management program and recommend to the Governor that its rule be adopted. The Governor will either approve or disapprove the rule, or could return it to the APC planning agency for further consideration.

Improve Information, Tools, Regulations

The major portion of the State will not be affected by APC controls. In these areas CZM policies for resource and hazard management will be implemented in part through improvements in planning information, analytical tools, and reform of existing regulations to insure systematic attention to impacts on coastal resources and hazards.

To assist existing authorities in their planning and management activities, planners need to specify what information should be provided in order that public bodies reviewing proposed uses of coastal resources and hazard areas may determine if adverse impacts will occur. The current State and County land and water use regulations, such as DLNR's Regulation #4 and County zoning and subdivision ordinances, are not consistent as to the level of information which they require, nor are the methods they use to insure that a major impact will not be overlooked.

Evaluation Guidelines

Uniform statewide evaluation guidelines can help insure that important impacts are not ignored and that the information necessary for an adequate evaluation is collected. Relatively simple techniques can be used. One proposed for the historic resource area involves experts agreeing as to the areas most likely to include significant archaeological sites and then mapping this information. Using these maps, developers and planners can know in advance in what areas careful archaeological evaluations would be required prior to project development.

Other examples of the use of evaluation guidelines include:

- requiring developers to provide scenic impact evaluations if their development has a potential impact on sites, vistas, areas, or view corridors listed on an official County Register of Scenic Resources;
- requiring that any project which potentially effects special coastal recreation resources (surf sites, beaches, reefs, etc.) or the access to these resources must be evaluated carefully to detail the probable extent of the impact;
- identification of land areas with high potential for stressing coastal water ecosystems and water areas with high susceptibility to damage from impacts, thus indicating where extensive environmental impact evaluation will be needed; and
- mapping of hazard areas (earthquake, lava, subsidence, tsunami, storm wave, landslide, etc.) and requiring detailed engineering studies of projects in high risk zones within these areas.

Legal Criteria
APC Consideration

- Identifiable areas of unique, scarce, fragile, or vulnerable natural habitat, physical features, historical significance, or scenic importance;

- Identifiable areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species;

- Identifiable areas of substantial recreational value or opportunity;

- Identifiable areas having the potential for development and facilities which are dependent upon the utilization of, or access to, coastal waters, including facilities such as electric generating, and resource refining and recovery facilities, harbors, ports, and other like facilities which are of national or state interest;

- Identifiable areas of unique geologic or topographic significance;

- Identifiable areas of urban concentration where shoreline utilization and water uses are highly competitive;

- Identifiable areas which, if developed, would present a significant natural hazard due to storms, subsidence, slides, flood, erosion, sedimentation, or potential damage to coastal waters;

- Identifiable areas needed to protect, maintain or replenish coastal lands or resources, including fish ponds, coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, and off-shore sand deposits;

- Identifiable areas in which development would present a substantial danger of air or water pollution as determined by standards and requirements adopted by the State Department of Health, or would substantially degrade existing air or water quality; or

- Identifiable areas used or adaptable for use as areas of agricultural production.

APC DESIGNATION. An area which is defined as an APC (see criteria for consideration) may be designated as an APC if the designation will implement a state coastal zone management objective or policy, and if one of the following criteria has been satisfied—

- Fragmented or uncoordinated State or County statutes, ordinances, or regulations may allow the development of the area in a manner not consistent with coastal zone management objectives; or

- Fragmented or uncoordinated State or County statutes, ordinances, or regulations may prevent or inhibit the development of the area in a manner which is consistent with coastal zone management objectives or policies; or

- The cumulative impact of potential development in the area may prevent or inhibit the implementation of coastal zone management objectives or policies.

Compatibility and Feasibility Standards

Planners also need information on the effectiveness of the alternative ways in which potential adverse impacts on coastal resources and hazards can be minimized. For example, the adverse impacts of stream channelization for flood control can be minimized by such techniques as installing silt traps downstream of construction activities; stabilizing and seeding stream banks immediately after completion of grading; and designating a natural buffer along the stream right of way.

Similarly, guidance on the compatibility of proposed uses with existing and other proposed uses of an area is important to the planner. For example, construction on a beach or in the waters off a beach may result in irreversible sand erosion, curtailing recreational beach use.

Statewide standards on feasibility and compatibility which are based on technical analysis and case studies can answer these needs by providing the planner with "rules of thumb" for evaluating the feasibility and desirability of particular resources uses.

Evaluation guidelines and feasibility and compatibility standards are necessary to insure that CZM policies for resource and hazard management are implemented. To accomplish this, such guidelines and standards will be incorporated into existing State and County land and water use planning and management activities.

DPED will provide funding and coordinate the preparation of guidelines and standards. Regulatory guidelines will be prepared with the advice of the Coastal Zone Commission and in consultation with citizens and State and County agencies.

Coordination

CZM policies for resource and hazard management will also be implemented in the major portion of the State not under APC controls through support of a variety of efforts designed to (1) improve cooperation among agencies and (2) aid public understanding and participation in the process of managing resources and hazards. These include:

- insuring Federal agency consistency with State CZM objectives and policies;
- providing public information and participation opportunities; and
- encouraging inter-agency cooperation.

Federal Consistency

The Federal CZM legislation requires Federal agencies to follow State CZM policies to the "maximum extent practicable."

Under an existing process, commonly referred to as the A-95 review system, proposals for Federal financial assistance under more than 200 Federal programs in Hawaii are already required to be reviewed by the State Clearinghouse, which is DPED, if funds from these programs are planned to be expended in the State.

In providing maximum review and coordination, DPED determines which Federal, State, and County agencies would be affected by or should have some interest in the proposal and solicits their evaluations for consideration. If the clearinghouse evaluation indicates that no major conflicts are expected and that the proposals merit approval, a letter of recommendation is provided to the applicant as a necessary part of its formal application to the Federal funding agency.

This A-95 review system will be used to assure that all major Federal and Federally assisted projects and activities are consistent with the objectives and policies of Hawaii's Coastal Zone Management Program.

Public Information and Participation

Citizen participation is an integral part of the Coastal Zone Management Program. Public participation will occur in several ways:

IN THE APC PROCESS

- citizens may nominate areas for consideration
- DPED will seek citizen views in review of nominations
- citizen representatives will sit on the Coastal Zone Commission; and
- citizen views will be sought both formally and informally in the preparation and review of the APC Plan.

IN THE PREPARATION OF STATEWIDE RESOURCE AND HAZARD MANAGEMENT GUIDELINES AND STANDARDS

- citizens will participate in the preparation of guidelines;
- public hearings will be required prior to the adoption of new regulations by State agencies; and
- amendments of local ordinances will be accomplished by elected officials.

IN THE DIRECTION OF THE CZM PROGRAM

- DPED will continue to seek citizen views on the operation of the CZM program;
- DPED will continue to provide support for CZM public information activities which identify CZM issues and opportunities for public participation.

Inter-Agency Cooperation

Many coastal resource and hazard management problems concern more than one agency and more than one level of government. There is need for support of planning efforts which can help agencies *identify* jurisdictional problems and conflicting plans, *resolve* these difficulties, and *prepare* mutually-agreeable plans, coordinated budget requests, and cooperative implementation programs.

An important result of such inter-agency cooperation might be a coordinated regulatory permit procedure which would (1) improve communication among governmental agencies, developers, and the general public; (2) eliminate extreme delays in processing; and (3) resolve overlapping or conflicting permit requirements.

The CZM Program will provide funds and staff to promote such efforts to bridge jurisdictional gaps and establish cooperative programs in order to manage the State's coastal resources and hazards more effectively.

What Area Is Covered by the CZM Program?

Hawaii is required by the Federal CZM program to designate a coastal zone boundary. This boundary marks the areas within which activities may harm coastal resources. Each state in the Federal CZM program has to decide for itself what its coastal boundary should be.

DPED reviewed the significant impacts of land and water uses on coastal resources and hazards during the first year of CZM planning. It concluded that effective coastal resource management requires consideration of all land and water activities that have significant potential for damaging or reducing the value of coastal resources or for unnecessarily increasing hazards.

They also found that, for many coastal resources and hazards, activities virtually anywhere on each island could cause such significant impact. For example:

- the value of near-shore archaeological sites depends on the archaeologist's ability to understand how they relate to other sites scattered from the mountains to the sea;
- shoreline recreation areas draw people from throughout each island, the number of users depending upon the alternative attractions available, including mountain recreation opportunities;
- changes in vegetation coverage or channelization of streams in upland areas can increase coastal flooding; and
- pollutants can move from the central mountain areas of each island to near-shore waters in a matter of hours.

For these reasons, the Hawaii CZM Program will be implemented throughout the State. This will be accomplished through a two-tier management approach. The first tier, the area immediately adjacent to the shoreline, called the Special Management Area (SMA), will allow for more intensive management through the implementation of a permit system as administered by the several counties. The Hawaii CZM objectives, policies, and guidelines will be binding on Federal, State and County agencies within this first tier. The second tier will be primarily for Federal-State consistency purposes in that the CZM objectives, policies, and guidelines will be binding on Federal and State agencies only within their respective areas of jurisdiction. The APC concept will apply throughout the State as appropriate in response to problems of Statewide significance.

This two-tier approach will result in the following benefits:

- the SMA will allow for more stringent controls along the immediate shoreline;
- an APC can be created anywhere in the State where a coastal resource problem exists and still include all the lands which might contribute to the problem;
- Federal CZM funds can be used anywhere in the State to support improved coastal resource management;
- coastal resource and hazard management coordination efforts can involve all levels of government and all agencies in the State; and
- allows for review of permits and licenses issued by Federal agencies as well as major Federal projects and activities.

Who Is the Lead Administrative Agency?

The Department of Planning and Economic Development has been recommended to serve as the lead agency for the CZM program

It is the responsibility of the lead agency to:

—Receive, disburse, use, expend, and account for all funds that are made available by the Federal and State Governments for the Hawaii CZM Program.

—Provide support and assistance to the Coastal Zone Commission and to any agency of the County or State in the administration of the Hawaii CZM Program and in the designation, planning, and management of APCs.

—Review Federal programs, permits, and licenses and all development by Federal agencies for consistency with the Hawaii CZM Program.

—Comply, as required, with all provisions of the National Coastal Zone Management Act of 1972 and any regulations adopted thereunder.

—Conduct a continuing review of the administration of the Hawaii CZM Program and of the progress of the State and County agencies in complying with the program.

—With the advice of the Coastal Zone Commission and in consultation with State and County agencies and the general public prepare and adopt guidelines which will further specify the Hawaii CZM objectives and policies.

the next steps in HCZM

Federal Review

In late April, DPED will also be submitting its application to the National Oceanic and Atmospheric Administration, Department of Commerce, for approval of Hawaii's coastal zone management program. Program approval by this Federal agency is required before Hawaii can become eligible for Federal grants to suppor· ıne management program. The Federal review could take as long as a year.

Ongoing Review of CZM Policies and Products

Between January and June of 1977, citizen groups and State and County agency personnel will continue to meet with DPED and its consultants to review changes in the program and its products and to recommend additional policies for incorporation in the Policy Plan.

Areas for which it has been suggested that DPED should develop policies and actions to address coastal problems include:

Recreational Resources
—Lack of a Statewide trail system
—Lack of a Statewide bikeways system
—Need for private initiative to meet recreational demands

Historic Resources
—Loss of historic and cultural neighborhoods and communities such as Chinatown, Lahaina, and Waiahole-Waikane
—Loss of ancient Hawaiian trails

Scenic and Open Space Resources
—Need to restore scenic beauty of areas blighted by unsightly, abandoned development
—Need to minimize noise intrusion in open space areas

Coastal Ecosystems
—Diminished recharge of the ground water supply
—Potential overdraft of coastal groundwater supply
—Potential contamination of coastal groundwater through wastewater injection

Hazards
—Inadequate maintenance of streams and drainage channels as a cause of stream flooding
—Hazards due to lava flows
—Hazards due to subsidence

Program Implementation

The timetable for implementing Hawaii's CZM program depends on the State Legislature and the Federal agencies responsible for approval of Hawaii's proposed program.

This plan was prepared with the advice and assistance of the following advisory groups:

East Hawaii Citizens Advisory Committee: Ken Griffin, (Chairman), Ernest Bouvet, John Fernandez, Danielle Fellows, Don Hashimoto, Dorothy Hirowatari, Peter Haunoio, Sonia Juvik, Roland Koneshiro, Bill Reich, Yukio Shigi, Lane Thompsho, Richard Yamada.

West Hawaii Citizens Advisory Committee: William Thompson (Chairman), Ed Crook, Serge D'Rovencourt, Pete Hendricks, Roy Honda, Bob Itamoto, Dan Johnson, Walter Kahwa, Pete L'Orange, Roy Morioka, Masayoshi Onodera, Frances Schobel, Elizabeth Von Beck, Takeo Wakida

Honolulu Citizens Advisory Committee: Donald S. Bowman III, (Chairman), Pearl Bates, Robin Camara, Phyllis Fox, Fred Gross, Donald R. Hanson, Ruby Hargrave, Dennis Hiu, Harold S. Levy, Jr., Hazel Malmbeck, Creighton Mattoon, Snookie Mello, Stan Mersberg, John Moriyama, Lawrence S. Okinaga, Francis Okita, Stanley Sumida, Peter Tagalog, Huston Eubank.

Kauai Citizens Advisory Committee: John Arzadon (Chairman), Potenciano Agustin, William Baldwin, Nick Beck, Philip F. Conrad, L.A. Faye, Jr., Yukitoshi Inouye, Richard Iwamoto, Richard Johnston, Yoshiko Kano, Bill Nesmith, Sally Netzer, Tetsuji Omoto, Bruce Sakimae, Antone Silva, Elaine Taira, Douglas Victorino.

Lanai Citizens Advisory Committee: Donald Rietow (Chairman), Secinondo Bueno, Robert Cushnie, Dean Del Rosario, Goro Hokama, Solomon Kahoohalahala, Elaine Kaopuiki, Lawrence Kawasaki, Kenneth Sabino, Wallace Tameshiro.

Maui Citizens Advisory Committee: Hannibal Tavares (Chairman), Colin Cameron, Jack Crouse, Stanley Gima, John Hanchett, Jr., Don Kimura, B. Martin Luna, Michael Minn, Tom Mizoguchi, Frank Morse, Charles Ota, Shuji Seki, Charles Street.

Molokai Citizens Advisory Committee: Clara Sabas (Chairperson), Fred Bicoy, E. Lay Cluney, Louis Hao, Patrick Kawano, Edith Lum, Alfred Oshiro, George Tamura.

Statewide Citizens Forum: Aaron Levine, Chairmen (Oahu Development Conference), Dave Raney, Vice-Chairman (Sierra Club), Edward Aotani (Construction Industry Legislative Organization), John Bedish (Soil Conservation Society of America), Charles Burrows (Conservation Council for Hawaii), Kenneth Chang (General Contractors Association), Carolyn Corrigan (Life of the Land), Richard Cox (Alexander and Baldwin), Julio Crane (Outdoor Circle), Gerald Daly (American Institute of Planners), Dennis Devanney (Bishop Museum), Frank Doyle (American Society of Civil Engineers), Donna Duran (Council of Presidents), Mervin Gilliand (Amfac Communities), Warren Haight (Castle & Cooke, Inc.), R.L. Herberg (C. Brewer & Company), Valerie Humphries (Windward Action Group and Resource Center), George Joy (United Public Workers), Clement Judd, Jr. (Hawaii Hotel Association), Harold Luscomb (Chamber of Commerce of Hawaii), Dorothy Marsh (League of Women Voters of Hawaii), John McAuliffe, Jr. (American Institute of Architects), Douglas Meller (Shoreline Protection Alliance), Mike Miura (Hawaii Government Employees' Association), James Morrow (Hawaii Public Health), Eddy Nagao (Home Builders Association of Hawaii), Jimmy Oshiro (Hirano Brothers, Ltd.), Tom Papandrew (American Society of Landscape Architects), Joe Romia (Development Association of Hawaii), Jim Shon (Common Cause), Fred Trotter (Campbell Estate), William Van Allen (Bishop Estate), Dick Van Horn (Hawaii Council of Dive Clubs), Jeanne Yukimura (League of Women Voters of Hawaii), Chairpersons of Kauai, Honolulu, East Hawaii, Lanai, Molokai, Maui, and West Hawaii Citizens Advisory Committees.

Policy Advisory Committee: Jacqueline Farrell, Chairperson (Department of Health), Tosh Ishikawa (Maui County Planning Department), James H. Jones (representing Marine Affairs Coordinator), Hon. Richard Kawakami (House of Representatives), Hon. Jean King (Senate), Hideto Kono (Department of Planning and Economic Development), Richard Marland (Office of Environmental Quality Control), George Moriguchi (Department of Land Utilization, City and County of Honolulu), Brian Nishimoto (Kauai County Planning Department), Douglas Sakamoto (Department of Transportation), Raymond Suefuji (Hawaii County Planning Department), Tom Tagawa (Department of Land and Natural Resources), Eddie Tangen (Land Use Commission), Robert Way (Department of General Planning, City and County of Honolulu).

The following Federal agencies and offices are invited to attend meetings as a Federal contracts group:

U.S. Navy, U.S. Air Force, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Soil Conservation Service, U.S. Geological Survey, National Park Service, Hawaii Water Resources Regional Study, National Weather Service, Federal Aviation Administration, Department of Housing and Urban Development, Environmental Protection Agency, U.S. Forest Service, U.H. Environmental Research Laboratories, U.H. Sea Grant Program, National Marine Fisheries Service, Naval Undersea Center, Federal Energy Administration, General Services Administration, Bureau of Sport Fisheries and Wildlife, Division of River Basin Studies and Law Enforcement (Dept. of the Interior), U.S. Attorney's Office, Federal Highway Administration, Economic Development Administration, Maritime Administration, Federal Power Commission, and Department of Transportation.

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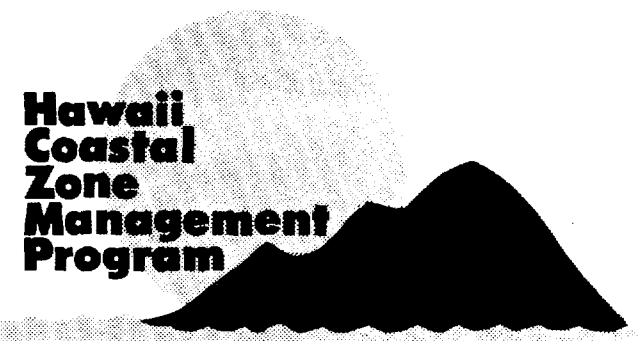
ATTACHMENT D

SUMMARY OF TECHNICAL DOCUMENTS



Summary of Technical Documents

The first-year (FY '74-'75) planning work resulted in the publication of seven major planning documents; the second-year (FY '75-'76) work generated four additional documents and added amendments to Document 6.

Each of the documents is listed below in order of their document numbers. They are annotated to include a description of substantive aspects of the program to which they relate.

First-Year Documents

Document 1, Technical Considerations in Developing a Coastal Zone Management Program for Hawaii: Pacific Urban Studies and Planning Program, University of Hawaii, 1975.

This document examines the delineation of an inland boundary, designation of areas of particular concern, and establishment of a data inventory and analysis system from a technical standpoint. A set of nine coastal zone management purposes, which summarize important social, environmental and economic values, are proposed as criteria for evaluating inland boundary alternatives and designating areas of particular concern. Issues involved with each management purpose as well as its implications for an inland boundary are summarized. An initial design for a computer-based data inventory and analysis system is presented.

Ten technical supplements accompany this document. The topics of these supplements cover the nine management objectives topics: coastal water ecosystems; vegetation; water quality; recreational opportunities; tsunamis; historical resources; management of coastal resources; beaches; and economic considerations. A summary paper discusses major issues in coastal zone management.

Technical Supplement A: Hawaiian Coastal Water Ecosystems, Dr. James E. Maragos, Editor.

This study describes the general characteristics of fresh water and marine ecosystems in Hawaii. Twenty-five types of ecosystems are classified into upper inland, shoreline or offshore categories. The distribution, status and importance of human derived impacts are described and used as criteria to suggest inland boundaries of the coastal zone with respect to management of coastal water ecosystems. An extensive bibliography is included.

Technical Supplement B: Vegetation as an Element in the Management of the Coastal Zone, Dr. Kent W. Bridges.

This paper provides an overview of vegetation as one element to consider in formulating management plans. The nine coastal zone management purposes for Hawaii are discussed as they relate to vegetation. Especially important aspects of vegetation that should be considered in planning are highlighted. Available vegetation data and unmet data needs are discussed. In addition the roles of government, university and other groups involved in management and data collection are summarized.

Technical Supplement C: Management of Hawaii's Coastal Zone for Water Quality Objectives, Dr. Stephen Lau, et. al.

This study provides an overview of wastewater management as related to the quality of coastal waters. It begins with a summary of environmental and institution factors especially relevant to water quality. Alternative conceptions of the inland boundary are examined from the water quality perspective. Information on wastewater generation in Hawaii and water quality parameters are summarized. Problem-prone and manageable situations as well as poorly defined situations needing immediate research are identified.

Technical Supplement D: Enhancement of Coastal Recreational Opportunities: A Description of Present Coastal Recreational Usage, Constraints, Data and Research Possibilities in the State of Hawaii, Dr. Allan Sommarstrom.

This study explores what might be involved in developing a workable approach to enhancing coastal recreational opportunities. Federal, State, and County responsibilities for recreation and the present pattern of recreational land use and activities are described. Various recreational constraints are described and analyzed, including limited sandy beaches, water pollution, access, overlapping governmental responsibilities, tourism, and competing uses. Available data sources and additional data on coastal recreation are summarized. Suggestions are made for enhancing recreational opportunities.

Technical Supplement E: Innundations and Forces Caused by Tsunamies for the State of Hawaii, Dr. Charles L. Bretschneider and Pieter G. Wybro.

This study examines the tsunami phenomena, especially as it relates to Hawaii. Methods for predicting the elevation of tsunami run-up for Hawaii are described and evaluated. Historical data is provided on tsunamis that have affected Hawaii. Previous elevations are analyzed as a statistical basis for predicting future elevations. Finally, the wave force and damage resulting from tsunamis in Hawaii are summarized.

Technical Supplement F: Coastal Zone Management and Historical Resources as Seen from an Anthropological Viewpoint, Ross Cordy.

This study examines the implications of historical resources for coastal zone management. The nature of historical remains as seen by Hawaiian archeologists is reviewed as is the history of and divergent perspectives on archeological research present in Hawaii. The public's views of historical research are examined. Information needed to manage coastal resources for archeological research is identified and activities threatening coastal historical remains are examined. The effectiveness of present management approaches is evaluated and suggestions are made for future effective management.

Technical Supplement G: Identifying and Managing the Coastal Resources in Hawaii's Coastal Zone, Dr. Luciano Minerbi.

This paper examines the preservation of scenic resources in relation to the development of a coastal zone program. Coastal features that characterize scenic resources are identified as are scenic and aesthetic criteria potentially useful in designating an inland boundary. It suggests land and water uses that threaten this management purpose. It identifies available and yet to be collected information required for

implementing this management purpose. Finally, it summarizes the current responsibilities of agencies that deal with scenic and aesthetic resources.

Technical Supplement H: Beaches: A Component of the Coastal Zone, Dr. Ralph Moberly.

This study begins by examining Hawaiian beaches as natural systems. It summarizes man's common practical uses of beaches as well as research that has been conducted regarding beaches. Suggestions are made for management of beaches and littoral cells. A matrix of conflicting uses of Hawaii beaches is included. Local agencies with jurisdiction in beach areas are noted.

Technical Supplement I; An Economic Overview of Coastal Zone Problems in Hawaii, Dr. Laurence Miller, Jr.

This study examines coastal zone management in light of established principles of economics and the literature on coastal matters. It summarizes major economic realities relevant to coastal zone planning in non-technical terms, especially the concept of "market failure." Hawaii's coastal zone problems are discussed in economic terms, and guidelines for program formulation in Hawaii are suggested.

Technical Supplement J: Coastal Zone Management in Hawaii: The Major Issues, Dr. George Kent.

This paper provides a general overview of management goals and management problems relating to the coastal zone in Hawaii. A number of relevant issues are examined, including use conflicts and conflicts of interest in the coastal zone, dominance of some interests in coastal areas, the development of adequate management structures, and the concepts of private ownership and control as applied to coastal zone planning.

Document 2, Inventory of Federally Controlled Land in Hawaii, H. Mogi-Planning and Research, Inc., 1975.

This document is an up-to-date inventory of all Federally controlled real property in the State. For each parcel of land identified the inventory provides the name, tax map key and/or the approximate location, controlling agency, area, existing land use, and nature of the legal right (fee, lease, or ceded). It also shows the disposal recommendations made by Project FRESH for military lands. An accompanying map shows the approximate location of all parcels.

Document 3, Documentation for Illustrative Mapping of Alternative Coastal Zone Boundary Designations for Selected Sites in Hawaii, H. Mogi-Planning and Research, Inc., 1975.

This documents the coastal characteristics mapped for each of the nine coastal zone management purposes for four selected sites in the State: Kihei, Maui; Nawiliwili, Kauai; Kaneohe Bay Watershed, Oahu; and Kawaihae, Hawaii. Table 2 shows all the factors mapped. Documentation includes the source, date of origin, assumptions, and limitations associated with each of information shown on the maps. The 40 resulting maps have not been reproduced as a separate document but are available through DPED.

Document 4, Bibliography of Sources Relating to Coastal Zone Land and Water Uses, H. Mogi-Planning and Research, Inc., 1975.

This is a 987-entry bibliography of books, reports environmental impact statements, and selected periodicals relating to Hawaii's coastal zone. Section I arranges entries alphabetically by author's name. Section II groups references according to hydrographic regions for which they contain relevant information. The hydrographic regions were developed through the Hawaii Water Resources Regional Study. Section III includes titles arranged by 55 subject headings. Section IV lists important environmental impact statements on file with the Office of Environmental Quality Control.

Document 5, The Application of Remote Sensing and Computer Systems to Coastal Zone Management, ESL, Incorporated, 1975.

This document examines the application of remote sensing technology to coastal zone management in Hawaii. Appropriate analysis methods are developed for Hawaii based on selected high altitude photographs taken of the State by NASA during 1974. The impact of remote sensing technology on the development of a computerized coastal zone information system is also examined.

Document 6, Legal Aspects of Hawaii's Coastal Zone Management Program, Daniel R. Mandelker, 1975, Amended 1976.

This two-volume document contains all the legal analysis relating to the coastal zone in the first and second-year program and includes three distinct sections. Section one examines coastal management programs in four other states: Maine, California, Washington, and North Carolina. Section two examines some critical distinctions with respect to options confronting Hawaii in its design of a legal framework for its coastal zone management program.

A review of Hawaii caselaw relating to CZM and interpretation of the excluded Federal lands provision of the CZM Act were added to this volume in the second year.

Section three is an inventory of existing legislation and regulations pertaining to the control of land and water uses in the coastal areas of Hawaii. Legislation at the Federal, State and County level is included. Information is presented by programs rather than by governmental agencies. Programs are further separated into three classes: priority-setting programs and general implementation mechanisms; objective-oriented resource management programs; and programs for the provision of coastal facilities and services.

Document 7, Organizational Structure, Management, and Implementation of Hawaii's Coastal Zone Management Program, A. J. Catanese and Associates, 1975.

This document contains all first-year analysis of organizational and management options related to the management program. It contains a review and evaluation of existing organizational structures and institutional arrangements for dealing with coastal zone problems. It identifies and evaluates a limited set of organizational and institutional alternatives to carry out the program. It also analyzes existing and potential mechanisms for public awareness and involvement in the planning process.

Second-Year Documents

Document 8, Coastal Resources and Hazards: Identification, Analysis and Recommendations Regarding Management Problems
Pacific Urban Studies and Planning Program, University of Hawaii, 1976.

This document is a compilation of recommendation memoranda prepared by technical staff on six different resource and hazard topic areas. Memoranda are included for: prehistoric and cultural resources; natural aesthetic resources; coastal recreational resources; natural resources; shoreline development; and tsunami, storm wave and freshwater flooding hazards. Each memorandum summarizes findings of technical research on the problem area, describes existing mechanisms for management and particular problems with the management approach, proposes a scheme for managing the resource area under the CZM program and suggests specific implementing actions.

Document 9, Revised Inventory of Federally Controlled Land in Hawaii
H. Mogi-Planning and Research, Inc., 1976.

This document updates the research described in Document 2 above. Most importantly, a new category of information has been added for all lands inventoried which describes the category of Federal jurisdiction over each parcel of land.

Document 10, The Application of Remote/Sensing to Coastal Zone Management, ESL, Incorporated, 1976.

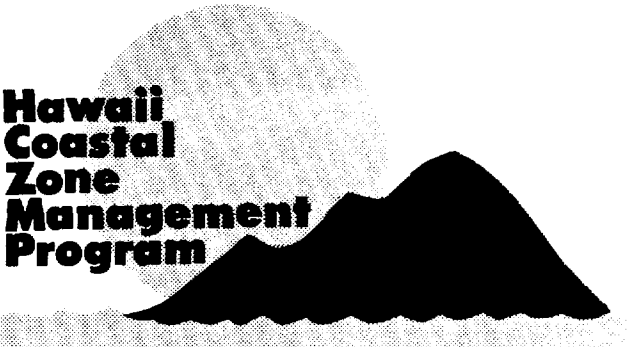
This document continues the examination (begun in Document #5 in the first year) of the application of remote sensing technology to coastal zone management in Hawaii. Analytical methods identified during the first year are refined and expanded. The effectiveness of the methods are tested through the compilation of resource inventories and the examination of special problem areas in selected test sites around the State. Initial characteristics design of a facility for storing and updating aerial photographs and related data are also documented.

Document 11, Organizational Aspects of Managing Hawaii's Coastal Zone, A. J. Catanese and Associates, 1976.

This document contains all second year analysis of organizational and management options for structuring the program. Organizational options laid out in the first year work (Document 7) are fully evaluated. Organizational choices made by other states are summarized and compared. Mechanisms for intergovernmental coordination in Hawaii's program are examined. And the present structure for citizen awareness and involvement in the management program are compared and reviewed.

ATTACHMENT E

INVENTORY OF EXCLUDED FEDERAL LANDS



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"This inventory lists only the major, large scale, Federal holdings excluded from the coastal zone. Other smaller Federal areas or areas involving only minor Federal use, while not listed herein, nevertheless also are excluded from the coastal zone. This listing reflects only Federal land holding status at the time of program approval, and over time, as rights to use new areas are acquired by the Federal Government, these areas will thereby become excluded, and as rights to use other Federal properties are terminted or conveyed to private interest, these properties will no longer be excluded from the coastal zone."

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Schofield Barracks	Wahiawa, Oahu	Army	Training & Housing		72	14,213	14,285
Ft. Shafter	Kalihi, Oahu	Army	Support Facilities Indust.Hgs.	52		1,944	1,996
Ft. Ruger	Honolulu, Oahu	Army	Support Facilities			26.98	26.98
Aliamanu Military	Aliamanu, Oahu	Army	Storage	524.18		524.18	
Kipapa Ammo. Storage Sites	Kipapa, Oahu	Army	Ammo. Storage	370.22	(258 Lic.)		659.22
Waikakalaua Ammo.	Waikakalaua, Oahu	Army	Ammo. Storage	175.77	(6.88 Lic.)	136.61	319.31
Waiawa Radio Trans. Station	Waiawa, Oahu	Army	Communi-cations Fac.	180.49	.01		180.50
Helemano Radio Receiving Station	Helemano, Oahu	Army	Communi-cations Fac.	352.41			352.41
Makua Military Reservation	South of Kaena Pt.	Army	Training	170.00	1,878	3,236	5,284

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Fort Kamehameha Military Reservation	Entrance to Pearl Harbor	Army	Housing, Golf Course, Airport Fac.	602.76			602.76
Honouliuli Military Reservation	Honouliuli, Oahu	Army	Training Site	70			70
Kaena Point Military Reservation	Kaena Pt., Oahu	Army	Training Site	46.90		39.16	86.06
Kahuku Training Area	Kahuku, Oahu	Army	Training Site		9,066		9,066
Kawailoa Training Area	Kawailoa Oahu	Army	Training Site		18,444		18,444
Mauna Kapu Comm. Station Sites	Mauna Kapu, Oahu	Army	Communi-cations Fac.	16.26			16.26
Dillingham Military Reservation	Northeast of Kaena Pt.	Army	Recreation Beach				664.92
(Deleted)							
Kawaihae Military Reservation	Kawaihae Bay, Hawaii	Army	Underwater LST Landing Ramp			3	3
U. S. Army Tripler General Hospital	Moanalua, Oahu	Army	Hospital Housing	358.29			358.29
Waianae Kai Military Reservation	Pokai Bay Waianae, Oahu	Army	Recreation Center		1.90	16.39	
Ford Island	Oahu	Army	Storage	20			20
Kilauea Military Reservation	Hawaii	Army	Recreation		68.58		68.58
Pohakuloa Training	Hawaii	Army	Training		16,007 (8,637	84,815 Lic.)	109.459
U. S. Army Res.Center	Hilo,Hawaii	Army	Training	3.70	(.03	Eas.)	3.73
Fort DeRussy Military Reservation	Waikiki, Oahu	Army	Recreation	72			72
U. S. Army Reserva-vation Center	Wailuku, Maui	Army	Training	4.59	(.04 Lic.) (.14 Eas.)		4.77
Air Defense 5 and 6	Palehua, Oahu	Army	Defense Facility				92.0
North Sector C. P.	Poamoho, Oahu	Army	Command Post	4.37	(.26	Lic.)	6.20
Kapalama Military Reservation	Honolulu Harbor,Oahu	Army	Port Facilities	120.89		11.36	132.25

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Hickam Administration Annex	Adjacent to Honolulu Int'l Air.	Air Force	Business Office	3.4			3.4
Hickam Air Force Base	Pearl Harbor,Oahu	Air Force	Runway Fac. shrd. with with State	2354.27		1.21 1.21	2355.48 2
Wheeler Air Force Base	Wahiawa, Oahu	Air Force	Aviation, Support Fac. & Hsg.Train.	.24		1369.06	1369.30
Bellows Air Force Station	North of Waimanalo Town	Air Force	Recreation Communication	36.23		1456.95	1493.18
Hickam Petrol.Annex	Kipapa Gulch Oahu	Air Force	Petroleum Storage	58.16	.56	34.36	93.08
Kaala Air Force Station	Mt. Kaala Peak, Waianae	Air Force	Radar Site		1.8		1.8
Kaena Point Sattel. Tracking Station	Kaena Pt., Oahu	Air Force	Satell. Trkg. Station		138.30		138.30
Kaukonahua Storage Annex	Adjacent to East Range Wahiawa, Oahu	Air Force	Storage			22.53	22.53
Makua Sub-Cable Site	Makua, Oahu	Air Force	Communication		1.3		1.3
Palehua Solar Observ. & Research Site	Palehua, Oahu	Air Force	Solar Observ.	4.23			4.23
Punamano Air Force Station	Kahuku,Oahu	Air Force	Communication	1.76	10.08		11.84
Kokee Air Force Station	Kokee, Kauai	Air Force	Radar Site		10.09		10.09
South Point Air Force Station	Southern-most Point on Hawaii	Air Force	Celestial Tracking Facilities		21.30		33.04
Hawaiian Islands Nat'l Wildlife Refuge	800 mile Chain West of Haw'n Islands to Midway	Dept. of Interior U.S. Fish & Wildlife Service	Nat'l Wild-life Service				304,203
Hanalei NWR	Hanalei, Kauai	" "	" "	917.766			917.766
Huleia NWR	Lihue,Kauai	" "	" "	239			239

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Hawaii Plant Material	Hoolehua, Molokai	USDA Soil Conservation Service	Development & Testing of Plants for Conservation Uses		81.2		81.2
Honolulu Observatory Geophysics	Ewa, Oahu	National Oceanic & Atmospheric Admin.	Pacific Tsunami Warning Center	175.0			175.0
Weather Service Forecast Office, Hickam Air Force Base	Honolulu Airport	National Weather Service Pac. Region	Weather Observation		.2		.2
Offices & Laboratories	Kewalo Basin, Oahu	National Marine Fisheries Service	Docking & Mooring Fac.		1.2		1.2
Immigration & Naturalization Service District Office	Ala Moana Oahu	Dept. of Justice	Administration			3.1	3.1
Offices	Dole Street Adj. to U. H.	Nat'l Marine Fisheries Service	Main Lab.	2.2			2.2
Scientific Laboratories, Offices & Tracking Station	Kokee State Park, Kauai	Nat'l Aeronautics & Space Admin.	Space Tracking Data Network Station		25.0		25.0
Offices	Kewalo	Army & Air Force Exchange Serv.Hdgts.	Office		2.5		2.5
Navigational Aids	Mals/Rail Plot: Waiakea	Federal Aviation Admin.	Air Navigational Fac.		6.1		6.1
Navigational Aids	Lyman Field, Hilo, Hawaii	" "			.7		.7
Navigational Aids	Honolulu Airport	" "			6.1		6.1
Aircraft Maintenance Navigational Aids	Honolulu Airport	" "	Aircraft Maintenance		1.0		1.0
Flight Inspection Office Navigational Aids	Honolulu Airport	Federal Aviation Admin.	Flight Inspection Office		1.1		1.1
Vehicle Parking Navigational Aids	Diamond Head Crater	" "	Vehicle Parking		.6		.6

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Navigational Aids	Koko Head, Oahu	" "	Air Navigational Fac.		4.1		4.1
Housing, Navigational Aids	Molokai Airport	" "	Housing		.1		.1
Navigational Aids	Hoolehua District Molokai	" "	Air Navigational Fac.		1116.0		1116.0
Combined Station/Tower Navigational Aids	Kahului Airport, Maui	" "	Combined Station/Tower		.6		.6
Navigational Aids	Kahului Airport, Maui	" "	Air Navigtional Fac.		.1		.1
Navigational Aids	Kahului Airport, Maui	" "	" "		.3		.3
Navigational Aids	Kahului Airport, Maui	" "	" "		.2		.2
Navigational Aids	Kahului Airport, Maui	" "	" "		4.4		4.4
Navigational Aids	Keahole Airport,Kona	Federal Aviation Admin.	Air Navigational Fac.		6.2		6.2
Navigational Aids	Keahole Airport,Kona	" "	" "		10.0		10.0
Combined Station/Tower Navigational Aids	Keahole Airport,Kona	" "	Combined Station/ Tower		.1		.1
Navigational Aids	Kona,Hawaii	" "	Air Navigational Fac.		108.7		108.7
Navigational Aids	South Kauai	" "	" "		6.8		6.8
Navigational Aids	Kohala, Hawaii (6-7-01)	" "	" "		.1		.1
Navigational Aids	Kohala, Hawaii (5-7-02)	" "	" "		7.3		7.3
Housing Navigational Aids	Molokai, Hawaii	" "	Housing		4.1		4.1
Combined Station/Tower Navigational Aids	Lihue,Kauai	" "	Combined Station/ Tower		.2		.2
Navigational Aids	Lihue, Kauai	Federal Aviation Admin.	Air Navigational Fac.		.2		.2

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Navigational Aids	Lihue,Kauai	" "	" "		1.2		1.2
Navigational Aids	Molokai	" "	" "		.2		.2
Vehicle Parking Navigational Aids	Mount Kaala Oahu	" "	Vehicle Parking		.2		.2
Navigational Aids	Mount Kaala Oahu	" "	Air Navigational Fac.		.5		.5
Navigational Aids	Lanai	" "	" "		3.5		3.5
Navigational Aids	Ulumehame, Lahaina, Maui	" "	" "		1.5		1.5
Navigational Aids	Kahului, Maui	" "	" "		.1		.1
Navigational Aids	Hamakua, Hawaii	" "	" "		.1		.1
Navigational Aids	Ewa, Oahu	" "	" "	359.9			359.9
Navigational Aids	Waiakea, South Hilo	" "	" "	4.6			4.6
Navigational Aids	Waiakea, South Hilo	Federal Aviation Admin.	Air Navigational Fac.	3.4			3.4
Navigational Aids	Honuaula, Maui	" "	" "	1.6			1.6
Navigational Aids	Makawao, Maui	" "	" "	4.2			4.2
Weather Service Office Lyman Field	Hilo Airport Hilo,Hawaii	National Weather Service Pacific Region	Weather Observations upper air			.1	.1
Weather Service Office Lihue Airport	Lihue,Kauai	National Weather Service Pacific Region	Weather Observations	5.4			5.4
Tracking Station	Makaha Ridge Kauai	National Aeronautics & Space Adm.					
Hawaii Volcanoes National Park	Hawaii	National Park Serv.	Recreation	210,462		9,883	220,345
City of Refuge National Historical Park	Honaunau Hawaii	" "	Recreation Preservation	181			181

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Haleakala National Park	Maui	National Park Serv.	Recreation	27,055		229	27,055
Puukohola Heiau National Historic Site	Kawaihae, Hawaii	" "	Preservation Recreation	34		64	100
Kawaihae Harbor Facility	Kawaihae, Hawaii	U.S. Corps Engineers	Maintenance & Access	20.66	(.50 Eas.)		21.16
Kahului Harbor Breakwater Project	Kahului Maui	" "	" "	1.32	(4.84 Eas.)		6.16
Honolulu District Engineer Reservation	Fort Armstrong, Honolulu	Gen.Services Admin.	" "	2.79	(.10 Per MIT)		2.79
Hilo Harbor Breakwater Project	Waiakea, South Hilo	" "	" "	.50	2.60	(.770 Eas.)	3.87
Port Allen Storage & Breakwater Project	Hanapepe Kauai	" "	" "		(16.97 Eas.)		16.97
Kalaupapa Harbor	Kalaupapa, Molokai	" "	" "		(9.83	Lig.(.06 Eas.)	9.89
Manele Harbor Breakwater Project	Lanai	" "	" "		(.71 Eas.)		.71
Haleiwa Small Boat Harbor	Haleiwa, Oahu	" "	" "		(.90 Eas.)		.90
Honokahau Harbor Project	Kona,Hawaii	U.S. Corps Engineers	Maintenance & Access		(1.02 Eas.)		1.02
Aiea Post Office	Aiea, Oahu	U.S. Postal Service	Office & Service Yard		.24		.24
Anahola Post Office	Anahola, Kauai	" "	" "		.09		.09
Captain Cook Post Office	Captain Cook,Hawaii	" "	Office		.05		.05
Eleele Post Office	Eleele, Kauai	" "	"		.04		.04
Ewa Station	Ewa Beach, Oahu	" "	Office & Service Yard		.16		.16
Ewa Post Office	Ewa Beach, Oahu	" "	" "		.18		.18
Haiku Post Office	Haiku,Maui	" "	" "		.08		.08
Hakalau Post Office	Hakalau, Hawaii	" "	" "		.05		.05
Haleiwa Post Office	Haleiwa, Oahu	" "	" "		.12		.12

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Hana Post Office	Hana, Maui	" "	" "		.03		.03
Hanalei Post Office	Hanalei, Kauai	U.S. Postal Service	Office & Service Yard		.21		.21
Hanapepe Post Office	Hanapepe, Kauai	" "	" "		.14		.14
Hauula Post Office	Hauula,Oahu	" "	Office		.03		.03
Hawaii National Park Post Office	Hawaii	" "	"		.02		.02
Hawi Post Office	Hawi,Hawaii	" "	"		.009		.009
U. S. Post Office, Courthouse & Customhouse	Hilo,Hawaii	Gen.Services Admin.	Office & Yard	1.5			1.5
Hilo Post Office (Temp. Quarters)	Hilo,Hawaii	U.S. Postal Service	" "	.82			.82
Holualoa Post Office	Holualoa, Hawaii	" "	Office		.02		.02
Honaunau Post Office	Honaunau, Hawaii	" "	Office & Yard		.04		.04
Honokaa Post Office	Honokaa, Hawaii	" "	Office		.03		.03
Honokaa Post Office (Kukuihaela Branch)	Honokaa, Hawaii	" "	"		.005		.005
Honomu Post Office	Honomu, Hawaii	U.S.Postal Service	Office		.01		.01
Hoolehua Post Office	Hoolehua, Molokai	" "	Office & Yard		.09		.09
Kaaawa Post Office	Kaaawa,Oahu	" "	" "		.10		.10
Kahuku Post Office	Kahuku,Oahu	" "	Office		.02		.02
Kahului Post Office	Kahului, Maui	" "	Office & Yard		.01		.01
Kailua Post Office	Kailua,Oahu	" "	" "		1.25		1.25
Kailua-Kona Post Office	Kailua, Hawaii	" "	" "		1.56		1.56
Kalaheo Post Office	Kalaheo, Kauai	" "	" "		.06		.06
Kalaupapa Post Office	Kalaupapa, Molokai	" "	Office		.02		.02

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Kamuela Post Office	Kamuela, Hawaii	" "	Office & Yard		.10		.10
Kaneohe Post Office	Kaneohe, Oahu	" "	" "		1.37		1.37
Kapaa Post Office	Kapaa, Kauai	U.S.Postal Service	Office & Yard		.15		.15
Kapaau Post Office	Kapaau, Hawaii	" "	" "		.41		.41
Kaumakani Post Office	Kaumakani, Kauai	" "	" "		.02		.02
Kaunakakai Post Office	Kaunakakai, Molokai	" "	" "		.09		.09
Keaau Post Office	Keaau,Hawaii	" "	Office		.03		.03
Kealakekua Post Office	Kealakekua, Hawaii	" "	Office & Yard		.10		.10
Kealia Post Office	Kealia, Hawaii	" "	Office		.01		.01
Kekaha Post Office	Kekaha, Kauai	" "	"		.02		.02
Kehei Post Office	Kehei, Maui	" "	Office & Yard		.71		.71
Kilauea Post Office	Kilauea, Kauai	" "	" "		.06		.06
Koloa Post Office	Koloa,Kauai	" "	" "		.15		.15
Kualapuu Post Office	Kualapuu, Molokai	U.S.Postal Service	Office		.01		.01
Kula Post Office	Kula,Maui	" "	Office & Yard		.02		.02
Kunia Post Office	Kunia,Oahu	" "	Office		.006		.006
Kurtistown Post Office	Kurtistown, Hawaii	" "	Office		.008		.008
Lahaina Post Office	Lahaina, Maui	" "	Office & Yard		.29		.29
Laie Post Office	Laie, Oahu	" "	" "		.13		.13
Lanai City Post Office	Lanai City, Lanai	" "	Office		.03		.03
Lapahoehoe Post Office	Lapahoehoe, Hawaii	" "	"		.002		.002

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Lawai Post Office	Lawai,Kauai	" "	Office & Yard		.09		.09
Lihue Post Office	Lihue, Kauai	" "	Office	.46			.46
Hanamaulu Branch	Lihue,Kauai	" "	Office		.006		.006
Makawao Post Office	Makawao,Maui	" "	Office & Yard		.07		.07
Pukalani Branch	Makawao,Maui	U.S.Postal Service	Office		.03		.03
Makaweli Post Office	Makaweli, Kauai	" "	Office		.02		.02
Maunaloa Post Office	Maunaloa, Molokai	" "	Office		.006		.006
Mountainview Post Office	Mountainview Hawaii	" "	Office		.15		.15
Naalehu Post Office	Naalehu, Hawaii	" "	Office & Yard		.09		.09
Ninole Post Office	Ninole, Hawaii	" "	Office		.005		.005
Ookala Post Office	Ookala, Hawaii	" "	Office		.003		.003
Paauhau Post Office	Paauhau, Hawaii	" "	Office		.005		.005
Paauilo Post Office	Paauilo Hawaii	" "	Office & Yard		.02		.02
Pahala Post Office	Pahala, Hawaii	" "	" "		.09		.09
Pahoa Post Office	Pahoa,Hawaii	" "	" "		.26		.26
Paia Post Office	Paia, Maui	U.S.Postal Service	Office & Yard		.14		.14
Papaaloa Post Office	Papaaloa, Hawaii	" "	Office		.014		.014
Papaikou Post Office	Papaikou, Hawaii	" "	Office & Yard		.16		.16
Pearl City Post Office	Pearl City Oahu	" "	" "		.30		.30
Pepeekeo Post Office	Pepeekeo, Hawaii	" "	" "		.18		.18
Puunene Post Office	Puunene, Maui	" "	Office		.05		.05

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Volcano Post Office	Volcano Area, Hawaii	" "	Office		.016		.016
Wahiawa Post Office	Wahiawa, Oahu	" "	Office & Yard		.79		.79
Waialua Post Office	Waialua, Oahu	" "	" "		.04		.04
Waianae Post Office	Waianae Oahu	" "	" "		.34		.34
Nanakuli Branch	Waianae, Oahu	" "	" "		.14		.14
Wailuku Post Office	Wailuku, Maui	U.S.Postal Service	Office	.25			.25
Waimanalo Post Office	Waimanalo Oahu	" "	Office & Yard		.28		.28
Waimea Post Office	Waimea, Kauai	" "	" "		.03		.03
Waipahu Post Office	Waipahu, Oahu	" "	" "		.37		.37
Vehicle Maintenance Facility	Honolulu, Oahu	" "			2.5		2.5
Waikiki Post Office	Honolulu, Oahu	" "	" "		1.6		1.6
Main Office (Airport)	Honolulu, Oahu	" "	" "	25.65			25.65
Ford Island Station	Ford Island, Oahu	" "	Office		.07		.07
Fort Shafter Station	Fort Shafter Oahu	" "	Office & Yard		.15		.15
Hickam AFB Station	Oahu	" "	" "		.12		.12
Submarine Base	Pearl Harbor, Oahu	" "	Office		.05		.05
Tripler Army Hospital	Oahu	U.S.Postal Service	Office		.07		.07
U.S. Post Office, Courthouse & Customhouse	Honolulu, Oahu	Gen.Services Admin.	"	2.6			2.6
Downtown Station	Honolulu, Oahu	U.S.Postal Service	Yard		.70		.70
Aina Haina Station	Honolulu, Oahu	" "	Office & Yard		.03		.03

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Pawaa Station	Honolulu, Oahu	" "	" "		.25		.25
Kaimuki Station	Honolulu, Oahu	" "	" "		.05		.05
Navy Catonment	Honolulu, Oahu	" "	Office		.10		.10
Hawaii Kai Station	Honolulu, Oahu	" "	Office		.01		.01
Makiki Station	Honolulu, Oahu	" "	Office		2.82		2.82
Waialae-Kahala Station	Honolulu, Oahu	" "	Office & Yard		.93		.93
Ala Moana Station	Honolulu, Oahu	" "	" "		.09		.09
Moiliili Station	Honolulu, Oahu	U.S.Postal Service	Office		.01		.01
Kapalama Station	Honolulu, Oahu	" "	Office & Yard		1.18		1.18
Chinatown Station	Honolulu, Oahu	" "	" "		.05		.05
Naval Air Station	Ewa Beach, Oahu	" "	" "		.62		.62
Navy Terminal	Honolulu, Oahu	" "	Office		.29		.29
Navy Terminal Station	Honolulu, Oahu	" "	Office		.01		.01
Navy Terminal	Honolulu, Hawaii	" "	Office		.021		.021
Navy Communication Station	Wahiawa, Oahu	" "	Office		.016		.016
Schofield Barracks Station	Wahiawa, Oahu	" "	Office & Yard		.16		.16
Wheeler AFB Station	Wahiawa, Oahu	" "	Office		.03		.03
Prince Kalanianaole Building	Honolulu, Oahu	Gen.Serv. Admin.		8.07			8.07
Warehouses	Keehi Lagoon,Oahu	Gen.Services Admin.	Storage	5.8			5.8
Vacant Land	Vicinity entry Hon. Int'l Airport	" "		1.5			1.5

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
U.S. Customs Warehouse	Huhio Wharf-Hilo,Hawaii	" "		0.8			0.8
Navigational Aids	Honolulu Airport	Federal Aviation Admin.	Air Navigational Fac.		.05		0.5
Navigational Aids and Access Road	Mt. Kaala, Oahu	" "	Air Navigational Fac. & Road		53.6		53.6
Road	Mt. Kaala, Oahu	" "	Access Road		6.5		6.5
Navigational Aids	Haleakala, Maui	" "	Air Navigational Fac.	4.2			4.2
Navigational Aids	Haleakala, Maui	" "	" "	1.6			1.6
Air Traffic Control, Navigational Aids	Diamond Head Crater Oahu	" "	" "	3.4			3.4
Navigational Aids	Hilo,Hawaii	Federal Aviation Admin.	Air Navigational Fac.		7.1		7.1
Navigational Aids	Ewa, Oahu	" "	" "		105.0		105.1
Navigational Aids	Waimanalo, Oahu	" "	" "		8.6		8.6
Navigational Aids	Molokai	" "	" "		0.2		0.2
Honolulu Biological Lab.	Honolulu, Oahu	Dept. of Commerce NOAO	Main Laboratory				2.2
National Memorial Cemetary of the Pacific	Honolulu, Oahu	Veterans Admin.	Cemetary	112.0			112.0
U. S. Army Audit Agency Pacific Div., Admin.	Honolulu, Oahu	U.S.Corps of Engr.	Office Building			0.13	0.13
Honolulu District Engr. Reservation	Honolulu, Oahu	" "	Parking for Postal Service				
Barbers Point Air Station	Ewa Beach, Oahu	Coast Guard	Air Station		47.97 from Navy		47.97
Barbers Point Light Station	Ewa Beach, Oahu	" "	Light Installation	5.0			5.0
Base Honolulu	Sand Island, Oahu	" "	Industrial Base	48.6			48.6

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Cape Kumukahi Light Station	East Coast	" "	Light Installation	58.1			58.1
Omega Station	Kaneohe, Oahu	" "	Navagation Station	167.22	502.15	28.8	698.17
Diamond Head Light	South Coast Oahu	" "	Light House Facility	2.2			2.2
Honamanioa Light	South East Coast, Maui	" "	Light Installation	2.0			2.0
Hanapepe Bay Breakwater Light	South Kauai	" "			.177		.177
Hanapepe Light	South Kauai	" "		10.8			10.8
Hawea Light	West Coast, Maui	" "		10.0			10.0
Hilo Housing	Pahoe, Hawaii	" "		1.0			1.0
Hilo Moorings	Hilo Bay, Hawaii	Coast Guard	Docking Facilities		.011		.011
Honokahau Small Boat Harbor	Kona Coast, Hawaii	" "	Light Installation		.58		.58
Honolulu Harbor Entrance Light	Honolulu Harbor, Oahu	" "	"		.0041		.0041
Ka Lae Light	South Point, Hawaii	" "	"			4.9	4.9
Kamalo Point	South East Coast, Molokai	" "	"		1.0		1.0
Kaena Point Light	Southwest Coast, Oahu	" "	"	1.0			1.0
Kahala Point Light	East Coast, Kauai	" "	"	4.5			4.5
Kahoolawe SW Point Light	SW Coast, Kahoolawe	" "	"	23.3			23.3
Kahului Entrance EW Light	Kahului, Maui	" "	"				—
Kahului Harbor Entrance Range Front Light	Kahului, Maui	" "	"	0.2			0.2
Kahului Harbor Entrance Range Rear Light	Kahului, Maui	" "	"	0.2			0.2
Kahului Mooring	Kahului, Maui	Coast Guard	Docking Fac.				See Mooring

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Kailua Light	Kona, Hawaii	" "	Light Installation	2.1			2.1
Kalihi Channel Range Front Light	Kalihi, Oahu	" "	"				——
Kaneohe Passage Range Front Light	Kaneohe Bay, Oahu	" "	"		.049		.049
Kauai Housing	Lihue, Kauai	" "	Housing	1.1			1.1
Kauai Loran Station	Koloa, Kauai	" "	Loran Station	8.3			8.3
Kauhola Point Light	North Coast, Hawaii	" "	Light Stallation	3.4			3.4
Kauiki Head Light	East Coast, Maui	" "	"	1.0			1.0
Kaumalapau Breakwater Light	Lanai	" "	"	2.3			2.3
Kaumalapau Light	Lanai	" "	"	2.3			2.3
Kaunakakai Harbor Entrance Range Front Light	South Coast Molokai	" "	"	3.6			3.6
Kaunakakai Harbor Entrance Range Rear Light	South Coast, Molokai	Coast Guard		0.2			0.2
Kawaihae Light	West Coast, Hawaii	" "		2.5			2.5
Keahole Point Light	West Coast, Hawaii	" "		4.2			4.2
Keauhou Bay Entrance Light	Kona Coast, Hawaii	" "					
Kewalo Basin Entrance Range Light	South Coast, Oahu	" "					
Kilauea Point Light	North Coast, Kauai	" "		31.0			31.0
Kokole Light	West Coast, Kauai	" "		5.6			5.6
Kuhio Bay Range Front Light	Hilo Bay, Hawaii	" "					.0137
Kuhio Bay Range Rear Light	Hilo Bay, Hawaii	" "		0.1	.0137		0.1

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Kulii Point Light	Nawiliwili, Kauai	Coast Guard	Light Installation	.04			.04
Kukuihaele Light	NE Coast, Hawaii	" "	"	0.4			0.4
Laau Point Light	West Coast, Molokai	" "	"	51.0			51.0
Lahaina Light	Lahaina, Maui	" "	"	0.1			0.1
Laupahoehoe Point Light	North Coast, Hawaii	" "	"	1.4			1.4
Maalea Moorings	SW Coast, Maui	" "	Wharf Office Bldg		.027 .139		.027 .139
Mahukona Light	North Coast, Hawaii	" "	Light Installation	3.0			3.0
Makapuu Light Station	East Coast, Oahu	" "	"	24.7		9.8	34.5
Maui Housing	Kahului, Maui	" "	Housing	1.03			1.03
McGregor Point Light	South Coast Maui	" "	Light Installation	1.3			1.3
Milolii Point	South Coast Hawaii	" "	"		1.19		1.19
Molokai Light Station (Kalaupapa)	North Coast Molokai	Coast Guard	Light Installation			22.9	22.9
Nakalele Point Light	NW Coast, Maui	" "	"	4.0			4.0
Nawiliwili Jetty Light	Nawiliwili, Kauai	" "	"				—
Napoopoo Light	Cooke Landing, Hawaii	" "	"	2.9			2.9
Nawiliwili Light Attendant Station	Nawiliwili, Kauai	" "	"	3.2			3.2
Nawiliwili Moorings	Nawiliwili, Kauai	" "	Dock Fac.		.397		.397
Pauwela Point Light Station	North Coast Maui	" "	Light Installation	8.1			8.1
Pearl Harbor Loch Entrance Range Front Light	Pearl Harbor, Oahu	" "	"		1.87		1.87

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Pepeekeo Point Light	North East Coast, Hawaii	" "	"	1.3			1.3
Pier 4	Oahu	Coast Guard	Docking Fac.			.7	.7
Pohaukuloa Point Light	Lanai	Coast Guard	Light Installation		.6		.6
Pokai Bay Breakwater Light	SW Coast, Oahu	Coast Guard	"				-----
Pyramid Rock Light	Kaneohe Bay, Oahu	Coast Guard	"		.057		.057
Red Hill Housing	Aiea, Oahu	Coast Guard	Housing & Playground	81.4	3.44 From Navy		84.84
Sand Island Light.	Sand Island Oahu	Coast Guard	Light Installation				-----
Upolu Loran Station	NW Coast, Hawaii	Coast Guard	Loran Station	68.9			68.9
Waiakea Light	Hilo Bay, Hawaii	Coast Guard	Light Installation			0.1	0.1
Wailupe Quarters	Wailupe Penn. Oahu	Coast Guard	Housing	3.2			3.2
Communication Station	Wahiawa, Oahu	Coast Guard	Communication Station		Permit from Navy		2 buildings
Lehua Rock Light	Lehua Rock, Kauai	Coast Guard	Light Installation			277.0	277.0
French Frigate Shoals Loran Station	Tern Island	Coast Guard	Loran Station		From D. O. I		Unknown
Kure Loran Station	Kure Island	Coast Guard	Loran Station		x		Unknown
Molokini Island Light	Molokini Island, Maui	Coast Guard	Light Installation			18.5	18.5
Makahuena Light	South Coast, Kauai	Coast Guard	"	5.0			5.0
Palaoa Light	Lanai	Coast Guard	"	5.4			5.4
Paukaa Light	Hilo, Hawaii	Coast Guard	"	.02			.02
Voice of America Radio	Maili, Oahu	Coast Guard	Potential Radio Station	89.3			89.3
Cocoanut Point Light	South Hilo, Hawaii	Coast Guard	Light Installation				----
Mt Kaala Comm Fac	Kaala AF Station, Oahu	Coast Guard	Comm Fac		.0004 From AF		.0004

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE	LEASE	CEDED	TOTAL AREA (ac)
Pearl Harbor Nav Aids	Pearl Harbor Oahu	Coast Guard	Aids to Navigation				Unknown
NAD, Oahu, Bldg 40	Waipio Pt Oahu	Coast Guard	Storage of Hay		Permit		Bldg 40
Manana Storage Area Bldg 4	Pearl City, Oahu	Coast Guard	Appliance & Furniture stge		Permit from Navy		Bldg 4
Waialua Bay Front Range Light	Kawailoa, Waialua, Oahu	Coast Guard	Aids to Navigation		.009		.009
Waialua Bay Rear Range Light	Haleiwa, Oahu	Coast Guard	Aids to Navigation		x		In water
Mauna Kapu Comm Site	Oahu	Coast Guard	Comm Site		.004 From Army		.004
Kokee Comm Site	Kokee, Kauai	Coast Guard	Comm Site		Permit from AF		6x6 space in Bldg 1 & joint use of pole.
Nohili Point Navigational Aid	Kekaha, Kauai	Coast Guard	Aids to Navigation		.014		.014
Kaakaukukui Flagpole Antenna Site	Kaakaukukui, Oahu	Coast Guard	"		.031		.031
Pearl Harbor Light	Hickam AFB	Coast Guard	"		Permit from AF		Unknown
Honokahau Harbor Light	Kona, Hawaii	Coast Guard	"		Permit		Unknown
Mt Haleakala	Hana, Maui	Coast Guard	Microwave Link Installation		.0069 from FAA		.0069
Lahaina Range Front &	Lahaina, Maui	Coast Guard	Light Installation		.0018		.0018
NSC Ewa Drum Storage	Adjacent to Middle Loch Pearl Harbor, Oahu	Navy	Fuel Storage	68			
Makalapa Crater Facilities	Makalapa, Oahu	Navy	Housing & Admins.	288±			288±
Red Hill Storage Area	Red Hill, Oahu	Navy	Fuel Storage	236			236
Navy Audit Office Military Airlift Com. Defense Mapping Agency	Adjacent to Honolulu Int'l Airport	Navy	Administration	2			2
Pearl City Peninsula Facilities	Middle Loch, Pearl Harbor, Oahu	Navy	Housing Fuel Storage, Sanitary Landfill, Agriculture	523±		27	550±

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Naval Air Station, Barbers Point	Barbers Point, Oahu	Navy	Air Station Support Station	4,745			4,745
Manana Housing	Pearl City, Oahu	Navy	Housing	35			35
Opana Communication Site	Kahuku, Oahu	Navy	Communications	5			10 (5 ac. ease.)
Moanalua Aiea Housing	Pearl Harbor, Oahu	Navy	Housing & Support Serv.	920±			920±
McGrew Point Housing	East Loch, Pearl Harbor, Oahu	Navy	Housing	49			49
Water Supply, Waiawa	Waiawa, Oahu	Navy	Water Source	75			75
Halawa Area	Halawa, Oahu	Navy	Laundry, Housing	45			45
Fleet Operation Control Center, Pacific, Kunia	Kunia, Oahu	Navy	Administration			34	89 (55 ac.ease.)
Naval Magazine, Lualualei	Lualualei Oahu	Navy	Ammo.Storage	4,339		3,857	8,196
Naval Magazine, Waikele Branch	Waikele, Oahu	Navy	Ammo.Storage	520			520
AFC Facility, Mauna Kapu	Mauna Kapu, Oahu	Navy	Communications		.5		2 (1.5 ac. ease.)
Foracs III Sites	Nanakuli,	Navy	Navigational Aides		.4		
Naval Magazine, West Loch Branch	West Loch, Pearl Harbor, Oahu	Navy	Ammo.Storage and Safety Blast Zone	1,771		1	1,772
Waipio Peninsula Facilities	Separates Mid. and West Loch, Pearl Harbor, Oahu	Navy	Safety Blast Zone, Agriculture	1,494±		20	1,514±
Naval Communication Station Wahiawa	Wahiawa Oahu	Navy	Communications	687			687
Naval Communications Station	Lualualei Oahu	Navy	Communications			1,718	1,718
Naval Station, Submarine Base, Shipyard Supply Center	Pearl Harbor, Oahu	Navy	Ship Berth. & Repairing Warehousing & Support Fac.	762±			762

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Bishop Point	Pearl Harbor, Oahu	Navy	Industrial	12			12
Ford Island	Ford Island Pearl Harbor,Oahu	Navy	Ship Berthing & Support Fac.	453			453
Richardson Center	Pearl Harbor,Oahu	Navy	Recreation	35		11	46
Manana Storage Area	Pearl City, Oahu	Navy	Storage	134			134
Public Works Center, Pearl Harbor	Pearl Harbor,Oahu	Navy	Light Industrial	71			71
Water Storage, Halawa	Halawa,Oahu	Navy	Water Tanks	9			9
Tri-Service Sewage Treatment Plant	Pearl Harbor,Oahu	Navy	Sewage Plant	7			7
Puuloa & Iroquois Point Housing	Pearl Harbor,Oahu	Navy	Housing	446			446
Red Hill Housing	Red Hill, Oahu	Navy	Housing	7			7
Pac. Missile Range Fac., Kauai	Barking Sands,Kauai	Navy	Missile Testing & Support Facilities		116	1,925	2,051 (10 ac.ease.)
Pac. Missile Range Fac. Ammo. Storage Kauai	Barking Sands,Kauai	Navy	Ammo.Storage		74		74
Kaula Rock Island	Kaula Island SW of Niihau	Navy	Training			108±	108±
Kahoolawe Island	Kahoolawe Island	Navy	Training			28,777	28,777
Barbers point Water Supply	Barbers Point,Oahu	Navy	Water Well	10			14 (4 ac.ease.)
Ohana Nui	Between Hickam AFB Nimitz Hwy.	Navy	Community Services	46±			46±
Camp Stover Housing	Wheeler AFB	Navy	Housing			35	35
Utility Corridor	Pearl Harboe	Navy	Utilities	127			127
Railroad Right-of-Way	Ewa, Oahu	Navy & GSA	Ammo.Transportation	97			97
Cemetary Plots	Nuuanu,Oahu	Navy	Burial Plots	.1			.1
Makaha Ridge Facility	Makaha Ridge,Kauai	Navy	Remote Radar		207		245 (37 ac.ease.

FACILITY NAME	LOCATION	CONTROLLING AGENCY	EXISTING LAND USE	NATURE OF LEGAL TITLE			
				FEE NOT CEDED	LEASE	FEE CEDED	TOTAL AREA (ac)
Inactive Ship Maint. Facility	Upper Waipio, Oahu	Navy		14.2			14.2
Camp H. M. Smith	Halawa,Oahu	U.S.Marine	Administration	222			222
Puuloa Training Fac.	Ewa Beach, Oahu	U.S.Marine	Training	137			137
Manana Housing (U.S.M.C.)	Pearl City, Oahu	U.S.Marine	Housing	65			65
M.C.A.S. Kaneohe	Kaneohe Bay Oahu	U.S.Marine	Air Station	2,017		669	2,950
Molokai Training Support Facility	Adjacent to Molokai Airport	U.S.Marine	Training Support			14	14
Pearl City Storage	Pearl City, Oahu	U.S.Marine	Storage	27			27
Marine Barracks, Pearl Harbor	Pearl Harbor,Oahu	U.S.Marine	Housing	48±			48±
Molokai Training Area	Central Molokai	U.S.Marine	Training				13,249 (Permit)
Kauai Training Area	Barking Sands,Kauai	U.S.Marine	Training				27,834 (Permit)
Wahiawa Plantation Training	Wahiawa, Oahu	U.S.Marine	Parachute Training	(Exact area uncertain)			

ATTACHMENT F

ROLES AND RESPONSIBILITIES IN DEVELOPING HAWAII'S NATURAL ENERGY RESOURCES

AGRICULTURE AND INDUSTRY

Some of the most advanced agricultural processes in the world were developed in Hawaii by successful and prosperous agribusinesses.

Sugar and pineapple production and processing are the leaders, but other important agricultural enterprises include macadamia nuts, papayas, anthuriums and orchids, Kona coffee, beef cattle, citrus, seed corn, grains and other products. In all the successful enterprises, science and technology have contributed greatly to that success.

The Hawaiian Sugar Planters' Association Experiment Station has been an outstanding example of science in action in Hawaii. For about 75 years it has been an internationally recognized pioneer in research into all phases of sugarcane and sugar, and has helped Hawaii's sugar industry increase yields tremendously with lowered costs through control of sugar pests and genetic and technological improvements. Recently the industry developed dry-cleaning methods for cane harvesting to minimize Island water pollution and improve processing; it is developing new irrigation concepts; it has received Federal approval for a new rodenticide, the first such approval granted for a food crop; and it continued to seek greater recovery of sugar in the refining process.

The Pineapple Research Institute's work in improving the State's most important fruit is parallel to the HSPA Experimental Station's position in the sugar industry. PRI's work includes improving production, protecting the crop from diseases and insects, developing new varieties, and conducting other basic research to assure continued progress of the pineapple industry.

Hawaii's large, diversified agricultural corporations have exported sugar and pineapple technology around the world. These corporations have agricultural operations in other countries, and do consulting and agriculture engineering for government and industry throughout the world. Included are: Castle & Cooke, Inc., Theo H. Davies & Co., Ltd., Amfac, Inc., C. Brewer & Co., Ltd., and Alexander & Baldwin, Inc.

Hawaiian Agronomics Co., an international affiliate of C. Brewer and Co., Ltd., Honolulu, is assisting the Battelle Laboratories of Columbus, Ohio, in a study to determine if sugarcane, sweet sorghum and sugar beets can be used economically as energy sources. These three crops were selected because of their high bioconversion rate and output of sugar which in turn can be converted into alcohol and used as a petroleum substitute.

Brewer Chemical Corporation has done research and development of fertilizer formulations and materials, including agricultural and industrial chemicals.

Gaspro, Inc. is another company with noteworthy capabilities in research and development, having conducted the basic research that led to the establishment of the Island's cement industry.

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[1]From the document Hawaii Natural Energy Resources, Hawaii Natural Energy Institute, University of Hawaii and the Department of Planning and Economic Development, State of Hawaii, June 1976.

Dillingham Corporation is a diversified international organization, based in Hawaii, with a marine division that is active in shipping, shipbuilding, and ship repair throughout the Pacific area. Dillingham's shipyard in Honolulu Harbor might well have the capability of building an ocean thermal power plant.

The Oceanic Institute is a private, non-profit research center devoted to the goal of better uses of the marine environment for the benefit of people. It is oriented toward tangible results: defining problems, finding solutions, and putting the solutions to work. Part of the institute's effort goes into ocean engineering, a program entitled Seaward Extension of Urban Systems. Ocean Thermal Energy Conversion is one of the institute's goals. Other efforts are directed toward an increased global yield of fish. It has long been recognized at the institute that the key to the systematic production of fish protein is control of spawning. The institute's greatest triumph to date has been the discovery of a technique for induced breeding of the grey mullet. Goals of current research include aquaculture of freshwater prawns, larval food production, the reproductive physiology of the milkfish, and a number of problems in marine pathology.

PUBLIC UTILITIES

The Hawaiian Electric Company (HECO) maintains its own environmental research department, and has conducted extensive studies of thermal discharges and their impact on the ocean environment. HECO has furnished moral and financial support to the Hawaii Geothermal Project; it is actively pursuing one of NASA's developmental wind machines for Hawaii and is working closely with the University of Hawaii to develop the necessary meteorological data; it has been instrumental in promoting research into the generation of electricity from municipal and agricultural solid wastes.

The Kauai Electric Company and The Hawaiian Electric Light Company (serving the Island of Hawaii) seek to make the most use of available hydroelectric power potential, and, like Hawaiian Electric, buy and distribute all surplus electric power from the sugar plantations' bagasse-fired generating plants.

Pacific Resources, Inc., whose subsidiaries include the Honolulu Gas Company and the Honolulu Independent Refinery, has pioneered the State's investigation of the state of the art in the pyrolysis of solid waste to generate gaseous or liquid fuels. The company is actively planning to introduce this technology to Hawaii at the earliest opportune moment. More recently the company has initiated a major program in the development of aquaculture.

AGENCIES OF THE FEDERAL GOVERNMENT

The Naval Undersea Center, Hawaii Laboratory, at Kaneohe, Oahu, conducts advanced experiments with marine mammals and does research on problems of marine technology. One of the laboratory's major current undertakings is the ocean engineering for the Open Ocean Farm project.

The Army Corps of Engineers performs extensive research into problems of coastal engineering and the protection of environmental quality.

The Army, Navy, Air Force, and Coast Guard all have other groups in Hawaii engaged in projects of a highly scientific or technical nature. In addition, there are a number of small companies carrying out applied scientific research under military sponsorship.

The Pearl Harbor Naval Shipyard is of major significance in connection with Ocean Thermal Energy Conversion. The only shipyard between the West Coast and the Far East capable of overhauling a vessel of almost any size, its facilities include four drydocks, a vertical lift capability of several hundred tons, and a work force of over 5000. These facilities can be made available to other than Navy ships if certain conditions are met.

Federal agencies active in agricultural science in Hawaii include the U.S. Department of Agriculture's Hawaii Fruit Laboratory, which works closely with the Hawaii Agricultural Experiment Station in the processing and preservation of tropical fruits. The Soil Conservation Service provides technical assistance to landowners and others in the State. The Institute of Pacific Islands Forestry of the U.S. Forest Service cooperates closely with the State Division of Forestry in studies and other projects to provide for best use of the State's forest resources. The U.S. Geological Survey's Water Resources Division provides similar cooperation in the field of water resources to both the State and the various County Boards of Water Supply.

THE UNIVERSITY OF HAWAII

Higher education is one of the State's largest and most important industries. Although there are no less than ten institutions of higher learning, ranging in orientation from commerce to church to classics, the University of Hawaii is larger by far than all the others put together and is the only academic institution with a scientific research capability. The University of Hawaii is a state-wide system, like that of California, with a principal Manoa campus in Honolulu and community colleges to serve other population centers on each major island. The University has the following centers, institutes and laboratories that do research of direct or indirect value to alternate energy in the State of Hawaii.

The J.K.K. Look Laboratory of Oceanographic Engineering has been established for university-level research, education, and public service in hydraulic engineering tasks related to ocean and coastal engineering, and in physiological tasks related to the adaptation and response of mammals to an oceanic hyperbaric environment. It is the research arm of the University Ocean Engineering Department. The Laboratory acts as a consultant on ocean engineering problems, including water wave prediction, beach erosion, and land extension tasks, mainly in the Hawaiian and other Pacific Islands. It also advises on the design of pertinent structures such as harbor and breakwaters, including those which use materials other than rock.

The College of Tropical Agriculture and its Agricultural Experimental Stations have an annual budget of 4 million dollars per year and usually have over 200 projects under way in 15 major project areas. The five major categories are: natural resources, crops and crop products, animals and animal products, man-made resources, and human resources and institutions. The Experiment Stations, as part of the College of Tropical Agriculture, with land grant status, support and maintain the University's excellence in agriculture.

The Botany Department has had a major continuing program on marine agronomy both in other Pacific Islands and in Hawaii. The know-how and experience of this activity now funded at about $250,000 per year can make major contributions to bioconversion.

The Harold L. Lyon Arboretum is the only tropical arboretum in the United States devoted to research and instruction. It was organized in 1918 to assist in the rebuilding of water-conserving forests. The Arboretum consists of 124 acres in upper Manoa Valley. It has altitudes ranging from 450 to 1,300 feet, temperatures ranging from 57° to 90°F, and rainfall ranging from 95 to 250 inches per year. The facilities include an herbarium of approximately 2,000 specimens, greenhouses, laboratories, and an administrative-instructional building. The Arboretum supplies materials to facilitate research and instruction to the University of Hawaii as well as to an international clientele; for example, it has a substantial contract with the National Cancer Institute to provide plant samples for extraction of natural products with anti-carcinogenic activity.

The Hawaii Institute of Marine Biology has been carrying out programs in marine biology concerned with environmental assessment of marine organisms, their behavior and physiology, and environmental management concerned with aquaculture, pollution abatement and fisheries. Recycling of sewage wastes through various food chains for animal feeds are being studied. Over 30 projects are in progress at the Institute's Coconut Island facilities.

The Hawaii Institute of Geophysics was established in 1957 as the research unit in earth sciences at the University of Hawaii. The Institute has divisions in meteorology, geology, geochemistry, solid earth geophysics, geodesy, and physical oceanography. There are also research divisions devoted to specific problems such as tsunami research and the propagation of underwater sound. The Institute's research facilities include two oceanographic research vessels and a marine expeditionary center in Honolulu Harbor. In conjunction with the Hawaii Institute of Marine Biology, the Waikiki Aquarium, the Pacific Biomedical Research Institute, Look Laboratory of Oceanographic Engineering, and the various affiliated departments of instruction, the Hawaii Institute of Geophysics forms part of a marine science complex at the University that ranks fourth in the nation in terms of size and scope of program, outside dollar support for research, number of graduate students, and contributions to the scientific literature in the marine sciences.

The Water Resources Research Center's principal objective is to provide the State with adequate knowledge of water resources, water requirements, and methods of water utilization to satisfy future water needs in terms of both quantity and quality. The research programs of the Center fall into the categories of water quality and pollution, hydrogeology, agrohydrology and hydrometeorology, water socio-economics, engineering hydrology, and general programs, publications, monitoring of new technology.

Environmental Center (including Hawaii Environmental Simulation Laboratory) was established to stimulate, expand and coordinate education research and service efforts of the University related to ecological relationships, natural resources and environmental quality, with special relation to human needs and social institutions, and with particular regard to Hawaii. The Center sponsors the Hawaii Environmental Simulation Laboratory (HESL), a semi-autonomous institution which focuses University competence on environmental problems of the State, reviewing proposed environmental legislation and regulations, environmental consequences of proposed private and governmental actions, and environmental impact statements on proposed projects, making recommendations on environmental conservation, and developing methodology for analysis of socio-ecological systems.

The Center for Engineering Research, part of the College of Engineering, promotes and coordinates research activities within the College of Engineering. Energy has been a major research area. Other areas of research are structural engineering, water resources, coastal engineering, waste-water treatment and disposal, theoretical mechanics, heat transfer, information theory, microwaves, and atmosphere ionization. The Center cooperates with other University agencies such as the Hawaii Institute of Geophysics, the Water Resources Research Center and the Pacific Biomedical Research Center to fully use University resources for multidisciplinary research projects. The Center also sponsors seminars on advanced engineering subjects of interest to the State and community.

The Hawaii Natural Energy Institute was established by the 1974 Legislature at the University of Hawaii to further the research and development of alternate sources of energy. The Institute has initiated more than a dozen seed projects in alternate energy R&D, and is expanding the following activities: establishing liaison with Federal, State and County agencies and with all public and private energy-related projects in Hawaii; maintaining files on public and private support programs for awards and grants; establishing a clearinghouse of information on natural energy resources; providing information on alternate energy systems in response to direct inquiry and through a public education program; and furnishing clerical and fiscal assistance for proposal and report preparation, and administrative assistance in implementing projects.

STATE AND CITY-COUNTY AGENCIES

The State Department of Agriculture has been promoting new agricultural and animal products in potential growth areas, both to meet Hawaii's needs for food and for export. Some of these, such as papayas and guavas, produce little waste; others, such as forage crops, eventually end up as animal wastes and can be used in bioconversion processes. Major increases in agricultural products of all types will result in increased biomass.

The Department of Land and Natural Resources is responsible for conservation of land. Much of this land can be used for forest products, and plans are underway to carry out a reforestation program with plantings of 5,000 acres annually.

The Department of Planning and Economic Development is the lead agency in energy programs for the State. It is currently working on a number of studies concerned with bioconversion. These include reforestation (with DLNR), restoration of ancient fish ponds, uses of pineapple wastes, and an assessment of aquaculture in the State. The Director of the Department is the State's Energy Resources Coordinator. The Director is therefore responsible for energy management and conservation (the State Energy Office) and coordination of alternate energy programs and State energy policy formulation (the Center for Science Policy and Technology Assessment). The Department's major divisions are: planning, economic development, and research and economic analysis. The Department is responsible for overall comprehensive planning, encouraging the development of industry and tourism, and promoting international trade.

The Marine Affairs Coordinator, who is appointed by the Governor, establishes objectives, plans and sets the criteria for the total and optimum development of Hawaii's marine resources. He coordinates the State's involvement in the utilization of marine resources at all levels, including national and international, formulates specific program and project proposals, and solicits investment by both government and private sources for development of Hawaii's marine resources.

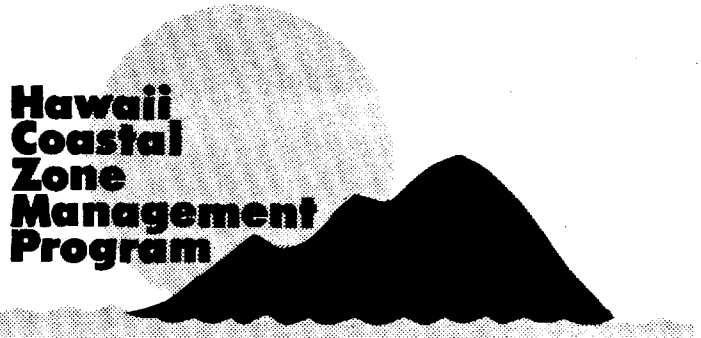
The Natural Energy Laboratory of Hawaii, NELH, was established by the State Marine Affairs Coordinator in response to an Act of the 1974 Legislature. The Laboratory's Board of Directors, appointed by the Governor, include representatives of DLNR, DPED, the University, and the County of Hawaii. The local climate provides high insolation and little rainfall. It is an ideal location for both onshore and offshore bioconversion experiments. The attributes of the site were described in the previous section on Natural Resources.

The Counties of Hawaii, Maui, and Kauai have various Departments of Research and Development, Economic Development and Planning. All of these agencies are anxious to participate in the development of alternate sources of energy in their counties.

The City and County of Honolulu has been very active in looking for solutions to its municipal waste problems. With 83% of the State's population, the high cost of sanitary landfill has encouraged the Department of Public Works to examine new pyrolysis processes for energy production as well as incineration of municipal wastes to produce power. They have one proposal for a power plant and are now preparing a request for other proposals.

ATTACHMENT G

NEWSPAPER ARTICLES



The Honolulu Advertiser

Established July 2, 1856

THURSTON TWIGG-SMITH, President & Publisher
GEORGE CHAPLIN, Editor-in-Chief
BUCK BUCHWACH, Executive Editor
JOHN GRIFFIN, Editorial Page Editor
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Wednesday, August 20, 1975

Saving our shoreline

Some interesting ideas are emerging in connection with the effort to set effective shoreline protection standards for Hawaii.

That's being done in two steps under a process set up by the State Legislature this year.

The counties were mandated to set up interim rules and regulations for shoreline protection by Dec. 1. Big Island planners have already drawn up a set of regulations that may be the general standard for all counties.

Meanwhile, it's uncertain how many bad plans for shoreline development may be pushed through to beat the Dec. 1 date for the new standards.

THE LONG-RANGE job of drawing up recommendations for permanent shoreline protection standards has been given to the State Department of Planning and Economic Development. Those are to be ready for the 1978 legislative session.

That seems like a long time, but it should at least give ample opportunity to study shoreline protection experience elsewhere — California has the most publicized law to date — and to debate what variations might be best for Hawaii.

A story in Sunday's paper by Advertiser planning writer David Pellegrin told about reports on a year of work already done by technical planning consultants hired by the State.

One idea brought out was to make the whole State a coastal zone for special protective considerations. That's controversial in that the Legislature cut down the size of Hawaii's coastal zone area from the proposed 1,000 yards to the 100 yards now in the law. (California has a 2,000-yard zone.)

Arguments for making the whole State a shoreline protection area include the potential for more Federal planning money and the fact so much of what happens inland here is reflected in the condition of our shores and bays.

Arguments against include that creating a statewide area would take the needed focus off the shoreline and add another layer of regulation where it might not always be needed.

THE ESSENTIAL point for now — assuming the county rules will be good enough to hold back much bad development until 1978 — is to bring out ideas for discussion.

The State planning department says it wants to go well beyond just consultant reports and to stimulate as much public input as possible on the shoreline protection or coastal zone issue. That, of course, will mean heavy lobbying from development, conservation and general community interests.

If we are fortunate, some sort of consensus for conservation will emerge to guide the Legislature. We are too late already for some areas and other parts of the shoreline are threatened.

THE PROCESS under way, then, is very clearly the last chance for protecting much of Hawaii's shoreline for years to come. Any doubts or debates have to be resolved in that direction.

Should State go for total coastal z

By DAVID PELLEGRIN
Advertiser Government Bureau

Research on setting up a long-range program for protecting and managing Hawaii's coastal zones is pointing toward a startling but logical conclusion:

The whole State should be declared a "coastal zone."

For the past year, several technical planning consultants have been working under a contract with the State to develop a coastal-zone management plan.

The first-year summaries of their work have just been released — and while they contain no final recommendations, their implications are clear.

The work was done under a $250,000 Federal grant and an additional $125,000 of State funds.

The 1972 law making the Federal money available gives the State two more years to come up with a plan to protect and manage the State's "coastal zone."

THEN THIS year a State law was passed providing certain interim shoreline protection controls in an arbitrarily defined zone extending 100 yards inland. This law is intended to serve as a stop-gap until the comprehensive coastal zone plan is completed in 1977.

Much of the first-year consultants' work dealt with gathering data, preparing technical maps, outlining options and defining the problems in trying to draw "coastal zone" boundaries in an island state.

A key question that emerged is whether it is possible — or even desirable — to try to distinguish between coastal and non-coastal areas of th State.

One of the reports, prepared by the University of Hawaii's Pacific Urban Studies and Planning Program, gave some examples to illustrate this question:

- Inland ponds of West Hawaii and Maui, some of which are quiet removed from the shorelines, are equally affected by various degrees of salt penetration and tidal flux.
- The waters of a flash flood in the Kaneohe Bay region take less than an hour to descend from the top of the pali to the bay.
- The survival of particular coral reefs may be affected by grading for new subdivisions several miles from the shore.

IF THE ONLY coastal concern were preserving beaches for recreation, it might seem as if a narrow protection zone could be established without much difficulty.

But even then problems arise to complicate the matter, as the University consultants point out:

"In attempting to draw a boundary zone for the recreational management purpose, should access to recreation sites be included in the management area? Should the management area include scenic vistas which obviously bear on the quality of the recreational experience?"

Which is another way of suggesting your day at the beach won't be as much fun if a mauka view of green hillsides is replaced by one of shopping center signs.

Without yet officially taking a stand, several planners and State officials are already privately pointing to the advantages of declaring the whole State a "coastal zone":

GIVEN THE near impossibility of drawing a line here for which you could say, "everything on the other side doesn't affect the coastal area," it's plain common sense not to try.

Also, if the whole State were considered in the "coastal zone," we'd in effect be doing some of the comprehensive general planning that was mandated by the 1975 Legislature. A lot of costly and time-consuming duplication could be avoided.

Moreover, some point out, sizable amounts of Federal money are available for local "coastal zone planning" that are not available for local "comprehensive general planning."

So Hawaii is in a position to use Federal money for what in effect would be far-reaching statewide general planning.

Still, a decision to declare the whole State a "coastal zone" would not be made without some controversy. As one shoreline protection advocate puts it:

"I'D BE A hell of a lot more upset by seeing a townhouse on Malaekahana Bay than another one in Mililani Town. If the whole State is decreed a 'coastal zone,' it's sort of like we're right back where we started from."

But few would dispute that some especially vulnerable areas are in need of more immediate location of all new development in the basin.

"This would make possible some control over the cumulative effects of land runoff."

SOME KEY opposition to declaring the whole State a "coastal zone" could well come from county planning officials, since they might see in such a designation a potential grabbing of traditional county planning powers.

Indeed, some county planners are even questioning the need for any kind of "coastal zone management plan."

Says one Neighbor Island planning director: "The State is very good at throwing generalities at us and then expecting us to work out the hard, nitty-gritty details."

But at least some of that county skepticism was softened recently at a meeting here with Robert Knecht of the Federal Office of Coastal Zone Management.

Knecht stressed that coastal zone management should not imply a usurpation of county powers. And he made it clear that significant amounts of Federal money could be made available directly to the counties for such things as staff increases, planning and tion.

Meanwhile, mem the "Hawaii Coastal Management Policy C dinating Committee" — made up of both State and County officials — have stressed the importance of public input in the ongoing coastal planning.

behind the news

The Sunday Advertiser

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MIKE MIDDLESWORTH *Managing Editor*

Honolulu, March 6, 1977

The CZM relationship

For two good reasons we will be hearing much in coming days about the issues in the State's proposed Coastal Zone Management Program.

For one thing, such a program is vital for Hawaii where the relationship of island and ocean is central in our lives. The Legislature should act this year to qualify Hawaii for special shoreline protection funds under a 1972 Federal law.

Second, what the Legislature does on the CZM matter may well set the pattern for State-County relations under the developing new State General Plan and other matters requiring cooperation.

IN FACT, THE most difficult and heated issue over the CZM program is whether the State or the counties should administer the tight controls that will be set up.

The State, which earlier wanted to virtually dominate the CZM program, now proposes to be the "lead agency" with ultimate authority.

The counties want more "home rule" with them making the basic and binding decisions under broad guidelines monitored by the State.

Related to this issue is the question of how much of the Islands should be covered by the coastal zone controls.

The State proposes that all of the islands, the whole State, be considered coastal zone, since no point is more than 30 miles from the ocean and what happens inland on watersheds is reflected on the shoreline. Counties feel this would give the State too much power too far from the shoreline.

There are good points on both sides of this dispute, and it is said to be complicated Federal requirements that lean toward more State authority. As one expert put it, the Federal law was written with Mainland coastal states in mind, not Hawaii where the counties are separated by water.

SO, IF THERE are opinions all around, there are no easy answers on such issues.

For one thing, counties here have in the past often done a better job than the State on planning and preservation matters. And home rule is still a valid concept, not just a slogan.

Still, shoreline protection is not an idle issue or just an occasion to get more Federal funds. If errors are made, they should be on the side of restraints and conservation, although the danger of just creating more red tape is also worth noting.

IN THE END, the coastal zone program issue comes down to a case for a form of real partnership between the State and the counties.

And, since this should set a pattern for other matters ahead, it is worth the Legislature's time this session to set up such a relationship.

"THE STATE AS COASTAL ZONE", Hawaii Observer, November 25, 1975

By Tuck Newport

This article did not begin auspiciously. When I phoned the Department of Planning and Economic Development (DPED) to request a copy of the summary report on the Hawaii Coastal Zone Management Program, I was informed that the report, though printed, remained unbound. It seems that a colored map was not quite ready. However, I was assured, everything would be completed within a couple of days. Fine. I did not need it immediately, anyway.

Several days passed. I phoned again. Yes, the report finally had arrived from the printers. No, my friend explained apologetically, I could not have a copy. Departmental regulations prohibited release of the document to the news media until it had been officially transmitted to the Legislature by the Governor. When would that occur? Once the Governor returned. And where was the Governor? In the Philippines.

Well, was there anything that *could* be released to me? Yes, as a matter of fact, there was. I could borrow the seven technical volumes from which the summary report had been distilled. But didn't these volumes contain everything in the summary report and much more besides? Yes. Then weren't they also embargoed? No. At this juncture, we agreed that the peculiar logic of official protocol bore scant resemblance to that of common sense, but I hustled right down to the DPED office and took all seven technical volumes home.

I plunged into the first document, entitled "Technical Considerations in Developing a Coastal Zone Management Program for Hawaii" at 11 that morning—and promptly fell asleep. Nonetheless, Coastal Zone Management and the related issue of Shoreline Protection are not matters to be taken lightly.

The Shoreline Protection Bill which passed the Legislature this spring requires each county to establish a "Special Management Area" (SMA). Each of these includes a strip of land at least 100 yards wide along the coastlines of the major islands. As of December 1, development of any kind within a SMA, except the construction or repair of a single-family dwelling, will be subject to special controls. These will remain in effect until the Coastal Zone Management Program being prepared by the DPED has been adopted by the State and approved by the Secretary of the Interior.

To date, the Shoreline Protection Bill has received more attention than the Coastal Zone Management Program scheduled to supersede it in a couple of years. Proponents of the bill, who originally proposed that the protected area along each coastline extend at least 1,000 yards inland, view it as an important breakthrough in their efforts to preserve the remainder of Hawaii's shoreline. Developers argue that the bill will create another layer of bureaucracy, delay good projects as well as stop bad ones and (inevitably) increase costs. Government officials, especially those responsible for determining the width of each SMA and establishing procedures for the review of projects within them, are trying to balance these conflicting environmental and economic concerns and still meet the December 1 deadline for implementation of the bill.

Most of the controversy over the Honolulu City Council's "Bill for an Ordinance to Establish the Area and Rules and Regulations for an Interim Shoreline Protection District for Oahu" has focused on the boundary line drawn by the Department of Land Utilization. It was not practical to simply draw a line around the entire Island exactly 100 yards inland from the shoreline. Such a line would indiscriminately slice through pieces of property, ignore obvious boundaries such as roads and fail to account for variations in topography and ecology from one location to another. The Department attempted to take all of these factors into consideration and adhere to a consistent set of boundary criteria. The coastal highways, where they neither fall short of the 100-yard minimum nor deviate too far inland, frequently were adopted as boundary lines. In some places along the coast, the line jogs inland to include wetlands such as the Heeia Meadowlands, flood-prone areas such as Haleiwa and State property such as Diamond Head. At other sites, Queens Beach and Kahuku for example,

it jogs seaward away from the road and toward the shoreline.

Carl Smith, who prepared the boundary-line maps for Oahu, personally felt that the lands makai of Kalanianaole Highway at Queens Beach and Kamehameha Highway at Kahuku should be included in the SMA. But the developers who have projects planned for these sites felt otherwise. Moreover, the Council seemed reluctant to extend the boundary too far beyond the 100-yard minimum required by law. So, the line in these two areas, though drawn more than the minimum distance inland, falls short of the coastal highways.

It is important to remember that even if the SMA boundary had been extended all the way to the highways, the development of either site still would have been possible. The shoreline management areas and regulations in each county will not necessarily prevent the development of lands which lie within them. In some instances, development of an ecologically sensitive or esthetically important site may be prohibited altogether. But the general expectation is that a carefully planned development on properly zoned shoreline land will be approved. Developers will be required either to (1) obtain a certificate which states that the environmental effects of a project will not be significant or (2) prepare an environmental impact statement which shows what those effects will be and how they will be minimized. The cost of each project presumably will be increased as a result of this delay. However, in light of what has been happening to Hawaii's shoreline in recent years, this disadvantage appears to be outweighed by the benefits—economic, social and environmental—to be gained by the extra protection given to the coastline.

Actually, for anyone who has a vision of the future that extends beyond the next election, there should be no conflict between economic and environmental uses of Hawaii's shoreline. A state dependent on tourism for its economic well-being cannot afford to abuse the environment which attracts tourists. Senator Francis Wong may be horrified at the prospect that some shoreline areas will not be

developed to their "highest and best use." Granted, the likelihood that another Sheraton-Waikiki will grace our beachfront has been diminished by the passage of the Shoreline Protection Bill. But the bill affects only a minuscule fraction of the State. It will be entirely practical to construct equally impressive monuments a short distance inland. Moreover, the City's property tax base will not stagnate, as the senator fears, merely because future high-density development has been pushed back from the shoreline. If the suggestion, offered 20 years ago, to limit new hotel construction in Waikiki to the makai side of Kalakaua Boulevard had been adopted, Hawaii's prime resort would not be less profitable by virtue of being more attractive.

I must confess, however, a measure of sympathy for Francis Wong. The Shoreline Protection Bill on which he already has choked is a veritable gnat compared to the camel which he almost certainly will be asked to swallow in 1977, when the DPED submits its final version of the Coastal Zone Management Program to the Legislature. Consider this: The language of the Federal Coastal Zone Management Act of 1972 suggests that, in order to qualify for Federal funds to administer the Program, the State of Hawaii will be hard pressed to come up with a satisfactory definition of the Coastal Zone that does not include the entire State and its territorial waters.

The only practical alternative, according to consultant Daniel Mandelker in a preliminary draft of document six, "Legal Aspects of Hawaii's Coastal Zone Management Program," is a narrow shoreline strip comparable to what is in the process of being adopted by the counties in order to implement the Shoreline Protection Bill. But the Islands, with the possible exception of Hawaii, are too small for development anywhere on them not to create sedimentation, flood control, water quality and related problems. The slow death of Kaneohe Bay, precisely the sort of situation which the Coastal Zone Management Act meant to prevent or correct, is primarily a result of excessive runoff created by the urbanization process that has been taking place throughout Kaneohe Bay Watershed rather than a result of pollution generated along its shoreline.

A narrow shoreline boundary will do relatively little to save the Bay. And an intermediate boundary, which included only some of the areas subject to development, would be at best a partial solution. Furthermore, the arbitrary nature of such a boundary would enormously complicate life for developers and government officials alike. They would have to work with two different sets of planning criteria and procedures—one for projects inside the coastal zone and one for projecrs outside of it. It can be argued that a narrow shoreline boundary would create the same problem. However, a narrow boundary would be just that: narrow. It would not incorporate a significant portion of any island or urban community and it would be limited to areas with a common set of problems created by their proximity to the sea.

Under the circumstances, it seems likely that the various departments, policy coordinating committees and citizen forums designated to consider how to best apply the Coastal Zone Management Act to Hawaii will conclude, in one way or another, that the entire State should be included in the Coastal Zone. This prospect already has alarmed county planning officals who fear that the State may use its preeminent role in the Coastal Zone Management Program to upset the traditional balance of power between State and county planning agencies. However, if intergovernmental power struggles can be avoided—or, more realistically, kept to a minimum—the adoption of a Statewide Coastal Zone would enable the State and counties to direct their energies and Federal funds toward the management and solution of environmental problems on an Islandwide basis. This in turn would require them—at last!—to actually calculate exactly what kind of development and how much of it can be supported without irreparable damage to the natural environment.

Tuck Newport is the editor of The Observer.

Key CZM questions are answered

By BRUCE BENSON
Advertiser Staff Writer

Question: One of your recommendations is to designate the entire State of Hawaii as an official coastal zone. What does this imply? And how would it affect the people, for example, who live in Waimea-Kamuela, or in Kula, or in Waipahu?

Answer: Skrivanek — Our geographic situation is considerably different from the Mainland. Most of our urban population is on or very near the shoreline. We have no distance in the State that is more than 30 miles from the shoreline. The legislation of the Federal shoreline act, as written by the Congress, generally applies to Mainland states which have much larger geographic areas than ours. Many of these have considered including areas more than 30 miles inland for their coastal zone.

Any kind of Federal aid we may be eligible for under coastal zone policies could be applied statewide in Hawaii rather than only within a narrow strip of the shoreline. For example, this could be for a forestry management program in the hills that affects soil erosion and then water pollution. A number of these factors led us to believe the entire State should be a coastal zone.

Kono — The purpose of the act is to enable the people to maximize the use of these coastal zones, to keep as much of the resources as necessary to pass on to the next generation, yet use the resources to the maximum of their economic values. These are conflicting values to a certain extent.

Question: Are you saying that geographically, ecologically, the State can't be separated from the ocean?

Answer: Kono — That's right. We feel it makes sense to consider the entire State a coastal zone.

Skrivanek — It ties in with Federal programs on water quality and other concerns. It allows for greater consistency in planning.

Question: You're saying that present planning tools are inadequate. Can you offer specific examples of how the broader planning of CZM would stave off or prevent problems?

Answer: Skrivanek — We've been doing some things in piecemeal fashion. Before the Environmental Policy Act, for example, there wasn't a sense of direction or thrust about environmental concerns. We now have that. I think we have a number of laws which, little by little, are getting on the books. One example is shoreline access.

Three years ago, we had one bill adopted, and two years ago, another bill adopted. Subsequently, the Legislature also made a $1 million appropriation to buy shorelines with the counties on a 50-50 basis. Maui County has a request in now for a sizable hunk of it. These are the kinds of things that were not on the books before. We didn't have a general sense of direction expressed in policy, saying, "This is the way we should manage our shoreline."

Question: Aren't you affirming what I was suggesting, which is that present policies, regulations and laws perhaps adequately cover the development and preservation of the shoreline?

Answer: Skrivanek — As a matter of fact, we think that we are probably overregulated and that we have a lot more laws than may be necessary. Certainly the whole permit structure is very complicated. What we're trying to do with CZM is simplify the procedure and make it more manageable, more streamlined.

Kono — This will be an excellent opportunity to review all our past laws and make them more efficient. We are accepting the opportunity the Federal Government has provided us. By conforming with the tone of Federal legislation on shoreline management, we'll have extra money come in annually to administer our plan.

Question: One of your decisions is for DPED to take the role of lead agency in administering the CZM. Would you be taking power away from some other State or county agencies in the interest of more efficient administration?

Answer: Kono — No, it's really not taking. It's filling the need for the various agencies to work together.

Skrivanek — It's a new program and rather than create a new agency we can be the lead agency, similar to what we're doing now as the State clearinghouse for the Federal Bureau of Outdoor Recreation Program.

Question: Can you explain what "306" grant money is?

Answer: Poirier —There are two kinds of funds, one known as 305 and the other known as 306. The first authorizes money for the State to come up with a planning program, the end result of which is Hawaii's CZM. The first year we received $375,000; last year we got $600,000, and this year it's $750,000. The other is 306. Once the plan is submitted to our Legislature, and approved by the Federal Government as well, they will make money available to carry it out.

So unlike most of these Federal programs, CZM isn't just planning. There are funds that can make it happen which are attached to it. Hawaii is in its third and final year of planning.

Question: What happens then?

Answer: Poirier — It's not then; it's now really. We've formed ten advisory groups. They assisted us in identifying problems, which were taken by a consultant and put in the form of problems and recommendations. These are reflected in our interim policy plan. At the same time, we've come up with options, on which Mr. Kono has made some final determinations. In order for us to draft legislation for the upcoming session, we had to make some assumptions.

Also at the same time, we hope to submit to the Federal Government our 306 application at the end of this year. It will include the draft legislation. If the Legislature adopts a package and the Federal Government approves the plan, next year some time we should be in business with the CZM. There will be a public hearing and an environmental impact statement in the process.

Question: Let's take a specific problem. If all this is approved and put into operation, and someone owned 25 acres next to a coastline where he wanted to build a hotel and condominiums, what would he have to do that's any different from what he must do at present?

Answer: Poirier — It's very difficult to say. As of now, the only review regulatory power we're advocating is for what we call areas of particular concern. These would be areas of statewide significance which need special treatment. If the 25 acres were within an area of particular concern, then we propose that a coastal zone council established by law would take a look at it. There would be four members on the council who are the four county planning directors. There would be another four who are State officials, and another four who are citizens at large.

The council would be staffed by us and its members would advise the governor. They would have to determine the boundaries of the area, decide how to manage it, and send a recommendation up to the governor, who if he approved the area as one of particular concern, might then assign a lead agency to handle projects or problems within it.

Once a problem has been treated and solved, there would be another public hearing to un-designate the area as one of particular concern. So it's not like zoning. It's not a permanent control device which is here for all time.

Sunday, November 21, 1976

Honolulu Star-Bulletin, Saturday, March 5, 1977

Home Rule Hassle Perils Coastal Management Bill

By Gregg K. Kakesako
Star-Bulletin Writer

Democratic Sen. Jean King believes it's "highly unlikely" that the controversial and complex coastal zone management bill will be passed by the Legislature unless the House acts first.

King, chairman of the Senate's Ecology, Environment and Recreation Committee, yesterday said that only two of her eight committee members showed up Thursday night. She said she had hoped to work out some sort of compromise measure then.

King, D-6th Dist. (Waikiki-Manoa), said because only two other committee members besides herself were present no action was taken.

Under the Senate's internal rules the coastal zone management measure, like all bills with two committee referrals, has to be reported out of the first committee by Monday.

KING SAID SHE still plans to circulate a committee report on the measure this weekend, but is pessimistic that she can draw up enough support for the administration-sponsored measure.

"The big hassle is over home rule," King said, "and whether the State or the counties should have precedence."

King said she personally prefers the bill, as drafted by the State administration, that would establish a a 12-member committee with representatives from the State, the counties and the general public.

Jean King

Russell Blair

Since the administration bill has to be reported out of her committee and sent to the Senate's Economic Development Committee by Monday, she hopes to influence her committee members to approve the measure by then.

King said she is willing to compromise and let the counties be the designated agency just as long as the bill's intent — which is protection of Hawaii's coastal zones — is left intact.

ON THE HOUSE side, Democratic Rep. Russell Blair, chairman of the Ecology and Environmental Protection Committee, expressed concern over the action of King's committee.

Blair, D-14th Dist. (Kakaako-Punchbowl), said he is preparing a compromise measure which he will present to his committee before it meets at 8:30 a.m. Tuesday in Room 330 to discuss the controversial measure.

"The big hangup is home rule," Blair said, "probably by Monday I hope to propose some alternative language for the committee to consider at Tuesday's hearing on the bill."

Blair declined to discuss his compromise language until his committee has had the time to discuss it.

The State administration introduced the measure this session to provide the staturory basis for Hawaii's coastal zone management program to comply with the requirements of the National Coastal Zone Management Act.

CONGRESS ADOPTED that act in 1972. It authorizes a planning and management program for the coastal areas of the nation's 34 coastal states and territories.

In 1973 the Legislature designated the State Department of Planning and Economic Development to prepare a plan to enable Hawaii to participate in the program.

The administration introduced a bill this session to designate some sort of agency — whether it be the counties or a separate commission — to establish and run Hawaii's coastal zone management program.

Councilmen take stand against state CZM plan

By JULI CHASE
Staff Writer

Members of the County Council Planning and Economic Development Committee last Thursday decided to make a concerted effort to oppose provisions of the state's proposed coastal zone management (CZM) plan.

The course of action will involve meetings with Maui legislators and giving input at legislative committee hearings.

The council stand apparently meshes with that already taken by the CZM citizens advisory committees in the tri-isle county, as well as Planning Director Toship Ishikawa and Mayor Elmer F. Cravalho.

Ishikawa appeared at the committee meeting to outline the main objections to the CZM plan proposed by the State Department of Planning and Economic Development (DPED). His testimony followed a DPED slide presentation, which Ishikawa termed "biased" in favor of the state's viewpoint.

DPED is proposing that the entire state be designated the coastal zone—to be covered by the rules and regulations of the CZM program.

"We cannot support that," Ishikawa said. "We would lose our local control."

Part of the state's rationale for including the entire state is that federal funding obtained for the CZM program could be used anywhere in the state.

Ishikawa said a problem with federal funding, however, is "usually there are strings attached—unfortunately."

He said a potential problem which could be generated by statewide application of the CZM rules could be that a farmer wanting to plow his fields would have to get a special permit to do so because of possible affects on the shoreline.

RELATED STORY ON A-10

He said that while large landowners may be able to afford this procedure, it would present an undue burden to the small farmer.

Another county-level objection to the state's plan is to the proposed designation of DPED as the lead agency with administrative responsibilities as well as implementation authority, which would give the agency the power to review state and county plans for consistency with CZM objectives.

'As far as we go'

"We can go along with DPED having fiscal responsibility," Ishikawa said, "but that's as far as we go."

"I don't think they should get involved in reviewing plans and second guessing the county," Ishikawa said.

He said if DPED has the authority to review county plans, that means the department also would have the authority to reject those plans.

"We don't think (DPED personnel) over in Honolulu should have the power to reject a plan approved at the county level," Ishikawa said.

The proposed CZM plan also provides for designation of areas of particular concern (APCs) within the coastal zone. The process involves review by a Coastal Zone Council and eventual approval by the governor.

This process "doesn't give the counties as much input as there should be," Ishikawa said.

"We (the counties) all know what the problems are, where they are, and what would be the best solution," he added. "I don't think the state should be telling us where the problems are."

Ishikawa said another drawback to the state's plan is that it does not provide for any exemptions, as do the interim rules and regulations currently in use.

He said if the plan is approved as written it would apply to any building anywhere in the state from the shoreline to the tops of the mountains.

"We're going to end up with a lot of restrictions on building, but it's not going to solve the problems," Ishikawa said. Later he said "the intent of the (federal) legislation was to identify the problems and solve them, not just provide funds."

He said officials of other counties have the same objections to the state's proposal and have told DPED serious consideration should be given them.

But, he indicated, DPED apparently is unwilling to change its proposal significantly.

"What they say and what we say and what comes out is different," Ishikawa said.

Councilman Abraham Aiona termed the state's approval a "slow erosion of the home rule concept."

"It seems like no matter what you tell them they're going to ram through what they want," Aiona said.

Councilman Toshio Ansai asked Ishikawa how many county suggestions had been included in the draft legislation which will be sent to the legislature to final action.

"To put it kindly—nothing!" Ishikawa said.

The committee members directed Ishikawa to draft a report on the bad, and the good, features of the state proposal so the panel can formulate an action plan in the next few weeks.

Coastal zone plans a

By JERRY BURRIS
Advertiser Politics Writer

news analysis

Everyone agrees that Hawaii's sand-and-lava-bound shoreline and its ocean resources beyond should be preserved and protected.

But there is strong disagreement over who should do the protecting and how stringent those controls should be.

This is the basic hangup in the decision facing State lawmakers this year as they attempt to come up with a Statewide coastal zone management (CZM) program.

House and Senate ecology and environment committees sponsored a public hearing on the most current CZM plan Monday and it dragged on past midnight. Further testimony and a difficult round of decision-making are still to come.

The basic political issue is whether the counties or the State should administer the powerful controls that would come to life under the coastal zone management program.

Also at issue is how much of the State should fall under those controls.

The Department of Planning and Economic Development (DPED) says the entire State, from mountaintop to shoreline, should fall under the CZM program in one form or another.

Stringent permit procedures administered by the counties would apply to those relatively narrow shoreline management areas already in effect under the interim control bill passed in 1975. This would constitute the "first tier" of controls.

The "second tier" would be all other areas where the State would watch to make sure the policies and goals of the CZM prevail.

The counties, meanwhile, want the CZM program to apply basically to those narrower shoreline management areas. And they want to have authority to make decisions in those areas.

The DPED proposes that ultimate authority for the CZM program should rest with the State Administration through the DPED, the State Land Use Commission and a new 12-member Coastal Zone Commission composed of State, county and public members.

The counties, understandably, want home rule. They say each individual island county should be allowed to handle basic decisions involving land use and development within its shoreline areas.

The difference of opinion is so strong, several lawmakers said, that they may have trouble coming to a decision on CZM legislation.

Creation of a CZM program is stimulated by a Federal law passed by Congress in 1972. That law offers Federal money and help to coastal states that set up a program to manage endangered shoreline areas.

A basic principle of the law, according to DPED Director Hideto Kono, is that there is need for controls over coastal zone use that go beyond purely local concerns.

This implies statewide oversight and even Federal guidelines, he said.

This fact means some threat to local powers, Kono acknowledged, and a guarantee of certain political problems.

"The counties of our State, however, convinced that they have managed their coastal zones very well, probably will not relish the proposition that calls for State oversight designed to ensure their compliance with the State-enunciated CZM objectives and policies," Kono said.

"Not relish" appears to be a vast

wash in crosscurrents

Hideto Kono
Need for controls

understatement if the testimony of the counties is any guide.

"This would give the State administration the power to develop rules and regulations for land uses for the total Island of Oahu and will give to the Land Use Commission the authority to implement these rules and regulations by issuance of permits for development," said Honolulu Planning Director Robert Way.

A Statewide CZM covering all lands would make every county building permit, development controls and planning effort subservient to the State, Way argued.

"This is in direct contradiction to the intent of existing statutes and will have a disastrous preemptive effect on all planning done by the counties," Way said.

Way's comments were echoed by planning officials for Maui and Kauai.

The county officials also disagreed with plans for a system of designating "areas of particular concern" (APC's) within the coastal zone management area.

APC's would be special areas where government could step in and halt development or changes in their use until special environmental problems can be worked out.

In a "crisis situation" where special Statewide interests are involved, government could cut red tape and set up an APC.

If any level of government is to set up such special control districts, said Maui County Planning Director Tosh Ishikawa, it should be the counties.

"Because the majority of restrictions and regulating controls would apply in the APC's," Ishikawa said, "and consequently the property owners in our communities would be most affected, it would seem logical to assign the responsibility for APC determination to the counties."

As did the other counties, Ishikawa complained about placing the entire State into a State-managed CZM area.

"It could reasonably be assumed that the farmer in Kula, for example, would be required to obtain a grading permit every time he needs to plow his fields because the land is now within the coastal zone," the Maui official said.

Ishikawa, Way and Kauai Planning Director Brian Nishimoto all urged that the State role be only to set broad goals and objectives for the CZM program. The State DPED should be a "lead agency" only for financial and administrative functions, they said.

Many citizen and environmental groups have supported creation of a Statewide CZM, however.

They pointed out that actions even far in the hills can have a direct impact on the use of the shoreline and the quality of the waters surrounding the islands.

Honolulu Star-Bulletin Tuesday, December 16, 197

Hawaii's Land Use Law Praised

By Dave Shapiro
Big Island Bureau Chief

HILO — Hawaii's land use law and planning process won strong praise from Mainland planners yesterday at the opening session of the County Planning Department's three-day workshop on legal issues involved in growth management planning.

Daniel Mandelker, law professor and director of urban studies at Washington University in St. Louis, said Mainland communities are just beginning to deal with the problems Hawaii's Legislature addressed in passing its comprehensive land use law more than a decade ago.

He said many of the Mainland plans are ending up in court for determination of how far communities can go in growth management.

"PIONEERS NEVER realize that they're pioneers," he said. "This state is, in fact, a pioneer.

"I would urge Mainland planners to look very closely at the regulations of the Land Use Commission here.

"That is growth management — a system that determines where the urban boundaries are and how they should change. There is no jurisdiction on the Mainland where one body has that authority."

John Costonis, professor of law at the University of California-Berkeley, said Hawaii has made such advances because "land permeates all concerns here."

"You know if you foul this nest, you'll have to go 2,400 miles in either direction to find another one," he said.

HE SAID Hawaii residents have a long tradition of respect for the land and a strong consensus about what is right and wrong with past land use practices.

He said the State has "the most comprehensive social planning process I've seen anywhere."

"You people are thinking about the unthinkable," Costonis said. "On the Mainland, we haven't even thought about such issues as population control yet."

The workshop has attracted more than 100 participants from all four county governments, the State and the Mainland.

RAYMOND SUEFUJI, Big Island planning director, opened the conference by noting that many communities, including those in Hawaii, are paying "high catch-up costs" for the unbridled growth of the past.

He said that past laissez faire attitude of government led to sprawling subdivisions, closing of beachfront lands, loss of historical sites, severe social problems and limited job opportunities.

He said the concept of planning must expand beyond land use and economic development to deal with the problems.

Suefuji said the recent proliferation of laws on land use, shoreline protection, park dedication and environmental impact statements has created a large body of agencies dealing with essentially the same problem.

"These agencies must stop acting independently and realize that the actions of all affect the others," he said.

Rules for Conservation Districts

"REG 4" IS a term that doesn't mean much to many people but which means a lot to persons, whether conservationists, ranchers, foresters or resort operators, who are interested in Hawaii's land.

Public hearings on proposed revisions to Regulation 4, which governs use of almost half the land in Hawaii, will begin this month. The revisions were announced in August by W. Y. Thompson, chairman of the Board of Land and Natural Resources, who asked interested persons to send in comments and recommendations concerning the proposals to Roger C. Evans, the project coordinator.

Public hearings begin this month on proposed revisions to State rules for conservation districts.

The public hearings all begin at 7 p.m. The schedule:

Oct. 27, Council Chambers, Kauai County Building, Lihue.

Nov. 17, Conference Room, Kahului Library, Kahului, Maui.

Dec. 8, State Capitol Auditorium, Honolulu.

Jan. 11, Kona, meeting place not yet selected.

Jan. 12, Hilo, County Council room.

A LITTLE BACKGROUND should be presented.

The State Constitution classifies Hawaii's land into four districts: urban, rural, agricultural and conservation.

Of a total land area in the State of 4,111,500 acres, nearly half (1,976,695 acres) is classified as conservation district.

Section 205-5 Hawaii Revised Statutes states: "Conservation districts shall include areas necessary for protecting watersheds and water resources; preserving scenic and historic areas; providing park lands, wilderness, and beach; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural conditions, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept."

Department Regulation 4 was adopted in 1964 to provide the framework for implementing the law in regard to conservation districts.

In the 13 years since there have been complaints that the regulation was too vague, that it needed to be refined so that conservation lands would be used for the purposes for which they were intended.

The need for revising Reg. 4 has been emphasized by the rising environmentalist sentiment of recent years.

RESOLUTION 12, passed by the State Senate in 1976, requests the Department of Land and Natural Resources to revise the regulation as soon as possible to ensure the protection of Hawaii's conservation lands.

Evans, the project coordinator, pointed out that the old Reg. 4 would allow residences and resorts to be permitted uses in conservation districts, that rulings by Mainland courts might make it difficult for Hawaii to say "no" to resort plans if developers took the matter to court here.

"We feel resorts should not be allowed in conservation districts," Evans said.

The old Reg. 4 contains only two subzones, Restricted Watershed and General Use.

"Our underlying philosophy is one of man with nature or nature over man," Chairman Thompson said, in explaining the revisions.

The proposed revision places the conservation district into four categories, "hierarchial in nature, ranging from pristine preservation to general use," he said.

The four subzones in the revised Reg. 4 are:

1. Protective (P), to protect valuable resources in restricted watersheds, fish and wildlife sanctuaries, significant historical or archaeological sites and unique areas.

2. Limited (L), to limit uses "where natural conditions suggest constraints on human activities" such as lands susceptible to floods, soil erosion, tsunami, volcanic activity and landslides, or lands with a general slope of 40 per cent or more.

3. Resource (R), to develop, with proper management, areas to ensure sustained use of the natural resources.

Lands suitable for parks, forest products, outdoor recreational activities, and offshore islands not in a P or L subzone would be examples of land in the R subzone.

4. General (G), to designate open space where specific conservation uses may not be defined but where urban use would be premature.

REG. 4 SAYS that a "permitted use" is primary and is permitted as a matter of right anywhere in the subzone.

A conditional use may be allowed, but only if certain conditions set forth by the regulation and board are met. Public hearings shall be held on applications for conditional uses when the board determines that an issue of substantial public interest is involved. Public hearings shall also be held on proposals for commercial use of land.

Evans said that most of the comments received so far on the proposed revisions are favorable and that "we are cautiously optimistic as we go into the hearings."

"We can defend it as a resource-oriented document," he said.

He said, however, that there will be some changes as a result of comments received so far by his office and from the public hearings.

He also said the Attorney General's Office is carefully studying the phrases used in the proposed revisions and that it may recommend some changes to make meanings clearer or more definite.

The revised Regulation 4 should reach the Board of Land and Natural Resources for its approval early next year, he said.

Honolulu Star-Bulletin

A-20 • Wednesday, November 19, 1975

Too Complicated

The layers of government concerned with proper planning and physical development of Hawaii are getting thicker and more numerous.

The latest additions (see today's opposite editorial page) are the Shoreline Protection Program and Federal flood zone rules.

Before that we added the Environmental Quality Commission and the need for environmental impact statements.

And these are only the latest additions to a protective-regulatory framework that involves land classification by the State Land Use Commission (LUC), zoning by the counties within the LUC framework, detailed land use maps, area development plans, building permit requirements, and health and environmental standards and permits. In addition, areas like Waikiki, Diamond Head, Punchbowl and the Capital District are under special additional controls.

The would-be developer today faces a nightmarish maze of applications and appprovals. Failure at any hurdle can derail his plans. Meantime the front money he has tied up in planning costs perhaps 10 per cent a year. Tying up $100,000 for a year means an interest cost of $10,000 plus the risk the project may never be approved at all.

In this light, it is amazing how little developer resistance we have had to these programs (not enough to stop them) rather than how much.

The fact is that those developers really interested in Hawaii's future recognize that controls are necessary to prevent ruthless exploitation and destruction of our attractive natural environment.

The battle is properly joined not over whether we should have controls, but over what kind and how they should be administered.

The time has come to think hard about this thickening of our bureaucracy, and see whether we can streamline it without deserting our objective to preserve and enhance Hawaii's natural environment.

In part, this seems a challenge for the State Government Organization Commission appointed but not yet activated.

At the root we need basic decisions about the proper roles for the State and the Counties, with possibly some transfers of responsibility between the two.

Beyond that we need to consider how review functions can be consolidated. "One-stop shopping" for development approvals may never be possible, but we ought to move as close to it as possible.

If we have a Constitutional Convention in 1977 or 1978, serious proposals in this direction ought to be ready for consideration at that time.

In the meantime, both government and the private sector ought to be doing some hard thinking about what organizational structures seem most appropriate to our new highly regulated times.

Too Much Red Tape

Honolulu Star-Bulletin
Thursday, June 24, 1976

In its preliminary recommendations, the State's Government Organization Commission has gone only a few steps along the road in unraveling government red tape.

It has some good suggestions about a better division of parks responsibility between the State and the counties. The State is to deal with historic and natural resources and areas oriented toward Statewide use. Beaches, recreational parks and community-oriented parks are to be county concerns.

Water development is to be shifted entirely to the counties. The State Land Use Commission is to take county general plans into consideration in reaching its decisions. Primary (but not total) responsibility for public housing development is to be placed with the counties.

But GOC has left far too much of the red tape in place.

The following example may be instructive.

The new Wailea residential-resort community on Maui is regarded as one of the best of its kind. The developer (Alexander & Baldwin) wanted it to be that from the beginning and hired outstanding design professionals to assist it.

Wailea is helping the County of Maui finance the offsite support facilities the complex needs. It has contributed $2.3 million for the sewer system and treatment plant in Kihei, expects to contribute $2 million for water development, and is joint venturing an $11 million water line with the County and another developer.

The list of government processes the Wailea plans had to clear before construction could start included the following, according to the Construction Industry Legislative Council (CILO):

State Land Use Commission, county general plan, zoning, planned development, three reviews and 22 meetings with the County Planning Commission, County Land Use, grading permits, foundation permits, Department of Public Works, building permits, and approvals by the Department of Water Supply, State Department of Health, Federal Soil Conservation Service, shoreline protection permit, and environmental assessment. Each review added time and money to the construction equation.

With the adoption of the Interim Coastal Zone Management Rules and Regulations, an additional review is now required of projects makai of Wailea Alanui. The next hotel development will require an expensive Environmental Impact Assessment before proceeding with the County's three-step procedure for planned developments.

The Star-Bulletin does not contend, and neither does CILO, that government controls over development should be abandoned. This newspaper believes we will need even stricter controls in the future.

But the processes we have now are too numerous and too slow. They stretch out review time, delay construction and add substantially to a project's cost.

We will win a lot more support for environmental protection in important quarters if we can do it with clearer rules and simpler processes.

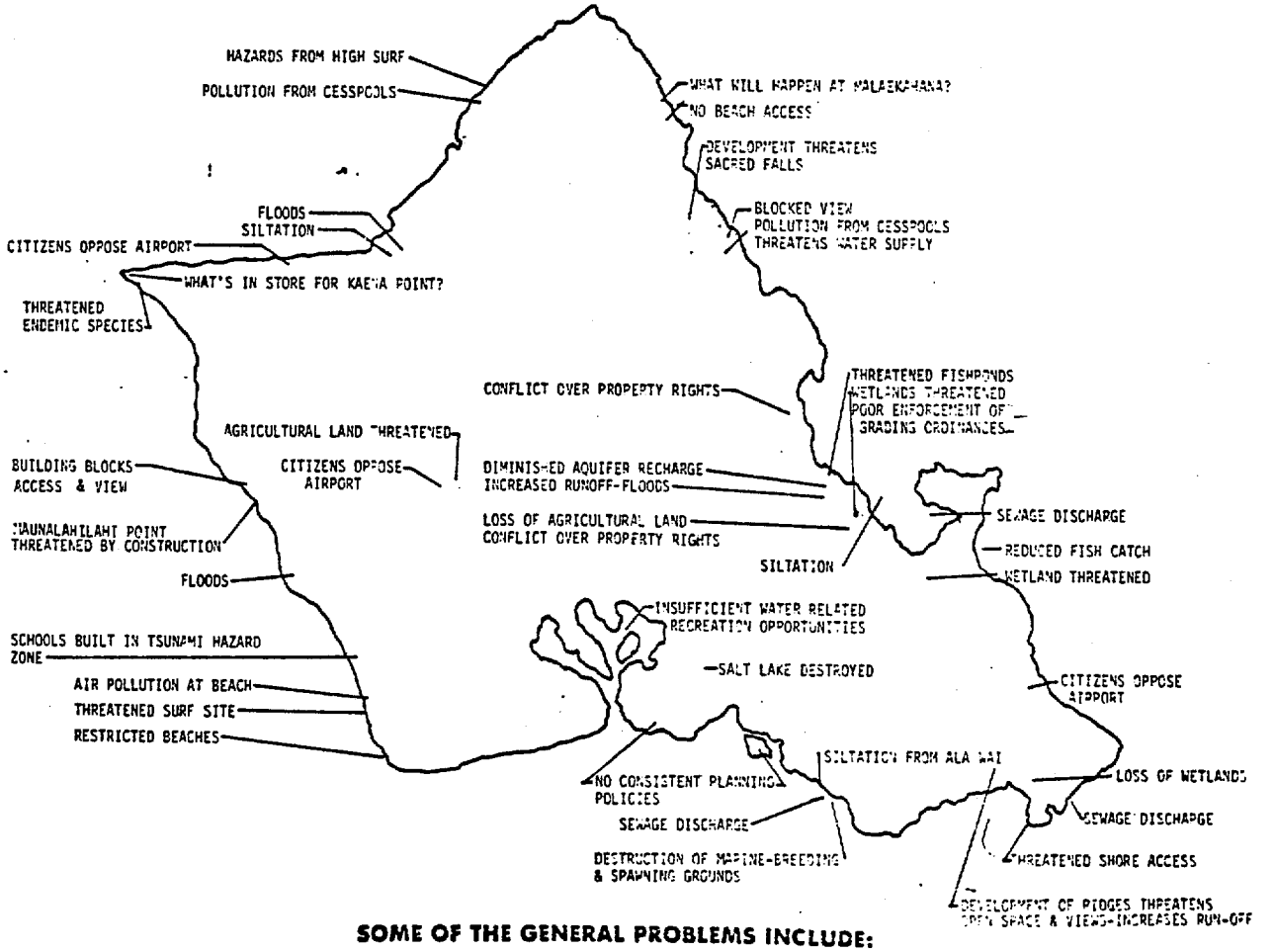
That probably means a consolidation of many existing procedures.

This is an important area the Government Organization Commission has barely touched.

AN OPEN LETTER TO: OAHU CITIZENS

FROM: HONOLULU CITIZEN ADVISORY COMMITTEE
HAWAII STATE COASTAL ZONE MANAGEMENT PROGRAM

Coastal Zone Management is a government program aimed at finding a better way to manage Hawaii's coastal areas. In 1975, Governor George R. Ariyoshi appointed committees on each island to advise the State Department of Planning and Economic Development on the program. On Oahu only 20 individuals represent over 704,500 Honolulu county residents. What do you think are the problems of Hawaii's coastal zone? Here are some SPECIFIC PROBLEMS that we have identified.



SOME OF THE GENERAL PROBLEMS INCLUDE:

1. No consistent policies relating to conservation of marine resources (limu, opihi, fish, fishponds, coral, etc.), open space, transportation, urban expansion, agriculture;
2. Inadequate shoreline park sites and insufficient beach access;
3. Widescale destruction of native plants and animals;
4. Infringement of property rights;
5. Multiplication of bureaucracy — (To much red tape)!
6. Existing laws and regulations not enforced;
7. Destruction of marshes, swamps, estuaries, and other wetlands;
8. Ocean and mountain views blocked by development;
9. Paving and roofing of large areas preclude recharging island's water supply;
10. Historic sites and Hawaiian [illegible];
11. Un-landscaped highways and cuts cause [illegible];
12. No regional plans;
13. Constructive government regulations have increased development costs and resulted in loss of opportunities.

DO YOU AGREE OR DISAGREE?

vulnerable) and suddenly, it wasn't a small-town [illegible] Oscar was not presented.

Star Bull
Sat. 9/11/76

Residents Fight Shoreline Permit

A group of Punaluu residents yesterday appealed the City Council's approval of a shoreline management permit for a planned Bishop Estate development at Kahana Bay.

The appeal filed in Circuit Court asked that the Council be found in violation of the State law under which the Coastal Zone Management Program was set up.

It was filed by attorneys for the Punaluu Community Association, the Shoreline Protection Alliance and Walter Johnson and Robert Linsley, whose properties adjoin the site of the planned development.

THE APPELLANTS CITED THE STATE law that says:

"No development shall be approved unless the . . . Council has first found . . . 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."

According to the appellants, the Bishop Estate plan for a cluster development of eight units on 1.6 acres of shoreline land will violate that provision.

FOR ONE THING, THE planned use of cesspools "will have an unfavorable effect on Kahana Bay," they claim.

They also cited the fact that the buildings would be within a State designated tsunami inundation area.

The appellants also claimed that "their use and enjoyment of these waters will be adversely and irrevocably affected should the cluster housing development be constructed."

They asked the court to declare the City Council action a violation of the law and to declare the shoreline management permit null and void.

The City administration had recommended that the Council deny the permit at least until the State Coastal Zone Management Program is put into effect.

All nine Councilmen were named in the appeal filed yesterday although Council member Toraki Matsumoto and Marilyn Bornhorst voted "no" on the permit. Councilmen George Akahane and Daniel Clement were not present at the Aug. 11 meeting at which the action was taken.

Star-Bulletin
10/22/77

Suit Protests OK of Plant

The Waianae Coast Neighborhood Board and several other organizations petitioned the Circuit Court yesterday to overturn the City's decision that no environmental impact statement is needed for a new Hawaiian Electric Co. generating plant at Kahe Point.

The decision by the City Department of Land Utilization, which was supported by the City Council, is in violation of State law and City ordinance regarding development within a shoreline special management area, according to the suit filed.

In addition to naming the department and Council, the suit named Marilyn Bornhorst, Council chairman, and George S. Moriguchi, director of the land department, as defendants.

JOINING THE Waianae board in the suit were Life of the Land; the Nanakuli Hawaiian Homesteaders Association and its president, Rose L. Jackman; and Peter Apo of the Waianae board.

They asked that the court declare the negative declaration which ruled out an impact statement as "arbitrary and capricious and unsupported by the facts on the record."

They also asked the court to enjoin any permanent construction at Kahe by the electric company until an impact statement is prepared.

THE SUIT SAYS that an environmental assessment made by the electric company in 1973 indicates several points of environmental impact, including loss of sand along the shoreline; metal particles, including nickel and lead, to be discharged in the water from the generator plant with an effect on the plants and animals offshore; and the effect of heated water on the reef ecology. It also cites the effects on the air and on persons with breathing problems of the burning of fuel oil at the plant.

The "preservation of a rural lifestyle on the Waianae Coast" was listed among other environmental concerns in the suit.

Advertiser 10/8/76

Kailua Beach a goner?

By BEVERLY CREAMER
Advertiser Staff Writer

Kailua Beach has always been coming and going.

But this time, people are worried that it may be leaving for good.

"The beach is washing away. It's been quite significant this year," said Ramon Duran, deputy director of the City Parks Department.

"Normally it washes in some part of the year and out another part of the year, usually about 50 feet. But this year we've lost 150 feet, I'd guess.

"And some of the ironwood trees planted 25 years ago have been toppling in."

To save the remaining trees, the Parks Department will move them back closer to the bathhouse within the next few weeks, as soon as a water line is installed to irrigate them, Duran said.

The biggest erosion area on the stretch of white beach that some people consider one of the best in the State is next to the boat-launching ramp, said Duran.

"The sand is eroding from the boat-launching ramp toward Kaneohe. I've talked to some of the property owners along Kailua Beach and they say they're also experiencing some erosion, more so than they have in the past.

"It seems as though it's affecting the whole length (of the beach)," he said. "However," he added, "the sand is piling up on the Lanikai side of the boat ramp."

In an attempt to discover why this is happening, how much sand has been lost and how it can be stopped, the Parks Department, which has jurisdiction over the public beach parks, and the Department of Transportation Harbors Division, which hus jurisdiction over the water, have asked the Army Corps of Engineers to study the problem.

Scott Sullivan, project engineer for the study, says a report will be out in mid-December, but it may not tell why this new erosion pattern has occurred.

The Corps is starting with a low-budget, quick reconnaissance study of the situation which should tell them the extent of the problem and whether it justifies further studies and federal funds to correct, he said.

"The reconnaissance study just determines that yes, there is a problem," said Sullivan.

"It will take a more detailed, longer study to try to get a handle on the reason why."

Sullivan is tracing the history of the shoreline all along Kailua Beach to see how much erosion actually has occurred.

He's already put together a partial erosion pattern for the beach. In the early 1960s, he said, the Mokapu Peninsula end of the beach experienced considerable erosion. But now, he says, that end of the beach is building up.

Council to Consider Kailua Development

A shoreline management permit for construction of a $3 million commercial complex in Kailua will be considered tomorrow by the City Council.

The Council's Planning and Zoning Committee has recommended denial of the permit, expressing concern that an environmental impact statement should be prepared for the project to be built where the Pali Palms Hotel and Pinky's Broiler now stand, at the intersection of North Kalaheo Avenue and Mokapu Road.

City officials have received a 400-name petition from Kailua residents seeking denial of the shoreline permit for the three-acre site.

The city Department of Land Utilization had recommended that the permit be granted with two conditions—that a landscaping plan, including a 4-foot hedge along the Kawainui Canal, be submitted for approval, and that trash containers be placed throughout the site.

An environmental impact statement was not required because the land utilization department determined that the project's effect was not significant to warrant a full report.

The proposal, submitted by Robert Rinker and Charles "Pinky" Nolan, includes a new Pinky's Broiler along with fast food outlets.

Windward Sun Press 7/14-7/20

Kailua Council to study North Beach public use

KAILUA–The problems of beachside residents, limited public beach access, and coastal zone management all came home to roost last week at a meeting of the Kailua Community Council in the Pacific Savings & Loan meeting room.

The council voted to initiate a study to see whether North Beach, at the Kaneohe Marine Corps Air Station on Mokapu, can be opened up for public use without creating problems for the base and Marine families who live in the vicinity of the beach.

The vote came after extensive discussion of the current Coastal Zone Management program, which was led by Director Huston Eubank, who asked the Kailua people to suggest areas they are concerned about along the coastal area.

Eubank said the federal government has funded this new program to help the states and counties set up programs to manage the assets of their coastlines.

KCC members Harvey Gerwig and Cathy Lyman both sit on a statewide citizens advisory board for the CZM program, he noted, and said efforts are under way to identify areas that must be preserved or restored.

Kailua's Honorary Mayor Dorothy Babineau expressed her concern about the erosion of the sand and trees at Kailua Beach Park, the continual plugging up of Kaelepulu Stream by sand at its mouth, and the preservation of Kawainui Marsh.

KCC President Howard Green said maintaining single family residences along Kailua Beach makai of Kalaheo Avenue appeared to be the consensus of the Kailua community, as well as the acquisition of as much recreation area as possible in this coastal area.

Maj. Tom Elser, of the Kaneohe Marine Corps Air Station, described some of the problems enccuntered by residents at the base when public access has been allowed to North Beach in the past.

He said the policy at the base has changed frequently in past years, with each new commanding officer allowing access for short periods of time, then problems arising which call for the CO closing off the beach to the public.

"The problem, I think, is not that it's a security matter, with anybody throwing bombs into the airplanes," he said. "The problem is

Continued on A-7

continued from A-1

physical limitations of the air station."

Maj. Elser said there are about 7,500 Marines plus their families residing on the base, only about two places at which the public can park, limited access areas which can only be reached through the main gate, and little means of controlling the public.

Problems in the past have included such things as people walking through residential yards to get to the beach, burglaries and residential thefts increasing, civilians walking up to the military families' homes and helping themselves to the water and water hoses, and foul language.

"We only ask that you give the same concern to the Marine and the family that lives aboard the base that you give to the private citizen that lives in Lanikai," Maj. Elser urged.

Several other residents who live along Kailua Beach argued in support of Maj. Elser's statements, citing their own problems with people using the public beaches fronting their homes.

"Our biggest problem with living on the beach is the riffraff that comes out there and messes it up," one man said. "There's plenty of other beaches around Oahu."

Some residents implied that most of the problem along the now-accessible public beaches are created by irresponsible young people, but others disagreed.

"I have seen more of a problem with the adults than the youth, as far as access to the beach and beer bottles on the beach," said Aikahi resident Barry Smith.

With the concern expressed that any study into the matter might bring about differing conclusions by the Marine Base officials and the community group, KCC Secretary Judy Mick emphasized her hope that "we're not going to say it is and have them say it isn't. It's going to have to be a joint decision."

New Waikiki hotel rises 27 floors above beach, alters skyline

By BJ NOLES
of The Oregonian staff

HONOLULU, Hawaii — Yuletide visitors to Hawaii will find a new skyline on Waikiki. One of the twin hotel towers of Hemmeter Center has stretched 27 floors over the sandy beach — the other 20 feet.

Ultimate goal of 40 floors (minus the 13th for the superstitious) is expected to be reached in July.

The cautious operators of the Hemmeter property, The Hyatt Regency Waikiki, are accepting advance reservations beginnning in August.

Edward G. Sullivan, vice president and managing director, explained the need for a leeway:

"If the elevator people took a two-day strike, we'd end up two days behind schedule," Sullivan said. He arrrived in Hawaii recently to oversee the completion.

The new $50 million investment in Hawaiian holidays is designed as a luxury resort — a rival for everyone favorite, the Royal Hawaiian and the Kahalaha Hilton, far up the beach.

"There will be only limited convention facilities," Sullivan said, in contrast to the Illikai, the Hawaiian Village and other popular Waikiki highrises.

The luxury will start with the Great Hall, a 40-foot wide promenade which will extend 450-feet with the ceiling ten stories high. The height will allow wall "decorations" of 12 waterfalls, ranging from two stories to 40-feet tall.

Casual gardens of tropical flora will be landscaped around lagoons and civilization will be represented by the grand stairs of marble, rich koa and teakwood paneling and chandeliers of native materials interspersed with crystal and gold.

There will be 1,260 rooms or 1,234 units. Cost for doubles will "probably" range from $37 to $46, Sullivan said.

Two other details about the Hyatt Regency are important: Its location and the fact that it could be the last of its kind on Waikiki, or on any other shoreline, because of federal regulations.

Guests must walk across the main street (Kalahaua Avenue) to the ocean. It is a public beach, as are all ocean sands in Hawaii. There will also be a swimming pool, with a pool bar, on the ocean side of the hotel.

On the mountain side, the hotel will face King's Alley. This is another enterprise from Chris Hemmeter, who tried to put the foundation under the World Football League

The Alley is a shopping mall with contrasts of scarlet and white uniformed guards and pretty Polynesians selling in 40 shops. Free, musical entertainment is a crowd-drawer.

But Hyatt Regency guests need not cross Koa Avenue for gift buying. The first floor has been reserved for retailers with escalators leading to the second floor lobby. Most of the first four floors will have restaurants and commercial outlets.

The hotel itself will offer five restaurants, from a 24-hour coffee garden to a supper club featuring a Polynesian revue.

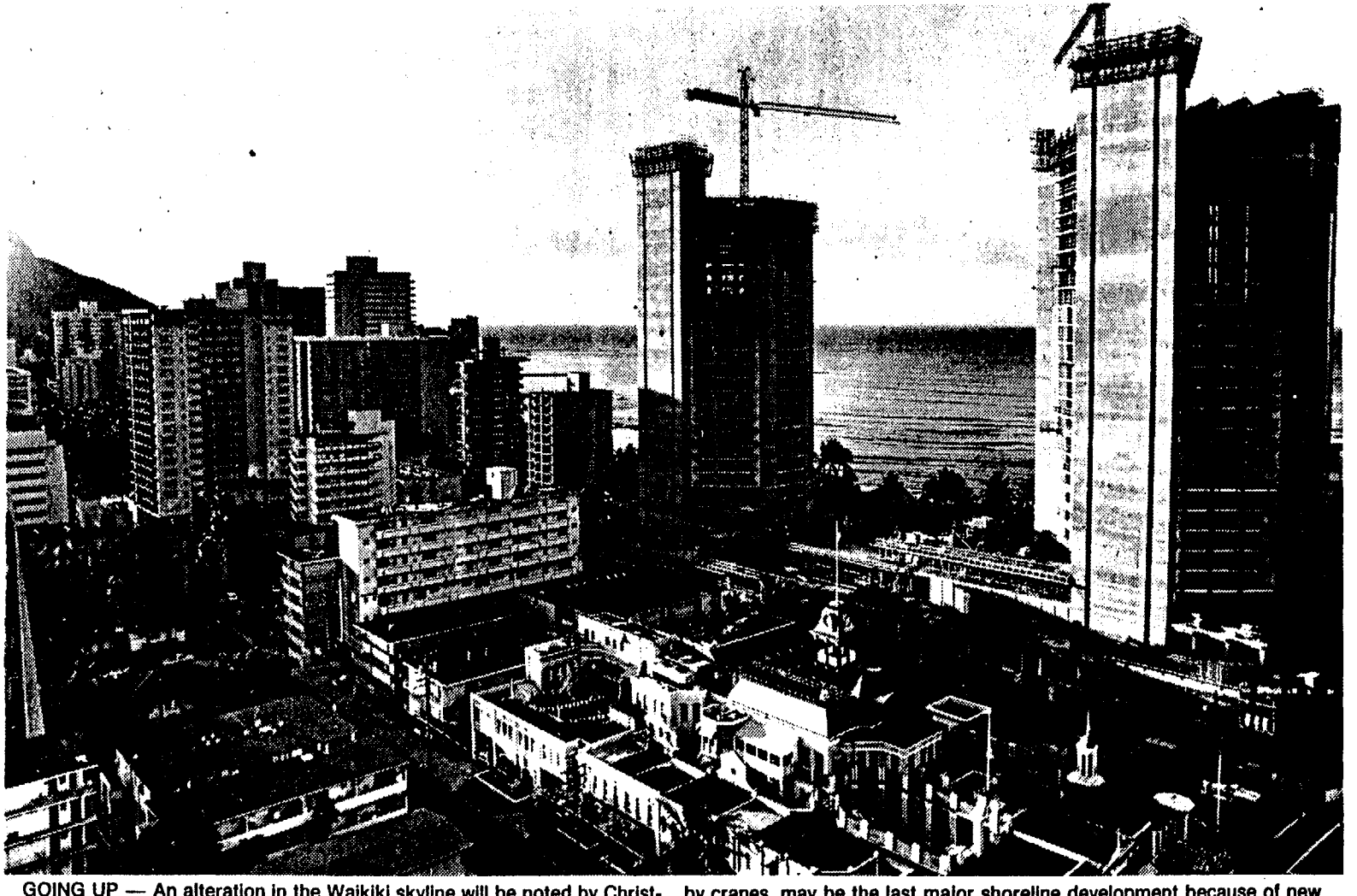
Sullivan, who has opened Hyatts in San Francisco and Atlanta, Ga., is rather reluctant to discuss the dinosaur-aspect of his new assignment.

He did point out that the "new Shoreline Protection Laws, as they now exist, stop building anything on shore fronts in all 50 states."

The Waikiki twin towers were far enough along to allow completion before the law went into operation. Sullivan spoke with regret of a resort in Half Moon Bay, Calif. The golf course was ready for play but the developers were prohibited from going ahead with building a "second Pebble Beach."

The city council of Honolulu is working on a string of building moratoriums for Waikiki and surrounding neighborhoods to allow for long range planning for apartment, business and light industry expansion..

These regulations, in various stages of completion, would embrace the areas generally from the Lunalilo Freeway, above the state capitol, to Waikiki and reaching from near the capitol to Diamond Head.



GOING UP — An alteration in the Waikiki skyline will be noted by Christmas visitors to Hawaii. The twin towers of the Hemmeter Center, topped by cranes, may be the last major shoreline development because of new federal regulations. Shopping mall is shown in foreground.

L A Times

Condominiums Proliferate on Maui

Some 600 to 700 Units Vacant on Island, but Kaanapali Resort Continues to Expand.

BY LOU DESSER, Times Staff Writer

In the wake of Amfac's highly successful $75-million Kaanapali Beach Resort, some 3,000 condominium units have been built in the last 14 months on the west coast of Maui, bringing the total to nearly 6,000.

Then came the recession. Today, some 600 to 700 condominium units on the island sit vacant awaiting

Third in a series covering current projects and real estate trends in the state of Hawaii.

buyers. And, according to authoritative sources, a number of developers are in financial hot water.

The pinch is being felt particularly in the Kihei area, a local real estate broker said.

In fact, some developers have been forced to offer some attractive inducements, such as 5% down payments, according to Virgil Likins of Mike McCormack Realty, whose firm is sales agent for a number of properties on Maui's west coast.

But Likins said sales are strong at a few quality condominiums and the highest priced units are selling first.

A new factor has altered the picture in the last two months, however, bringing a rush for building permits and creating a stimulus to sales of existing units.

The state legislature has approved new minimum coastline setback regulations for all of the islands and the county is expected to give final approval shortly to regulations specifically affecting Maui.

The regulations, affecting all multifamily housing projects receiving permits after Dec. 1, will require them to be set back a minimum of 300 feet from the vegetation line (the present requirement is 40 feet).

Despite the turbulence in the Maui real estate market and throughout the state (construction starts are down 50%), Kaanapali Beach Resort continues to expand with great success. Its 2,200 hotel rooms and 400 apartments have enjoyed an average of 86% occupancy for the last two years in a row, according to Peter A. Sanborn, vice president, Maui operations, for Amfac Communities-Hawaii.

The first of two 12-story condominium resort apartment towers, known as The Whaler, has been completed and occupied. The second building in the 360-unit, $24-million complex, which will be ready for move-ins by Christmas, has already been completely sold.

The growing popularity of tennis has been recognized at Kaanapali, which is known primarily for its top rated golf course.

Construction will begin within a year on a 125-unit tennis-oriented condominium project. Twelve courts are proposed tentatively.

The Royal Lahaina Hotel added 10 courts and the Maui Surf put in three.

The Royal Lahaina will add 200 or more rooms within the next three years, Sanborn said, and plans call for development of a new hotel on an eight-acre site directly south of the Maui Surf Hotel within two years.

Looking farther into the future, additional condominium units and hotels will be built to the south over 45 acres, along the beach and up the mountain slopes, according to Sanborn.

The Kaanapali Kai golf course will be expanded into a full championship 18-hole companion of the internationally known Royal Kaanapali. A new and expanded clubhouse and restaurant will also be built.

Even with all the expansion, Amfac will continue to preserve sight lines to the ocean and open greenbelts over Kaanapali's 900 acres, Sanborn said.

Whalers Village, an 8½-acre shopping center with a New England nautical theme and 28 shops and 6 restaurants, is another successful development now in its prime at Kaanapali. Built at a cost of more than $2 million and completed in December, 1970, it features 96 authentic historical displays keyed to the whaling industry of old, and a 40-foot whale's skeleton suspended over a reflecting pool.

Amfac has been active, too, in providing housing for Hawaiians in the Lahaina area. About 100 units a

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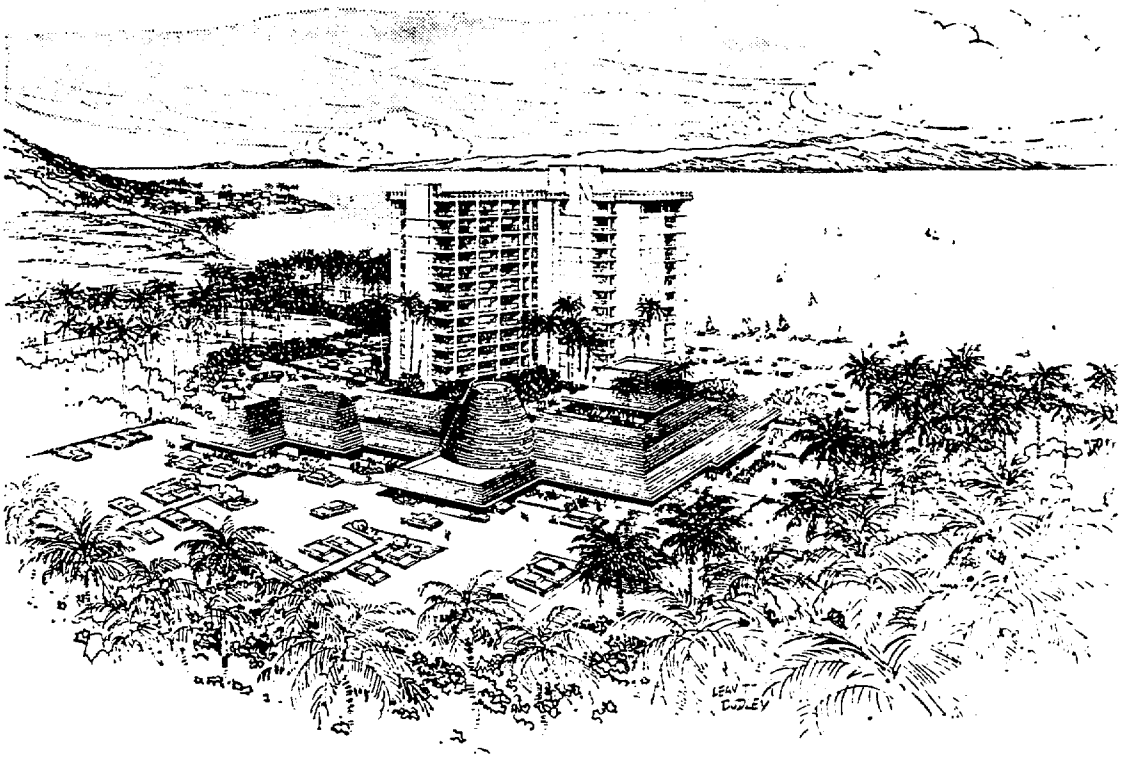


HAWAII DEVELOPMENT—Artist's conception of 120-unit Valley Isle condominium on Maui.

APPROVED FOR SALES IN CALIFORNIA

Maui Condominium Is on Beach

Sales open today in California for the 120-unit Valley Isle condominium development on the island of Maui in Hawaii.

Featuring almost 300 feet of white sand beach, the $7-million complex, completed early in 1975, offers unobstructed vistas of the islands of Molokai and Lanai across the channel. Valley Isle is located on Kahana Beach midway between the resort centers of Kaanapali and Napili and is six miles northwest of Lahaina, Hawaii's historic whaling port.

The 12-story waterfront structure offers 24 studio units, 72 one-bedroom and 24 two-bedroom plans. Prices range from $40,400 to $78,000, with conventional financing available.

The units, ranging in size from 592 to 1,152 square feet, are ready for immediate occupancy. Buyers will receive a leasehold interest in the land for approximately 50 years and legal title to a specified unit with undivided interest in the common elements of the project, according to Leitch-Valley Isle Investors of San Diego, the developer.

BY LOU DESSER
Times Staff Writer

Homeowners association fees are estimated at $102.16 for studio units, $154.07 for one-bedroom units and $202.48 for two-bedroom units. A furniture package for all units is available through the developer.

An adjoining two-story commercial building houses a lobby and office area for residents, a restaurant and cocktail lounge, gift shop, food and liquor store and beauty shop.

The purchase price of the condominium units includes carpeting and drapes, as well as individually controlled air conditioning. Kitchens are equipped with General Electric range, self-cleaning oven, dishwasher, disposal and washer-dryer combination. The larger units have a 15-cubic-foot refrigerator.

In addition to the reef-protected beach, a swimming pool and lounging area are located on the grounds. On-grade parking is provided for homeowners.

Valley Isle was designed by architect William T. Henrick and built by Swinerton & Wahlberg Co., with construction financing by First Chicago Realty Services Corp.

Information about the project may be obtained in Southern California from sales agent Charles P. Day Realty Inc., 640 S. B St., Tustin 92680. A sales office is open daily at Valley Isle under the supervision of broker Merwyn Bogue, formerly a trumpet player with the Kay Kyser band who went by the stage name of Ish Kabibble.

No leasing service is currently offered for absentee homeowners who want to make their condominiums available to vacationers.

S.F. Sunday Examiner & Chronicle Jan. 15, 1978

SHOK STOP HIGHRISE ON KAUAI

By Alan Cline
Examiner Staff Writer

KAUAI, Hawaii—Two hundred years ago this month, startled Hawaiians greeted Capt. James Cook, the first white man to set foot on this Pacific garden island, 95 miles northwest of Honolulu.

If the intrepid British explorer and one-time haberdasher's apprentice waded ashore today, the welcome committee most likely would include residents distributing bumper stickers protesting the possible advent of the highrise.

In this Hawaii bicentennial year, the beaches, mountains, greenery, fields of sugar cane ever present on this 32 mile circular Eden compete with Cook, who, incidentally, lost his life here, and SHOK (Stop Highrise on Kauai).

A remarkable Cook exhibit is on display until September in the Kauai Museum in Lihue, the county seat just two miles from an airport handling one million visitors annually.

The show put together by museum director Robert Gahran includes memorabilia from Cook's several Pacific voyages and a commentary on a petulant junior aide named Bligh who, it is noted, became the central figure in not one, but two future mutinies.

Twenty-five miles up the main, two lane highway at Waimea, close by Cook's purported landing spot, a carnival type celebration is planned Jan. 19-21. The captain's log reported the landing took place on the 20th. To the Hawaiians, the island was known as Atooi.

Within a month, a statue of Cook dressed in summer uniform is expected to arrive from England for placement in front of a new Waimea public school.

Not everyone is overjoyed at the selection made by a committee for the arts named in Honolulu.

"Some of us wanted a statue of Kaumualii, a famous Kauaian king," says Herb Kauahi, full-time coordinator of the three day celebration and a San Mateo City College alumnus. "But no picture of him was available."

While there may be some grumbling over the statue, the issue of island highrise already is the leading controversy.

The island has a 40 foot or four story height limit. Late last year, the planning commission and county council, by 6-1 vote, breached it, granting an exception for a six story hotel at magnificent Poipu Beach.

Considering the approval the opening wedge to "Waikiking" their island, opponents took the developer, one of Hawaii's Big Five corporations, to court and formed SHOK.

Its troops are busy collecting signatures for a petition seeking a November ballot initiative banning any and all variances to the 40 foot limit.

Lidi White, a fourth Kauaian generation and SHOK leader, claims her organization is not anti-growth, just deadset against tall buildings.

She says choice land sells for $60,000 an acre, a price that invites the highrise concept.

The local political administration views the fledgling environmental group as a vocal, unrepresentative minority. It does not consider six stories highrise; it sees a possibility of increasing the permanent population from the present 34,200 to 50,000 by 1988 and adding about 4,300 hotel and condominium units for a total of 10,000 by the same year.

There now are 4,200 with 1,500 on the drawing boards. Occupancy rate is listed at 80 per cent with 100 per cent reported at peak periods.

"We are not going to destroy what brings in the money," says James Kurita, the island's director of economic development. He estimates the tourist business brings in between $85 million and $100 million a year.

A serious island problem is the automobile. With no public transportation to speak of, 20,000 cars, vans and buses clutter the roads. The brief island telephone book has three complete yellow pages of auto rentals.

Work is starting on four-laning the Airport-Lihue connection, and no one knows how much longer the island may be able to pride itself on having only six traffic signals. A traveler on the last leg of an island hopping tour recently was asked which he liked best. "Well," he replied, "they all had some good and some bad, but Kauai was the one closest to remaining in its natural state. If that's what you like."

Quake Rocks Hawaii, Biggest in 100 Years

Causes Tidal Wave, Volcanic Eruption; 1 Killed, 34 Injured

From Times Wire Services

HILO, Hawaii—The strongest earthquake to hit the island in 100 years jolted Hawaii Saturday, triggering a tidal wave and a volcanic eruption.

One man was killed, another was missing and 34 persons were taken to island hospitals with injuries, officials said.

The earthquake came in two big shocks—the first, at about 3:30 a.m., registered 5.5 on the Richter scale, and the second, about an hour later, registered 7.2. There were sharp aftershocks throughout the morning.

Windows were broken in businesses and homes on the island and many small buildings collapsed.

Highways were blocked in many areas by landslides, lava flows and deep cracks from the quake and tidal wave.

A number of boats were destroyed or heavily damaged at harbors throughout the island, the largest in the Hawaiian chain.

A restaurant and several homes were destroyed or heavily damaged by the tidal wave.

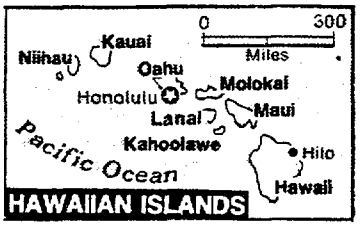
Residents of coastal areas were evacuated and police sealed off downtown Hilo, the island's largest city, with 26,000 residents, to prevent looting. Glass and Christmas decorations were scattered in the streets.

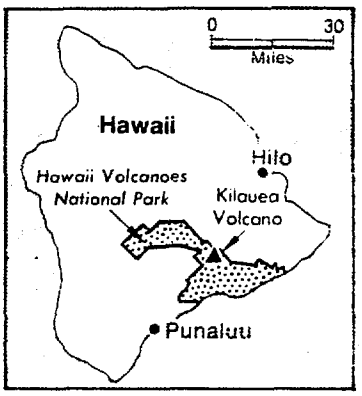
"I thought the world was coming to an end," Mrs. Kenneth Young, a store owner in downtown Hilo, said. "I can't describe the feeling; I felt like hiding under the bed."

Authorities said the dead man was Dr. James A. Mitchel. The missing man was identified as Michael Cruz, 26, of Mountain View, Hawaii.

A ranger at Hawaii Volcanoes National Park, Chris Cameron, said the dead man was a camper at the park.

He said 34 persons, including 10 boy scouts, were evacuated from a seaside campground.





UPHEAVAL—Area of quakes. Times map

Nine of the scouts were injured, none seriously, hospital officials said.

Both big shakes were centered under the south flank of Kilauea volcano on the southeast side of the island, triggering a 90-minute eruption that sent molten lava spewing 30 feet into the air from a half-mile-long crack in the crater floor. A second outbreak was reported on the rim of Halemaumau firepit, a part of Kilauea volcano.

A spokesman at the U.S. Geological Survey's volcano observatory said the eruption apparently was caused by the volcano's crater floor being pinched by the pressure of the tremors, causing the lava to be squeezed out.

The 4,077-foot-high volcano, which had last erupted early in the summer, is the second largest on the island. Mauna Loa, 13,680 feet high, last erupted in 1950.

The most severe damage was reported at Punaluu village at the southern tip of the island.

The second shock was felt in Honolulu, about 200 miles away.

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HAWAII QUAKE

Continued from First Page

There was no damage from the earthquake or tidal wave on other islands.

Officials said no tidal wave alerts had been issued for other parts of the Pacific area because the tremors hit on a land mass rather than underwater.

One of the biggest fears here was of a repeat of the catastrophe of 1960, when tidal waves in Hilo killed 61 persons and caused extensive damage.

About 64,000 persons live on Hawaii Island.

"I got blasted through the wall and stuck in a bush with my head underwater," said Timothy Twigg-Smith, 13, one of the boy scouts at the campground.

"The second wave pushed me further into the bush and I thought I was going to drown, but somehow I came free," said Twigg-Smith, who was treated at Hilo Hospital for cuts and bruises.

The camp was on a shelf of land that suddenly was plunged below sea level, causing tons of water to rush over the area in a powerful series of waves.

Luckily for most of the campers, the waves swept them inland, depositing them on high ground as the water receded.

"My car felt like the wheels were dropping off," said a radio newsman, Dave Dengler, after the second tremor.

Houses and condominiums were emptied at Hilo Bay, an area hit hard.

Dengler said he was driving on the road that goes around the rim of the volcano when the second tremor struck.

"The road buckled and I watched it drop two or three feet," he said.

Seismologists said it was surprising that there was not widespread loss of life because of the high rating of the quake on the Richter scale, although some scientists said the damage was not as great as it could have been because Hawaii Island is made of porous lava rock that can absorb the shock.

The Richter scale is a measure of ground motion as recorded on seismographs. Every increase of one number—for example from magnitude 5.5 to magnitude 6.5—means the ground motion is 10 times greater.

The San Francisco earthquake of 1906 would have registered 8.3 on the Richter scale.

The Alaska quake in 1964 registered 8.6 and the 1971 Sylmar temblor in the San Fernando Valley was recorded at 6.5 (it killed 64 persons).

Three killer earthquakes have hit Hawaii since 1865, claiming a total of 234 lives. Most of those persons died as a result of tidal waves. Saturday's quake was the most powerful since one centered in the same general area in 1868 estimated to have had a Richter force of 7.7

Include Kaula in Sanctuary, Official Urges

By Helen Altonn
Star-Bulletin Writer

State Land Chairman William Y. Thompson says he feels Kaula Island, at issue in a complaint over military bombing of seabird areas there, should be in a statewide system of seabird sanctuaries even though it is under federal control.

The rocky island, south of Niihau, was included in a regulation approved by the state Board of Land and Natural Resources last year establishing the seabird sanctuary system.

But it was never put into effect because of a question about the inclusion of Kaula.

State Wildlife Chief Ronald Walker said last November that Kaula was dropped from the list after a letter was received from the Navy pointing out that the island is under federal jurisdiction.

HOWEVER, THOMPSON said, "My feeling, and the board's feeling, is that the rock is definitely under Regulation Seven (creating the sanctuary system) even though it is under military jurisdiction."

He said he intends to take the regulation back to the board to confirm its previous action approving it "so there will be no misunderstanding that Kaula is to be included."

A complaint about the killing of migratory seabirds from military bombing of Kaula was filed with the U.S. Interior Department's Fish and Wildlife Service in February by Gary "Skip" Naftel under the federal Migratory Bird Species Act.

Naftel is skipper of the research boat Easy Rider, which witnessed the bombing while doing whale studies near Kaula.

The Law Enforcement Division of the Fish and Wildlife Service turned results of an investigation over to the service's attorneys and the case was expected to be presented to the U.S. Attorney this week to decide if it should be prosecuted.

THE STATE turned Kaula over to the federal government many years ago for a Coast Guard lighthouse. Military bombing of the island began while it was under Coast Guard control and it was announced in 1965 that jurisdiction had been transferred by the Coast Guard to the Navy.

Eugene Kridler, endangered species coordinator with the Fish and Wildlife Service, said, "In 1965 we inquired into the possibility of having the island transferred to us, or to the state, for a wildlife refuge, but the Navy said "no," that it still needed it."

Hawaii's congressional delegates and conservation groups have pressed repeatedly for the island's return to the state and an end to the bombing because of thousands of seabirds which nest there.

Kauai residents, particularly fishermen, have complained continually about the destruction of seabirds which fishermen rely on to find fish schools.

Conservationists have sought an environmental impact statement concerning the use of Kaula as a bombing target.

Lt. Steve Becker, Third Fleet public affairs officer, said an environmental impact assessment was done by the Navy in December 1976, which concluded that an impact statement was not necessary.

THE ASSESSMENT has never been released because it is "an internal document," Becker said, although he said it could be obtained by writing to the Navy's environmental protection office in Washington.

He said the EIA lists 18 different species of seabirds found there at various times, four species of migratory waterbirds which stop there occasionally, and six species of exotic land birds.

He said there are no trees but some shrubs and grasses on the island.

None of the birds or plants is an endangered or threatened species, according to the EIA, he said.

The assessment reported no historic sites on the island, although there were some legendary accounts of a few Hawaiians visiting the area, Becker said.

BECKER SAID the EIA looked at alternative sites for bombing but found none as good as Kahoolawe and Kaula.

The EIA said explosion of ordnance on Kaula and any chemicals released from bomb explosions are carried in a southwesterly direction away from inhabited areas 95 per cent of the time.

Becker added that an inspection team including five wildlife biologists from three government agencies in 1976 "agreed there was no evidence to indicate that military use was adversely affecting the bird population of the island.

Star-Bulletin 10/22/77

Seabird Refuge Established

By Helen Altonn
Star-Bulletin Writer

A Hawaii State Seabird Sanctuary has been established by the State incorporating 38 islets and rocks from the Big Island to Kure, in the leeward chain, and excluding two controversial islands in Kaneohe Bay.

Ahu O Laka and Kapapa Islands were omitted from the seabird refuge system because of "overwhelming opposition" to their inclusion, said Ronald L. Walker, chief of the Wildlife Branch of the State Division of Fish and Game.

Kaneohe residents use the islands for recreation and fishing and maintain them.

They say that historically the islands were part of the ahupuaa (ancient Hawaiian land division from mountains to sea) and the residents had fishing rights.

WALKER SAID THE regulations governing the sanctuary system also were amended to alleviate concerns of Bruce Robinson of Kauai regarding whether fishermen would be allowed on Lehua Island off Niihau.

He said signs will be posted only around seabird colonies.

There will be no restrictions against people landing on any of the islets except Moku Manu, off the Marine Corps Air Station, Manana (Rabbit) Island off Sea Life Park, and Mokuhooniki, off Molokai, which already are barred to trespassers, Walker said.

"ALL IT MEANS is that after you land on an island (in the sanctuary) there are certain things you can't do, and if we post signs around the seabird colonies, you can't walk through them," he said.

The State Board of Land and Natural Resources has adopted the regulation, which has been several years in the making to protect seabirds frequenting the Hawaiian Islands and keep their habitats safe from disturbance.

The sanctuary includes:

Mokupuku, Paokalani and Kesos off the Big Island.

Alau, Puuku, Mokeehia and Hulu Islands, Keopuka Rock, Moku Manu, Moku Hala, Papamui O Kane and Molokini off Maui.

MOKUHOONIKI, Kanaha Rock, Mokapa Island, Okala Island, Huelo and Mokumanu off Molokai.

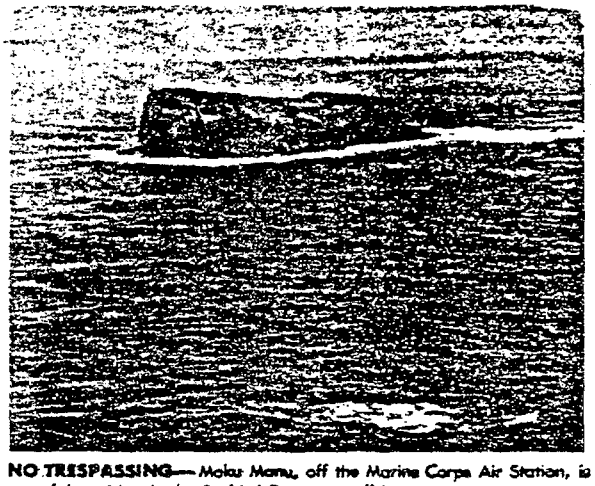
Mokuaeae, Lehua and Kaula Islands off Kauai.

Kihewamoku and Mokuauia Islands, Pulemoku Rock, Kukuiboolua and Mokuaiai Islets, Kekepa Island, Moku Manu, Mokulea Rock, Popoia Island, Mokulua Islands, Manana Island and Kaohikaipu Island off Oahu.

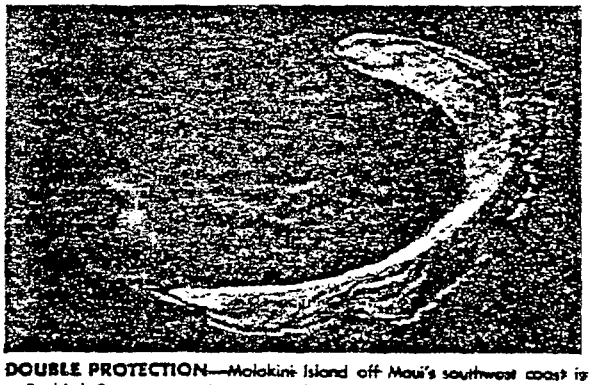
Green Island and Sand Island at Kure.

Persons landing on any of the islets or rocks are prohibited under the regulation from capturing or disturbing the birds or nests, operating any aircraft or land vehicle, introducing any plants or animals, removing any vegetation or signs, erecting any structure, starting fires or disposing of litter.

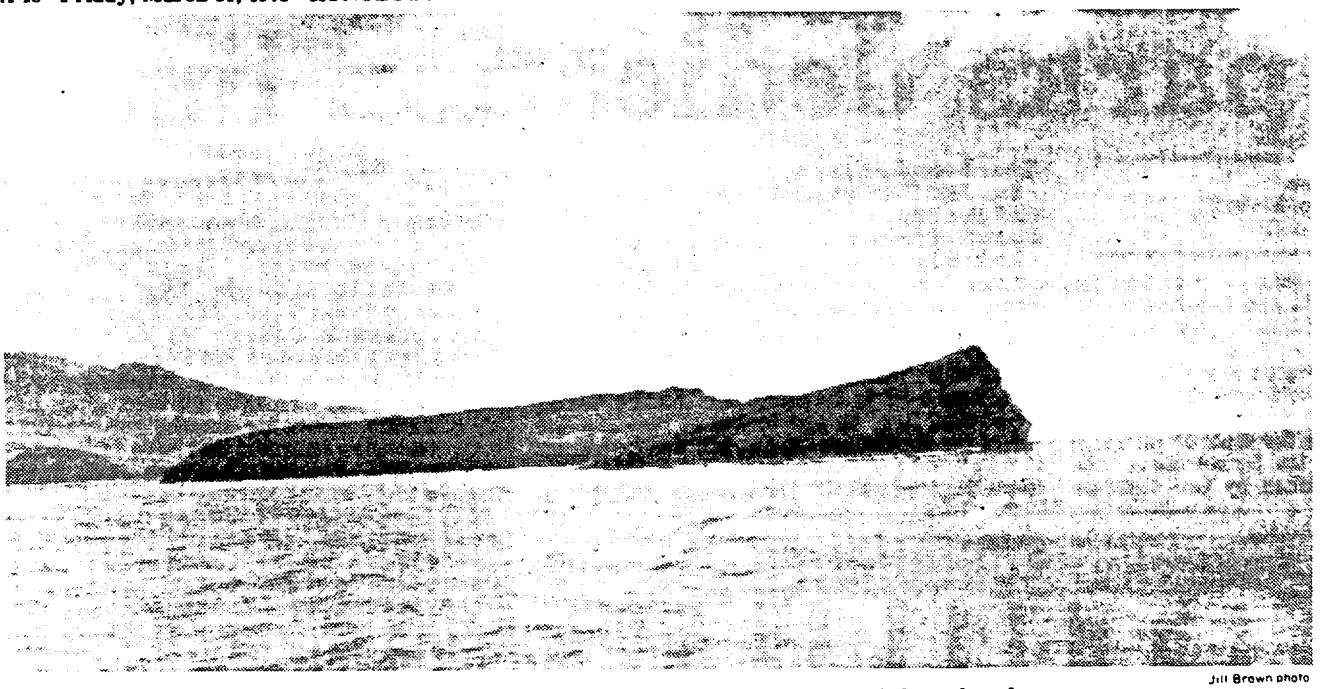
"We hope we can have enforcement through public support," Walker said. "We're taking the education approach, explaining not only that it's a refuge, but why the birds are important."



NO TRESPASSING— Moku Manu, off the Marine Corps Air Station, is one of three islets in the Seabird Sanctuary off limits to the public.



DOUBLE PROTECTION—Molokini Island off Maui's southwest coast is a Seabird Sanctuary and Marine Life Conservation District, providing protection for its birds and marine resources.



Jill Brown photo

En route to the back side of Molokini to drop off one of three bombs.

3 Molokini bombs 'drowned'

By JILL BROWN
Advertiser Special Writer

WAILUKU — The Navy and the Coast Guard fished three bombs out of the ocean near Molokini recently, towed them to the back of the island and dumped them into water so deep that no one will ever see them again.

A four-man explosive ordnance disposal team from Oahu performed the operation, which went smoothly despite one prematurely released bomb and another which the demolition experts had feared would be "tricky."

The premature release occurred when a hook broke as the first bomb was being towed around the island. The weapon sank to 250 feet, a depth at which it was considered safe even though it had not quite reached the chosen drop-off spot.

The experts saved the tricky one until last and used extra care in raising it from the ocean bed, where it had rested encrusted in coral, probably since World War II. Its casing was still intact, unharmed by the salt water which had corroded the explosive insides of the other two bombs.

The bombs were reported to the Coast Guard by a diver who spotted them in 30 feet of water just offshore in the crescent bay of the tiny island.

The demolition team came to Maui two weeks ago for a reconnaissance dive and decided they would be able to remove the bombs without detonating them. Lt. Carroll Bernier, officer-in-charge of the team, told The Advertiser that most old ordnance is simply detonated in place, but because Molokini is a Marine Life Conservation District they decided to float the bombs out.

Last month, another Navy EOD team exploded a bomb encrusted in the reef of Molokini, causing an uproar on the land which matched the explosion in the sea. The Navy had blown the bomb without telling any civilian agency. The next morning, two commercial companies which regularly take tourists out to view the underwater scenery of Molokini went for a dive and discovered hundreds of dead fish and a large hole blown in the reef.

Local divers were particularly upset by the incident, because the Navy had said, following a 1975 bomb detonation in Molokini crater, that they routinely contact the Department of Land and Natural Resources prior to any action by an EOD team.

That they did not notify Land and Natural Resources before the February blast caused local marine experts to suggest that the Navy should get together with other military and civilian agencies to work out a standard operating procedure for dealing with bombs in conservation districts.

That meeting has yet to take place, although the subject will probably be discussed next month when the Navy comes to Maui for Kahoolawe talks.

But the Navy learned a lesson from the uproar over February's bomb and asked permission from Land and Natural Resources before going to extra effort to remove the latest reported bombs without damage to Molokini's reef.

The operation took place from the Coast Guard cutter Newagen and its rubber Zodiac raft.

While Maui Coast Guard Cmdr. Walt Miller manuevered the Newagen, one of his men piloted the Zodiac with the demolition team and their equipmant. The Navy divers went down and passed lines beneath the bombs, one at a time. The lines were attached to a collapsed canvas balloon which had two tanks of compressed air hooked up to it. When the divers tripped a valve, the tanks inflated the balloon and it rose to the surface, pulling the bomb behind it.

The Newagen then towed the balloon, at the end of 600 feet of inch-thick braided line, to 300-foot-deep water. The cutter made three trips to the back side of Molokini, towing a bomb on each trip.

NAVY USES ISLAND FOR PRACTICE

Hawaii Bidding to Regain Paradise Lost

WAILUKU, Maui, Hawaii (AP)—The eighth largest Hawaiian island—where the murmur of gentle sea and wind is drowned by the roar of bombs and planes—is no paradise. But there are increasing efforts to change that.

The island is Kahoolawe, once plush ranchland but since 1941 a military practice target, scarred and uninhabited.

"I'd give my soul to go back now and run a ranch there," says Inez Ashdown, whose father raised cattle on Kahoolawe. "It was a beautiful, quiet, serene place to live."

It isn't now. In a recent 12-month period the 4-square-mile island was bombed, strafed and shelled for 2,586 hours, the equivalent of more than 107 days and nights.

Arid, windy, starkly beautiful, boasting a lovely wide beach, Kahoolawe sits only six miles from Maui, a rapidly developing island dotted with luxury hotels and condominiums. Residents keep up a steady barrage, so to speak, of complaints about the bombing.

But the Navy doesn't want to give up the island or stop the bombing.

"Kahoolawe is essential to national defense as a target complex, and the requirement will remain as long as Navy and Marine Corps units are located in the Hawaii area," says a spokesman for the Pacific Fleet Command.

Pilots and gunners need a target within operating range of military installations near Honolulu, the Navy says, and Kahoolawe is the only suitable place.

"I don't believe it," says Mayor Elmer Cravalho of Maui County, who has been fighting for eight years to reclaim the island. "They have the technical know-how to construct a suitable substitute," Cravalho says. "It is a matter of the Navy having the will. I hope the gentle power of logic will prevail sooner rather than later."

Cravalho contends that military target practice is a potential danger to Maui residents. In 1966 evidence dropped into Cravalho's pasture in the form of an unexploded 500-pound bomb. The Navy acknowledged that the bomb had dropped from a plane.

Though armed planes stopped flying over populated areas and shelling was confined to the side of Kahoolawe away from Maui, Cravalho wasn't appeased. He has petitioned Congress, proposed county resolutions and gone to court to oust the Navy. He is preparing a new lawsuit contesting the executive order that made Kahoolawe federal property in 1953.

"This is basically the territory which belongs to the State of Hawaii, and more precisely to the County of Maui," Cravalho says. "Land is a valuable resource and we should not waste it."

The executive order obliges the Navy to make Kahoolawe "reasonably safe for human habitation, without cost" to the state when the island is no longer needed as a target.

Sen. Daniel Inouye (D-Hawaii) has introduced a measure that would order the Defense Department to study the feasibility and costs of clearing the island of accumulated unexploded bombs and shells estimated at more than 10,000 tons. It has passed the Senate.

The state forestry division has planted experimental plots of ironwood and eucalyptus trees in areas no longer bombed.

Cravalho talks of someday making Kahoolawe a wilderness preserve for hikers and campers. A group of Hawaiian natives has eyed the island for homestead lands.

Smuggler's Cove, a wide crescent of sand which serves as a Navy base camp, might tempt developers. But Cravalho says he opposes any resort plans for Kahoolawe.

Before the bombs and bullets, Kahoolawe was reminiscent of Wyoming's empty spaces, says Mrs. Ashdown, who lived on the island for 23 of her 76 years.

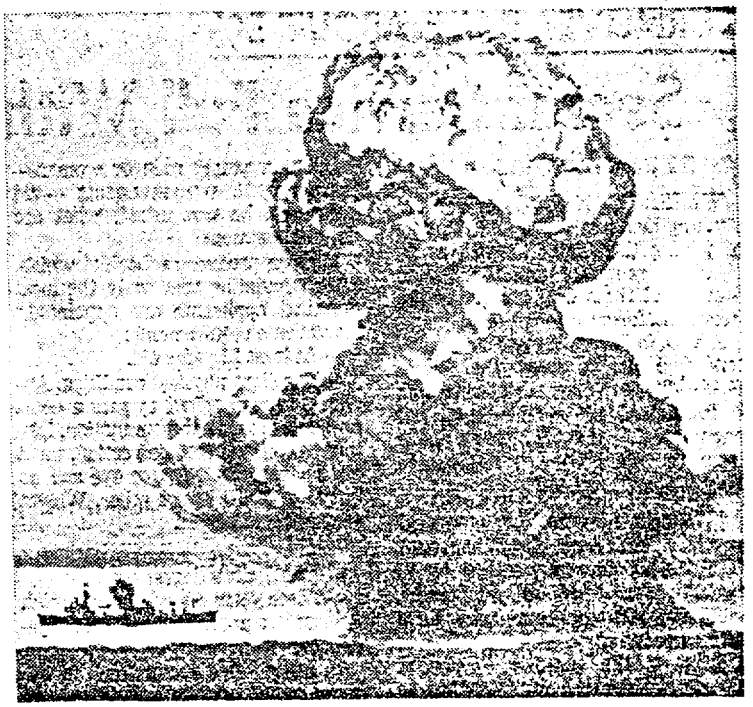
"It was a bit like some of the Badlands: beautiful colors, lovely sunsets, very hot in the middle of the day."

Mrs. Ashdown's father leased the island from the state and made modest profits as a cattleman until the sneak attack on nearby Pearl Harbor in 1941. The military immediately took over the entire island.

"They say the island was one of the greatest factors in winning World War II, which is nice to think about," says Mrs. Ashdown.

"If they don't give it back ... Well, I guess the Navy knows what it's doing. They have to protect us."

Los Angeles Times Sun., Nov. 23, 1975—Part IV



BOMBS AWAY—A shell explodes on Kahoolawe Island during practice maneuvers by the Navy. The island was taken over by U.S. military forces after the Japanese attack on Pearl Harbor.
AP wirephoto

ATTACHMENT H

SUMMARY OF ALTERNATIVES CONSIDERED DURING THE DEVELOPMENT OF THE HAWAII CZM PROGRAM

Hawaii
Coastal
Zone
Management
Program

ATTACHMENT ONE
A SUMMARY OF ALTERNATIVES CONSIDERED DURING
THE DEVELOPMENT OF THE HAWAII COASTAL ZONE MANAGEMENT PROGRAM

During the lengthy and complex process of developing Hawaii's CZM Program, a number of alternatives to specific elements of the Program were considered. Many of these were derived from comments by the involved local and State government agencies, Federal agencies, and public interests. The following discussion presents major alternatives that were considered. Before discussing alternatives, however, two overriding concerns which arose throughout the discussion of alternatives will be first briefly discussed.

First, there has been concern that the process for obtaining development permits and approvals is unnecessarily complex and overregulated -- "red tape" problem. This concern manifested itself throughout the development of the Hawaii CZM Program. There was general recognition that, as much as possible, the addition of any new regulations and regulatory bodies would be avoided. Instead, use of existing regulatory mechanisms would be encouraged.

The second concern relates to the nature of County authority in the State. The State of Hawaii consists of four geographically separate Counties (excluding Kalawao County), each with a strong sense of the importance of "home rule." The Counties have built capable and competent planning and management staffs which are able to deal with complex regulatory activities such as those envisioned by the CZM Program. These governments cannot be ignored and have made their views strongly felt throughout the CZM program development process. Any alternative which eliminates or under-utilizes County expertise and authority has been strenuously opposed and is probably not politically feasible.

Organizational Alternatives

The Hawaii CZM Program is not bound by the National legislation to any particular administrative structure. A number of structures were proposed and discussed in the formation of the Program. The major options which follow have all been examined on the basis of potential efficiency, effectiveness, long-term benefit, balance of program, and the requirements of the National CZM Act.

Option one was to designate an existing cabinet-level agency as the CZM "lead-agency" with responsibility to implement and administer the Program. Placement of the coastal management authority under such an agency would have the principal advantage of utilizing the existing State government structure. Existing authority and communication channels could be utilized advantageously and the normal "start-up" time for creation of a new agency would be avoided. A major disadvantage of this option was that it would entail accepting any problems, traditions or entrenchments that may exist with that agency, and possibly create an additional burden of coordination and integration. In the final analysis, the disadvantage seemed heavily outweighed and an existing cabinet-level agency, the DPED, was selected.

Option two was to establish a new cabinet-level agency which would include most State marine-related programs in its administrative structure. Such a centralized agency with powerful coastal management authorities might have resulted in greater emphasis on environmental protection in the program. The creation of a new agency, however, was not considered a viable alternative for a number of reasons. Its creation would involve some "start-up" time, an unavoidable problem which could only weaken efforts to address the State's imminent coastal problems. A new agency would be faced with an additional burden of establishing a broad coordinating role acceptable to all participating agencies. The creation of another administrative bureaucracy would aggravate the existing "red-tape" problem. It would undoubtedly require tremendous operating costs, when the State is already financially constrained. Finally, the creation of a new agency probably would be opposed by existing State and County agencies since it would necessarily involve the transfer of responsibilities and power.

Option three was to create a new agency at the sub-cabinet level. The major advantage of this option would be the creation of a separate entity, thus emphasizing the significance of CZM concerns. While it probably would meet some of the same resistance as the creation of a new cabinet department, presumably it would be seen as less of a threat. Resistance would still exist, however, and many of the benefits of a new agency would be lost unless it had cabinet level status.

Option four was to use a staff agency, working through the Governor's Office, to coordinate all CZM activites. Among the advantages of such an agency are that it is attached to the political center of State government, it would be relatively inexpensive, and it would be extremely flexible. Its major advantage is that the status of such agencies, vis-a-vis cabinet departments and the Counties, has never been clear. Such clarity was felt to be of immense importance in terms of the CZM Program.

The fifth and last option was to place the sole responsibility for the Hawaii CZM Program with the Counties. While the National CZM Act requires that a single state agency receive and administer Federal grants under the Act, it does not require that agency to assume all program responsibilities. Supporters of this option contend that such an action would place the decision-making closer to local needs. Since the Counties would be responsible for program formulation and implementation, the Program would be decentralized and more accessible to the public. This option would also permit Program integration with the bulk of development controls now lodged at the County level.

Location of the Hawaii CZM Program at the local government level, however, has its disadvantages. In light of the complexity of coastal zone problems and the need for a statewide approach to these problems, it is unclear how this alternative would result in conditions different from those which now exist in the management of the coastal zone, or how it would address the "increasing and competing demands" upon and the "urgent need to protect ... natural systems" in the coastal zone (Section 302).

Placing CZM program responsibilities with the Counties would require amendments to the CZM Act. The CZM Act requires, for example, that the State develop and administer and management program for its coastal zone. Also, its central philosophy is that "The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone ..." (Section 302(h)). Hawaii has interpreted this as the development of State planning objectives, policies, and guidelines with administrative review for compliance and enforcement.

State administration of the Hawaii CZM Program, on the other hand, provides many benefits not available at the local level. For example, it requires and is more conducive to regional coordination and to the consideration of uses of greater than local benefit and of national interest, which would be absent in local plans. As in the case of State land use controls, an umbrella State agency would seem necessary with coastal zone issues.

While the DPED assumed the lead agency role for the CZM Program, a major element of the last option was incorporated into the Program. The Program provides for specific decision making at the local level, in compliance with overall standards established by the State. Each County is authorized to delineate SMA boundaries and the permitting authority of each County reviews developments proposed in the SMAs. It is at this level that major implementation of the CZM law takes place. This State/County cooperative effort set up by the CZM law combines many of the advantages of both options one and five and eliminates most of the disadvantages. Given the existing political and economic climate this cooperative effort is not only the most feasible, it is the most likely to maximize the potential of the Hawaii CZM Program.

Alternatives to Geographic Areas of Particular Concern

A provision of the National CZM Act requires State CZM programs to include "an inventory and designation of areas of particular concern within the coastal zone." The concept of "areas of particular concern" (APCs) recognizes that while the entire coastal area is of importance, certain areas are of even greater significance. Criteria for designating APCs include "areas of high natural productivity or essential habitat for living resources, including fish, wildlife ..." and "areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters."

During the identification of APCs, two alternatives for determining or controlling such areas were considered. The first alternative would set up a new public body, such as a "Coastal Zone Commission," which would be composed of government and public representatives. This Commission would select geographically specific sites and receive and consider nominations of areas for inclusion within the APC framework. Final inclusion and determination of the regulatory program for the area would be assigned to the appropriate State or County agency. While this alternative seems most closely tailored to the National CZM Act, it had a number of disadvantages. It would create another layer of bureaucratic control, require additional time, encroach on County government powers, and perhaps require legislative review for designation of APCs. These disadvantages would reduce the effectiveness of dealing with these areas.

The second alternative would also select APCs by the geographically specific site basis, but would employ existing Federal and State programs that are analogous to, and meet the requirements of the APC concept embodied in the National CZM Act. These programs include: the Natural Area Reserves System (NARS), the Marine Life Conservation District Program (MLCD), the Federal Estuarine Sanctuaries Program, the Shoreline Setback Area, and programs falling within the purview of the Hawaii Community Development Authority (HCDA). These programs address the specific particular concerns relating to the protection, preservation, restoration, or use of such areas for their conservation, recreational, ecological, or aesthetic values. The major disadvantage of this alternative is that it may not be sufficient to address all geographic areas of particular concern. Furthermore, all APCs

cannot now be designated because they have not yet been defined and identified by the responsible regulatory agencies; incorporation of such areas into the APC framework will depend on the implementation of the respective programs. However, because each program has its own regulatory body, making the creation of new bodies unnecessary, and because the APC concept would be addressed within the network of existing regulations, this alternative was chosen.

Alternative Boundaries

The National CZM Act requires participating states to identify the boundaries of the coastal zone subject to the management program. Definition of the CZM boundary, a controversial issue, has been extensively discussed. No matter what form the management program takes, the overall effectiveness of the program depends on its jurisdiction. Jurisdictional considerations also influence the extent to which the Program affects existing regulatory mechanisms.

Many parties involved have suggested that the entire State be designated as the CZM area. There are several positive impacts with this approach. It would allow statewide interests to take precedence over lesser competing interests in coastal problems which affect the entire State. State management of all inland regions having direct and significant impacts on coastal waters and resources (e.g., watersheds) would preclude the division of management responsibilities over such natural and integral physiographic units. This approach would also provide for consistency in coastal zone planning and decision making. Furthermore, it would facilitate inter-governmental cooperation in terms of both CZM Act provisions, as well as with related Federal programs, such as the "208" Water Quality Program under the Federal Water Pollution Control Act. Its major disadvantages are that it would limit County government authority and could add another regulatory level which would apply statewide.

Others have argued for a restricted boundary that would limit the CZM area to the current County established SMAs. This alternative was strongly supported by the Counties since it would allow the Counties to maintain their SMA boundaries and preclude State control over interior lands under County jurisdiction. It also had the added advantage of reducing the administrative burdens of coordination and cooperation on property owners, including Federal agencies, whose lands would be excluded from the coastal zone. The Federal consistency requirements for licenses and permits, as established in the National CZM Act, do not directly apply to excluded lands. This alternative was unacceptable to the Federal government and to a substantial segment of those advocating a wide boundary because it would permit continued adverse and significant impacts on the coastal waters and resources, thereby detracting significantly from the effectiveness of the overall Hawaii CZM Program, and would result in loss of Section 306 grant monies to administer, study, and enforce the Program in lands excluded from the CZM area.

Another alternative, and the one adopted by the State, was to employ the process established by the Hawaii CZM Act of 1977 for specifying the exact permanent boundaries of the CZM area which allows the Counties to review and amend as necessary the inland boundaries of their SMAs within a two-year period, subject to DPED review for compliance with the objectives and policies of the Act. The DPED has established a set of evaluative criteria to determine whether such amendments are consistent with the objectives and policies of the Act. The seaward area subject to the management program encompasses the waters from the shoreline to the limit of the State's jurisdiction, which extends to the outer limits of the United States territorial sea. In this area, the objectives and policies and guidelines of the Act will apply and be enforced by the Act's cause of action provision.

Pending completion of the two-year boundary review and amendment process, an interim administrative boundary has been designated. This administrative boundary incorporates lands beyond the present SMA boundaries on which the coastal-related uses and activities, noted in the Hawaii CZM objectives and policies, take place. The interim CZM area includes: all coastal waters seaward to the limit of the State's jurisdiction; all land areas included within the current SMAs; and all remaining inland areas excluding those designated as State forest reserves.

The provisions of the Hawaii CZM Act apply to all lands and waters included in the administrative boundary. The cause of action provision of that Act, however, is binding only on the SMAs and the State's jurisdictional waters. The cause of action provision, however, is not explicit with regard to its application to lands in the interim administrative area. Without imposing a new administrative burden on the Counties, this last alternative would address coastal zone considerations on a statewide basis, thereby enhancing the overall comprehensiveness and coordination of the Program.