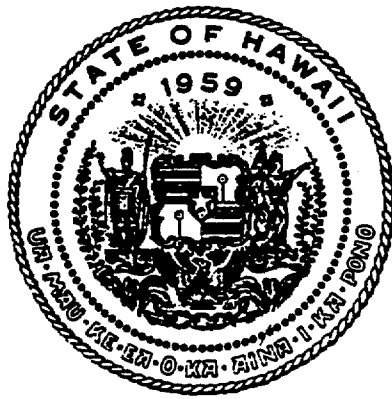


# **HAWAII COASTAL ZONE MANAGEMENT PROGRAM**



*Office of the Governor*

**OFFICE OF STATE PLANNING**

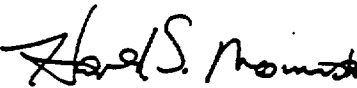
## PREFACE

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

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

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

  
Harold S. Masumoto  
Director

# HAWAII COASTAL ZONE MANAGEMENT PROGRAM

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## I. SUMMARY

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

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

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

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

## II. INTRODUCTION

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### A. National Coastal Zone Management Act

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

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

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

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

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

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

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

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

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

## **B. Hawaii's Response**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

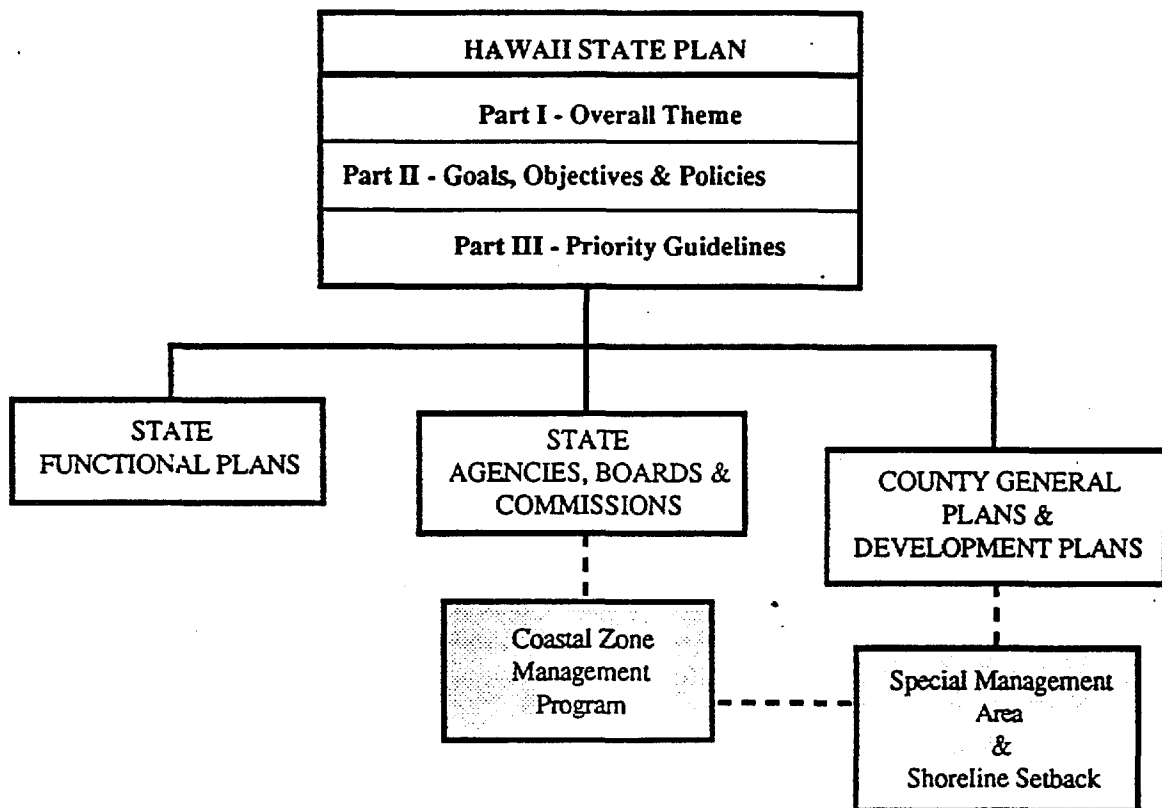
Although the counties retained primary authority for management in the SMA, they were not given exclusive management responsibility in the coastal zone. Management authority over uses and activities outside the SMA and in State coastal waters continues to be distributed among various state agencies.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

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

### III. HAWAII'S LAND USE & ENVIRONMENTAL MANAGEMENT SYSTEM

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

**FIGURE III.1:**  
**State of Hawaii**  
**Management Framework**



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

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

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

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

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

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

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

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

## IV. HAWAII COASTAL ZONE MANAGEMENT PROGRAM

### A. Management Area

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

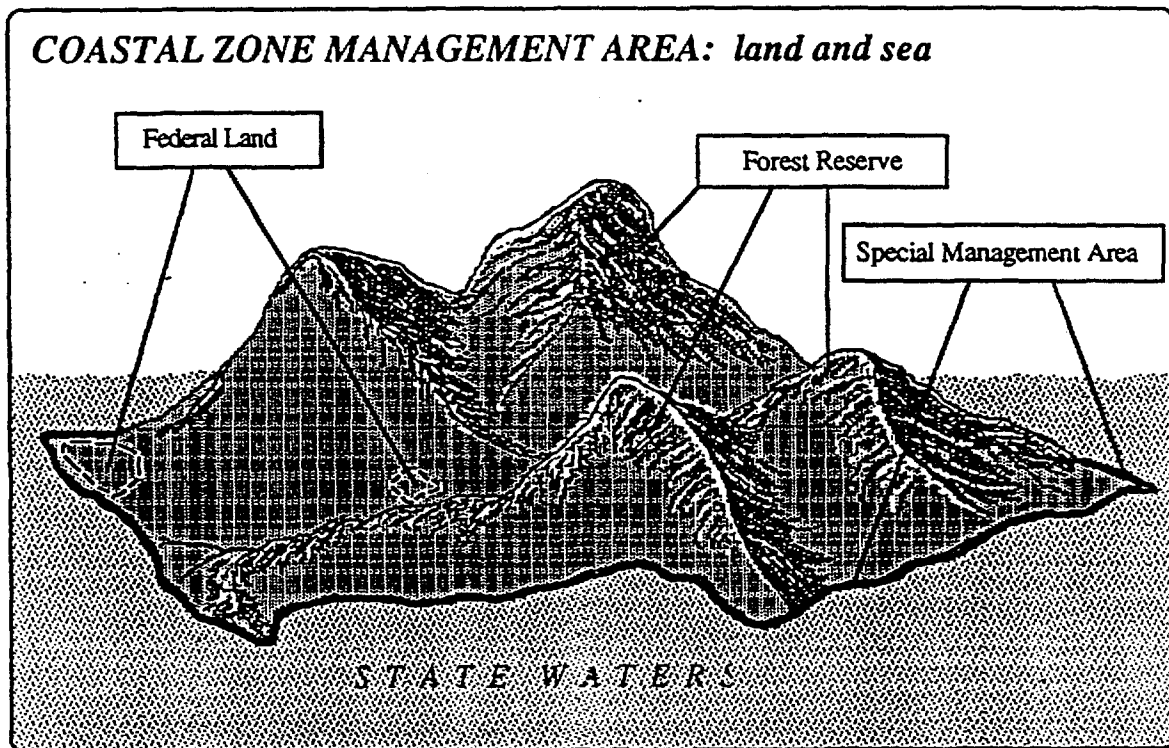


Figure IV.1

### *Forest Reserves*

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

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

## *Federal Lands*

The national CZM requires that those lands owned, leased, held in trust, or whose use is otherwise subject solely to the discretion of the federal government, its officers or agents be excluded from the coastal zone management area<sup>2</sup> [15 CFR 923.33(a)]. However, while this area is *administratively* excluded from the State's CZM area, federal actions on these lands may be subject to federal consistency requirements when they generate spillover impacts that significantly affect the CZM area, uses or resources within the purview of the Hawaii's management program [15 CFR 923.33(c)]. An inventory of federally-excluded lands in the State is included in Appendix E and a description of the federal consistency provisions is presented later in Section V.

## *Special Management Area*

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

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

Designation of the SMAs is left to the discretion of each county, provided that the SMAs include lands extending "not less than 100 yards<sup>3</sup> inland from the 'shoreline' including undeveloped lands surrounding bodies of surface water subject to salinity intrusion or tidal influences and the waters themselves" [Act 176, 1975 SLH]. The counties were directed to adopt SMA boundaries by December 1, 1975. In some areas the SMAs extend several miles inland to

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

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

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

The Shoreline Protection Act also stipulated that no development could occur in the SMA unless the appropriate county first issued a permit. "Development" was defined to include all land uses which had a market value exceeding \$25,000<sup>4</sup> or "significantly" affected the coastal zone, other than construction of an isolated single family residence. However, developments that received county subdivision or planned development permits prior to December 1, 1975, were exempt from the requirements of the Shoreline Protection Act.

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

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

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



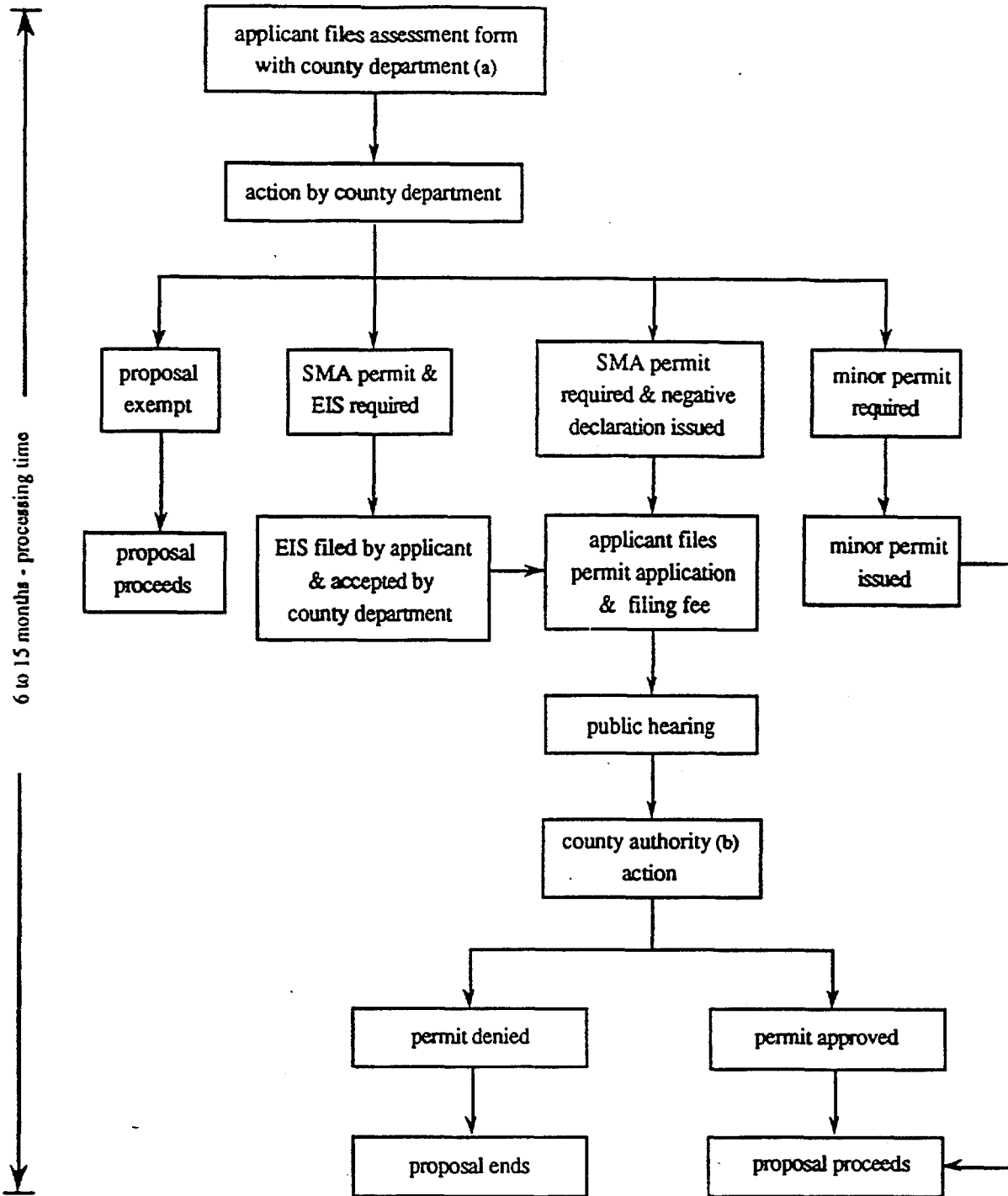
3. *The authority shall seek to minimize, where reasonable:*
- A. *Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;*
  - B. *Any development which would reduce the size of any beach or other area usable for public recreation;*
  - C. *Any development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

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

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

FIGURE: IV.2

Special Management Area  
Permit Process



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

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

TABLE: IV.1

Special Management Area  
Major & Minor Permits

1976 - 1988  
(by county)

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

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

## *Shoreline Setback*

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

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

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

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

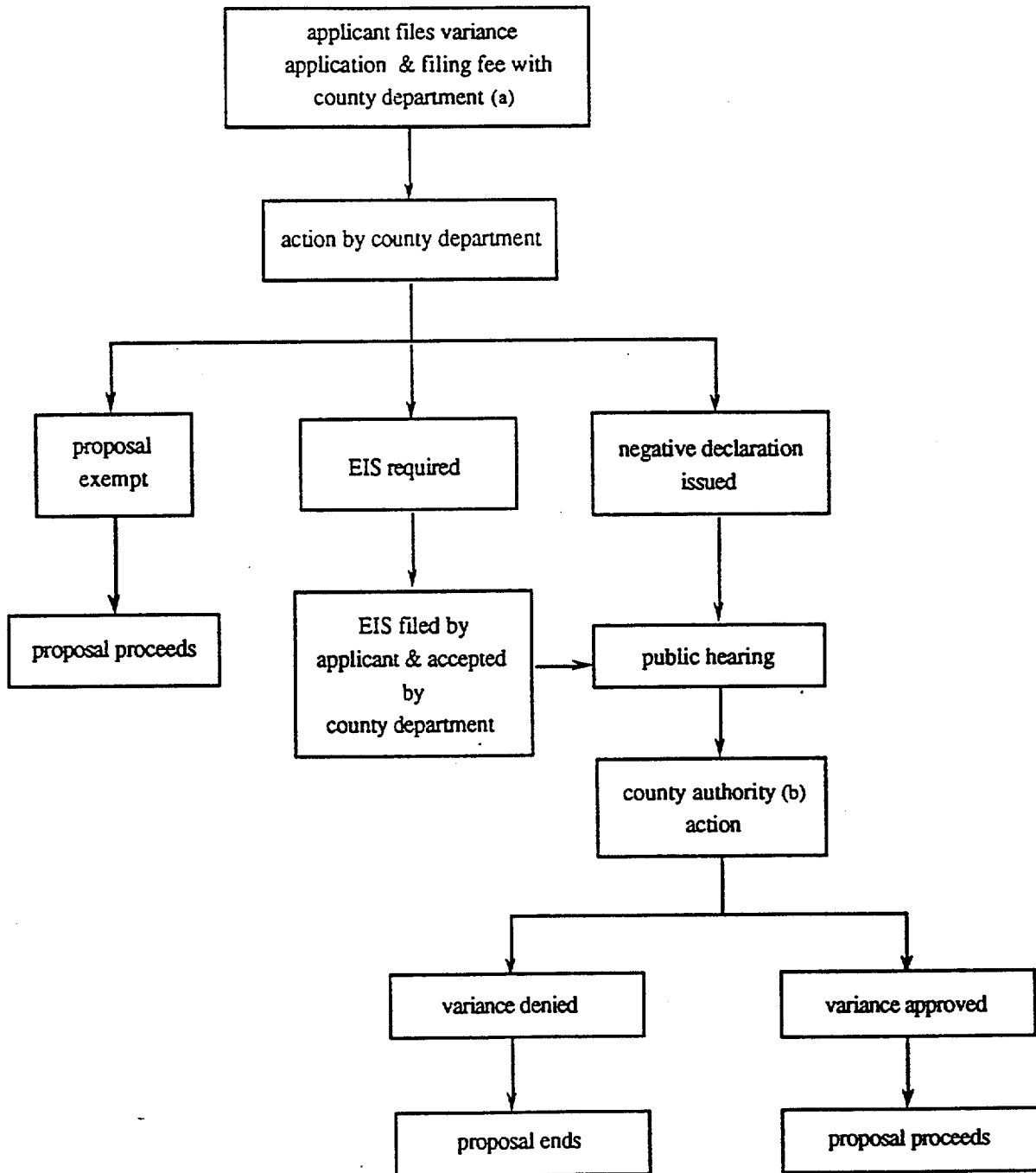
- (a) *A variance may be granted for a structure or activity otherwise prohibited by this part if the authority finds in writing, based on the record presented, that the proposed structure or activity is necessary for or ancillary to:*
  - (1) *Cultivation of crops;*
  - (2) *Aquaculture;*
  - (3) *Landscaping;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

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

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

FIGURE: IV.3

Shoreline Setback  
Variance Process



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

TABLE: IV.2

Shoreline Setback Variances  
1986 - 1988  
(by county)

| COUNTY           | VARIANCES PROCESSED<br>1986 - 1988 |
|------------------|------------------------------------|
| Honolulu         | 62                                 |
| Maui             | 19*                                |
| Hawaii           | 10                                 |
| Kauai            | 15                                 |
| <b>STATEWIDE</b> | <b>93</b>                          |

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

**B. Hawaii Coastal Zone Management Network**

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

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

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

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

### *Hawaii CZM Program Lead Agency*

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

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

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



# MAJOR LAND & ENVIRONMENTAL AUTHORITIES - a spatial perspective

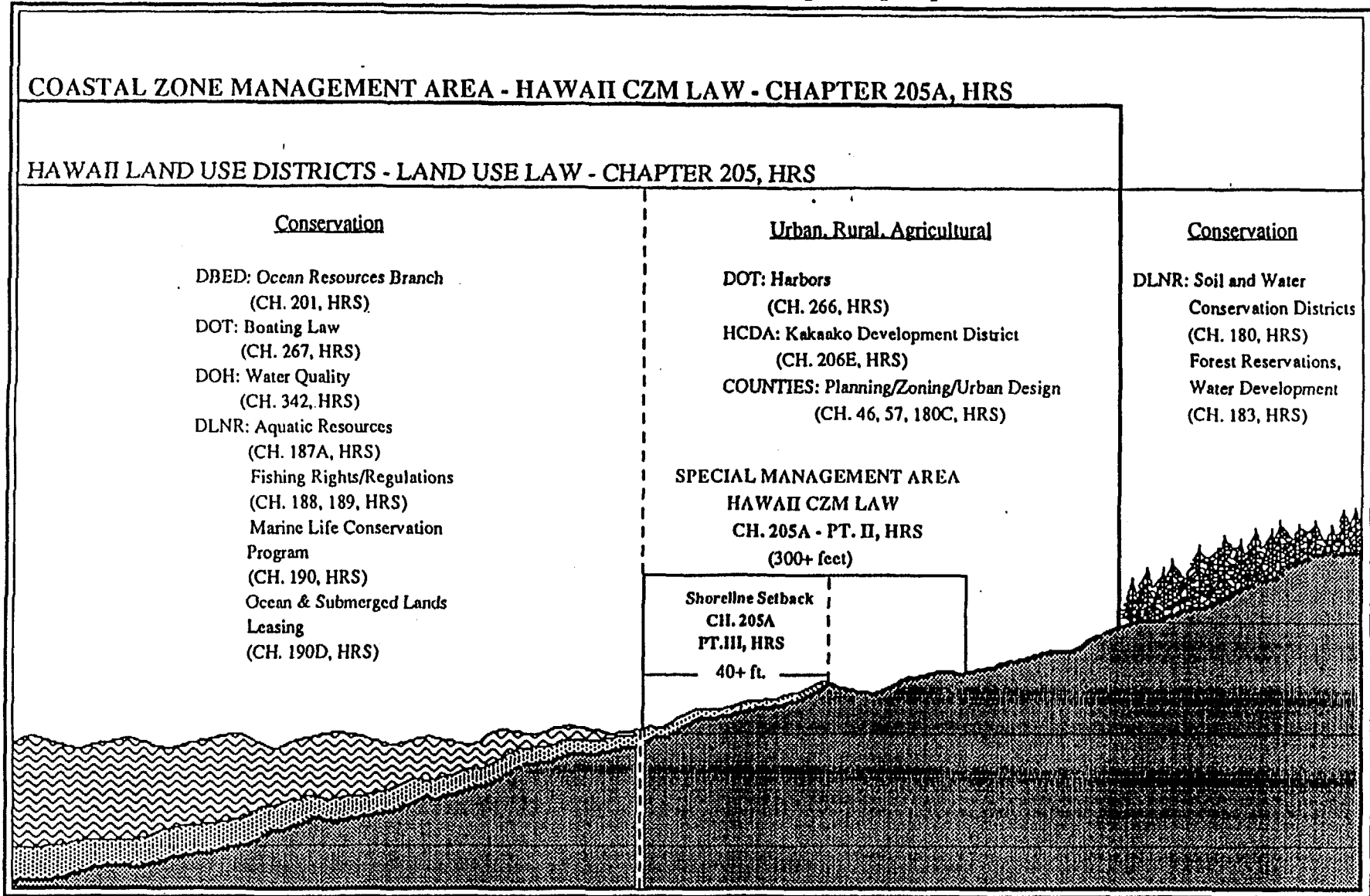


Figure IV.4

TABLE: IV.3

Hawaii CZM Office  
Administrative Reviews  
1980 - 1988

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

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

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

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

- *Department of Land & Natural Resources Hawaiian Fishpond Study*
- *Department of Land and Natural Resources Biological Database for Rare Plant & Animal Species*
  
- *City & County of Honolulu Inventory of Oahu Shoreline Structures*
- *City & County of Honolulu Guide to Oahu's Beaches & Ocean Recreational Resources*
- *City & County of Honolulu Shoreline Setback Study*
- *City & County of Honolulu Coastal View Study*
  
- *County of Kauai Coastal Activities Resource Management Plan*
- *County of Kauai Beach Warning Sign Program*
- *County of Kauai Historical Resources Management Plan*
- *County of Kauai Inventory of Shoreline Properties & Structures*
  
- *County of Maui Public Access Project*
- *County of Maui Adopt-an-Access Program*
- *County of Maui Shoreline Access Signage Program*
- *County of Maui Shoreline Structure Inventory*
  
- *County of Hawaii Anchialine Pond Study*

### **C. Citizen Participation**

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

Following program approval by the federal government and the State Legislature, the Hawaii CZM Program Statewide Advisory Committee (SAC) was established. As the successor of the SCF, the SAC includes representatives from various special interest groups and state and county government agencies<sup>5</sup>. SAC was established to give the public an opportunity to participate in activities and decisions affecting the coastal zone and in cooperation with the CZM Program, to increase public awareness of coastal issues and the activities and accomplishments of Hawaii's CZM Program. Members of SAC have assisted the Hawaii CZM Program by:

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

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

## V. FEDERAL CONSISTENCY

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

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

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

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

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

### A. Federal Consistency Requirements

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

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

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

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

#### *Direct Federal Activities*

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

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

TABLE: V.1

**Hawaii CZM Program: 1978 - 1988**  
**Direct Federal Activities**

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

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

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

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

#### Kahawainui Stream Flood Control Project

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

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

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

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

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

### *Federal Permits and Licenses*

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

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

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



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

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

TABLE: V.2

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

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

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

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

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

Wailua River Hydroelectric Development

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

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

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

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

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

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

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

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

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

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

### *Federal Assistance*

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

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

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

### Kealakehe Houselots

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

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

TABLE: V.3

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

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

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

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

### Secretarial Mediation

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

## VI. NATIONAL REQUIREMENTS

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

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

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

### A. Management Authority

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

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

TABLE VI.1  
AUTHORITIES MATRIX

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

# AUTHORITIES MATRIX

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

# AUTHORITIES MATRIX

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



# AUTHORITIES MATRIX

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

# AUTHORITIES MATRIX

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

## AUTHORITIES MATRIX

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

### B. Permissible Land and Water Uses

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

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

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

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

## PERMISSIBLE USES

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

# PERMISSIBLE USES

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

## PERMISSIBLE USES

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

### C. Areas of Particular Concern and Priorities of Use

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

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

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



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

### *Areas for Preservation and Restoration*

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

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

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

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

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

*Shoreline Setback Areas*: The final APC included in the program to protect and conserve coastal resources are the shoreline setback areas designated in each county. Because of the importance of the shoreline to the economy and environment, the shoreline setback provisions included in the CZM Law establish a restrictive zone 40 feet<sup>1</sup> inland from the shoreline, where construction and other activities are generally prohibited except by a variance process. The

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

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

*Other Areas of Particular Concern - Areas for Coastal Development*

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

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

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

TABLE VI.3:

Areas of Particular Concern  
Priorities of Uses

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

## Areas of Particular Concern - Priorities of Uses

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

### D. Uses of Regional Benefit

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

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

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

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

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

### **E. Energy Facility Siting, Beach Access and Shoreline Erosion**

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

## *Planning for Energy Facilities*

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

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

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

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

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

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

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



## Energy Policies

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

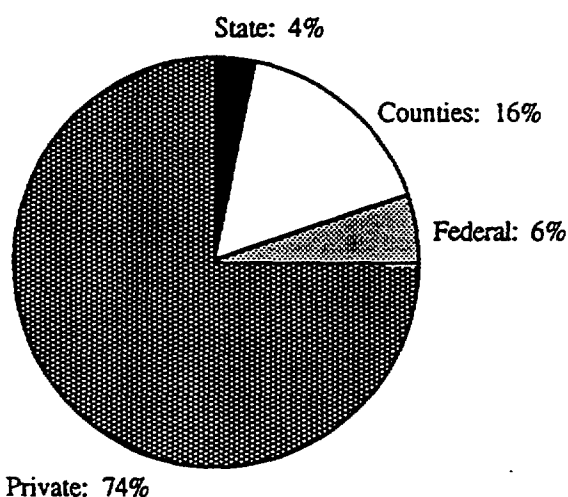
## Shorefront Access Planning

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

The general coastline of Hawaii's major and minor islands total 750 miles, varying greatly in physical characteristics from island to island as well as from one part of an island to another. The lands abutting Hawaii's 185 miles of sandy beach<sup>2</sup> on the six major islands — Hawaii, Oahu, Maui, Kauai, Molokai, and Lanai — are owned and managed by both public agencies and private individuals.

FIGURE VI.1:

### Management of Upland Areas Adjacent to Beaches



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

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

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

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

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

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

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

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

## Shorefront Access and Protection Policies

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

## Shorefront Access and Protection Policies

| AGENCY                          | POLICY  | AUTHORITY                     |
|---------------------------------|---|-------------------------------|
| <p>Counties<br/>(continued)</p> | <p>(9) Private facilities or improvements that may artificially fix the shoreline; provided that the authority also finds that shoreline erosion is likely to cause hardship to the applicant if the facilities or improvements are not allowed within the shoreline area; provided further that the authority imposes conditions to prohibit any structure seaward of the existing shoreline unless it is clearly in the public interest; or</p> <p>(10) Moving of sand from one location seaward of the shoreline to another location seaward of the shoreline; provided that the authority also finds that moving of sand will not adversely affect beach processes, will not diminish the size of a public beach, and will be necessary to stabilize an eroding shoreline.</p> <p>(b) Hardship shall be defined in rules adopted by the authority under Chapter 91. Hardship shall not be determined as a result of county zoning changes, planned development permits, cluster permits, or subdivision approvals after the effective date of this Act, or as a result of any other permit or approval listed in rules adopted by the authority.</p> <p>(c) No variance shall be granted unless appropriate conditions are imposed:</p> <ol style="list-style-type: none"> <li>(1) To maintain safe lateral access to and along the shoreline or adequately compensate for its loss;</li> <li>(2) To minimize risk of adverse impacts on beach processes;</li> <li>(3) To minimize risk of structures failing and becoming loose rocks or rubble on public property; and</li> <li>(4) To minimize adverse impacts on public views to, from, and along the shoreline.</li> </ol> | <p>Ch. 205A-Part III, HRS</p> |

## Shorefront Access and Protection Policies

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

### *Shoreline Erosion and Mitigation Planning*

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

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

TABLE VI.7:

Policies Relating to Shoreline Erosion

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

## ABBREVIATIONS

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



## GLOSSARY\*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Appendix A: HAWAII MANAGEMENT SYSTEM

# HAWAII MANAGEMENT SYSTEM

## Land Use and Environmental Authorities

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

## HAWAII MANAGEMENT SYSTEM

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

## HAWAII MANAGEMENT SYSTEM

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



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Appendix B: CZM OBJECTIVES & POLICIES

HAWAII  
COASTAL ZONE MANAGEMENT  
PROGRAM

Objectives & Policies

1. Recreational Resources

*Objective: Provide coastal recreational opportunities accessible to the public.*

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

## Objectives & Policies

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### 2. Historic Resources

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

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

### 3. Scenic and Open Space Resources

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

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

### 4. Coastal Ecosystems

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

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

## Objectives & Policies

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### 5. Economic Uses

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

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

### 6. Coastal Hazards

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

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

### 7. Managing Development

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

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

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

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

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

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

***Environmental Protection Agency:***

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

***Department of Transportation - U.S. Coast Guard:***

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

***Department of Transportation - Federal Aviation Administration:***

- Permits and licenses for construction and operation of airports

***Department of Agriculture:***

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

***Department of Commerce - National Marine Fisheries Service:***

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

## **FEDERAL LICENSES & PERMITS**

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### ***Department of Interior - Minerals Management Service:***

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

### ***Department of Energy - Federal Energy Regulatory Commission:***

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

### ***Department of Energy - Economic Regulatory Administration:***

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

### ***Nuclear Regulatory Commission:***

- Permits and licenses for construction and operation of nuclear facilities

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

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

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

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



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

*1. Grants for Planning & Management*

COMMERCE

11.302 Economic Development - Support for Planning Organizations

DEFENSE

12.600 Community Economic Adjustment

INTERIOR

15.904 Historic Preservation Fund Grants-in-Aid

15.916 Outdoor Recreation - Acquisition, Development and Planning

TRANSPORTATION

20.205 Highway Planning and Construction

20.505 Urban Mass Transportation Technical Studies Grant

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Support

66.419 Water Pollution Control State and Interstate Program Support

66.504 Solid Waste Disposal Research

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

HOUSING AND URBAN DEVELOPMENT

83.505 State Disaster Preparedness Grants

*2. Grants for State, Local and Private Development*

AGRICULTURE

10.406 Rural Development Act of 1972 - Farm Operating Loans

10.414 Resource Conservation and Development Loans

10.418 Water and Waste Disposal Systems for Rural Communities

10.419 & 10.904

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

10.908 Rural Development Act of 1972 - Resources Inventory

## FEDERAL FINANCIAL ASSISTANCE PROGRAMS

### COMMERCE

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

### DEFENSE

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

### HOUSING AND URBAN DEVELOPMENT

- 14.852 Public and Indian Housing - Comprehensive Improvement Assistance Program

### INTERIOR

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

## FEDERAL FINANCIAL ASSISTANCE PROGRAMS

### TRANSPORTATION

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

### TREASURY

- 21.300 State and Local Government Fiscal Assistance - Revenue Sharing

### ENVIRONMENTAL PROTECTION AGENCY

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

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

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

### EMERGENCY MANAGEMENT ADMINISTRATION

- 83.516 Disaster Assistance

## FEDERAL FINANCIAL ASSISTANCE PROGRAMS

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### 3. *Operational, Service and Research Grants*

#### AGRICULTURE

##### 10.902 & 10.905

Soil and Water Conservation - Plant Materials for Conservation

##### 10.903 Soil Survey

##### 10.906 Soil and Water Conservation - River Basin Surveys and Investigations

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

#### COMMERCE

##### 11.303 Economic Development - Technical Assistance

##### 11.417 Sea Grant Support

##### 11.400B Geodetic Surveys and Services

#### DEFENSE

##### 12.100 Corps Aquatic Plant Control

##### 12.104 Flood Plain Management Services

#### INTERIOR

##### 15.805 Assistance to State Water Resources Research Institutes

##### 15.808 Geological Survey - Research and Data Acquisition

#### NATIONAL SCIENCE FOUNDATION

##### 47.041 Engineering Grants

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Appendix E: **FEDERALLY-EXCLUDED LANDS**

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

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

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



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

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

| A<br>G<br>E<br>N<br>C<br>Y | FACILITY NAME                        | LOCATION                 | EXISTING LAND USE     | NATURE OF LEGAL RIGHT (acres) |       |        |                         |               |
|----------------------------|--------------------------------------|--------------------------|-----------------------|-------------------------------|-------|--------|-------------------------|---------------|
|                            |                                      |                          |                       | FEE                           | LEASE | CEDED  | ACCESS<br>EASE-<br>MENT | TOTAL<br>AREA |
| <b>COAST GUARD - cont.</b> |                                      |                          |                       |                               |       |        |                         |               |
|                            | Kilauea Point Light                  | North Coast, Kauai       | Light Installation    | 31.000                        |       |        |                         | 31.000        |
|                            | Kokole Light                         | West Coast, Kauai        | " "                   | 5.600                         |       |        |                         | 5.600         |
|                            | Kuhio Bay Range Front Light          | Hilo Bay, Hawaii         | " "                   | 0.014                         |       |        |                         | 0.014         |
|                            | Kuhio Bay Range Rear Light           | Hilo Bay, Hawaii         | " "                   | 0.100                         |       |        |                         | 0.100         |
|                            | Kulii Point Light                    | Nawiliwili, Kauai        | " "                   | 0.040                         |       |        |                         | 0.040         |
|                            | Kukuihaele Light                     | NE Coast, Hawaii         | " "                   | 0.400                         |       |        |                         | 0.400         |
|                            | Laaupahoehoe Point Light             | West Coast,<br>Molokai   | " "                   | 51.000                        |       |        |                         | 51.000        |
|                            | Lahaina Light                        | Lahaina, Maui            | " "                   | 0.100                         |       |        |                         | 0.100         |
|                            | Laupahoehoe Point Light              | North Coast,<br>Hawaii   | " "                   | 1.400                         |       |        |                         | 1.400         |
|                            | Maalaea Moorings                     | Southwest Coast,<br>Maui | Wharf Office Building |                               | 0.166 |        |                         | 0.166         |
|                            | Mahukona Light                       | North Coast,<br>Hawaii   | Light Installation    | 3.000                         |       |        |                         | 3.000         |
|                            | Makapuu Light Station                | East Coast, Oahu         | " "                   | 24.700                        |       | 9.800  |                         | 34.500        |
|                            | Maui Housing                         | Kahului, Maui            | Housing               | 1.030                         |       |        |                         | 1.030         |
|                            | McGregor Point Light                 | South Coast, Maui        | Light Installation    | 1.300                         |       |        |                         | 1.300         |
|                            | Milolii Point                        | South Coast, Hawaii      | " "                   |                               | 1.190 |        |                         | 1.190         |
|                            | Molokai Light Station<br>(Kalaupapa) | North Coast,<br>Molokai  | " "                   |                               |       | 22.900 |                         | 22.900        |
|                            | Nakalele Point Light                 | Northwest Coast,<br>Maui | " "                   | 4.000                         |       |        |                         | 4.000         |
|                            | Nawiliwili Jetty Light               | Nawiliwili, Kauai        | " "                   |                               |       |        |                         |               |

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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Appendix F: LAWS & STATUTES



# FEDERAL PUBLIC LAW

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## PUBLIC LAW 92-583

Coastal Zone Management Act of 1972

## PUBLIC LAW 94-370

Coastal Zone Management Act  
Amendments of 1976

## PUBLIC LAW 99-272

Coastal Zone Management Reauthorization  
Act of 1985

# HAWAII REVISED STATUTES

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## TITLE 1: GENERAL PROVISIONS

Ch. 6E: Historic Preservation

## TITLE 5: STATE FINANCIAL ADMINISTRATION

37: Budget

## TITLE 6: COUNTY ORGANIZATION & ADMINISTRATION

46: General Provisions  
57: Urban & Regional Design

## TITLE 8: PUBLIC PROCEEDINGS & RECORDS

91: Administrative Procedures  
92: Public Agency Meetings & Records

## TITLE 9: PUBLIC PROPERTY, PURCHASING & CONTRACTING

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

## TITLE 11: AGRICULTURE & ANIMALS

149A: Hawaii Pesticides Law

## TITLE 12: CONSERVATION & RESOURCES - Public Lands

171: Public Lands, Management &  
Disposition of

173A: Acquisition of Resource Value  
Lands

## Land Development; Flood Control

174: Water & Land Development

174C: State Water Code

176: Water Resources

176D: Protection of Instream Use of  
Water

179: Flood Control & Flood Water  
Conservation

179D: Dams & Reservoirs

180: Soil & Water Conservation  
Districts

180C: Soil Erosion & Sediment Control

## Forestry & Wildlife Recreation Areas; Fire Protection

183: Forest Reservations, Water  
Development, Zoning

183D: Wildlife

184: State Parks & Recreation Areas

# HAWAII REVISED STATUTES

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## TITLE 12: CONSERVATION & RESOURCES - Aquatic Resources & Wildlife

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

### General & Miscellaneous Programs

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

### Enforcement

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

## TITLE 13: PLANNING & ECONOMIC DEVELOPMENT

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

## TITLE 15: TRANSPORTATION & UTILITIES

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

## TITLE 19: HEALTH

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

# FEDERAL LANDHOLDINGS

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

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

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Appendix G: RULES & REGULATIONS

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

# CODE OF FEDERAL REGULATIONS

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## 15 CFR Part 923

Coastal Zone Management Program  
Development & Approval Regulations

## 15 CFR Part 930

Federal Consistency With Approved  
Coastal Management Programs

## HAWAII ADMINISTRATIVE RULES

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### TITLE 11: DEPARTMENT OF HEALTH

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

### TITLE 13: DEPARTMENT OF LAND & NATURAL RESOURCES

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

### TITLE 13: DEPARTMENT OF LAND & NATURAL RESOURCES

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

### TITLE 15: DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

- 15: Land Use Commission Rules

# COUNTY ADMINISTRATIVE RULES

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## CITY & COUNTY OF HONOLULU

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

## COUNTY OF HAWAII

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

## COUNTY OF KAUAI

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

## COUNTY OF MAUI

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