Evaluation of the Monitoring & Enforcement Program

Hawaii Coastal Zone Management Program, Office of State Planning
Honolulu, Hawaii

June 30, 1990

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Honolulu, Hawaii

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Hawaii Coastal Zone Management Program
Evaluation of the Monitoring and Enforcement Program

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Glossary

Chapter 205A	*Coastal Zone Management*, Hawaii Revised Statues.
CDUA	Conservation District Use Application (permit).
CFR	Code of Federal Regulations.
CZM	Coastal Zone Management.
CZMA	Federal Coastal Zone Management Act of 1972.
DBED	Department of Business and Economic Development.
DPED	Department of Planning and Economic Development, former HCZMP lead agency, split into two agencies: 1) Department of Business and Economic Development; 2) Governor's Office of State Planning, present HCZMP lead agency.
DLNR	Department of Land and Natural Resources.
DOH	Department of Health.
DOT	Department of Transportation.
DOWALD	Division (of DLNR) of Water and Land Development.
EA	Environmental Assessment.
EIS	Environmental Impact Statement.
GIS	Geographic Information System, a computer based mapping and data system.
HCZM	Hawaii Coastal Zone Management.
HCZMP	Hawaii Coastal Zone Management Program.

H-PASS	Hawaii Planning Activities Support System.
LUDBA	State Land Use District Boundary Amendment.
Microcomputer	A small, powerful computer which is inexpensive, readily available and well-supported on the retail market, and fits on a desktop. Usually a PC or a MacIntosh.
Minicomputer	A multi-user computer system based on terminals connected to the file server (the actual computer). Expensive, and requires custom support from specialized vendors. Not available or supported in the retail market.
MSPM	Memorandum for State Program Managers, from Chief, Coastal Programs Division, OCRM, June 12, 1990.
M&E	Monitoring and Enforcement, a function of the HCZM program.
NPDES	National Pollution Discharge Elimination System, permit, issued by the DOH, under authority of the federal Clean Water Act.
Networked	Under federal CZM law, a state's CZM program may use existing laws and agencies to implement CZM. This is called a networked structure.
NOAA	National Oceanic and Atmospheric Administration (Department of Commerce).
MacIntosh	Apple MacIntosh brand microcomputer.
OSP	Governor's Office of State Planning, HCZMP lead agency.
OCRM	Office of Coastal Programs and Resource Management (NOAA).

OEQC	Office of Environmental Quality Control (DOH).
PC	Personal Computer; a microcomputer, typically an IBM-PC or similar.
SMA	Special Management Area (permit).
State Clearing House Review	OSP is the State Clearing House for federal actions.
TMK	Tax Map Key, a series of numbers which identify land parcels.
401 Water Quality Certification	Issued by the DOH.

1 Summary

Primary Conclusion. This report focuses on the monitoring program of the Hawaii Coastal Zone Management Program (HCZMP) which is intended to detect patterns of State and County agency compliance or non-compliance with CZM objectives and policies of Chapter 205A, *Coastal Zone Management*, Hawaii Revised Statutes. The conclusion of this report is that the existing monitoring program, H-PASS (Hawaii Planning Activities Support System), should be modified and restructured. The changes require acquisition of a new micro-computer-based information system which would be dedicated to HCZMP's monitoring program and which would not be intended to perform as a planning information database for State and County agencies. Dedicated hardware and software would be placed in each County and with HCZMP. Once a replacement system is operational, the existing H-PASS could be dismantled. This would yield annual cost-savings which would more than offset the acquisition and maintenance costs of a replacement system. These changes could take place within a year or two after agency approvals are obtained.

County Agency Reporting. For the best utility and economy, a monitoring program suitable to HCZMP would permit computerized data entry of Special Management Area permits at the County level . Such files should be easily transferred (either by mail on floppy disk, or by dial-up modem over standard telephone lines) to the HCZMP computer for inclusion in their quarterly, semi-annual, and annual reporting. Similarly, programs and actions by State and Federal agencies should be easily monitored and tracked via the same software. Data should never have to be re-entered or manually logged by HCZMP. The County agencies are basically conforming to this practice, but there needs to be a uniform database placed in operation in their offices. Because the Counties do not have micro-computers and related hardware available for this purpose, such hardware should be provided by HCZMP.

State Agency Reporting. State agencies have somewhat different requirements because of all those which have actions in the coastal zone, only DLNR issues permits of any significant volume. Other State agencies with actions or projects in the coastal zone tend to notify the public and agencies via public notices. Both can be monitored using the same

7.3.1 Add a checklist or scorecard which permits tabulation of the contribution to, or the taking from, the 7 objectives in Chapter 205A. Include best management actions, conformance with CZM plans, and conditions on SMA, CDUA, or other CZM-related actions or permits. Categorize (seawall, beach, marina, etc) SMA and other permit actions to provide an additional level of detail and search capability by type of action. Entries on the checklist would be numeric in terms of the 7 objectives so that for each semi-annual report there would be a measurable statement of the contribution to or taking from the objective. This could be done by category of action as well, which would permit time-scale analysis of the relative proportion of actions for easy detection of trends.

7.3.2 HCZMP, themselves, would track and evaluate state and federal projects in the same manner against the same 7 objectives. If this initial tracking was too time consuming, a special directive could be sought from the Governor to all State agencies to perform this function and to submit the scorecard/checklists themselves.

7.3.3 Scorecards/checklists would provide a standard evaluation format equally applicable to county, state or federal agencies and based on existing state law. Implementation of this concept (originally a concept in HPASS, but very complex, and not readily retrievable) would provide a near instantaneous way of monitoring and evaluating the progress of CZM actions and programs in Hawaii.

7.3.4 HCZMP could also consider strengthening its inspection capabilities to detect cases where there may be actions in the coastal zone which are being done without permits or without federal consistency declarations.

7.4 Actions to Improve Communication and Coordination. Successful monitoring relies on agency and citizen

software which HCZMP would use to consolidate County data files. This may mean that new or revised reporting requirements should be imposed on State agencies in the interest of making the HCZMP monitoring program both more efficient and more useful as a basis for coastal planning. For example, each State agency with a proposed action affecting the coastal zone could be requested to submit a simple form describing the proposed action.

Program Evaluation. At present, one cannot track, annually and quantitatively, the achievement (or lack) of the HCZMP in terms of the goals of the program as stated in Chapter 205A, Hawaii Revised Statues. This is because the monitoring program in the form of H-PASS does not have the data retrieval capability to do so. Moreover, although the original program may have had a sufficient amount of information to ultimately perform a program evaluation, because of the onerous and time-consuming data-entry and difficult data-retrieval problems, and because of constant hardware problems and failures, in recent years, complete data have not been entered in the system.

The Objective of H-PASS. H-PASS was conceived in the mid-1970's as a means of providing a computerized planning information database to State and County agencies which would be interlinked through dedicated modems and telecommunications to a central mini-computer (a Wang VS system) located in Honolulu. H-PASS was intended to provide computerized services ranging from word-processing, to Capital Improvement Program budget database, to the Hawaii Coastal Zone Management Program's permit tracking system.

The Liability of H-PASS. H-PASS is no longer a practical system and the cost to maintain it exceeds $30,000 annually. In some cases, networked agencies who were originally assigned terminals have disconnected or returned them to HCZMP. Others use the terminals only for maintenance of their own records (Department of Land and Natural Resource's Conservation District Use Application files) or for word processing (Department of Health's Office of Environmental Quality Control, Kauai County). In an evaluation of the use of H-PASS by then Department of Planning and Economic Development (November, 1985), the most frequently accessed data file (37 percent of all queries of H-PASS) was the

Capital Improvement Program, a function now with the Department of Budget and Finance.

H-PASS software is a custom database program, which requires programming specialists, unavailable in most agencies, to access many data files in order to produce reports or to sort information. For several years it has been apparent that H-PASS does not serve its primary mission, which is to provide a means of monitoring CZM permit actions.

H-PASS as a Planning Database. The dream of the founders of H-PASS was to provide a central computerized database which planners around the state could readily access for a wide variety of planning and environmental information and which could easily be used to track a variety of permits and agency actions. As time passed and improved, more easily accessed computer systems and word processors became available, H-PASS became almost dysfunctional in terms of its utility to HCZMP, who was responsible for its maintenance and who originally was intended to rely on its information for CZM monitoring and related permit tracking.

A significant finding of this investigation is that H-PASS was founded primarily as a planning database which, among many other features, included a function for permit tracking to meet the needs of the HCZMP monitoring program requirements. Over time, the mission of providing a planning database was abandoned, probably due to the impossibility of maintaining such on H-PASS and along with the gradual adoption of micro-computers and other information systems throughout the State and Counties. At present, there appears to be a need to focus attention on the notion of a planning database to serve the State and Counties, as well as the private sector, for the purpose of better handling the mass of environmental and planning information required in the multitude of planning decisions now being made.

Basis of Recommendations. The recommendations of this report are based on a review of existing federal CZM requirements and State and Federal CZM law, a review and evaluation of the H-PASS system and various reports about it over the years, a survey of other States and their monitoring programs, and two major workshops with State and County agencies who are part of the HCZMP network and who both contribute

information the monitoring program and who use that information to evaluate their programs.

Implementation. This report is designed so that follow-on work to implement the recommendations can be accomplished directly. For example, a single contract to design and install a pilot microcomputer data base system (Chapter 8, Proposed HCZMP Monitoring Program), could be let and the vendor would have adequate information in this report and its appendices to accomplish the work.

2 Introduction

Monitoring and enforcement as used in this report refer to a continual assessment of the success in achieving the objectives of the Hawaii Coastal Zone Management Program as described in Chapter 205A (Hawaii Revised Statues, Appendix). The investigations described in this report were conducted with the assistance of staff of the Hawaii Coastal Zone Management Program of the Office of State Planning. Discussions with HCZMP staff were augmented by interviews and workshops with representatives of HCZMP networked agencies including the Counties and key State Departments or Divisions. These discussions and meetings form the basis of Chapters 3 (Information Needs of Hawaii's CZM Network Agencies) and 5 (Strengths and Deficiencies of the HCZMP Monitoring Program). They also contribute to Chapters 7 (Recommendations for the HCZMP Monitoring Program) and 8 (Proposed HCZMP Monitoring Program).

2.1 A variety of documents were reviewed and discussed with HCZMP staff, and with representatives of networked agencies. Documents included existing State and Federal laws and regulations for both the CZM program as well as the monitoring program, past HCZMP and H-PASS evaluation reports, H-PASS software, hardware and operations manuals, and some documentation provided by other state CZM program managers. Federal regulations and communications particularly form the basis of Chapter 4 (Federal Standards for a CZM Monitoring Program, also see Appendix). Documents reviewed are listed in the bibliography.

2.2 Included in this report are the results of a survey of CZM programs in other states. Some interesting program monitoring concepts were obtained from this survey. For example, Pennsylvania periodically (twice a year) charters a helicopter to inspect problem areas, or areas undergoing rapid change. The inspection team includes coastal experts from environmental, aquatic resources, and ocean engineering disciplines from several of the networked State or County agencies. The vantage point from the air provides an

opportunity to check the status of permit compliance, or implementation of permit conditions, as well as to identify potential violations. This survey forms the basis of Chapter 6 (Monitoring Programs of Other States).

2.3 The appendices include a selection of existing H-PASS input forms and program descriptions for convenient reference, as well as copies of pertinent policies, laws, and program documentation. Although voluminous, these are included to assist reviewers of this report as well as later investigators or staff by providing a convenient and ready collection of key documentation.

2.4 Hawaii's CZM law and policy follows federal policy as required by the federal CZMA of 1972. It is national policy to "....preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations." Much of the implementation of this policy is carried out by the states through their respective coastal zone management programs, as approved by the Office of Coastal Resources Management, Department of Commerce. Hawaii's CZM program (HCZMP) is based on State law (Chapter 205A, Hawaii Revised Statutes) which implements the specific provisions of the federal Coastal Zone Management Act.

2.4.1 Hawaii's CZM objectives are summarized below and they are consistent with the federal objectives. They are noted here because meeting these objectives requires evaluation based on some sort of standard from which changes or improvements can be measured. These objectives are the principal guidance of the monitoring and enforcement program described in this report.

- Recreational Resources. Provide coastal recreational opportunities accessible to the public.

- Historic Resources. 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.

- Scenic and Open Space Resources. Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

- Coastal Ecosystems. Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

- Economic Uses. Provide public or private facilities and improvements important to the State's economy in suitable locations.

- Coastal Hazards. Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

- Managing Development. Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

2.5 With the adoption of Chapter 205A in 1977, Hawaii's Coastal Zone Management Program was created. Initially the program was established under the Department of Planning and Economic Development (DPED) as a "networked" program. A networked CZM program utilizes the existing institutional structure of departments, laws and regulations to implement coastal zone management. A networked program was appropriate in Hawaii where, with its long history of land use planning and public shoreline, there was a well-established planning philosophy in law and in practice.

2.6 In order to establish a means of monitoring and enforcing the HCZMA, that Department in conjunction with State and

County agencies established the H-PASS (Hawaii Planning Activities Support System) which relied on a Wang VS minicomputer located in DPED offices. Counties and key State agencies (Transportation, Land and Natural Resources, Health, Environmental Quality Control, University of Hawaii) were linked by dedicated telephone lines to the Wang VS Minicomputer. H-PASS was structured to provide data files related to a wide variety of planning information which would be used by the participating agencies. The monitoring and enforcement-related files were only a small part of the H-PASS itself. Generally, when the system was conceived in the late 1970's, there was little if any computerization at the line-agency level in the state. In fact, computerized word processing was only available to a few agencies. Because H-PASS would also provide word processing capability, it was eagerly adopted by the networked agencies of the HCZMP.

2.7 By the mid 1980's, it became apparent to the using agencies that H-PASS was inadequate to serve either of its key objectives: 1) provision of a statewide planning data base; 2) provision of automated HCZMP monitoring and enforcement files. The problems (described in more detail in the appendices to this report) resulted from: 1) a basic overload of an inadequate system hardware; 2) custom and unwieldy software which could not be adapted to the changing needs of users. The system fell into disuse during this period with some agencies returning their terminals and hardware to the HCZMP. Other users equipment partially failed and repairs have not been achieved, probably due to the age of modems and other equipment.

3 Information Needs of Hawaii's CZM Network Agencies

Extent of H-PASS Use. This section describes the present use of the H-PASS with emphasis on distinguishing between those activities which are specific to the CZM M&E program, and those which serve other needs. The information presented here is based on the results of two workshops with networked-agencies, interviews, and a review of current HCZM program documents and files. A diagram of the present network system as it appears in real terms is shown in Exhibit 1.

3.1 All counties (except Maui) can input data at the local terminal, but cannot output directly to H-PASS because of telecommunications problems. For this reason, the counties currently submit hard copies of hearing notices, SMA permits, and quarterly reports.

The counties do not require data from H-PASS to perform their CZM functions. As a result the data transfer is one-way, from the Counties to HCZMP. At times they need information from other counties. In such cases, telephoning is faster and more reliable, given the small number of queries.

3.1.1 The City and County of Honolulu must enter redundant data into their own system to prepare CZM reports. This is a duplication of effort on their part.

3.1.2 Maui county currently submits hard copy SMA permits. They generate quarterly reports from their own system.

3.1.3 Hawaii county previously used clerical staff to input data into H-PASS. They do not input data into the system now. They want to abandon H-PASS because it provides no benefits to them.

3.1.4 Kauai county uses the H-PASS Wang only for word processing because they have found that they can more

EXHIBIT 1 - HCZMP Organizational Structure

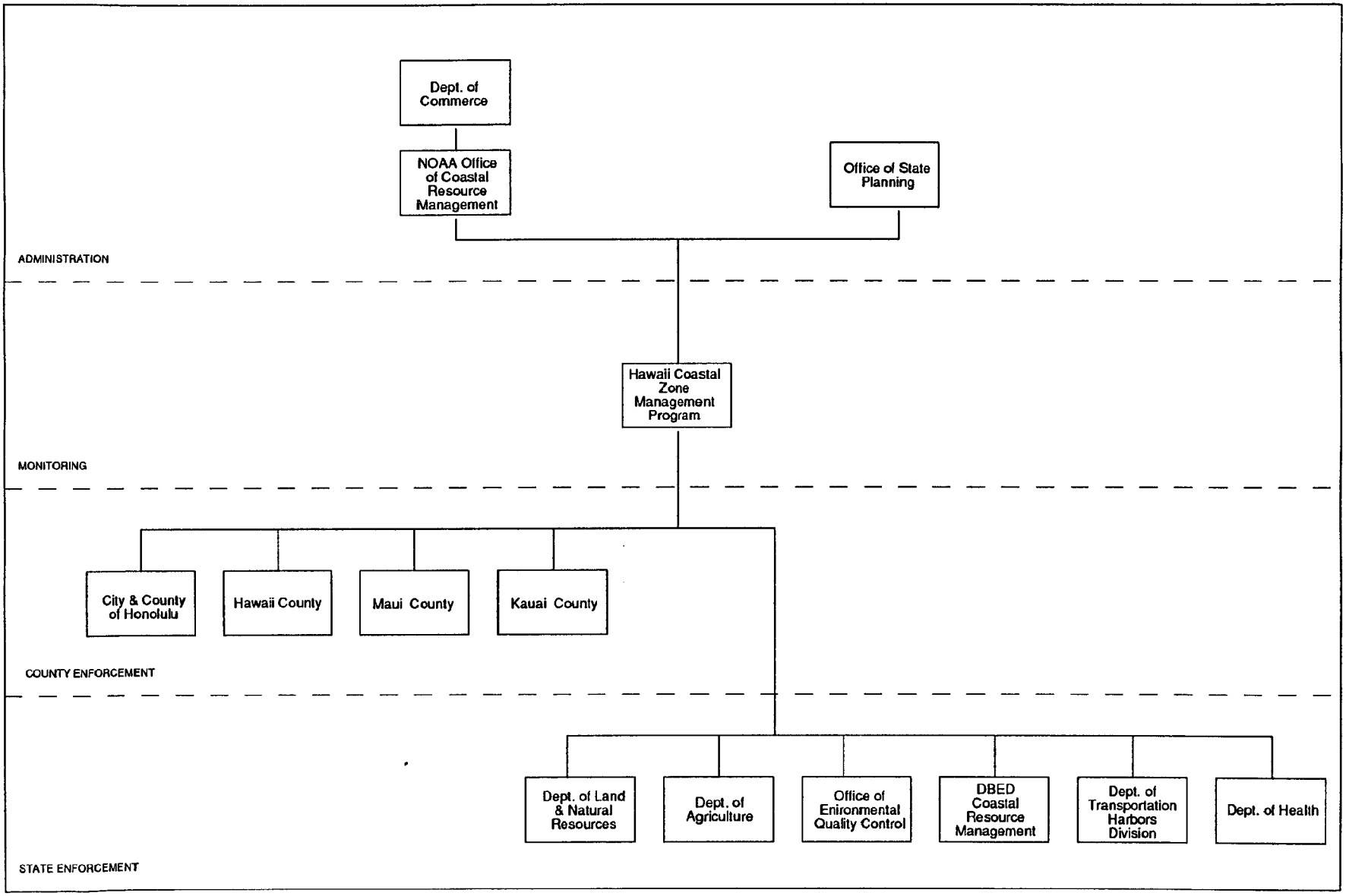
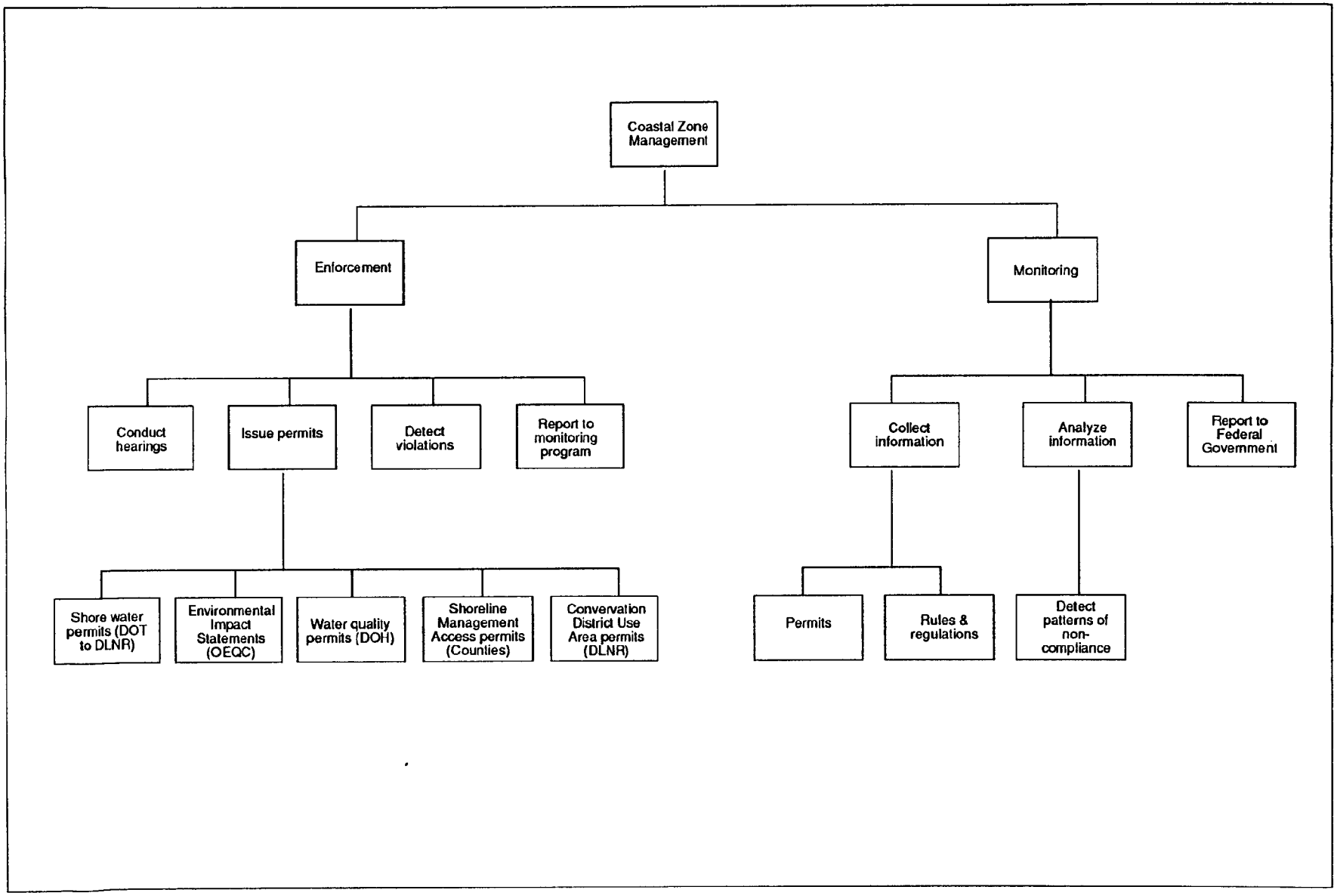


EXHIBIT 1B - HCZMP Functions



readily provide the required HCZMP reports in this manner.

3.1.5 OEQC (Office of Environmental Quality Control) previously used the H-PASS system. Now, they have difficulty performing basic queries such as determining the existence of a specific environmental impact statement (EIS). They used the H-PASS Wang system primarily for word processing. At the University of Hawaii, they could enter data and get some output. They had access to their own data but not to all of the data on the system. Now they have a connection to the H-PASS system, but they cannot logon.

The HCZMP office does not need H-PASS to get information from OEQC. The HCZMP office usually doesn't need specific information from OEQC. When the HCZMP office needs EIS or EA (Environmental Assessment) information from OEQC, the HCZMP office uses the OEQC Bulletin.

3.1.6 DOH (Department of Health) H-PASS connection is completely shut down. The HCZMP office needs environment and pollution control information from DOH. At present they can obtain this from public notices. DOH tracks many of their water quality permits, monitoring stations and quality data on a variety of computer systems. The HCZMP office receives reports on NPDES (National Pollution Discharge Elimination System) permits and 401 Water Quality Certifications (certifications under Section 401 of the Clean Water Act).

3.1.7 DLNR (Department of Land and Natural Resources) The H-PASS terminal is still in use, but only for maintenance of CDUA files (which are not used by HCZMP). DLNR is replacing H-PASS with a microcomputer system in the summer of 1990. They want historic data files of CDUA's. DLNR asks the

HCZMP office to print reports. DLNR provides Decision Notices, Copies of all CDUA Applications and Public Hearing Notices. DOWALD (Division of Water and Land Development) provides the HCZMP office with Decision Notices and Public Hearing Notices.

3.1.8 DOT (Department of Transportation, Harbors Division) H-PASS connection is completely shut down. They believe that the historic data in H-PASS may have some value to someone. Their permit authority has been delegated to DLNR as part of the CDUA process.

3.2 Computer use among the networked county and State agencies related to the HCZMP. This section summarizes the HCZMP-related computer use among the HCZMP networked agencies in the state.

3.2.1 The City and County of Honolulu uses two systems. One is a GIS used for TMK and other data. The other system relies on remote terminals to maintain SMA permit data on the city's mainframe information system.

3.2.2 Maui county is developing a pilot project GIS on a MacIntosh system and they have a PC database system for SMA permits.

3.2.3 Hawaii county has an rudimentary GIS and Wang database system. They use an IBM PC with custom software to track SMA and other permits, TMK, and land use information.

3.2.4 Kauai county uses the H-PASS Wang only for word processing. They are in transition and will be using an IBM PC and WordPerfect for word processing. Once the transition is complete, they will relinquish use of the Wang. SMA permit data is maintained manually

3.2.5 OEQC (Office of Environmental Quality Control) will be developing a planning database system (probably on a PC) that also will be used to print the OEQC bulletin. Funding for the project has been requested from the Legislature and is currently being processed. Their main data file use will be the EIS's EA's (environmental assessments) and similar information.

3.2.6 DLNR (Department of Land and Natural Resources, Historic Sites) has a Dbase III (a commercial data base software) purchase order system. This summer, DLNR will use student interns to develop a permit tracking system on a Wang PC. Their main data use is tracking CDUA's.

3.3 Summary of Information Needs Related to HCZMP M&E. Following is a summary of the information needs of the Counties and State agencies which are networked participants in the HCZMP.

3.3.1 Among the Counties, for the CZM monitoring program, the information transfer is one-way -- from the networked agencies to the HCZMP office. The networked agencies do have other information needs, but these are met locally, without interconnections to the HCZMP office. These local needs, although met differently (and creatively) at present, are virtually identical in-so-far as the CZM monitoring program is concerned.

- County needs consist of tracking the Special Management Area permits and related information with enough detail to provide required reports to the HCZMP office; and in enough detail to meet County requirements related to the planning process.

- The Counties also provide hard copy of SMA reports by special request of the HCZMP office.

- The Counties provide quarterly reports to the HCZMP office. The reports follow a similar format and style, but are not identical to the extent which would be required by an automated system.

3.3.2 At the State level, the information needs are different although they are also one-way, from networked agencies to the HCZMP office. However, they lack any requirement to provide information to the HCZMP office, because there is an operational assumption on the part of state agencies that because the CZM law applies to each Department, they automatically comply with the law through diligent action at their own levels. There is no requirement to report these actions to the HCZMP, therefore, tracking these actions, systematically is not possible as it is with the SMA permits issued by the Counties.

- State agencies file no reports with the HCZMP office.

- With regards for HCZMP monitoring and enforcement, at present, no State agency routinely provides the HCZMP office with data about actions in the coastal zone. The State agencies have shut-down their H-PASS systems (except DLNR which uses it strictly for its own purpose of tracking CDUA's).

- The reason for this situation is partly because no State agency issues permits or performs actions in the coastal zone with the frequency of the Counties. Approximately 600 SMA permits are issued by Counties annually. There is a smaller number of State actions in the coastal zone, and these are done by a variety of different agencies. The most frequent State permit is the CDUA,

which usually applies to areas in the coastal zone. HCZMP review about 75 CDUA's annually.

- State agencies routinely provide the HCZMP office with written public notices of actions proposed or carried out in the coastal zone.

  - This is done through several ways. One is that each agency routinely sends its own public notices to all on its own mailing list.

  - Another is via the OEQC Bulletin, a bi-weekly newsletter sent to addresses on the OEQC mailing list.

  - A third is via public notices published in the newspaper or made through the media.

3.3.3 Federal agencies provide information to HCZMP under the federal consistency guidelines in the federal CZM law. These require that a federal agency proposing an action in the coastal zone prepare a federal consistency document and submit it to HCZMP for review. This provides a sure check on the federal actions. However, from the federal side, the consistency declaration is often made late in the planning process, making it difficult to change if the HCZMP requests significant alterations in a plan or project.

4 Federal Standards for a CZM Monitoring Program

Under terms of the federal CZM law, when a state accepts federal grant money, it also agrees to implement programs and policies which will achieve the goals of CZM. Those goals are stated in the CZM Act of 1972 (See Appendix for full Act; see Section 303 for statement of national policy.) and Hawaii law reflects the same goals (See Appendix for Hawaii's Chapter 205A). If a state does not show progress in implementing federal CZM policy, the OCRM can reduce or withhold CZM grant money.

4.1 The details of the federal procedures are written in Section 312, "Review of Performance" which describe the legal monitoring requirements on the part of OCRM. OCRM is required to continually review a State's performance in terms of compliance with the CZM Act of 1972 and state laws and regulations implementing it.

4.2 Specifically, the CZMA requires the Secretary (of the Department of Commerce -- through NOAA and OCRM) to do the following.

4.2.1 312. (a) Perform a continuing written review of the extent to which the state as implemented and enforced the state's CZM program, has addressed the coastal management needs (goals and policy of the CZM program), and met the terms of grants, loans of cooperative agreements.

4.2.2 312. (b) Conduct public meetings to evaluate the state's CZM program and make the reports of evaluation available to the public.

4.2.3 312. (c) Reduce financial assistance to a state which is failing to make a significant improvement in achieving the coastal management objectives or is failing to make satisfactory progress in inventorying and designating areas that contain one or more coastal resources of

national significance and in providing enforceable standards to protect such resources.

4.2.4 312. (d & e) The secretary can withdraw approvals and funds from state programs which are not complying as stated above.

4.2.5 312. (f) The secretary must do research and offer technical assistance on matters which offer promise towards improving coastal zone management.

4.3 In practice, these legal requirements are implemented by regulations and guidelines from OCRM and it is these details which must be met by the monitoring scheme proposed later in this report. There is a variety of guidance from OCRM and it includes the following (All of the following documents are included in the Appendix.).

4.3.1 Part 923 [15 CFR Ch. IX (1-1-89 Edition)] - Coastal Zone Management Program Development and Approval regulations. This is the general regulator guidance which covers state CZM programs. It requires that a single agency be in charge of coastal programs within a state and that networked agencies be answerable and bound by state regulations to perform within the context of the CZMA of 1972.

4.3.2 Part 928 [15 CFR Ch. IX (1-1-87 Edition)] - Review of Performance. This document described the review process as of 1987 and its guidelines provide a general background. The frequency and format for reporting by states to OCRM is redefined in a later document, however.

4.3.3 Memorandum for State Program Managers (MSPM), from OCRM, September 20, 1988. This document contains the current guidance and requirements for reporting as modified in an administrative manner because it is in the form of a memorandum as opposed

to publication in the Code of Federal Regulations. Therefore, Part 928 also applies to state reporting of their monitoring actions.

4.3.4 The present requirements by OCRM for state reporting, as stated in the MSPM are as follows.

- The format and content of the reports is provided in general fashion and narratives may be tailored to suit the reporting state. However, certain tables are required as stated below for performance reports. The reports may use existing information in the form used by or within a state for CZM and much of the information can be in narrative form, and in attachments of existing records for the period being reported. The following discussion focuses on performance reports for county and state permits as the primary example of information tracking and systemization for which specific recommendations are made later in this report. Federal actions, relatively few in Hawaii in contrast to state and county actions, are covered in the MSPM and their requirements are shown in the appendix. In addition, under the management information system proposed later in the report, federal actions as well as grants and other compliance matters could be tracked as well as information associated with permit type of activities.

- Frequency and content of reports.

  - Quarterly - The quarterly report is meant to be brief and to monitor the grant tasks and significant improvement activities. It does not require submittal of permit information which is the most voluminous of information to be tracked and reported.

- Semi-annual - The semi-annual report is to contain information necessary to determine state adherence to its CZM program. This report is submitted during the 2nd and 4th quarters of the grant awards, and logically along with the quarterly reports. These are called performance reports and are most voluminous because of the number of SMA permit actions. This report is to discuss permit administration, monitoring and enforcement; federal consistency, and program changes.

  In Hawaii, the most difficult to track, and the area most benefiting of automation is that part of the performance report which covers permits, permit violations, unpermitted activities, and the disposition of actions towards violations, in the coastal zone. The MSPM of September 20, 1988 provides several key tables which display the information (which must be reported in tabular format) requested by OCRM. The tables are summarized below (also see Exhibit 2).

  - The first table (Performance Report Permit Chart #2 for state CZM programs with "networked" agencies.) describes each application for a permit and its status during the reporting period.

  - The second table (Performance Report Enforcement Chart #3 for both direct permitting CZM states and networked states.) shows the status of both permit violations and

unpermitted activities in the coastal zone.

- The third table (Performance Report Enforcement Chart #4, Disposition of the total violations resolved.) describes the disposition of violations of both permits and unpermitted activities.

Reporting semi-annually on federal consistency and program changes is fairly straightforward, because of the relatively few federal actions in the coastal zone. However, federal consistency must be reported in tabular format (Appendix). Reporting on program changes lends itself to narrative format. Federal consistency reporting at present is done manually and could continue that way, although the system proposed later in this report to automate reporting from the counties could easily accomodate the federal consistency reporting requirements.

- Annual - The annual report is to address broader issues of the effectiveness and accomplishments of the state CZM program in addressing national coastal management needs, and to identify emerging issues. This report must be submitted by each October 30. It is not tied to a specific award period. The reporting should include specific examples where possible. The annual report is submitted in narrative form and statements about the following topical areas <u>are required</u>.

  - Estuarine Habitats

- Coastal Pollution
- Ocean dumping
- Coastal hazards (erosion flooding, sea level rise)
- Ocean and coastal use management
- Public access
- Urban waterfronts and ports
- Permit simplification

4.4 In sum, the federal requirements include a mix of information in tabular and narrative form. Tabular formats are specified for permit and federal consistency data. Narratives must be supported by examples. Existing information, in any form used within the state (for example in the form of reports or data) can be appended as examples or to support the report. The information falls into two broad categories.

4.4.1 Grant status or other financial data which is partially of an accounting and partially of a budget and programming nature. This category of information is not discussed further in this report because it is not part of the specific study.

4.4.2 Program performance with regards to the attainment of CZM goals and the implementation of CZM policy, both federal and state. This category of information is discussed further in this report, but in the context of the HCZMP, which is the State's implementation of the federal CZMA.

Exhibit 2: Required OCRM Reporting Tables

Performance Report Permit Chart #2

For state CZM programs with "networked" agencies.

State/Local Permitting Agency	Type of Permit Activity	Applications Filed	Permits Issued w/out Conditions	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
Water Quality Management Agency	Tidal Development Permit						
Local Gov't. (if appropriate)	Stormwater Management Permit						
Etc.							
Total CZMP Regulatory Activity							

* - Where applicable indicate major or minor.

These charts should be used by the states as guides.
The states may submit the information in the form that the networked agecies use or process the data to fit a chart of this type.

Exhibit 2: Required OCRM Reporting Tables

Performance Report Permit Chart #3

For both direct permitting CZM states and networked states.

Type of Violation	State Enforcement Agency	Violations Detected for Reporting Period	Total Violations Resolved	Total Violations Pending
Permit Violation				
Un-permitted Activity				
Total				

Exhibit 2: Required OCRM Reporting Tables

Performance Report Permit Chart #4

Dispostion of the Total Violations Resolved.

Type of Violation	State Enforcement Agency	After-the-Fact Permit Issued	Order to Restore Area in Violation to Original Condition	Judicial Enforcement Actions	Application Pending	Total
Permit Violation						
Un-permitted Activity						

Exhibit 2: Required OCRM Reporting Tables

I. Direct Federal Agency Activities - Section 307(c)(1) and (2) *

Federal Agency	Description of Activity or Project	Date Federal Agency Notification Received	Proximity to Coastal Zone (within, seaward landward)	Concurrence	Non-concurrence		Concurrence After Modification	Time of Review
					Insufficient Information	Inconsistent w/ State Policies		
DOD/ACOE	Dredge Material disposal-Port Bienville Harbor		Within			X	X	45 days

* Each individual project acted on during the past six months should be listed.

Exhibit 2: Required OCRM Reporting Tables

II. Federal Licenses and Permits - Section 307(c)(3)(A) *

Federal Licensing or Permit Agency	Type of Permit	Number of Permits	Number of Concurrences	Number of Projects: Insufficient Information	Number of Projects: Inconsistent w/ State Policies	Concurrence After Modification	Time of Review
DOD/ACOE	Section 10 and/or Section 404	6	3	1	2	2	60 days

* Group projects by federal agency and type of license or permit.

Exhibit 2: Required OCRM Reporting Tables

III. Federal Licenses and Permit Activities Described in Detail in OCS Plans - Section 307(c)(3)(B) *

Federal Agency	Projects Name and Plan of Exploration or Develop.	Date Application Received	Concurrence	Non-concurrences		Concurrence After Modification	Time of Review
				Insufficient Information	Inconsistent w/ State Policies		
DOI/MMS	Santa Lucia Unit - P0007 (POE)				X		6 days

* List each individual project.

Exhibit 2: Required OCRM Reporting Tables

IV. Federal Assistance to State and Local Governments - Section 307(d) *

Federal Agency	Type of Assistance	Number of Applications	Number of Concurrences	No. of Non-concurrence		Number of Concurrences After Modification	Time of Review
				Insufficient Information	Inconsistent W/ State Policies		
DOT/FHA	Road Assistance	5	4		1		30 days

* Group cases by federal agency and type of funding.

5 Strengths and Deficiencies of Hawaii's Current Monitoring Program

Hawaii's current monitoring program has succeeded in tracking the variety of actions reported to HCZMP by the networked agencies. The Counties provide the greatest wealth of information based on their prime role in land use planning and development. The State agencies as a whole provide a diverse set of information which is largely in the form of public notices, EIS's or EA's, CDUA's, LUDBA's, State Clearing House Reviews, and disposition notices. The Federal agencies provide the federal consistency declarations to HCZMP for review.

5.1 The HCZMP reviews, processes and reports on a variety of information. Following are the approximate quantities of information reviewed or reported on an annual basis. These figures reflect information only pertaining to program compliance.

- 10 to 20 - State Land Use District Boundary Amendments.
- 10 to 20 - State Clearing House Reviews.
- 70 to 80 - Conservation District Use Applications (CDUA).
- 50 to 70 - Environmental Impact Statements and Assessments (EIS, EA).
- 70 to 100 - Federal Consistency Reviews.
- 600 to 700 - Special Management Area Permits (SMA).
- 300 (estimated) - Public Notices (not presently counted, but reviewed and evaluated).

5.1.1 HCZMP's present monitoring program reflects an amalgam of computerization and manual accounting for the various sets of information being tracked. The data that is computerized is done so on either PC's or on the C&C of Honolulu's mainframe for that county only. In the HCZMP office data or functions presently entered in the H-PASS/Wang VS system include federal consistency reviews, State Clearing House actions, and internal logging and tracking. DLNR is presently tracking CDUA's but they intend to install a PC database system during the summer of 1990 and cease use of the H-PASS shortly thereafter. The H-PASS Wang VS system is virtually unused although the server is operational and historic data is intact.

5.1.2 A large amount of material is carried manually in ledgers. These include SMA hearing notices, a relatively large number, annually. All other material, if computerized is entered redundantly at least twice and perhaps three times because county SMA databases differ from each other and from those in the HCZMP office. Moreover, data summaries for reporting purposes by Counties as well as by HCZMP are prepared manually, requiring additional re-keying.

5.2 On the positive side, the HCZMP has never been penalized by OCRM. This implies that the monitoring program has been effective and has complied with the CZMA of 1972. The HCZMP Manager has noted that there is a very low, perhaps negligible rate, of both permit and unpermitted violations. This is attributed to the strength of Hawaii's land use planning laws, high public regard for the value of the coastal zone resources, and broad support for the HCZMP.

5.2.1 The Counties, who administer the majority of permit actions (SMA permits), are cooperative and supportive of the HCZMP. They have integrated the program into their own planning process.

5.2.2 The Counties are willing to modify their data entry procedures, information processes, and related activities to support the needs of the HCZMP, if such support will not substantially increase local costs or staffing requirements.

5.2.3 County planning, review and permit enforcement capabilities have become stronger since the early CZM years in the mid-1970's. There is less need for HCZMP to review every SMA permit action because these are largely well-handled by the Counties. In Hawaii, the Counties are responsible for most major land use planning decisions related to development and construction of resorts, residential neighborhoods and commercial facilities.

5.2.4 Because of the strong SMA program at the County level, HCZMP has the opportunity to refocus on State-wide and regional coastal planning issues.

5.3 On the negative side, the reporting requirements from OCRM have recently become more demanding in terms of detail and in terms of the data to be provided. This necessitates a change and upgrade in the current monitoring program in order to provide the requisite information on a timely basis and to reduce the reporting demands on staff in favor of program management actions. Especially under these new demands, the current HCZMP monitoring program probably cannot, at existing staff levels, meet the new OCRM requirements to the level of full compliance. Other problems include the following.

5.3.1 H-PASS (Hawaii Planning Activities Support System) has become a liability because of the extra staff-hours, time duration and costs required to even attempt to maintain the software, hardware and data records.

5.3.2 Costs -- annual operation and maintenance of the Wang system exceeds $30,000 and this amount does not

include outside contractors to assist in accessing data or obtaining reports.

5.3.3 State agency input to the HCZMP office is irregular and not easily tracked at present. There are no special HCZMP reporting requirements placed on State agencies who comply with Chapter 205A at present by mailing public notices or providing information upon request to HCZMP staff.

5.3.4 One agency, DOT-Harbors Division, most of whose work is in the coastal zone, is exempt from CZM laws when constructing harbor projects. This may not present a severe problem because for significant actions, DOT-Harbors Division must circulate an EIS.

5.3.5 To track federal consistency, HCZMP relies on supplementary sources to the federal consistency declarations filed with its office. The supplementary sources include State Clearing House reviews, OEQC reviews and the OEQC Bulletin, and informal means.

5.3.6 Tracking of compliance with State CZM goals is not efficiently accomplished at present. The problem appears to be that little of the information coming into the HCZMP office may be directly linked to the HCZMP goals.

5.3.7 Micro-computer capability is not strong at the County level. In order for reporting to be improved at that level, there is a requirement for dedicated micro-computer equipment in each County CZM program office.

5.4 HCZMP has recently been assigned an additional mission component which emphasizes stronger planning and policy actions on behalf of Hawaii's coastal zone. This additional mission component acknowledges the rapid growth in Hawaii during the last decade and reflects public concern that coastal

zone management keep pace with the changes which have occurred. To accomplish this mission, HCZMP needs to reduce staff-hours spent on reporting so that the capability can be applied in project review, coastal planning and increased field inspections.

5.4.1 Fulfillment of this mission will require the capability within the HCZMP to assess the annual progress towards meeting the goals of Chapter 205A (see Chapter Two for a summary of the 7 goals). At present, it does not appear possible, based on an analysis of existing information, to assess whether or not the HCZMP program, on a cumulative basis, over a period of several years, is actually contributing to a realization of those 7 goals. Once progress can be measured, a more distinct and goal-oriented planning process can be initiated.

5.4.2 This present report includes in its recommendations, elementary reporting capabilities to achieve the above capability without excessively increasing staff load.

5.5 Needed is a single, uniform database, based on a single set of hardware and software, in which data can be keyed-in once at its basic input level and then reported to whomever, electronically, without re-keying. Such a system would achieve the following.

5.5.1 Release staff at County and State levels of government to focus their efforts on program review, coastal zone planning and field inspections.

5.5.2 Reduce data-entry redundancy and the personnel frustration at the situation.

5.5.3 Reduce annual operating expenditures on unused, out-of-date Wang VS equipment.

6 Monitoring Programs of Other States

This chapter summarizes information gained from materials sent by other state programs and from ten in-depth interviews conducted with staff of state Coastal Zone Management lead agencies (The complete report of the survey of the monitoring programs of other states may be found in the Appendix). The purpose of this chapter is to give an overall view of how state programs do monitoring and enforcement and the nature of their response to the Federal reporting requirements. Innovative and illustrative programs are noted in this chapter and discussed in the Appendix in more detail. The survey findings are reported by six categories.

- Monitoring
- Enforcement
- Federal Reporting
- Agency Size and Work Load
- Communication
- Information Management

6.1 Monitoring. Monitoring is defined here as the act of collecting and recording information that could be used to determine if CZM policy and regulations were being enforced. The Federal CZM legislation and the administrative approach followed by NOAA has permitted a wide variety of institutional responses to the requirement for State CZM programs to monitor and enforce the CZM policies and regulations. As a result, the methods used to do monitoring vary in response to the institutional arrangements and powers and responsibilities of the lead CZM agency in each state. Exhibit 3 summarizes this diversity of approach. State programs vary in the intensity and comprehensiveness with which they monitor illegal activity, permitted developments,

Exhibit 3: Comparison of Programs of Other States

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Enforcement			Monitor enforcement only within agency
	State CZM agency		CA (BCDC), NC, SC, WA
			Monitor enforcement by State agencies
	State CZM agency		FL, HI, OR, WI
			Monitor enforcement by local agencies
	State CZM agency		CA (1), HI
Federal Consistency			Monitor Federal Agencies through COE/EIS process
	State CZM agency		HI, OR, SC
			Actively search for Federal activities
	State CZM agency		FL, WI

Exhibit 3: Comparison of Programs of Other States

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Permits			Issue permits
	State CZM agency		NC, SC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	CA, CT, OR, WA
	State Line agency	Local CZM/ Line Agency	HI
			Review and/or certify consistency with CZM policy
	State CZM agency		CT, OR, SC, WA
			Joint review /clearinghouse
	State CZM agency		FL, NC, OR
			Common application review
	State CZM agency		NC

Exhibit 3: Comparison of Programs of Other States

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Permits (Continued)			Monitor permitting by other agencies
	State CZM agency		CA, FL, HI, OR, WI
			Monitor illegal activity
	State CZM agency		NC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	CA, CT
	State Line agency	Local CZM/ Line Agency	HI
			Monitor development site
	State CZM agency		NC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	CA, CT
	State Line agency	Local CZM/ Line Agency	HI

permitting activities of other agencies (state or local), enforcement activities or federal consistency with state CZM policies and regulations.

6.1.1 Permits. A key factor affecting how and what state programs monitor is who has the permitting power for the Coastal Zone. The power to issue permits may be held by:

- The State CZM agency;
- A State line agency or agencies;
- Both the State CZM agency and local CZM or line agencies;
- Both the State line agency or agencies and local CZM or line agencies (as in Hawaii).

- In cases where all of the permitting power is held by the State Coastal Zone Management agency, monitoring permits and illegal activity is simply a matter of internal investigation, collection, and recording. The more the power to permit is shared between agencies the greater are the communication, coordination, and evaluation problems in monitoring permit activity.

- Some states have created simplifying and consolidating permit process structures that make it easier for them to monitor permits. Examples of these are the State Clearinghouse and Joint Agency reviews which consolidate agency permit responses, Consistency Certification processes which require notification and/or approval of permits by the State CZM, and North Carolina's Common Application Process which uses one application to meet the requirements of ten state agencies and the U.S. Corps of Engineers.

- Some states simplify their monitoring requirements by not tracking all or some local agency activities or other State agency actions even when permitting power is shared. They rely on legal requirements for other agencies to conform with CZM or on permit processes which insure that the most significant projects have to receive either their review or approval.

- Budget and Staff. Another factor affecting monitoring scope is budget and staff. An ambitious permit monitoring program would include:

  - Monitoring coastal areas for illegal actions;

  - Monitoring permitted development sites for observation of permit requirements and conditions;

  - Monitoring permits issued by other agencies for appropriate analysis, restrictions, and conditions.

- Most states do not have the budget and staff needed for such a comprehensive approach and find ways to limit the scope of monitoring. Some focus their monitoring on special geographic areas of high significance or sensitivity, intensive development, or controversy. Others limit the scope by relying on other agencies and citizens to detect illegal activities and permit condition violations.

- Some states do have innovative programs which regularly and systematically monitor permits and illegal activity. Connecticut's Community Group Staff Contact program, and California's Summer Permit Review program and its Five Year Local

Coastal Program Reviews are innovative examples of such systematic monitoring programs.

- Connecticut's high staffing levels allow the assignment of one staffer as contact person for each Community Group (a coastal area containing five to eight local governments). Each contact person records all permit and enforcement activities for his area in a log book, regularly meets with the local government staff to exchange information and presents CZM concerns, makes spot checks of coastal conditions, and visits project sites.

- In the Summer Permit Review program, California regularly examines the results of past permit actions. Staff select permits approved two years before, review the adequacy of permit files, and makes follow-up site visits to large or controversial projects.

- In the Five Year Local Coastal Program Review, a local jurisdiction's permit files and outstanding violations in the coastal area controlled by the local government are reviewed to evaluate the effectiveness of the local CZM program.

6.1.2 Enforcement. The extent to which the lead State CZM agency monitors enforcement activity varies widely from State to State. State agencies which issue permits are usually involved in the enforcement of permit conditions and curtailment of illegal activities in the coastal zone. Often these strong CZM agencies monitor only their internal enforcement activities, especially if they are the principal coastal permit and enforcement agency.

State agencies which only provide administrative and technical support to permit-issuing line agencies are usually also not involved in direct enforcement activities. They may track only the enforcement activities of State agencies or both State and local agencies, depending on how significant the local permitting and enforcement powers are.

6.1.3 Federal Consistency. Some state CZM agencies view the effort to insure Federal consistency as either the main function or a major function their agency performs. Often these CZM agencies are not directly involved in the permitting and enforcement functions. Florida and Wisconsin both reported being actively involved in seeking to identify Federal coastal projects and promoting Federal agency awareness of the Federal consistency requirements.

Other state agencies reported a much more passive stance, relying on the Corps of Engineers permit requirements and the Environmental Impact Statement process to bring Federal actions to their attention. Most indicated that they had excellent relations with the Corps of Engineers and that the Corps routinely referred to them any projects that hadn't been reviewed by the State CZM process.

Wisconsin has an innovative program that gives them access to both their State CZM permit files and the Corps of Engineers' permit files. Using the State CZM permit numbers, they can check that all Corps of Engineers permit requests and approvals have gone through the State CZM process.

6.2 Enforcement. State agencies vary widely in the extent to which they are involved in enforcement, as was noted above.

6.2.1 Detection. State programs vary in the amount of time, staff, and budget expended on detecting illegal actions

(violations of permit conditions or actions without permits). Some states like Connecticut and North Carolina operate regular flights over coastal areas to monitor development and shoot aerial photography for later analysis, and perform spot checks of coastal areas and project sites.

Other state CZM agencies have limited funds and/or staff and rely on citizen complaints and reports by other agencies to bring violations to their notice.

One innovative method for improving detection is to enlist citizens in monitoring coastal activities and reporting violations of CZM restrictions. California, Washington, and Wisconsin all reported using public awareness activities to increase citizen monitoring of coastal developments.

6.2.2 Notices. All state programs contacted in the survey indicated that they attempt to negotiate a resolution of any violations rather than move to formal administrative or legal actions. Some states noted that it was difficult to demonstrate the efficacy of their enforcement activities because many of the problems were resolved on site in the field with informal agreements to abide by CZM restrictions or to restore resource damage.

6.2.3 Enforcement Actions. Enforcement actions typically precede from administrative actions involving orders to stop development or restore resource conditions and levying fines to legal actions, typically brought by the State's Attorney General.

6.3 Federal Reporting. Most of the states surveyed were complying with the new Federal requirements. The requirements include semi-annual tabulations of permit, enforcement, and Federal consistency actions and an annual narrative report.

6.3.1 Semi-annual Tabulations. Only one of the states reported not complying with the required semi-annual statistical tabulations. This state was not tabulating Federal consistency actions but was providing the Office of Coastal Resource Management (OCRM) with copies of individual consistency letters and declarations they issue.

6.3.2 Annual Narrative Report. Two of the states reported not complying with the requirement to produce an annual narrative report evaluating progress toward State and national policy objectives. On the other hand, one respondent welcomed the annual report as an opportunity to do an informal evaluation of their program. They had proposed doing such an evaluation as an aid to program management, but had not been able to carry out a formal program evaluation. The same respondent also noted that they had been able to budget additional grant funds to support the preparation of the annual report.

6.4 Agency Size and Work Load. Agency size and work load exhibited a wide range as might be expected given the wide variation in agency responsibilities.

The state agencies surveyed ranged in size from Pennsylvania's one man office to North Carolina's 40 person division. The median size agency was between 5 and 8 people.

Total permits reviewed or issued ranged from the 150 per year handled by the Bay Conservation and Development Commission to the 1,000 State and General Permits issued by the North Carolina Division of Coastal Management. The median was 400 permits per year handled by the Washington Department of Ecology's Shorelands Division.

Total investigations of violations reports ranged from 20 per year to 160.

Staff work loads didn't show any consistent relationship to the total work load of the state agency. Permit reviews per staff member ranged from 22 to 160 per year with the median work load being the 67 permits per year issued by North Carolina staff. Investigations of violations ranged from a low of 7 per year to 100 with the median being the 23 per year in Connecticut.

This finding must be tempered by the difficulty of making comparisons between states. What Washington means by a permit review or a violations investigation may be quite different from what is meant by that term in Connecticut.

6.5 Communication. Hawaii Planning Activities Support System (HPASS) was a more ambitious system than any of the systems used for either communication or information handling by the states surveyed. Most state agencies relied heavily on standard office practices and organizational communication methods. This collection of conventional business practices include regular face-to-face meetings, frequent communication by phone, and transmittal of data by fax or mail. Many of them are just now trying to develop the computer linkages that HPASS was designed to create between State and County agencies.

6.5.1 Objectives. State programs devise their communication systems to accomplish a number of objectives, including:

- Transmittal of Permit Status Information
- Transmittal of Enforcement Action Status Information
- Transmittal of Project or Violation Information and Analysis
- Requests for Assistance and Responses

- Discussion and Establishment of Policy and Program

- Evaluation of Program Achievements

Such objectives are logical and easily explained as necessary to accomplish the basic monitoring and enforcement responsibilities of any state CZM agency. However, two additional objectives recurred over and over in the comments of the state agency staff surveyed.

First, many respondents emphasized the importance of creating and maintaining a network of agency professionals who can and will mutually support each other's attempts to manage the coastal zone. They stressed how important it is:

- To make the communication system work for the people on the front lines;

- To keep communications "hassle free" and sensitive to the extreme time and attention demands placed on most workers in the system;

- To maintain continuity and long term relationships.

Such a network supports and nurtures the cooperative effort necessary if permits and violations are to be processed efficiently and fairly.

Secondly, respondents emphasized the importance of actively promoting and maintaining awareness of CZM goals, policies, and concerns within the local and State agencies and among the members of the public. The objective is to keep all participants to the coastal zone management process up to date on the state agency's policies and programs so that CZM concerns are

incorporated in public and private decisions about use of coastal resources right from the beginning.

As one informant put it, "They may not like us or what we stand for, but they do know what we stand for, and that we will be actively involved in any coastal actions. As a result, they have to include our concerns in their decisions."

6.5.2 Formats. A number of innovative communication formats are used by the surveyed states to accomplish these two objectives.

Among the formats used to create and maintain a mutually supportive network of professionals are:

- Frequent informal one-to-one communication and visits associated with continuity of personnel, program, and policy. (This is seen as necessary if the CZM agency is to be viewed as a reliable, supportive, and consistent actor in the planning and management of the coastal zone.)

- Annual helicopter overflights by local CZM managers and Pennsylvania's State CZM officer to view coastal development activities and resource conditions.

- Clearinghouses and joint review sessions which bring together all of the reviewing and permitting agencies to consolidate comments and potential conditions at one time in one place.

- An on-line terminal system that allows North Carolina's Central Office and Field Offices to easily exchange messages, documents, and data electronically.

Communication formats used to promote and maintain public and private awareness of CZM policy and programs include:

- Public awareness programs that inform agency staff, developers, and citizens about the CZM program, the permit process, the nature of violations, and the enforcement process.

- Publication of newsletters and regular mailings to interested parties to insure knowledge of coastal issues, pending projects, or process or program changes.

- Publication by Washington's CZM office of training handouts advising local and State agency staff on technical details of the CZM law, program, or permit or enforcement processes.

- Use of formal commissions or councils to approve permits or to set program direction.

6.6 Information Management. The information management systems used by the surveyed state programs reflected the current established systems used by most public and private offices. None had attempted to establish a computerized information management system with the objectives of both tracking permits and violations and providing a planning database as was attempted with HPASS.

6.6.1 Objectives. State CZM agencies need to collect and manage information in order to:

- Track the status of permit and enforcement actions;

- Describe the permit or enforcement action (location, type of action or violation, coastal resource or hazard affected, etc.);

- Store and retrieve copies of the formal permit application or violation documents;

- Store and retrieve data and analytical results useful for determining impacts of coastal resource use.

6.6.2 Methods. Most of the states surveyed had permit tracking systems in varying states of computerization. Typically, these systems could be searched by keywords to identify those permits with certain characteristics (affecting estuarine habitats, for example).

One of the most innovative of these is the Wisconsin CZM program's permit tracking database which is created by extracting and comparing permit information from both the Wisconsin Department of Natural Resources' permit files and from the U.S. Corps of Engineers' permit files.

Some of the states with permit tracking systems hope to combine these tracking systems with a Geographic Information System (GIS) at some point in the future. Washington has an operational GIS, but it is not used by the CZM program for analytical purposes or permit tracking.

At the other spectrum, Pennsylvania's sole State CZM officer uses a purely manual system to track coastal activities. Manual systems do have the advantage of low cost and ease of use. However, the costs of using them mount as the complexity and number of permit and enforcement records mount. Because of problems of searching their manual system for permit information such as what conditions had been applied, South Carolina is moving to computerize all their permit records.

7 Recommendations for Hawaii's Current Monitoring Program

7.1 Actions to Improve Reporting by County Agencies. The State HCZMP office should do the following to assist the Counties in their CZM data management and reporting.

7.1.1 Request the counties to submit data in a simplified and unified format for use by HCZMP in some sort of microcomputer database. The counties could use their existing microcomputers and send data disks or use dial-up modems. Compliance with this suggestion could include:

- At a minimum, use of a uniform database format (not necessarily the same database software, but at a minimum software which can produce a common file format like ASCII or DIF);

- It might be desirable to have dedicated microcomputers in each county CZM office. In that case, HCZMP could assist in obtaining suitable microcomputers and several copies of an appropriate database software for each county and for HCZMP, or just the software if that county has access to an appropriate microcomputer. This suggestion has an advantage of complete uniformity.

7.1.2 Set up the system for the counties to track SMA's with the same core of each database. Each county could customize the database as they wished for their own uses, but they would send the core of information to HCZMP which would meet the OCRM reporting requirements. HCZMP would dump those files into their own microcomputer database and could compose their reports. This would permit HCZMP to easily file the semi-annual tables to OCRM based on

electronically loading the county files rather than hand-punching the information. The counties would save effort by having one-time-only data entry.

7.2 Actions to Improve Reporting to Assist the State HCZMP Office. The State HCZMP office should do the following to improve efficiency in its monitoring and reporting.

7.2.1 HCZMP would customize their own database to track all the other information they now receive such as permit notices, permit applications and decision notices. They could keep narrative information about each permit action, federal consistency declaration, other State action, CDUA, or OCRM grant and then prepare draft reports from the data base. By so tracking data and entering data daily, actual reporting would be relatively straightforward at the required quarterly, semi-annual, or annual intervals. When the above program is setup and working properly, HCZMP should shutdown the Wang HPASS system after making the files available in PC format.

7.2.2 According to the current federal reporting guidelines it appears that if additional detail is required from the states (for example, acres of wetlands), that this information would be submitted on a one-time basis to serve as a baseline to measure change. At present, such data is not required from the counties or the state. If it should be required, such data fields could be added to the proposed data base system of reports.

7.3 Actions to Meet Annual Federal Requirements. In addition to providing the information required in Chapter 4 (Federal Standards for a CZM Monitoring Program), the HCZMP should consider the following actions which would also provide a key step in implementing the new mission component which strengthens the coastal zone planning mandate.

participation and awareness. This is especially true in identifying planning needs or pinpointing violations. It seems to be especially required for State agencies if they are to continue to submit information on a strictly voluntary basis to the HCZMP office.

7.4.1 Make the "awareness program", especially for State and County agencies, more active. This program is vital to obtaining a more unified and assertive CZM planning effort at the state level. This would aid to improve the CZM planning and coordination among state agencies.

- HCZMP should consider use of a periodic news letter which could be published directly by HCZMP or initially use the OEQC Bulletin because of its relatively large circulation and biweekly publication. This is particularly important for improving communication regarding the issuance of rules and regulations by state and federal agencies.

- Consider more intensive use of the OEQC Bulletin for publishing HCZMP program information and semi-annual statistics. Use of the Bulletin seems a logical and inexpensive way to reach more state agency planners especially. An advantage of the Bulletin is that the mechanism to publish and distribute is already in place.

- The concept of a dial-up modem bulletin board for CZM information-sharing between agencies is appealing because it would permit agencies to query each other in cases where they did not want to telephone. This would also permit conferencing--a useful management tool. If the state CZM data files were to become operational as originally set-up in H-PASS, they could be a part of this bulletin board and could be queried by type of action, location, date, or whatever by

agencies seeking comparable actions during permit/project review. However, maintenance of such a bulletin board would add to HCZMP's workload, and there is an inconvenience to users in that for the system to be effective, they must query it regularly.

7.4.2 HCZMP's awareness programs could be of use, particularly with federal agencies, particularly the Navy, who have wide responsibilities of a defense nature in Hawaii's coastal zone.

7.4.3 HCZMP might consider a variety of media to aid in the awareness program. For example a brochure which outlines program goals, achievements, and responsibilities on the part of agencies and the public should be widely distributed and available in many places around the state. OEQC has the "EIS Handbook for Hawaii" which was financed in part by CZM funds, for example.

7.4.4 Consider use of semi-annual field trips in addition to quarterly site visits to inspect special problem areas such as loss of public access or marina development. The use of helicopters for these trips would be cost-effective and would permit a better view of coastlines than from land.

7.5 Actions to Improve Resource Management Information. Following are some suggestions related to the overall issue of improved coastal resource management in the context of the monitoring program and its various components.

7.5.1 Hire a coastal engineer, or contract such services from a firm for, say one year as a trial. These skills would be applied in the awareness/outreach programs and for technical support in permit review, or to assist counties so that they do not have to rely on the private sector for

coastal engineers (there probably are not many of these on the neighbor islands).

7.5.2 Work with OSP and other state agencies to investigate and develop a statewide planning database which would fulfill the original goals of H-PASS. This seems to be a desired and necessary service, but it cannot be met by CZM. The state has a GIS which comprises a portion of such a system. The state is planning data interlinks as well.

7.5.3 Work with other state agencies to develop a statewide weekly or biweekly bulletin for all public notices including the OEQC Bulletin. This would probably be cost effective considering the present amount of time individual agencies put into handling their own public notices, etc. Such a bulletin would include CIP, which was the most frequently queried category of information in the HPASS. Submittals to the bulletin could be made by modem from each agency so that the bulletin publisher's job would be merely a matter of printing, maintaining a mailing list and mailing.

8 Proposed HCZMP Monitoring Program

Following is a discussion of specific actions which should be taken to implement the proposed HCZMP Monitoring Program. This discussion covers the main features of such a system and where possible includes a cost and benefit evaluation. It should be noted that the basic outline and key features of the proposed program have been discussed with County and State agencies in a workshop held on April 19, 1990, and that they are in general agreement with it.

8.1 Pilot Microcomputer System in HCZMP Office. Acquire a microcomputer system and commercial data base software and install this system in the HCZMP Office. Set up the software to establish the full data base parameters as described in this report for a revised monitoring program. Operate this system for a few months to the point of satisfactory operation. If the project is successful, assists the HCZMP office in meeting reporting requirements, and is within the cost parameters shown below, plan to acquire and install similar systems in each County in order to achieve real efficiency in reporting. Preparation of the data base software would include the design of all the requisite input forms and screens which would produce the reports required of HCZMP by OCRM as discussed in Chapter 4 (Federal Standards for a CZM Monitoring Program and in the Appendix).

8.2 Implement an Evaluation Tracking Form. The new reporting form (two pages, see Exhibit 4) which would be required for any action in the coastal zone actually accomplishes the purpose of some of the previously required H-PASS forms, which would be abolished with the shut-down of H-PASS. It would produce a companion form which would summarize for reporting purposes the status of the HCZMP in achieving the goals of Chapter 205A.

8.3 Install Microcomputer Systems in Each County CZM Office. This is a similar task to that described above. The major difference is that technical and software support, and training

Exhibit 4: Page 1 (Typical Form, Sample Data Only)

ANNUAL OR QUARTERLY REPORT: HCZMP MONITORING OF STATE AND COUNTY COMPLIANCE WITH CHAPTER 205A, HRS OBJECTIVES

Summary of scores for all Coastal Actions in the State (0 to 1 = loss, 1 = no change, greater than 1 = contribution)

YEAR: 1990

	The 7 HCZMA Objectives in Chapter 205A-2	1 Qrtr	2 Qrtr	3 Qrtr	4 Qrtr	Annual Average
1	Provide Public Accessible Recreation	1.20	1.00	1.40	0.60	1.05
2	Protect/Restore Historic Resources	1.00	1.20	0.80	1.00	1.00
3	Protect/Improve Scenic Resources	0.60	1.00	0.80	1.40	0.95
4	Protect Ecosystems	0.20	0.80	0.60	0.40	0.50
5	Economic Development in Suitable Locations	1.80	2.00	1.20	1.60	1.65
6	Reduce Hazards to Life and Property	1.20	1.40	1.20	1.40	1.30
7	Improve Development Review Process	1.00	1.00	1.00	1.00	1.00

TOTAL NUMBER AND TYPE OF HCZM COASTAL ACTIONS

Type of Action	1 Qrtr	2 Qrtr	3 Qrtr	4 Qrtr	Annual Total
CDUA's	20	40	50	35	145
Major SMA's	80	120	90	75	365
Other Coastal Actions	2	5	7	9	23
Coastal Projects	7	9	5	10	31
Total	109	174	152	129	564

Notes:

1) The numbers in each row reflect an average of the evaluations of all significant HCZM actions (major SMA's, CDUA's, State, Federal and private projects, and other coastal actions).
2) Chapter 205A does not provide a weighting for comparison of one objective against another.
3) Normally, when a permit is issued or a project approved (usually through the EIS process), that review implies conformance (from the standpoint of an individual agency) with the requirements of Chapter 205A.
4) This report reflects a Statewide assessment of compliance with Chapter 205A.
5) Quarterly scores = total of scores for each action/total actions per quarter. Annual scores are the average of the quarterly scores.

Exhibit 4: Page 2 (Typical Form, Sample Data Only)

ANNUAL OR QUARTERLY REPORT: HCZMP MONITORING OF STATE AND COUNTY COMPLIANCE WITH CHAPTER 205A OBJECTIVES

Score for any SMA/CDUA permit, other coastal action, or project in the State (0 = loss, 1 = no change, 2 = contribution)

Name of Project:	Keehi Lagoon Reef Flat Fill
Location:	Oahu, Keehi Lagoon
TMK:	
Type of Project/Action/Permit:	Multi-Purpose: See Comments
Level of Government:	State
Point of Contact and Telephone Number:	
Name of Person Entering Information	
Date of Entry	
Agency:	DOT-Harbors

	The 7 HCZMA Objectives in Chapter 205A-2	Score
1	Provide Public Accessible Recreation	2
2	Protect/Restore Historic Resources	1
3	Protect/Improve Scenic Resources	0
4	Protect Ecosystems	0
5	Economic Development in Suitable Locations	2
6	Reduce Hazards to Life and Property	1
7	Improve Development Review Process	1

Notes: Enter the score which best reflects the impact towards meeting the HCZMA objective.
Enter 0 for a loss, 1 for no change, 2 for a contribution.

Comments:

Conditions:

Violations:

Exhibit 5: Financial Analysis of Proposed HCZMP Monitoring Program
Note: Estimates are for planning and are not intended as a basis for procurement.

Cost Items	Rate	Life-Cycle Years	Location	Stations	Equipment	Services	Totals
Pilot Project, Statewide System Specs, Database, Training			State	1	$10,240	$50,000	$60,240
Hardware, Software, Installation, Training			County	4	$40,960	$50,000	$90,960
Total Capital Cost					$51,200	$100,000	$151,200
Average Annual Cost	10%	5			$13,506	$26,380	$39,886
Annual Operation, Maintenance, Updates (% of Cost Basis)	6%		State & Cntys	5	$3,072		$3,072
Total							$42,958
Monetary Benefits							
Annual Maintenance H-PASS Cost-Savings			State & Cntys	5	$34,000		
Estimated Annual Personnel Cost-Savings			State & Cntys	5	$18,186		
Total					$52,186		$52,186
Benefit to Cost Ratio (Benefits/Costs = Benefit to Cost Ratio)							1.21
Annual Net Benefits (Benefits - Costs = Annual Net Benefits)							$9,228

Equipment	Rate	Estimate of Hardware and Software Costs OSP/CZM	Each County
IBM-PC or clone , Intel 386 Processor, VGA Graphics		$3,000	$3,000
125 Meg Hard Disk Drive		$1,000	$1,000
Tape Back-up		$800	$800
Laser Printer		$2,000	$2,000
Battery Backup		$800	$800
Accessories and Contingency	15%	$1,140	$1,140
Software		$1,500	$1,500
Total		$10,240	$10,240

Personnel	Estimate of Personnel Cost-Savings, Annually Personnel	Hrs per Week	$ per Hr	Ann. Total
State	2	10	50	$4,330
County	8	8	50	$13,856
Total				$18,186

must be supplied routinely as part of this action, initially for a period of one year and possibly longer. The financial analysis shown in Exhibit 5 includes a cost category for this. When this action is accomplished, all previously required H-PASS forms would no longer be needed.

8.3.1 Exhibit 5 provides an estimate of annual costs and monetary benefits which could be achieved if the proposed new systems were implemented. The value of capital (interest rate) is shown as 10 percent annually, and the life-cycle of the hardware and software is shown as a relatively short 5 years. These are conservative assumptions and either lowering the cost of capital or lengthening the life-cycle would create significantly lower costs. Even so, the average annual cost for a 5 year payback period is just under $43,000.

8.3.2 The annual monetary benefits from the proposed system are estimated to be a little over $52,000 over the same 5 year period. The benefits include savings in staff time and savings of maintenance expenses for the existing Wang VS system.

8.3.3 The net benefits over $9,200 annually and there is a benefit to cost ratio of 1.21. This analysis implies a substantial cost-savings over a 5-year project life with a considerably improved monitoring program. The program would include the implementation of microcomputer data base capability in each county as well as in the HCZMP office. The ultimate benefit would be improved monitoring and reporting at a cost-savings over present conditions.

8.3.4 The financial analysis does not take into account the intangible benefits (those which cannot be easily converted into dollar values). These include:

- Increased staff time made available for field inspections.

- Establishment of an improved basis for coastal planning to serve the new mission requirements.

- Establishment of a monitoring program which can identify trends and patterns in both the issuance of permits as well as in violations.

- Introduction of a uniform reporting standard for all CZM networked agences (the evaluation tracking form, see below).

- Improved reporting to OCRM to meet the new requirements.

8.4 Shutdown H-PASS and Convert Data Files to PC Format. This step allows the full achievement of the proposed cost-savings and would release valuable office space as well. Data files can be made available to agencies who have a valid use for them. Ultimately, the data files might be useful for a long-term analysis of the entire program.

8.5 Implement Miscellaneous Actions. These are described in Chapter 7 and consist of a variety of actions to improve inspections, communication, awareness, and ultimately, the reporting which is so vital to the monitoring program.

8.6 Define Standards and Procedures

8.6.1 Requirements for County Compliance: The HCZMP office will be developing an automated monitoring and enforcement program. A major focus of the effort will be to provide the counties with an automated system to track permits and enforcement actions, and prepare data to comply with CZM requirements. During the development process, the counties will provide quarterly reports to the CZM office.

- On a quarterly basis, the counties must submit a report containing at minimum the following information:

  - Statistics of major and minor special management area (SMA) permit actions and shoreline variances, including the number of applications received and approved. Major permits are required for projects over $65,000 or projects that will have significant impact on coastal areas.

  - Summary and status of the most controversial SMA permits and shoreline variances, including projects, decisions, and justification for the decisions.

  - SMA permit hearing dates and outcomes

  - Emergency permits

  - Summary of monitoring and enforcement actions

  - Summary of violations

- Once the automated monitoring and enforcement program is completed, the counties will receive a database system for tracking permit and enforcement data. At this point, the counties will have the option of using their own database systems, or using the CZM database system to submit data to the CZM office. If the counties use their own database systems, the data they submit to the CZM office must have the same information required by the CZM database system, and must be submitted in a format consistent with the CZM database system.

8.6.2 Monitoring Criteria: To get consistent information from the counties, and to provide automated tools for analyzing county data, consistent and measurable monitoring criteria were established. These criteria were established to give the CZM office a quantitative method for finding patterns and trends in county enforcement actions. These criteria were developed with the understanding that enforcement decisions are, to a large degree, subjective and depend upon the reviewer's discretion.

- All permits will be classified according to the type of permit, for example sea wall or boat launch. The automated monitoring and enforcement system will require that all permits be classified. This will give the CZM office the means to categorize permits, and analyze trends in the specific categories.

- All Major permits must be evaluated and rated in the seven areas defined in Chapter 205A:

  - Recreational resources - will the development provide coastal recreational opportunities accessible to the public?

  - Historic resources - will the development protect, preserve, and where desirable, restore resources that are significant in Hawaiian and American history and culture?

  - Scenic and open space resources - will the development protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources?

  - Coastal ecosystems - will the development protect valuable coastal ecosystems from

disruption and minimize adverse impacts on all coastal ecosystems?

- Economic uses - will the development provide public or private facilities and improvements important to the State's economy in suitable locations?

- Coastal hazards - will the development reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence?

- Managing development - will the development improve the review process, communication, and public participation in the management of coastal resources and hazards?

A rating will be given to major permits in each of the seven categories. The rating will indicate the degree to which the permit will positively or negatively affect the coastal zone in the specific category. The rating will also provide for mitigating conditions, where negative impacts in one category are compensated for by positive impacts in another category. The database system will track ratings and record gains and losses in each category, including the gains and losses that result from mitigating conditions.

8.6.3 Procedure Manual: To improve the communication between network agencies and provide support for the automated system, a CZM Monitoring and Enforcement Procedure Manual must be written. The Procedure Manual must be brief, concise, and easy to understand. The Procedure Manual will be updated periodically by the CZM office and distributed to all network agencies. All network agencies will refer to the Procedure Manual

as the central guide to monitoring and enforcement activities. The Procedure Manual should include the following sections:

- CZM objectives

  The Objectives section will briefly outline Federal, State, and County objectives for coastal zone management.

- Network agency and position responsibilities

  This section will describe the CZM network agency organization. This section will precisely define the role of each network agency, the relationships between agencies, and the responsibilities of specific people in each agency.

- Compliance procedures and standards

  This section will contain step-by-step procedures, and clearly defined standards for CZM monitoring. The procedures will define the steps the network agencies must follow to comply with CZM objectives, including report submission and data transfer. The standards will include report formats, database formats, and communications protocols.

- CZM system user guide

  The User Guide section will contain instructions for operating and maintaining the automated CZM monitoring and enforcement system. This guide should contain a section for novice users who need to learn the system, and a section for advanced users who need short cuts and a reference guide.

- Directory of agencies, contacts, phone, and fax numbers

  The Directory section will list all the agencies and contact people that make up the CZM monitoring and enforcement network. This section will give new staff members access to all the resources in the CZM program, and give established staff members a convenient reference of contacts in the CZM program.

8.7 Phase out H-PASS

8.7.1 Summary evaluation of H-PASS

- H-PASS was originally designed to meet Statewide planning needs. In it's original incarnation, the H-PASS system provided a centralized database that State and county agencies could use to access planning information. Most of the agencies that entered planning data into the system have phased out use of the H-PASS system, or plan to phase out use in the near future.

  The main reason use of the H-PASS system has declined is that the system is difficult to use, and the effort and cost required to enter data into the system did not justify the benefits gained. In addition, high maintenance costs and technical problems led many agencies to stop entering data into the H-PASS system. Finally, as the quality of information provided by H-PASS declined, the State and county agencies developed their own systems to meet their needs.

- Currently, the CZM office is the main user of the H-PASS system. The H-PASS system does not provide the data analysis capabilities needed by

CZM decision makers. In addition to the cumbersome user interface, technical problems, and data integrity problems faced by all of the network agencies, the CZM offices must pay the high cost required to maintain the H-PASS system.

- Based on a review of the H-PASS system and a preliminary review of CZM requirements, it is clear that the H-PASS system should be phased out. The time, cost, and manpower required to use the H-PASS system can be more effectively used by developing a PC-based system for the CZM office.

  A PC-based system can provide the data analysis capability required by CZM decision makers. A graphical user interface can make the PC-based system more intuitive and easier to use than the H-PASS system. A custom designed CZM system will provide exactly what decision makers need. A custom system will also eliminate the need to enter irrelevant Statewide planning information required by H-PASS.

8.7.2 Preserving H-PASS data

- If the H-PASS system is phased out, the database should be preserved and archived. Roger Evans (DLNR) requested that CDUA permit data be copied to tape. DLNR will be developing their own database system, into which they plan to load the CDUA data. Dave Parsons (DOT - Harbors) has also expressed an interest in planning data stored on the H-PASS system. If an automated CZM monitoring and enforcement system is developed, useful H-PASS data can be converted and loaded into the new system.

- There will be costs associated with the conversion. Before the data is converted, the CZM office must determine if the costs of converting the data outweigh the costs of reentering the data. The conversion process could include the following steps:

  - Define specifically what H-PASS data files and records will be converted;

  - Connect a Wang or compatible microcomputer with a hard disk to the Wang minicomputer that is running H-PASS;

  - Using Wang utilities, download the selected files and records from the minicomputer to the microcomputer;

  - Convert the data from Wang database format to ASCII or directly into the format of the new database;

  - Upload ASCII data or converted data into the new database system;

  - Edit and correct the converted data.

8.8 The responsibility of the CZM office is to collect and analyze information from the network agencies to determine if they are in compliance with CZM objectives. Because of the large volume of information that is collected, and the small CZM staff, an automated system will be needed to streamline coastal zone monitoring and enforcement. This section describes the basic functions an automated system should provide, and a plan for implementing an automated system.

8.8.1 System Functions:

- Data entry functions:

  - The counties have developed or will soon be developing their own systems. The counties should have the ability to use their own systems to enter data. This will ease the burden on the counties by eliminating redundant data entry.

  - Define a format for reporting data that is consistent with the CZM database. Inform the counties of the reporting requirements as soon as possible. This will allow them to design their systems around the reporting requirements.

  - Develop a database system for the counties to use. Give the counties the choice of using their own system and converting data into the CZM system or using the CZM system directly. If a county elects to use it's own system, then it must bear the burden of converting data.

  - The user interface to the database system should be graphical and intuitive. The interface must simplify data entry. The system should make it as easy as possible for State agencies and counties to comply with CZM objectives.

- Data analysis functions:

  - Measurable enforcement criteria will make it possible to analyze and summarize data. The system must be flexible to allow the CZM office to establish and change

measurement criteria such as categories of permits and rating scales.

- The main purpose of the analysis is to detect trends and patterns of non-compliance. The system should provide a "red flag" indicator of potential enforcement problems that require further attention and detailed analysis.

- Provide a means for County CZM offices and other networked agencies to query an historic CZM data base. Give networked agencies access to their own data, historical data, and the actions of other agencies.

• Reporting functions:

- Automate report production for CZM office and network agencies.

- Provide summary reports on data analysis results, especially the "red flag" problem indication. Produce reports that will help the CZM office focus it's efforts.

- Provide summary listings for the CZM office to use as references and "ticklers".

- Prepare Federal reports to verify to the Federal government that the CZM program is adequately monitoring network agencies.

- Give network agencies access to their own data and the CZM database. In workshop discussions, Counties would be satisified with hard copies of other Counties' summary reports for comparative purposes.

Provide reports to network agencies that will help them meet their local goals.

This could be done periodically by HCZMP by providing a complete data disk to networked agencies on request. Such agencies would need to have compatible hardware and software and would be financially responsible for system compatibility, although Counties would already have the capability.

8.8.2 System Implementation Plan: The implementation of a new computer system is a complex process, especially if a custom system will be developed for the CZM program. Unless a detailed plan is defined and followed, the development effort may experience schedule and time overruns, and a system that does not meet CZM needs may result. A system implementation plan should include the following tasks:

- Define Requirements. CZM requirements must be defined in detail. The requirements must clearly outline what components of the system will be manual and what components will be automated. The automation requirements must clearly establish the functions the computer system must perform. This task is the key to the development effort because all subsequent tasks aim at meeting the requirements defined in this task.

- Evaluate Alternatives. Once detailed requirements have been defined, the CZM office can explore alternative solutions to the requirements. The alternatives can include no automation, package systems, custom systems, or a combination of the three. This task will consist of evaluating the costs and benefits of the alternative

solutions and selecting the one that best meets CZM needs.

- Design the System. If the alternative selected is a custom developed system, the system must be designed in detail. In this task, detailed external and internal designs will be completed. The external design is the design of the user interface - what the user sees on the screen and how the user interacts with the system. The internal design consists of the detailed database and program specifications required to implement the external design.

- Acquire Hardware and Software. In parallel with the alternatives evaluation and design tasks, hardware and software must be acquired. First, bid specifications must be prepared, State approval forms prepared, vendors selected, prices negotiated, and items ordered. After hardware and software have been ordered, the physical facilities must be prepared for furniture, lighting, phones, cables, and working space. Once hardware and software are delivered, orders must be verified, inventory established, and the system must be configured. (See appendix).

- Test the Software. Once hardware and software have been installed, the automated system can be developed. Development will consist of creating the database structure, coding application programs, and developing batch and special programs.

  All components of the system must be thoroughly tested. Unit tests will test individual programs. System tests will test the system as a whole including the integration of all program units.

- Prepare User Guide and Operations Guide. In parallel with the programming task, the User Guide and Operations Guides can be written. The User Guide is the owner's manual for the system. It will explain to novice and experienced users how to operate the system. The Operations Guide will be used by the system manager to maintain the system. The Operations Guide will contain regular, special, and emergency maintenance procedures. These procedures include backing up and archiving data, handling a power failure, and installing new hardware and software.

- Conversion. Once programming and testing are complete, existing H-PASS data can be converted and loaded into the database. Manual files can also be entered into the system.

8.9 Improve Communications:

8.9.1 Commitment to training: One of the keys to successful system implementation, and the monitoring and enforcement program as a whole, is training. The CZM office should ensure that network agency personnel receive complete training when the system is implemented. Training sessions should also be held on a regular basis to improve the skills of regular users, and to teach skills to new users.

Two training resource people should be appointed. They should be experts in the system who are available as resources to all network agency personnel. Two resource people should be appointed to ensure that the CZM office never loses expertise in running and maintaining the system.

Appendix A

Chapter 205A and Supplements

CHAPTER 205A
COASTAL ZONE MANAGEMENT

PART I. COASTAL ZONE MANAGEMENT

SECTION

205A-1 DEFINITIONS
205A-2 COASTAL ZONE MANAGEMENT PROGRAM; OBJECTIVES AND POLICIES
205A-3 LEAD AGENCY
205A-4 IMPLEMENTATION OF OBJECTIVES, POLICIES, AND GUIDELINES
205A-5 COMPLIANCE
205A-6 CAUSE OF ACTION

PART II. SPECIAL MANAGEMENT AREAS

205A-21 FINDINGS AND PURPOSES
205A-22 DEFINITIONS
205A-23 COUNTY SPECIAL MANAGEMENT AREA BOUNDARIES
205A-24, 25 REPEALED
205A-26 SPECIAL MANAGEMENT AREA GUIDELINES
205A-27 DESIGNATION OF SPECIAL MANAGEMENT AREA AUTHORITY
205A-28 PERMIT REQUIRED FOR DEVELOPMENT
205A-29 SPECIAL MANAGEMENT AREA USE PERMIT PROCEDURE
205A-30 EMERGENCY AND MINOR PERMITS
205A-31 REPEALED
205A-32 PENALTIES
205A-33 INJUNCTIONS

Case Notes

Existence of chapter does not preclude private right of action to force beach access. 65 H. 383, 652 P.2d 1130.

Chapter does not apply to any development, existing or planned, for which permits listed in L 1975, c 176, §3 were issued or ordinances were passed prior to December 1, 1975. 4 H. App. 304, 666 P.2d 177.

PART I. COASTAL ZONE MANAGEMENT

Note

Former Part I, Long Range Goals, §§205A-1 to 3, repealed by L 1977, c 188, §2.

§205A-1 Definitions. As used in this chapter, unless the context otherwise requires:

"Agency" means any agency, board, commission, department, or officer of a county government or the state government, including the authority as defined in part II;

"Coastal zone management area" means the special management area after compliance pursuant to section 205A-23, and the waters from the shoreline to the seaward limit of the State's jurisdiction and any other area which the lead agency may designate for the purpose of administering the coastal zone management program;

"Coastal zone management program" means the comprehensive statement in words, maps, or other permanent media of communication, prepared, approved for submission, and amended by the State and approved by the United States government pursuant to Public Law No. 92-583, as amended, and the federal regulations adopted pursuant thereto, which describes objectives, policies, laws, standards, and procedures to guide and regulate public and private uses in the coastal zone management area, provided however the "coastal zone management program" is consistent with the intent, purpose, and provisions of this chapter;

"Land" means the earth, water, and air above, below, or on the surface;

"Lead agency" means the department of planning and economic development;

"Person" means an individual, corporation, or partnership, and an organization or association, whether or not incorporated;

"Shoreline" means the upper reaches of the wash of the waves, other than storm and tidal waves, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves. [L 1977, c 188, pt of §3; am L 1979, c 200, §1; am L 1983, c 124, §7]

Revision Note

Numeric designations deleted.

§205A-2 Coastal zone management program; objectives and policies. (a) The objectives and policies in this section shall apply to both parts I and II of this chapter.

(b) Objectives.

(1) Recreational resources;

(A) Provide coastal recreational opportunities accessible to the public.

(2) Historic resources;

(A) Protect, preserve, and, where desirable, restore those natural

and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

(3) Scenic and open space resources;

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

(4) Coastal ecosystems;

(A) Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

(5) Economic uses;

(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

(6) Coastal hazards;

(A) Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

(7) Managing development;

(A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

(c) Policies.

(1) Recreational resources;

(A) Improve coordination and funding of coastal recreation planning and management; and

(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

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

(ii) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;

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

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

(v) Encouraging expanded public recreational use of county, State, and federally owned or controlled shoreline lands and waters having recreational value;

(vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect and where feasible, restore the recreational value of coastal waters;

(vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, artificial reefs for surfing and fishing; and

(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, county planning commissions;

and crediting such dedication against the requirements of section 46-6.

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

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

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

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

(6) Coastal hazards;
  (A) Develop and communicate adequate information on storm wave, tsunami, flood, erosion, and subsidence hazard;
  (B) Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard;

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

(D) Prevent coastal flooding from inland projects.

(7) Managing development;

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

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

(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their lifecycle and in terms understandable to the general public to facilitate public participation in the planning and review process. [L 1977, c 188, pt of §3]

§205A-3 Lead agency. The lead agency shall:

(1) Receive, disburse, use, expend, and account for all funds that are made available by the United States and the State for the coastal zone management program;

(2) Provide support and assistance in the administration of the coastal zone management program;

(3) Review federal programs, permits, licenses and development proposals for consistency with the coastal zone management program;

(4) In consultation with the counties and the general public prepare guidelines as necessary to further specify and clarify the objectives and policies of the chapter to be submitted twenty days prior to the convening of any regular session of the legislature for review, modification, or enactment by the legislature;

(5) Conduct a continuing review of the administration of the coastal zone management program and of the compliance of state and county agencies;

(6) Facilitate public participation in the coastal zone management program;

(7) Review state programs within the coastal zone management area from the shoreline to the seaward limit of the State's jurisdiction for consistency with the coastal zone management program; and

(8) Prepare an annual report to the governor and the legislature which shall include recommendations for enactment of any legislation necessary to require any agency to comply with the objectives and policies of this chapter and any guidelines enacted by the legislature. [L 1977, c 188, pt of §3; am L 1979, c 200, §2]

§205A-4 Implementation of objectives, policies, and guidelines. (a) In implementing the objectives of the coastal zone management program full consideration shall be given to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

(b) The objectives and policies of this chapter and any guidelines enacted by the legislature shall be binding upon actions within the coastal zone management area by all agencies. [L 1977, c 188, pt of §3; am L 1979, c 200, §3]

§205A-5 Compliance. All agencies shall amend their regulations, as

may be necessary, to comply with the objectives and policies of this chapter and any guidelines enacted by the legislature. [L 1977, c 188, pt of §3; am L 1979, c 200, §4]

§205A-6 Cause of action. (a) Subject to chapters 661 and 662, any person or agency may commence a civil action alleging that any agency:

(1) Is not in compliance with one or more of the objectives, policies, and guidelines provided or authorized by this chapter within the special management area and the waters from the shoreline to the seaward limit of the State's jurisdiction; or

(2) Has failed to perform any act or duty required to be performed under this chapter; or

(3) In exercising any duty required to be performed under this chapter, has not complied with the provisions of this chapter.

(b) In any action brought under this section, the lead agency, if not a party, may intervene as a matter of right.

(c) A court, in any action brought under this section, shall have jurisdiction to provide any relief as may be appropriate, including a temporary restraining order or preliminary injunction.

(d) Any action brought under this section shall be commenced within sixty days of the act which is the basis of the action.

(e) Nothing in this section shall restrict any right that any person may have to assert any other claim or bring any other action. [L 1977, c 188, pt of §3; am L 1979, c 200, §5]

PART II. SPECIAL MANAGEMENT AREAS

§205A-21 Findings and purposes. The legislature finds that, special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. [L 1975, c 176, pt of §1; am L 1977, c 188, §5]

§205A-22 Definitions. As used in this part, unless the context otherwise requires:

(1) "Applicant" means any individual, organization, partnership, or corporation, including any utility, and any agency of government.

(2) "Authority" means the county planning commission, except in counties where the county planning commission is advisory only, in which case "authority" means the county council or such body as the council may by ordinance designate. The authority may, as appropriate, delegate the responsibility for administering this part.

(3) "Development" means any of the uses, activities, or operations on land; in or under water, within the special management area that are included below, but not those uses, activities, or operations excluded in subparagraph (B):

(A) "Development" includes the following:

(i) The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;

(ii) Grading, removing, dredging, mining, or extraction of any materials;

(iii) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;

(iv) Change in the intensity of use of water, ecology related thereto, or of access thereto; and

(v) Construction, reconstruction, demolition, or alteration of the size of any structure.

(B) "Development" does not include the following:

(i) Construction of a single-family residence that is not part of a larger development;

(ii) Repair or maintenance of roads and highways within existing rights-of-way;

(iii) Routine maintenance dredging of existing streams, channels, and drainage ways;

(iv) The repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;

(v) Zoning variances, except for height, density, parking, and shoreline setback;

(vi) Repair, maintenance, or interior alterations to existing structures;

(vii) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;

(viii) The use of any land for the purpose of cultivating, planting, growing, and harvesting of plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes subject to review by the authority in accordance with subparagraph (C);

(ix) The transfer of title to land;

(x) The creation or termination of easements, covenants, or other rights in structures or land;

(xi) The subdivision of land into lots greater than twenty acres in size;

(xii) The subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed, provided that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;

(xiii) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;

(xiv) Structural and nonstructural improvements to existing single-family residences including additional dwelling unit, where otherwise permissible; and

(xv) Nonstructural improvements to existing commercial structures.

(C) Whenever the authority finds that any use, activity, or operation excluded in subparagraph (B) is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the special management area, that use, activity, or operation shall be defined as "development" for the purpose of this part.

(4) "Special management area" means the land extending inland from the shoreline as delineated on the maps filed with the authority as of June 8, 1977, or as amended pursuant to section 205A-23.

(5) "Special management area emergency permit" means an action by the authority authorizing development in cases of emergency requiring immediate action to prevent substantial physical harm to persons or property or to allow the reconstruction of structures damaged by natural hazards to their original form, provided that such structures were previously found to be in compliance with requirements of the Federal Flood Insurance Program.

(6) "Special management area minor permit" means an action by the authority authorizing development, the valuation of which is not in excess of $65,000 and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

(7) "Special management area use permit" means an action by the authority authorizing development, the valuation of which exceeds $65,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

(8) "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

(9) "Valuation" shall be determined by the authority and means the estimated cost to replace the structure in kind, based on current replacement costs, or in the cases of other development, as defined above, the fair market value of the development. [L 1975, c 176, pt of §1; am L 1977, c 188, §6; am L 1979, c 200, §7; am L 1982, c 126, §1; am L 1983, c 124, §8; am L 1984, c 113, §1]

Attorney General Opinions

"Special management area" must be shoreline or costal water related land. Att. Gen. Op. 75-18.

Case Notes

"Development" includes that which is planned. 4 H. App. 304, 666 P.2d 177.

§205A-23 **County special management area boundaries.** (a) The special management area in each county shall be as shown on such maps filed with the authority as of June 8, 1977.

(b) On or before December 31, 1979, the authority shall review and pursuant to chapter 91, amend as necessary its special management area boundaries, to further the objectives and policies of this chapter, provided that any contraction of the special management area boundaries as provided for in subsection (a), shall be subject to lead agency review and determination as to

compliance with the objectives and policies of this chapter and any guidelines enacted by the legislature. Copies of the existing and amended maps shall be filed with the authority and the lead agency.

(c) Nothing in this chapter shall preclude the authority from amending its special management area boundary at any point in time; provided that the procedures and requirements outlined in subsection (b) shall be complied with and provided further that any future special management area boundary adjustments shall be restricted to the coastal zone management area. [L 1975, c 176, pt of §1; am L 1977, c 188, §7; am L 1979, c 200, §8]

Attorney General Opinions

Counties must reasonably determine whether lands, located in excess of 100 yards from water to be protected, are lands the uses of which will have significant impact on the water. Att. Gen. Op. 75-18.

§§205A-24, 25 REPEALED. L 1977, c 188, §§8, 9.

§205A-26 Special management area guidelines. In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

(1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:

(A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;

(B) Adequate and properly located public recreation areas and wildlife preserves are reserved;

(C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and

(D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

(2) No development shall be approved unless the authority has first found:

(A) That the development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interests. 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;

(B) That the development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and

(C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude

concurrent processing where a general plan or zoning amendment may also be required.

(3) The authority shall seek to minimize, where reasonable:

(A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;

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

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

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

(E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land. [L 1975, c 176, pt of §1; am L 1977, c 188, §10; am L 1979, c 200, §9; am L 1984, c 113, §2]

Case Notes

Grant of permit overturned because findings required by paragraph (2) not made. 65 H. 506, 654 P.2d 874.

§205A-27 Designation of special management area authority. The authority is designated the special management area authority and is authorized to carry out the objectives, policies and procedures of this part. [L 1975, c 176, pt of §1; am L 1979, c 200, §10]

§205A-28 Permit required for development. No development shall be allowed in any county within the special management area without obtaining a permit in accordance with this part. [L 1975, c 176, pt of §1; am L 1979, c 200, §11]

§205A-29 Special management area use permit procedure. (a) The authority in each county, upon consultation with the central coordinating agency, shall establish and may amend pursuant to chapter 91, by rule or regulation the special management area use permit application procedures, conditions under which hearings must be held, and the time periods within which the hearing and action for special management area use permits shall occur. The authority shall provide for adequate notice to individuals whose property rights may be adversely affected and to persons who have requested in writing to be notified of special management area use permit hearings or applications. The authority shall also provide written public notice once in a newspaper of general circulation in the State at least twenty days in advance of the hearing. The authority may require a reasonable filing fee which shall be used for the purposes set forth herein.

Any rule or regulation adopted by the authority shall be consistent with the objectives, policies, and special management area guidelines provided in this chapter. Action on the special management permit shall be final unless otherwise mandated by court order.

(b) No agency authorized to issue permits pertaining to any development within the special management area shall authorize any development unless approval is first received in accordance with the procedures adopted pursuant to this part. For the purposes of this subsection, county general plan, state land use district boundary amendments, and zoning changes are not permits. [L 1975, c 176, pt of §1; am L 1977, c 188, §11; am L 1979, c 200, §12]

Case Notes

Section does not require that notice of a meeting rescheduled for later date to be provided within time limit on original notice. 64 H. 431, 643 P.2d 55.

§205A-30 Emergency and minor permits. Each county authority shall provide specific procedures consistent with this part for the issuance of special management area emergency permits or special management area minor permits, pursuant to the procedural requirements within this part, and judicial review from the grant and denial thereof. [L 1975, c 176, pt of §1; am L 1979, c 200, §13]

§205A-31 REPEALED. L 1979, c 200, §14.

[§205A-32] Penalties. (a) Any person who violates any provision of this part shall be subject to a civil fine not to exceed $10,000.

(b) In addition to any other penalties, any person who performs any development in violation of this part shall be subject to a civil fine not to exceed $500 a day for each day in which such violation persists. [L 1975, c 176, pt of §1]

§205A-33 Injunctions. Any person or agency violating any provision of this chapter may be enjoined by the circuit court of the State by mandatory or restraining order necessary or proper to effectuate the purposes of this chapter in a suit brought by the authority or the lead agency. [L 1979, c 200, §15; am L 1983, c 76, §1]

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storm and tidal 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. [am L 1986, c 258, §2; am L 1987, c 336, §7]

Revision Note

Only the definitions amended are compiled in this Supplement.

§205A-6 Cause of action.

Case Notes

Judicial intervention under this section should not precede resolution of issues by administrative agency. 69 H. (No. 11228).

PART II. SPECIAL MANAGEMENT AREAS

§205A-26 Special management area guidelines.

Case Notes

Grant of permit overturned because findings required by paragraph (2) not made. 68 H. (Nos. 10078, 10079).

Not violated where requisite findings were contained in committee report recommending approval of development [illegible]

PART III. SHORELINE SETBACKS

§205A-41 Definitions. As used in this part, unless the context otherwise requires:

"Authority" means the authority as defined in part II.

"Department" means the planning department of each county.

"Shoreline area" means all of the land area between the shoreline and the shoreline setback line.

"Shoreline setback line" means that line established in this part or by the county running inland from and parallel to the shoreline at a horizontal plane. [L 1986, c 258, pt of §1]

§205A-42 Determination of the shoreline. The board of land and natural resources shall adopt rules pursuant to chapter 91 prescribing procedures for determining a shoreline and appeals of shoreline determinations; provided that no determination of a shoreline shall be valid for a period longer than twelve months, except where the shoreline is fixed by man-made structures which have been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure. [L 1986, c 258, pt of §1]

§205A-43 Establishment of shoreline setbacks and duties and powers of the department. Setbacks along shorelines are established of not less than twenty feet and not more than forty feet inland from the shoreline. The department shall adopt rules within a period of one year after June 22, 1970, pursuant to chapter

91, and shall enforce the shoreline setbacks and rules pertaining thereto. [L 1986, c 258, pt of §1]

§205A-44 Prohibitions. (a) The mining or taking of sand, coral, 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, is prohibited with the following exceptions:

(1) The taking from a public beach of such materials for reasonable, personal, noncommercial use;

(2) Where the mining or taking of sand by the State or county is for the replenishment of sand on public beaches at Hilo Bay, Waikiki, Ala Moana, and Kailua beaches; provided that for the purpose of this paragraph an environmental impact statement for the proposed project shall be accepted pursuant to chapter 343, a finding shall be made by the proposing state or county agency that the proposed project is in the public interest and will not have any adverse significant social, economic, or environmental impact, and both a public informational meeting and public hearing shall be held by the proposing state or county agency in the affected community. The public hearing shall be preceded by public notice of the proposed project not less than 30 days before the hearing and published on three separate days in a newspaper of general circulation in the State or county affected by the proposed project. The proposing state or county agency shall also notify in writing the owners or lessees of adjoining, overlapping, or affected property of the proposed project;

(3) The clearing of sand from existing drainage pipes and canals and from the mouths of streams; provided that the sand shall be placed on adjacent beaches unless such placement would result in significant turbidity.

(b) Except as otherwise provided in this part no structure or any portion thereof, including but not limited to seawalls, groins, and revetments, shall be permitted within the shoreline area; provided that any lawful nonconforming structure existing on June 22, 1970, shall be permitted; provided further that any structure which is necessary for safety reasons or to protect the property from erosion or wave damages shall be permitted. A structure not conforming to this section but for which a building permit application has been filed on or before June 22, 1970, shall also be permitted as a nonconforming structure, subject to the ordinances and regulations of the particular county.

(c) Any nonconforming structure, including but not limited to residential dwellings, agricultural structures, seawalls, groins, and revetments may be replaced or reconstructed within the shoreline area; provided that no nonconforming structure shall be substantially enlarged or changed to another nonconforming use within the shoreline area. If the use of any nonconforming structure is discontinued or held in abeyance for a period of one year, the further continuation of such use shall be prohibited. [L 1986, c 258, pt of §1]

§205A-45 Shoreline setback lines established by county. The several counties through ordinances may require that shoreline setback lines be established at a distance greater than that established in this part. [L 1986, c 258, pt of §1]

§205A-46 Functions of department. (a) The department shall administer the provisions of this part. It shall review the plans of all applicants who propose any structure, activity, or facility which otherwise would be prohibited by this part.

The department may require that the plans be supplemented by accurately

mapped data showing natural conditions and topography relating to all existing and proposed structures, buildings, and facilities.

The department may also require reasonable changes in the submitted plans in order to obtain optimum compliance practicable with this part.

(b) After reviewing the plans, the department shall transmit the plans with its recommendations to the authority. The authority shall grant a variance for such structure, activity, or facility if, after a hearing pursuant to chapter 91, it finds in writing, based on the record presented either: (1) that such structure, activity, or facility is in the public interest; or (2) that hardship will be caused to the applicant if the proposed structure, activity, or facility is not allowed on that portion of the land within the shoreline area. Any variance granted to the maximum extent practicable shall be subject to such conditions as will cause the structure, activity, or facility to result in a minimum interference with natural shoreline processes and as will provide for safe public shoreline access. The authority shall render written approval or disapproval within forty-five days after the hearing on the applicant's plans, unless such period is extended by written agreement between the authority and the applicant. [L 1986, c 258, pt of §1]

Note

For variances and permits granted before May 29, 1986, see L 1986, c 258, §5.

§205A-47 Exemptions. Tunnels, canals, basins, and ditches, together with associated structures used by public utilities as the term is defined in section 269-1, wharves, docks, piers, and other harbor and waterfront improvements and any other maritime facility and water sport recreational facilities may be permitted within the shoreline area; provided that the plans are submitted for review and are approved by the authority after a public hearing has been held and that the appropriate state body has found that the proposed structures will result only in a minimum interference with natural shoreline processes; provided further that any such structure constructed by a governmental body shall be exempt from the provisions of this part except as to the requirement that two public hearings shall be held by the governmental body charged with such construction, once when the project is first conceived and again when the project is substantially designed and planned, but prior to the letting of the contract. Repair, strengthening, reinforcement, and maintenance of fishponds, and improvements for aquaculture farms shall be exempt from this part, upon issuance of a permit or waiver of the requirements by the board of land and natural resources. [L 1986, c 258, pt of §1]

§205A-48 Conflict of other laws. In case of a conflict between the requirements of any other state law or county ordinance regarding shoreline setback lines, the more restrictive requirements shall apply in furthering the purposes of this part. Nothing contained in this part shall be construed to diminish the jurisdiction of the state department of transportation over wharves, airports, docks, piers, small boat, or other harbors, and any other maritime or water sports recreational facilities to be constructed on state land by the State; provided that such plans are submitted for the review and information of the officer of the respective agency charged with the administration of the county zoning laws, and found not to conflict with any county ordinances, zoning laws, and building code. [L 1986, c 258, pt of §1]

§205A-49 Adoption of rules. Each agency charged with carrying out this

part shall adopt rules under chapter 91, as necessary, to implement or comply with this part by June 30, 1987. [L 1986, c 258, pt of §1]

CHAPTER 206E
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

PART I. GENERAL PROVISIONS
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206E-3 HAWAII COMMUNITY DEVELOPMENT AUTHORITY; ESTABLISHED
206E-5 DESIGNATION OF COMMUNITY DEVELOPMENT DISTRICTS; COMMUNITY DEVELOPMENT PLANS
206E-6 DISTRICT-WIDE IMPROVEMENT PROGRAM
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PART II. KAKAAKO COMMUNITY DEVELOPMENT DISTRICT
206E-32 DISTRICT; ESTABLISHED, BOUNDARIES

PART IV. REVENUE BONDS FOR PUBLIC FACILITY PROJECTS
206E-153 REVENUE BONDS; AUTHORIZATION

PART I. GENERAL PROVISIONS

§206E-3 Hawaii community development authority; established. (a) There is established the Hawaii community development authority, which shall be a body corporate and a public instrumentality of the State, for the purpose of implementing this chapter. The authority shall be placed within the department of business and economic development for administrative purposes.

(b) The authority shall consist of eleven voting members. The director of finance, the director of business and economic development, the comptroller, and the director of transportation, or their respective designated representatives shall serve as ex officio, voting members. Seven members shall be appointed by the governor for staggered terms pursuant to section 26-34; provided that initially, three members shall be selected from a list of ten prospective appointees recommended by the local governing body of the county in which the initial designated district is situated; and provided further that when vacancies occur in any of the three positions for which the members were selected from a list of county recommendations, the governor shall fill such vacancies on the basis of one from a list of four recommendations, two from a list of seven recommendations, or three from a list of ten recommendations. The list of recommendations shall be made by the local governing body of the county. If an additional district is designated by the legislature in a county other than the county in which the initial designated district is situated, the total membership of the authority shall be increased as prescribed above by the appointment of three additional members. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

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[am L 1987, c 336, §7, c 339, §4, and c 355, §4]

Revision Note

Only the subsections amended are compiled in this Supplement.

§206E-5 Designation of community development districts; community

1989 SUPPLEMENT

CHAPTER 205A
COASTAL ZONE MANAGEMENT

PART I. COASTAL ZONE MANAGEMENT

SECTION
205A-1 DEFINITIONS
205A-3 LEAD AGENCY
205A-4 IMPLEMENTATION OF OBJECTIVES, POLICIES, AND GUIDELINES
205A-5 COMPLIANCE

PART II. SPECIAL MANAGEMENT AREAS
205A-29 SPECIAL MANAGEMENT AREA USE PERMIT PROCEDURE
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PART III. SHORELINE SETBACKS
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205A-42 DETERMINATION OF THE SHORELINE
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205-43.6 ENFORCEMENT OF SHORELINE SETBACKS
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205A-45 SHORELINE SETBACK LINES ESTABLISHED BY COUNTY
205A-46 VARIANCES
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205A-48 CONFLICT OF OTHER LAWS
205A-49 ADOPTION OF RULES

Cross References

Housing finance and development corporation compliance with environmental and shoreline protection laws, see note at end of chapter 201E.

PART I. COASTAL ZONE MANAGEMENT

§205A-1 Definitions. As used in this chapter, unless the context otherwise requires:

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"Coastal zone management area" means the waters from the shoreline to the seaward limit of the State's jurisdiction and all land areas excluding those lands designated as state forest reserves;

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"Lead agency" means the office of state planning;

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"Shoreline" means 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. [am L 1986, c 258, §2; am L 1987, c 336, §7; am L 1988, c 352, §4; am L 1989, c 356, §4]

Revision Note

Only the definitions amended are compiled in this Supplement.

§205A-3 Lead agency. The lead agency shall:

(1) Receive, disburse, use, expend, and account for all funds that are made available by the United States and the State for the coastal zone management program;
(2) Provide support and assistance in the administration of the coastal zone management program;
(3) Review federal programs, permits, licenses, and development proposals for consistency with the coastal zone management program;
(4) In consultation with the counties and the general public prepare guidelines as necessary to further specify and clarify the objectives and policies of the chapter to be submitted twenty days prior to the convening of any regular session of the legislature for review, modification, or enactment by the legislature;
(5) Conduct a continuing review of the administration of the coastal zone management program and of the compliance of state and county agencies with the objectives and policies of this chapter;
(6) Facilitate public participation in the coastal zone management program; and
(7) Prepare an annual report to the governor and the legislature which shall include recommendations for enactment of any legislation necessary to require any agency to comply with the objectives and policies of this chapter and any guidelines enacted by the legislature. [L 1977, c 188, pt of §3; am L 1979, c 200, §2; am L 1989, c 356, §5]

§205A-4 Implementation of objectives, policies, and guidelines. (a) In implementing the objectives of the coastal zone management program, the agencies shall give full consideration to ecological, cultural, historic, esthetic, recreational, scenic, and open space values, and coastal hazards, as well as to needs for economic development.

(b) The objectives and policies of this chapter and any guidelines enacted by the legislature shall be binding upon actions within the coastal zone management area by all agencies, within the scope of their authority. [L 1977, c 188, pt of §3; am L 1979, c 200, §3; am L 1989, c 356, §6]

§205A-5 Compliance. All agencies shall ensure that their rules comply with the objectives and policies of this chapter and any guidelines enacted by the legislature. [L 1977, c 188, pt of §3; am L 1979, c 200, §4; am L 1989, c 356, §7]

§205A-6 Cause of action.

Case Notes

Judicial intervention under this section should not precede resolution of issues by administrative agency. 69 H. (No. 11228), 734 P.2d 161.

PART II. SPECIAL MANAGEMENT AREAS

§205A-26 Special management area guidelines.

Case Notes

Grant of permit overturned because findings required by paragraph (2) not made. 68 H. 135, 705 P.2d 1042.

Not violated where requisite findings were contained in committee report recommending approval of development. 6 H. App. 540, 735 P.2d 950.

§205A-29 **Special management area use permit procedure.** (a) The authority in each county, upon consultation with the central coordinating agency, shall adopt rules under chapter 91 setting the special management area use permit application procedures, conditions under which hearings must be held, and the time periods within which the hearing and action for special management area use permits shall occur. The authority shall provide for adequate notice to individuals whose property rights may be adversely affected and to persons who have requested in writing to be notified of special management area use permit hearings or applications. The authority shall also provide written public notice once in a newspaper of general circulation in the State at least twenty days in advance of the hearing. The authority may require a reasonable filing fee which shall be used for the purposes set forth herein.

Any rule adopted by the authority shall be consistent with the objectives, policies, and special management area guidelines provided in this chapter. Action on the special management permit shall be final unless otherwise mandated by court order.

***

[am L 1989, c 356, §8]

Revision Note

Only the subsection amended is compiled in this Supplement.

§205A-32 **Penalties.** (a) Any person who violates any provision of part II or part III shall be liable for a civil fine not to exceed $10,000.

(b) In addition to any other penalties, any person who is violating any provision of part II or part III shall be liable for a civil fine not to exceed $1,000 a day for each day in which such violation persists.

(c) Any civil fine provided under this section may be imposed by the circuit court or may be imposed by the department after an opportunity for a hearing under chapter 91. Imposition of a civil fine shall not be a prerequisite to any civil fine or other injunctive relief ordered by the circuit court. [L 1975, c 176, pt of §1; am L 1989, c 365, §9]

PART III. SHORELINE SETBACKS

§205A-41 **Definitions.** As used in this part, unless the context otherwise requires:

"Authority" means the authority as defined in part II.

"Board approval" means approval by the board of land and natural resources pursuant to section 183-41.

"Department" means the planning department of each county.

"Shoreline area" shall include all of the land area between the shoreline and the shoreline setback line and may include the area between mean sea level and the shoreline.

"Shoreline setback line" means that line established in this part or by the county running inland from and parallel to the shoreline at a horizontal plane.

"Structure" includes, but is not limited to, any portion of any building, pavement, road, pipe, flume, utility line, fence, groin, wall, or revetment. [L 1986, c 258, pt of §1; am L 1989, c 356, §§2, 10]

§205A-42 **Determination of the shoreline.** The board of land and natural resources shall adopt rules pursuant to chapter 91 prescribing procedures for determining a shoreline and appeals of shoreline determinations; provided that no determination of a shoreline shall be valid for a period longer than twelve months, except where the shoreline is fixed by manmade structures which have been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure. [L 1986, c 258, pt of §1]

§205A-43 **Establishment of shoreline setbacks and duties and powers of the department.** (a) Setbacks along shorelines are established of not less than twenty feet and not more than forty feet inland from the shoreline. The department shall adopt rules pursuant to chapter 91, and shall enforce the shoreline setbacks and rules pertaining thereto.

(b) The powers and duties of the department shall include, but not be limited to:

(1) The department shall adopt rules under chapter 91 prescribing procedures for determining the shoreline setback line; and

(2) The department shall review the plans of all applicants who propose any structure, activity, or facility that would be prohibited without a variance pursuant to this part. The department may require that the plans be supplemented by accurately mapped data and photographs showing natural conditions and topography relating to all existing and proposed structures and activities. [L 1986, c 258, pt of §1; am L 1989, c 356, §11]

[§205A-43.5] **Powers and duties of the authority.** (a) Prior to action on a variance application, the authority shall hold a public hearing under chapter 91. By adoption of rules under chapter 91, the authority may delegate responsibility to the department. Public and private notice, including reasonable notice to abutting property owners and persons who have requested this notice, shall be provided, but a public hearing may be waived prior to action on a variance application for:

(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 twenty-five 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.

(b) The authority shall either act on variance applications or, by adoption of rules under chapter 91, delegate the responsibility to the department. [L 1989, c 356, pt of §1]

[§205A-43.6] **Enforcement of shoreline setbacks.** (a) The department or an agency designated by department rules shall enforce this part and rules adopted pursuant to this part. Any structure or activity prohibited by section 205A-44, that has not received a variance pursuant to this part or complied with conditions on a variance, shall be removed or corrected. No other state or county permit or approval shall be construed as a variance pursuant to this part.

(b) Where the shoreline is affected by a manmade structure that has not been authorized with government agency permits required by law, if any part of the structure is on private property, then for purposes of enforcement of this part, the structure shall be construed to be entirely within the shoreline area.

(c) The authority of the board of land and natural resources to determine the shoreline and enforce rules established under section 183-41 shall not be diminished by a manmade structure in violation of this part. [L 1989, c 356, pt of §1]

§205A-44 **Prohibitions.** (a) The mining or taking of sand, dead coral or coral rubble, rocks, soil, or other beach or marine deposits from the shoreline area is prohibited with the following exceptions:

(1) The taking from the shoreline area of the materials, not in excess of one gallon per person per day, for reasonable, personal, noncommercial use, provided that stricter provisions may be established by the counties;

(2) Where the mining or taking is authorized by a variance pursuant to this part;

(3) The clearing of the materials from existing drainage pipes and canals and from the mouths of streams including clearing for the purposes under section 46-11.5; provided that the sand removed shall be placed on adjacent areas unless such placement would result in significant turbidity; or

(4) The cleaning of the shoreline area for state or county maintenance purposes, including the clearing for purposes under section 46-12; provided that the sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity.

(b) Except as provided in this section, structures are prohibited in the shoreline area without a variance pursuant to this part. Structures in the shoreline area shall not need a variance if:

(1) They were completed prior to June 22, 1970;

(2) They received either a building permit, board approval, or shoreline setback variance prior to the June 16, 1989;

(3) They are outside the shoreline area when they receive either a building permit or board approval;

(4) They are necessary for or ancillary to continuation of existing agriculture or aquaculture in the shoreline area on June 16, 1989;

(5) They are minor structures permitted under rules adopted by the department which do not affect beach processes or artificially fix the shoreline and do not interfere with public access or public views to and along the shoreline; or

(6) Work being done consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or watersports recreational facilities, which are publicly owned, and which result in little or no interference with natural shoreline processes;

provided that permitted structures may be repaired, but shall not be enlarged within the shoreline area without a variance. [L 1986, c 258, pt of §1; am L 1988, c 375, §1; am L 1989, c 356, §12]

Revision Note

"June 16, 1989" substituted for "the effective date of this Act" and "the effective date of this section".

Cross References

Mining or taking of sand, etc., see §171-58.5.

§205A-45 **Shoreline setback lines established by county.** The several counties through rules adopted pursuant to chapter 91 or ordinance may require that shoreline setback lines be established at distances greater than that established in this part.

(b) The several counties through rules adopted pursuant to chapter 91 or ordinance may expand the shoreline area to include the area between mean sea level and the shoreline. [L 1986, c 258, pt of §1; am L 1989, c 356, §13]

§205A-46 **Variances.** (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 chapter 269;

(7) Private facilities or improvements that are clearly in the public interest;

(8) Private facilities or improvements which will neither adversely affect beach processes nor artificially fix the shoreline; provided that the authority also finds that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area;

(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 June 16, 1989, 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. [L 1986, c 258, pt of §1; am L 1989, c 356, §14]

Note

For variances and permits granted before May 29, 1986, see L 1986, c 258, §5.

Revision Note

In subsection (a)(6), "chapter" substituted for "section". In subsection (b), "June 16, 1989" substituted for "the effective date of this Act".

§205A-47 REPEALED. L 1989, c 356, §16.

§205A-48 **Conflict of other laws.** In case of a conflict between the requirements of any other state law or county ordinance regarding shoreline setback lines, the more restrictive requirements shall apply in furthering the purposes of this part. Nothing contained in this part shall be construed to diminish the jurisdiction of the state department of transportation over wharves, airports, docks, piers, small boat, or other harbors, and any other maritime or water sports recreational facilities to be constructed on state land by the State; provided that such plans are submitted for the review and information of the officer of the respective agency charged with the administration of the county zoning laws, and found not to conflict with any county ordinances, zoning laws, and building code. [L 1986, c 258, pt of §1]

§205A-49 **Adoption of rules.** Each agency charged with carrying out this part shall adopt rules necessary to implement or comply with this party by July 1, 1990. All rules shall be adopted under chapter 91. [L 1986, c 258, pt of §1; am L 1989, c 356, §15]

Appendix B

H-PASS Input Forms and Pertinent Documentation

Hawaii Coastal Zone Management Program
Monitoring Log

DATE: _____ DATE DUE: _____

DEADLINE: _____

TO: 1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____

FROM: _____

PERMIT TYPE: EIA Neg. Dec. Prep. Notice DEIS FEIS Other _____

Fed. Con. A-95 LUDBA CDUA NPDES

CCSMA MCSMA HCSMA KCSMA

ACTION REQUIRED: Note and File ____ Reply ____ Other ____

Review and Comment ____ Take Appropriate Action ____

TMK (first): __: __ - __ - __ __ __ - __ __ __ County: 1=Hon 2=Maui 3=Hawaii 4=Kauai

APPLICANT: _____(30)
last name only if not a firm or organization

PROJECT TITLE/DESCRIPTION: _____(50)

PREVIOUSLY REVIEWED: Staff: _____ _____ _____

Date: _____ _____ _____

File: _____ _____ _____

ACTION TAKEN: ____ Response Prepared ____ Comments ____ No Comments

____ Approved ____ Approved with Conditions ____ Checklist

____ FC Screens ____ File Memo ____ Objection

REVIEWED BY: ____ Date: _____

Micro: ____ Field Verification: ____

FILED: _____

COMMENTS: _____(50)

_____

_____

DPED MONITORING CHECKLIST

10/19/81

DPMON REC ID: 8 _ - _ _ _ _

Permit Type: _ _ _ 201=LUDBA 217=CDUA 222=EIS
306=CCSMA 406=HCSMA 506=KCSMA 606=MCSMA

Permit I.D.: _ _ _ _ _ _ _ _ _ _ _ (From H-PASS, if available)

Agency I.D.: _ _ _ _ _ _ _ _ _ _ _ (Agency's File Number)

Project Title: _

Applicant Name: _

Applicant Type: _ [1=State 2=County 3=Private 4=Other]

Landowner Type: _ [1=Fed 2=State 3=County 4=HawnHomes 5=Priv 6=Mixed]

County: _ [1=Honolulu 2=Maui 3=Hawaii 4=Kauai]

TMKs: _-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _
_-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _
_-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _ _-_-_ _ _-_ _ _

Additional TMKs: _

Abuts Shoreline: _ [1=Yes]

Proposed Activity: _ _ [Codebook]

Estimated Cost: _ _ _,_ _ _,_ _ _

Project Size: _ _,_ _ _._ _

Unit: _ [1=Sq Ft 2=Acres 3=Ln Ft 4=Miles]

Project Description: (include no. of units, bldgs, height, locality)

_ _
_ _
_ _
_ _
_ _
_ _

State Land Use: _ _ _ [1=Urban 2=Rural 3=Agric 4=Cons]

General Plan: _ _ _ _ _ _ _ _ [Codebook]

Zoning: _ _ _ _ _ _ _ _ [Codebook]

Existing Use: _ _ _ _ _ _ _ _

Surrounding Use: _ _ _ _ _ _ _ _

Application Status: _ [1=Pending 2=Approved 3=Denied 4=Withdrawn
5=Null/Void 6=Exempt 7=Contested 8=Appealed]

DATES: Filing: _ _/_ _/_ _

Public Hearing: _ _/_ _/_ _

Decision: _ _/_ _/_ _

Contested: _ _/_ _/_ _

Agency Assessment of Impacts: (H-PASS)

Recreational: _ _ _ _ _ _ _ _ _ _ Historic: _ _ _ _ _ _ _ _ _ _

Scenic/Open: _ _ _ _ _ _ _ _ _ _ Ecosystem: _ _ _ _ _ _ _ _ _ _

Coast Hazards: _ _ _ _ _ _ _ _ _ _ Economic: _ _ _ _ _ _ _ _ _ _

	IMPACT [Codebk]	ADVERSE 0=No 1=Maybe 2=Yes	CONDITION [Codebook]	MITIGATION 0=No 1=Maybe 2=Yes	NET TOTAL Adverse Minus Mitigation	COMMENTS (If net, explain)
REC	_ _	_	_ _	_	_	
REC	_ _	_	_ _	_	_	
REC	_ _	_	_ _	_	_	
HIS	_ _	_	_ _	_	_	
HIS	_ _	_	_ _	_	_	
HIS	_ _	_	_ _	_	_	
SCE	_ _	_	_ _	_	_	
SCE	_ _	_	_ _	_	_	
SCE	_ _	_	_ _	_	_	
ESY	_ _	_	_ _	_	_	
ESY	_ _	_	_ _	_	_	
ESY	_ _	_	_ _	_	_	
ECN	_ _	_	_ _	_	_	
ECN	_ _	_	_ _	_	_	
HAZ	_ _	_	_ _	_	_	
HAZ	_ _	_	_ _	_	_	
HAZ	_ _	_	_ _	_	_	
_ _	_ _	_	_ _	_	_	
_ _	_ _	_	_ _	_	_	
_ _	_ _	_	_ _	_	_	

NET TOTALS: RECREATION: _ _ HISTORIC: _ _ SCENIC: _ _

ECOSYSTEMS: _ _ HAZARDS: _ _ ECONOMIC: _ _

ALL RESOURCES: _ _

Other Permits and Approvals Required: _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Date Reviewed: _ _ /_ _ /_ _ Reviewer: _ _ _

1/19/83

DPFED FEDERAL CONSISTENCY REVIEW PROCESS SCREEN 1

FILE ID: __ - ___ PROJECT TITLE: _____
_____

STATUS: __ 1=Incompl 2=Pending 3=W/D 4=Concur 5=Concur w/c 6=Object 7=Appeal

DATES: RECEIVED: __ / __ / __ ACCEPTED: __ / __ / __
PUBLIC NOTICE: __ / __ / __ DECISION: __ / __ / __

CONSISTENCY CATEGORY: __ 1=Activity 2=Permit 3=OCS 4=Grant

Areawide Clearinghouse No.: _____

APPLICANT'S STATEMENT: __ 1=Consistency 2=Inconsistency 3=General Consist
4=Negative Det. 5=Excluded Lands

APPLICANT NAME: _____

AGENT'S NAME: _____

MAJOR LANDOWNER: _____

TYPE OF APPLICANT: _ 1=State 2=County 3=Private 4=Other

TYPE OF LANDOWNER: _ 1=Federal 2=State 3=Hawn Homes 4=County 5=Pvt 6=Ceded

FEDERAL AGENCY: ___

PROPOSED ACTIVITY: __

DESCRIPTION: _____
_____
_____
_____
_____
_____

PARCEL SIZE: __ , ___ . __ PROJECT SIZE: __ , ___ . __
1=Sq. Feet 2=Acres to nearest .01 3=Linear Ft 4=Linear Miles

DPFED FEDERAL CONSISTENCY REVIEW PROCESS SCREEN 2

COUNTY: _ 1=Hon 2=Maui 3=Hawaii 4=Kauai PARCEL ABUTS SHORELINE: _ 1=Yes

TMKs: _ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _
_ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _
_ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _ _ - _ - _ _ _ - _ _ _

Additional TMKs: _

STATE LAND USE DIST.: _ _ _ 1=Urban 2=Rural 3=~~Cons~~ Ag 4=Ag Cons

EXISTING LAND USE: _

SURROUNDING LAND USE: _

OTHER PERMITS REQUIRED: _

AGENCY REFERRALS/COMMENTS: _ _ _ : _ _ _ _ _ _ : _ _ _
1=Concur 2=Comments _ _ _ : _ _ _ _ _ _ : _ _ _
3=Objection 4=Cond. Requested _ _ _ : _ _ _ _ _ _ : _ _ _

CZM IMPACTS: RECREATIONAL: _ _ _ _ _ _ _ _ _ _ HISTORIC: _ _ _ _ _ _ _ _ _ _
SCENIC/OPEN: _ _ _ _ _ _ _ _ _ _ ECOSYSTEM: _ _ _ _ _ _ _ _ _ _
COAST HAZARDS: _ _ _ _ _ _ _ _ _ _ ECONOMIC: _ _ _ _ _ _ _ _ _ _

CONDITIONS: 1. _
FOLLOWUP: _ _ / _ _ / _ _
2. _
_ _ / _ _ / _ _
3. _
_ _ / _ _ / _ _
4. _
_ _ / _ _ / _ _

REVIEWER: _ _ _
REVIEW DATE: _ _ / _ _ / _ _
COMMENTS: _
_ _
_ _

	IMPACT [Codebk	ADVERSE 0=No 1=Maybe 2=Yes	CONDITION [Codebook]	MITIGATION 0=No 1=Maybe 2=Yes	NET TOTAL Adverse Minus Mitigation	COMMENTS (If net, explain)
REC						
REC						
REC						
HIS						
HIS						
HIS						
SCE						
SCE						
SCE						
ESY						
ESY						
ESY						
ECN						
ECN						
HAZ						
HAZ						
HAZ						

DPED/CZM MONITORING SYSTEM (DPMON)

FEDERAL CONSISTENCY (DPFED)

CODEBOOKS

Revised June 29, 1982

I. PERMIT TYPE

101 = FEDERAL EIS
102 = FEDERAL DEIS
103 = FEDERAL FEIS
104 = FEDERAL EIA
110 = DEPT. OF ARMY PERMIT
120 = AIRSPACE
121 = AIRPORTS
122 = AIRPORTS QUASI-PUBLIC
140 = MARINE SANCTUARIES
150 = HISTORIC SITES
160 = STORAGE TANK
170 = BRIDGES
171 = AIDS TO NAVIGATION

201 = LUC DISTRICT CHANGE
202 = SPECIAL USE PERMIT
205 = AIRPORTS
206 = AIRPORT HAZARDS
210 = SHORE AND SHOREWATER
211 = BOAT MOORING
212 = PLACEMENT OF BUOYS
213 = SALVAGE
214 = DUMPING OF MATERIAL
215 = STATE HIGHWAYS
217 = CDUA PERMIT
222 = STATE EIS
223 = NEGATIVE DECLARATION
224 = PREPARATION NOTICE
225 = ENV. ASSESSMENT
230 = STRIP MINING
231 = EXPLORATION PERMIT
232 = GEOTHERMAL DRILLING
233 = NARS PERMIT
234 = GROUNDWATER USE
235 = GROUNDWATER SUPPLY
236 = HISTORIC PROPERTY
237 = FISHING PERMIT
245 = AIR POLLUTION SOURCE
246 = AGRICULTURE BURNING
250 = DRINKING WATER
251 = ZONE OF MIXING
254 = NOISE
255 = SEWAGE SYSTEMS
256 = NPDES PERMIT
257 = SOLID WASTE DISPOSAL
265 = POLLUTION VARIANCE
270 = A-95 CLEARINGHOUSE
271 = FEDERAL CONSISTENCY
280 = PESTICIDES

300 = C&C SUBDIVISION
301 = PLANNED DEVELOPMENT
302 = CLUSTER
305 = SHORELINE SETBACK
306 = C&C SMA USE PERMIT
310 = APPROPRIATENESS
311 = DEVELOPMENT UNITY
312 = SITE DEVELOPMENT
320 = SPECIAL USE PERMIT
321 = CONDITIONAL USE
322 = SPECIAL PERMIT
325 = FLOOD HAZARD
326 = FLOOD HAZARD
335 = CHANGE OF ZONE
336 = ZONING VARIANCE

345 = A-95 PERMIT
350 = GRADING PERMIT
351 = GRUBBING PERMIT
352 = STOCKPILING
355 = WATER DISCHARGE
356 = WASTEWATER DISCHARGE
357 = DRAINAGE PERMIT
360 = SEWER PERMIT
361 = SEWER EXTENSION
362 = NEW SEWER SYSTEMS
370 = WELLS
371 = WATER SYSTEM
375 = BUILDING PERMIT
376 = BUILDING VARIANCE

400 = HC SUBDIVISION
401 = AGRICULTURAL USE
405 = SHORELINE SETBACK
406 = HC SMA USE PERMIT
410 = PLAN APPROVAL
420 = KAILUA VILL SPC DIST
430 = HC GENERAL PLAN
435 = ZONING CHANGE
436 = ZONING VARIANCE
440 = PLANNED DEVELOPMENT
441 = PLAN U DEVELOPMENT
442 = CLUSTER DEVELOPMENT
443 = MOBILE HOME PARK
445 = SUBDIVISION VARIANCE
447 = SPECIAL USE PERMIT
448 = SPECIAL PERMIT
450 = GRADING PERMIT
451 = GRUBBING PERMIT
452 = STOCKPILING PERMIT
460 = SEWER CONNECTION
475 = BUILDING PERMIT

500 = KC SUBDIVISION PERMIT
501 = AGRIC. USE AGREEMENT
505 = SHORELINE SETBACK
506 = KC SMA USE PERMIT
510 = SPECIAL USE PERMIT
530 = KC GENERAL PLAN
535 = ZONING CHANGE
536 = ZONING VARIANCE
540 = CONDITIONAL USE PERM
542 = AGRIC PARK SUBDVSION
544 = PROJ DEV USE PERMIT
550 = GRADING PERMIT
551 = GRUBBING PERMIT
552 = STOCKPILING PERMIT
560 = SEWER CONNECTION
561 = COUNTY ROADS PERMIT
575 = BUILDING PERMIT

605 = MC SHORELINE SETBACK
606 = MC SMA USE PERMIT
610 = SPECIAL USE PERMIT
630 = MC GENERAL PLAN
635 = ZONING CHANGE
650 = GRADING PERMIT
651 = GRUBBING PERMIT
652 = STOCKPILING PERMIT
660 = SEWER CONNECTION
670 = SUBDIVISION PERMIT

II. PROPOSED ACTIVITIES

01 AGRICULTURE
02 AIR TRANSPORTATION
03 AQUACULTURE
04 BASEYARDS
05 COMMERCIAL
06 COMMUNICATIONS
07 DEFENSE OPERATIONS
08 DREDGE DISPOSAL
09 EDUCATIONAL FACILITY
10 ENERGY DEVELOPMENT
11 EXCAVATION/MINING
12 FLOOD CONTROL/DRAIN
13 FORESTRY
14 GRADING/FILLING
15 HAZARDOUS WASTE MGT
16 HEALTH FACILITIES
17 HISTORIC RESTORATION
18 HOTELS/RESORTS
19 INDUSTRIAL-LIGHT
20 INDUSTRIAL-HEAVY
21 LAND SUBDIVISION
22 LAND TRANSPORTATION
23 MARINE RESOURCES
24 PARKING FACILITIES
25 POLICE/FIRE FACILITY
26 PUBLIC INSTITUTIONS
27 RECREATION FACILITY
28 RESEARCH
29 RESIDENTIAL, SINGLE-F
30 RESIDENTIAL, MULTI-F
31 SHORELINE MANAGEMENT
32 SOLID WASTE DISPOSAL
33 WASTEWATER MANAGEMNT
34 WATER SUPPLY
35 WATER TRANSPORTATION
36 WILDLIFE MANAGEMENT
37 UTILITIES
99 OTHER 38 CHURCHES, CEMETERIES.
39 WAREHOUSE - STORAGE
40 BRIDGE

III. CITY AND COUNTY OF HONOLULU GENERAL PLAN AND ZONING

General Plan

01 Agriculture
02 Residential
03 Apartment
04 Resort
05 Commercial
06 Industrial
07 Parks & Rec
08 Pub Housing
09 Military
10 Cemetary
11 Preserv
12 Pub Faciltes
13 Highway

Zoning

01 P-1
02 AG-1
03 AG-2
04 R-1
05 R-2
06 R-3
07 R-4
08 R-5
09 R-6
10 R-7
11 A-1
12 A-2
13 A-3
14 A-4
15 A-5
16 H-1
17 H-2
18 B-1
19 B-2
20 B-3
21 B-4
22 B-5
23 I-1
24 I-2
25 I-3
26 PD-H
27 SDD
28 Other

IV. KAUAI GENERAL PLAN AND ZONING

General Plan

01 SF Residential
02 MF Residential
03 Resort
04 Commercial
05 Project District
06 Industrial
07 Public
08 Park
09 Agriculture
10 Military
11 Open

Zoning

01 SF Residential
02 MF Residential
03 Neigh Commercial
04 Gen. Industrial
05 Limited Industrial
06 General Industrial
07 Open
08 Agriculture
09 Special Treatment
10 Construction

V. MAUI COUNTY GENERAL PLAN AND ZONING

Lahaina District

01 Residential
02 Duplex
03 Apartment
04 Commercial
05 Resort Commercial
07 Industrial (Heavy)
08 Industrial (light)
09 Public
10 Hotel
11 Park
12 Historic District
13 Agricultural
14 Open
15 Airport
16 Other

Kihei

01 Residential
02 Apartment
10 Hotel
17 Business
05 Resort Commercial
18 Industrial
13 Agricultural
19 Rural
20 Public Use
11 Park
21 Drainage
22 Existing Street
23 Proposed Street
24 Planting Buffer
25 Beach right-of-way, Golf course, Open zone
16 Other

Wailuku

26 Residential, Multi-Family
27 Residential, Single Family
04 Commercial
10 Hotel
28 Public/Quasi-public
07 Light Industrial
07 Heavy Industrial
13 Agricultural
29 Open Space
11 Park
30 Project District
31 Airport District
32 Proposed Road
12 Historic District
16 Other

Hana

01 Residential
02 Duplex
03 Apartment
10 Hotel
17 Business
18 Industrial
33 Special Permit Industry
34 Airport, Road, Breakwater
20 Public Use
11 Park
21 Drainage
35 Golf Course
36 Open Area
37 Pedestrian Mall
24 Planting Buffer
38 Trail
39 Agriculture

Paia

01 Residential
02 Duplex
03 Apartment
10 Hotel
17 Business
08 Light Industrial
07 Heavy Industrial
15 Airport
39 Agriculture
19 Rural
40 Civic Improvement District
41 Special Housing
20 Public Use
11 Park
21 Drainage
42 Streets

LANAI

a. Lanai City

43 Suburban Residential
27 Single Family Residential
44 Multiple Residential
04 Commercial
45 Public/Semi-Public Use
18 Industrial
46 Parking
11 Park
47 Wooded Area
48 Parkway & Planting Strip
49 Equestrian Trails

b. Lanai Island

39 Agriculture
50 Conservation/Game Reserve
51 Forest
11 Park
52 Pasture
53 Diversified Agriculture
54 Plantation Agriculture
55 Agricultural Residential
56 Rural Residential
57 Urban
58 Resort
59 Harbor
15 Airport

Molokai

01 Residential
03 Apartment
10 Hotel
17 Business
08 Light Industrial
07 Heavy Industrial
45 Public/Semi-Public Use
39 Agriculture
24 Rural
11 Park
29 Open Space
60 Military
61 Flood Plain
62 Planting Strip
42 Streets

Makawai-Pukalani-Kula

63 Country Town
64 Prime Diversified Agriculture
65 General Agriculture
04 Commercial
66 Retreat Resort
20 Public Use
11 Park

MAUI ZONING

01 Sing. Family Res.
02 Mult. Family Res.
03 Hotel
04 Neighborhood Business
05 Community Business
06 Central Business District
07 Resort Commercial
08 Light Industrial
09 Heavy Industrial
10 Airport District
11 Agricultural District
12 Planned Development
13 Project District
14 Historic District
15 Not Zoned
16 County Interim District
17 Napili Bay Civic Imp Dist

VI. HAWAII COUNTY GENERAL PLAN AND ZONING

General Plan

01 High Density Urban
02 Medium Density Urban
03 Low Density Urban
04 Industrial
05 Agricultural
06 Open/Conservation
07 Resort
08 Alternate Urban Expansion
09 University Use

Zoning

01 Single Family Residential
02 Multiple Family Residential
03 Residential Agricultural
04 Agricultural
05 Unplanned
06 Resort
07 Commercial
08 Industrial
09 Open/Forest Reserve
10 Safety
11 Intensive Agricult.
12 Other

VIII. CONDITIONS

Recreational Resources

01 = Dedicate park or recreation facility
02 = Dedicate open space
03 = Improve existing facilities
04 = Provide shoreline access
05 = Improve pedestrian access to shoreline
06 = Provide vehicular access to shoreline
07 = Provide public parking facilities
08 = Provide public shower/restroom facilities
18 = Other: _____
19 = Other: _____

Historic Resources

20 = Stop work, inform SHPO or PD if sites found
21 = Perform archaeological survey
22 = Perform intense archaeological survey
23 = Salvage historic resources
24 = Preserve historic resources on site
25 = Map valuable features for future reference
26 = Alter or deny proposed development
27 = Have archaeologist present during excavation
28 = Other: _____
29 = Other: _____

Scenic and Open Space

30 = Alter building bulk (height, width, depth)
31 = Require visual/aesthetic design modifications
32 = Require shoreline setback beyond requirements
33 = Alter design or location of infrastructures
34 = Require site landscaping
35 = Minimize alteration of landforms/vegetation
36 = Require approval of design/landscaping plan
43 = Other: _____
44 = Other: _____

Coastal Ecosystems

45 = Require DOH/County approval of sewer system
46 = Alter sewage disposal system
47 = Ensure adequate drainage controls
48 = Ensure adequate erosion controls
49 = Impose grading conformance requirements
50 = Alter or deny proposed dredge or fill activities
51 = Alter or deny construction in shorewaters
52 = Alter or deny stream, marsh, wetlands, or shoreline modification
53 = Alter or deny development in shoreline setback area
54 = Alter or deny activity impacting endangered species habitat.
55 = Mitigate temporary construction impacts
56 = Require shoreline survey
60 = Grading shall not alter natural drainage pattern
61 = No adverse affect on downstream properties
62 = Submit drainage/erosion control plan for approval
73 = Other: _____
74 = Other: _____

Economic Uses

78 = Other: _____
79 = Other: _____

Coastal Hazards

80 = Alter drainage system
81 = Alter or prohibit activity to prevent erosion
82 = Certify flood depth or tsunami run-up
83 = Require first habitable floor above 100-year flood/tsunami line
84 = Require flood-proofing of structures
85 = Conform with FIRMs/regulations
86 = Require flowage easement for flood
88 = Other: _____
89 = Other: _____

Managing Development

90 = Certify new or replacement water sources
91 = Dedicate new infrastructure
92 = Improve existing infrastructure
93 = Require approval of other departments
94 = Comply w/ other ordinances/requirements
97 = Other: _____
98 = Other: _____
99 = Other non-CZM conditions imposed

VII. POTENTIAL CZM IMPACTS

RECREATIONAL RESOURCES

01 INVOLVES PUBLIC R-O-W
02 ABUTS PUBLIC R-O-W
03 ABUTS SHORELINE
04 ABUTS STATE PARK
05 ABUTS COUNTY PARK
06 ABUTS PERENNIAL STREAM
07 REC USE COUNTY GEN PLAN
08 REC USE COUNTY DEV PLAN
20 IN/ABUTS SURF SITE
21 POPULAR FISHING GROUND
22 REC. BOATING AREA
30 SCORP EXISTING
31 SCORP PROPOSED
32 SURF SITE
33 SANDY BEACH
90 OTHER REC USE

HISTORIC RESOURCES

01 HISTORIC/CULTURAL DIST
02 SITE LISTED ON HI REGISTR
03 SITE LISTED IN NATL REGTR
04 NOMINATED TO HI REGISTER
05 NOMINATED TO NATL REGISTR
06 UNDEVELOPD/UNSURVED LAND
30 SITES DISCOVERED
31 SIGNIFICANT SITE (DLNR)
32 SURVEYED, SITES FOUND
33 HAWAIIAN FISHPOND
34 HIST SETTLEMENT AREA

SCENIC AND OPEN SPACE RESOURCES

01 ABUTS SCENIC LANDMARK
02 MULTI-STORY CONSTRUCTION
03 ABUTS UNDEVELOPED PARCELS
04 BLOCKS VIEW TO SHORELINE
20 CONST. IN/ON WATER/BEACH

COASTAL ECOSYSTEMS

01 DREDGE OR FILL INVOLVED
02 SETBACK VARIANCE REQD
03 EFFLUENT TO BE DISCHARGED
04 EXTENSIVE GRADING INVOLVD
05 WASTE TREAMENT FACILITY
06 INTERMITTENT STREAM
07 ABUTS INTERMITTENT STREAM
08 PERRENIAL STREAM ON SITE
09 ABUTS PERRENIAL STREAM
10 ENDANGERED SPECIES SITE
11 ENDANGERED SPECIES NEARBY
12 WETLAND AREA
13 ABUTS WETLAND AREA
14 NATURAL AREA RESERVE
15 MARINE LIFE CONS DIST
16 ESTUARINE SANCTUARY SITE
20 IN/ABUTS CORAL REEF
21 CONST IN/ON WATER/BEACH
22 CONST/DREDGING OFF BEACH
23 OFFSHORE SANCTUARY

ECONOMIC USES

01 HARBOR OR PORT
02 DESIGNATED RESORT AREA
03 USES AGRICULTURAL LAND
04 SEAFOOD PRODUCTION
05 ENERGY PRODUCTION
06 SEABED MINING
30 FISHERIES

COASTAL HAZARDS

01 SANDY BEACH ON OR ABUTS
02 TSUNAMI INUNDATION AREA
03 FLOOD INUNDATION AREA
04 SUBSIDENCE HAZARD AREA
30 HIGH SURF
31 SAND DUNES
32 BEACH EROSION

AGENCY CODES (PARTIAL LIST FOR FEDCON)

500 F-Air Force

505 F-Army

508 F-Corps of Eng

515 F-Coast Guard

520 F-Navy

523 F-Marine Corps

530 F-DOT-FAA

532 F-DOT-Highways

540 F-DOI-FWS

542 F-DOI-HCRS

544 F-DOI-Parks

546 F-DOI-USGS

552 F-DOA-SCS

560 F-DOC-NOAA

565 F-DOC-FEMA

575 F-HUD

582 F-EPA

587 F-DOE

820 H-Planning Dept

830 H-Public Works

840 H-Parks & Rec

850 H-Water Supply

930 M-Planning Dept

940 M-Public Works

945 M-Land Use/Codes

950 M-Water Supply

170 S-DOA

250 S-DOH

255 S-DOH-ENV

265 S-DOH-OEQC

281 S-DLNR

328 S-DPED-Land Use

331 S-DPED-Econ Dev

340 S-DPED Energy

346 S-MAC

380 S-DOT

385 S-DOT-Air

390 S-DOT-Land

395 S-DOT-Water

447 UHM-Env Ctr

620 K-Planning Dept

630 K-Public Works

640 K-Water Supply

720 O-DLU

730 O-DGP

740 O-Public Works

745 O-Parks & Rec

755 O-Water Supply

780 O-Trans Svcs

Report: 9/24/85

H-PASS TABLE DISPLAY UTILITY
HAWAII PERMIT APPLICATION AND SUPPORT SYSTEM

Table: HPSYST82 Table Name: 2-DIGIT GLU

Use for Existing & Surrounding Land Uses

Code	Description
00	= *UNSPECIFIED*
01	= SINGLE FAMILY RES.
02	= DUPLEX - RESIDENTIAL
03	= MULTI-FAMILY RES.
04	= MISCELLANEOUS RES.
10	= MANUFAC. DURABLE GOODS
15	= MANUFAC. NON-DURABLE GOOD
20	= INDUST. CONSTRUCTION
21	= INDUST. UTILITIES
30	= RETAIL TRADE
35	= WHOLESALE TRADE
40	= CONSUMER SERVICES REPORTS - 40
41	= PROFESSIONAL SERVICES
42	= GOVERNMENTAL SERVICES
43	= BUSINESS SERVICES
44	= HEALTH & WELFARE SERVICES
50	= PERSONAL DEVELOPMENT
60	= RECREATION - PUBLIC
65	= RECREATION - PRIVATE
70	= AGRICULTURE
71	= MINING AND QUARRY
72	= FORESTRY
73	= FISH & HUNT & TRAPPING
80	= TRANSPORTATION
90	= DEVELOPABLE OPEN SPACE
91	= UNSUBDIVIDED VACANT LAND
92	= AREA BEING DEVELOPED
93	= UNDEVELOPABLE OPEN SPACE
94	= STREET AREA
98	= OTHER
99	= ESTAB. ACTIVITY UNKNOWN

HAWAII PERMIT APPLICATION AND SUPPORT SYSTEM

Table: HPSYS162 Table Name: LEVEL OF GOVERNMENT

Code	Description
000	= *UNSPECIFIED*
100	= S-GOVERNOR
102	= S-GOV-ACC
103	= S-GOV-CONS PROT
105	= S-GOV-DED
107	= S-GOV-CHCI
109	= S-GOV-CPHF
120	= S-LT GOV
124	= S-HI CZM PROGRAM
130	= S-LEGISLATURE
131	= S-LEG-AUDITOR
132	= S-LEG-LRB
133	= S-LEG-HRS
134	= S-LEG-OMBUDSMN
138	= S-LEG-ETHICS
150	= S-JUDICIARY
152	= S-JUD-SUPREME
154	= S-JUD-CIRCUIT
156	= S-JUD-FAMILY
158	= S-JUD-DISTRICT
160	= S-DAGS
165	= S-DAGS-PW
170	= S-DOA
171	= S-BOA
180	= S-AG
190	= S-BNF
193	= S-BNF-PLANNING
195	= S-BNF-EDPD
200	= S-BNF-HIMAC
202	= S-BNF-PUC
204	= S-BNF-STADIUM
206	= S-BNF-CULT/ARTS
208	= S-BNF-HIST/HUM
210	= S-DOD
215	= S-DOD-CD
220	= S-DOE
240	= S-DHHL
241	= S-HHC
250	= S-DOH
253	= S-DOH-SHPDA
255	= S-DOH-ENV
265	= S-DOH-DEQC
266	= S-DOH-EQC
270	= S-DLIR
280	= S-BLNR
281	= S-DLNR
283	= S-DLNR-PLANNING
284	= S-DLNR-NARS
285	= S-DLNR-HCRS
287	= S-DLNR-FISH/GAME
288	= S-DLNR-AR
290	= S-DLNR-ENFORCE
293	= S-DLNR-FORESTRY
294	= S-DLNR-NARSC
295	= S-DLNR-LAND MGT
298	= S-DLNR-ST PARKS
299	= S-DLNR-SHPD
301	= S-DLNR-DONALD
310	= S-DPS
320	= S-DPED
323	= S-DPED-PLANNING
328	= S-DPED-LAND USE
331	= S-DPED-ECON DEV
334	= S-DPED-READ
337	= S-DPED-FTZ
339	= S-DPED-ADP
340	= S-DPED-ENERGY
341	= S-DPED-CSPTA
342	= S-DPED-EPIS
343	= S-DPED-TOURISM
344	= S-LUC
346	= S-MAC
348	= S-HCDA
350	= S-DRA
360	= S-DSSH
365	= S-DSSH-HHA
370	= S-DTAX
380	= S-DOT
385	= S-DOT-AIR
390	= S-DOT-LAND
395	= S-DOT-WATER
430	= S-UNIV HAWAII
435	= UHM-TROP AC
437	= UHM-BOTANY
439	= UHM-UHCC
441	= UHM-CRDG
443	= UHM-ENG
445	= UHM-ENG RES
447	= UHM-ENV CTR
449	= UHM-FACILITIES
451	= UHM-GEOGRAPHY
453	= UHM-GEOLOGY
455	= UHM-FISHERY
457	= UHM-HI GEOTHML
459	= UHM-GEOTML RES
461	= UHM-HIC
463	= UHM-MAR BIOLOGY
465	= UHM-HNEI
467	= UHM-TSUNAMI CTR
469	= UHM-LAW OF SEA
471	= UHM-LOOK LAB
473	= UHM-MARINE OPT
475	= UHM-SEACOAST
477	= UHM-SEA GRANT
479	= UHM-TSUNAMI
481	= UHM-URPP
485	= UH-LEEWARD CC
486	= UH-HONOLULU CC
487	= UH WINDWARD CC
488	= UH-KAPIOLANI CC
489	= UH-WEST OAHU
492	= UH-HILO
495	= UH-HAWAII CC
496	= UH-KAUAI CC
497	= UH-MAUI CC
500	= F-AIR FORCE
505	= F-ARMY
508	= F-CORPS OF ENG
515	= F-COAST GUARD
520	= F-NAVY
523	= F-MARINE CORPS
530	= F-DOT-FAA
532	= F-DOT-HIGHWAYS
534	= F-DOT-NHTSA
536	= F-DOT-UMTA
540	= F-DOI-FWS
542	= F-DOI-HCRS
544	= F-DOI-PARKS
546	= F-DOI-USGS
550	= F-DOA-FARM HOME
552	= F-DOA-SCS
560	= F-DOC-NOAA
561	= F-NOAA-OCZM
562	= F-DOC-NMFS
565	= F-DOC-FEMA
567	= F-DOC-FZB
570	= F-STATE
575	= F-HUD
580	= F-NRC
582	= F-EPA
587	= F-DOE
590	= F-WRC
599	= F-AS APPROPRIATE
601	= K-MAYOR
603	= K-OFC ECON DEV
610	= K-COUNCIL
615	= K-PLANNING COMM
620	= K-PLANNING DEPT
630	= K-PUBLIC WORKS
640	= K-WATER SUPPLY

HAWAII PERMIT APPLICATION AND SUPPORT SYSTEM

Table: HPSYST62 Table Name: LEVEL OF GOVERNMENT

Code	Description
650	= K-FIRE
655	= K-POLICE
700	= O-MAYOR
710	= O-CITY COUNCIL
715	= O-PLANNING COMM
717	= O-ZONING BD
720	= O-LAND UTIL
730	= O-GEN PLANNING
740	= O-PUBLIC WORKS
745	= O-PARK & REC
750	= O-BUILDING
755	= O-WATER SUPPLY
760	= O-HOUSING & CD
765	= O-HRA
767	= O-FIRE
770	= O-POLICE
775	= O-HUM RESOURCES
780	= O-TRANS SVCS
785	= O-FINANCE
800	= H-MAYOR
810	= H-COUNCIL
815	= H-PLANNING COMM
820	= H-PLANNING DEPT
830	= H-PUBLIC WORKS
831	= HILO ELECTRIC
840	= H-PARKS & REC
850	= H-WATER SUPPLY
855	= H-HELCO
860	= H-FIRE
865	= H-POLICE
867	= H-CIV DEFENSE
870	= H-RES & DEVEL
875	= H-HRA
880	= H-HOUSING
885	= H-KVSD
900	= M-MAYOR
903	= M-HISTORIC COMM
905	= M-PLANNING COMM
907	= M-MOLOKAI ADV
909	= M-LANAI ADV
911	= M-NAPILI IMPRV
913	= M-URBAN DESIGN
915	= M-ECON DEVEL
920	= M-COUNCIL
930	= M-PLANNING DEPT
940	= M-PUBLIC WORKS
945	= M-LAND USE/CODE
950	= M-WATER SUPPLY
955	= M-PARKS & REC
960	= M-FIRE
965	= M-POLICE
970	= M-HUMAN CONCERN
975	= M-CORP COUNSEL
980	= OTHER AGENCY
990	= NO AGENCY

PERMIT CODES: 1=EIA 2=NEGDEC 3=PREP NOTICE 4=DEIS 5=FEIS
6=FEL.CZM 7=SMS 8=LUDEA 9=CDUA 10=NPDES 15=CT-SP

REC-ID	PROJECT TITLE	APPLICANT	PERMIT	DECISION	STAFF
41		TSK ASSOC	8	05-16-81	ESM
46		JOHN MAGOON SR TRUST	8	02-20-81	MN
1694	AHUIMANU SF RESIDENCE & FARM	SOON, THOMAS W. & PAULETTE S.	9	07-06-88	AP
1125	AIEA BAY RECREATION AREA MASTER PLAN	DLNR, STATE OF HAWAII	4	07-03-86	BO
1037	AIEA BAY STATE RECREATION AREA	DLNR, STATE OF HAWAII	3	03-12-86	JBY
1830	AIEA BAY STATE RECREATION AREA	DLNR	5	03-02-89	JDN
1065	AIEA POST OFFICE LAND TRANSFER	U.S. POSTAL SERVICE	6	04-25-86	JBY
721	AINAKEA RESIDENTIAL COMPLEX	OCEANIC PROPERTIES, INC.	8	08-31-84	ESM
61	ALA MOANA CANAL	DPW	5	10-08-80	JBY
66	ALA MOANA CANAL DRAINAGE IMPROVEMENTS	DPW	5	09-22-80	JBY
655	ALA MOANA BLVD. HOTEL/CONDO	MEYERS, JACK E.	1	08-06-84	EKM
771	ALA MOANA SEWER RECONSTRUCTION	DPW, CITY & COUNTY OF HONOLULU	1	02-08-85	BO
827	ALA MOANA STORM DRAINAGE IMPROVEMENTS	KAKAAKO COMM. DEV. AUTHORITY	15	05-24-85	BO
82	ALA WAI BOAT HARBOR IMPROVEMENTS	DOT, WATERTRANS FAC DIV.	6	02-28-75	JBY
845	ALA WAI BOAT TRANSPORTATION	GUSS, GINO P.	6	10-17-85	RF
116	ALA WAI CANAL UTILITY LINES	HAW ELECTRIC CO. INC.	6	01-17-80	
448	ALA WAI CANAL FLOATING DOCK IMPROVEMENTS	HAWAII YACHT CLUB	6	06-24-83	RF
1033	ALA WAI CANAL WATERLINE	PRINCESS KAIULANI HOTEL	15	03-10-86	BO
1122	ALA WAI FLOATING DOCKS	DP&R, CITY & COUNTY OF HONOLUL	6	07-08-86	RF
847	ALA WAI LINE CROSSING	PRINCESS KAIULANI HOTEL	15	06-19-85	RF
1645	ALA WAI MARGINAL WHARF	HARBORS DIVISION, STATE DOT	6	04-22-88	BO
720	ALAKEA-BISHOP STREETS SEWER RECONSTRUCTION	DPW, CITY AND COUNTY OF HONOLU	1	08-17-84	ESM
1613	ALAPAI STREET MUNICIPAL COMPLEX	BD, CITY & COUNTY OF HONOLULU	4	04-11-86	JDN
1714	ALAWIKI STREET SEWER	C&C OF HON- DPW	1	07-27-88	SM
298	ALENAIO STREAM FLOOD CONTROL	ARMY CORPS OF ENGINEERS	6	05-15-82	RF
15	ALII LANDINGS	GRAY HONG & ASSOC	4	08-06-81	MAB
1834	ALII DRIVE REALIGNMENT	HAWAII CTY - DPW	6	00 00 00	JDN
444	ALOHA TOWER PLAZA DEVELOPMENT PLAN	ALOHA TOWER DEVELOPMENT CORP.	4	06-23-83	ESM
821	ANAEHOOMALU DREDGING AND FILLING	TRANSCONTINENTAL DEVELOPMNT CO	6	09-05-85	RF
833	ANAEHOOMALU DREDGE AND FILL	TRANSCONTINENTAL DEV. CO.	4	05-16-85	RF
929	ANAEHOOMALU DREDGE AND FILL	TRANSCONTINENTAL DEVEL. CO	5	10-24-85	RF
1718	ANAEHOOMALU BAY MOORINGS	TRANSCONTINENTAL DEVEL. CO.	6	09-07-88	JDN
1744	ANAHOLA DEVELOPMENT PALN	DEPT OF HAWAIIAN HOME LANDS	15	09-16-88	AP
1355	ANAHOLA SF RESIDENCE & ASSOC. USES	SUSSMAN, M. & BITTNER, E.	9	04-30-87	AP
187	ANAHOLA STREAM HYDRO DAM	HARDER, JOHN D	6	05-20-81	JBY
480	ANAPUKA-MANUKA: FARMS OF KAPUA-MULTI-AG PROJECT	FARMS OF KAPUA	8	07-25-83	EKM
669	ANAPUKA-MANUKA-FARMS OF KAPUA	FARMS OF KAPUA LTD.	5	03-16-84	EKM
316	APUA KAHAUALEA CALTECH 10METER TELESCOPE INSTAL.	CALIFORNIAINSTITUTE OF TECH.	4	06-07-82	STW
1815	AWAKE'E INFRASTRUCTURE TRANSMISSION LINES	KAHALA CAPITAL CORP	9	01-30-89	DT
1260	AWAKE'E RESORT	KAHALA CAPITAL CORP	4	12-26-86	AP
1168	AWAKEE RESORT COMMUNITY	KAHALA CAPITAL CORP.	3	08-29-86	RF
1627	AWAKEE RESORT	KAHALA CAPITAL CORP.	9	04-14-88	AP
166	BARBERS POINT LIGHT RED TRANS	USCG, 14THDISTRICT	6	05-14-80	JBY
1020	BARBERS POINT HARBOR DRYDOCK	MARISCO, LTD.	6	02-11-86	JBY
1073	BARBERS POINT NAS MASTER PLAN	U.S. DEPT OF THE NAVY	7	05-16-86	JBY
1618	BARBERS POINT HARBOR DRYDOCK	MARISCO LTD.	6	03-30-88	JDN
1217	BARKING SANDS MASTER PLAN	U.S. NAVY	6	11-12-86	RF
893	BAYVIEW STREET RELIEF DRAIN	DPW, CITY & COUNTY OF HONOLULU	6	08-28-85	JBY
909	BAYVIEW STREET RELIEF DRAIN	DPW, CITY & COUNTY OF HONOLULU	15	08-28-85	JBY

E15

MONNUM	PROJECT TITLE	APPLICANT	ASSIGNED MONTH	YEAR	PERTYPE
01914	MALAEKAHAN A GOLF COURSES	KUILIMA RESORT COMPANY	07	89	05
01920	ALAKEA/RIC HARDS PARKING LOT REDEVELOPMENT	C&C OF HON - DHCD	07	89	03
01921	SCHOFIELD TRANSIENT LODGING FACILITY	U.S. DEPT OF THE ARMY	07	89	01
01923	HALEIWA YO UTH SHELTER	C&C OF HON - DHCD	07	89	01
01925	KANEOHE, W AIKALUA RESIDENTIAL CLUSTER DEVELOPMENT	KEEN JUN ENTERPRISES, INC.	07	89	02
01932	KANEOHE BA Y VIEW GOLF COURSE EXPANSION	PACIFIC ATLAS (HAWAII), INC.	07	89	03
01934	CAMPBELL I NDUS PARK CONCRETE PRODUCTS MANUFACTURE	CON-FAB CORPORATION	07	89	02
01937	HAWAII ISL AND ADVANCED LAUNCH SYSTEM (ALS)	U.S. AIR FORCE & NASA	07	89	03
01939	KAILUA, WI NDWARD PARK DRIVING RANGE	WINDWARD PARK, INC.	07	89	01
01940	KANEOHE BA Y SEAWALLS	JOHNSON, VINCENT & RUSSELL	07	89	01 - 10
01944	KEAUHOU - AZABU KONA RESORT	AZABU USA CORPORATION	07	89	03
01949	MAKAPUU PT ACUACULTURE FACILITY	OCEANIC INSTITUTE	08	89	03
01950	QUEEN'S BE ACH STOCKPILED MATERIALS	KAISER HAWAII KAI DEVELOP CO	08	89	01
01951	HONOKOHAU INDUSTRIAL PARK	MCCLEAN, ROBERT S.	08	89	03
01953	WAAHILA 18 D & 405 RESERVOIRS	C&C OF HON - BWS	08	89	05
01962	KAHULUI LI GHT DRAFT NAVIGATION IMPROVEMENTS	U.S. ARMY CORPS OF ENGINEERS	09	89	05
01970	ANAEHOOMAL U BAY MOORINGS	WAIKOLOA DEVELOPMENT CO.	09	89	03
01972	SMITH BERE TANIA PARKING LOT REDEVELOPMENT	C&C OF HON - DHCD	09	89	03
01974	HEEIA KEA - MALULANI SPORTS COMPLEX	NANATOMI HAWAII, INC.	09	89	03
01975	KA'U COMME RCIAL ROCKET LAUNCH FAC	OBED & U.S. DOT	09	89	03 - 10
01979	WAIKIKI LA NDMARK RES/COMM DEVELOPMENT	BEL-LANDMARK, INC.	09	89	05 - 1

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MONNUM	PROJECT TITLE	APPLICANT	ASSIGNED MONTH	ASSIGNED YEAR	PERTYPE
01917	MALAEKAHAN A STATE RECREATION AREA II	DLNR	07	89	06
01931	KEAHOLE PT PIPELINES & PUMPS	OCEAN FARMS OF HAWAII (OP36-1)	07	89	06
01945	HALEIWA YO UTH SHELTER	CLC OF HON - DHOD	08	89	06
01954	WAILUA RIV ER (UPPER) HYDROELEC PLANT	ISLAND POWER COMPANY, INC.	08	89	06
01958	MAKAPUU LI GHTHOUSE RESTORATION	DLNR	08	89	06
01961	KANEOHE PI ER RESTORATION NATIONWIDE PERMIT	KEEN JUN ENTERPRISES, INC.	09	89	06
01973	KEEHI SUBS IDENCE RECONSTRUCTION	STATE DOT - HARBORS	09	89	06

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NONNUM	PROJECT TITLE	APPLICANT	ASSIGNED MONTH	ASSIGNED YEAR	PERTYPE
01936	WAIOLI VALLEY RESIDENTIAL & AG USES	BONAP, DOUGLASS & BROWN, LOYCE	07	89	08
01947	NORTH KONA - PUUHONUA ESTATES PUD COMMUNITY	HASEKO (HAWAII), INC.	08	89	08
01959	KOELE, LANAI GOLF COURSE EXPANSION	LANAI RESORT PARTNERS	08	89	08
01963	KEAHOLOU URBAN CENTER	LILIUOKALANI TRUST	09	89	08
01965	EWA MARITIME INDUSTRIAL USES	CAMPBELL ESTATE	09	89	08

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OTHER

MONNUM	PROJECT TITLE	APPLICANT	ASSIGNED MONTH	YEAR	PERTYPE
01924	KAPAAKEA, MOLOKAI FILL (COE) VIOLATION	MOORE, DALE/GOODFELLOW BROS.	07	89	15
01935	HAWAII ADM IN RULES REVISIONS: Ch 54 WATER QUALITY	DOH	07	89	15
01966	HAWAII ADM IN RULES - OCEAN RECREATION MGT	STATE DOT - HARBORS	09	89	15

FILEID	PROJECT	APPLICANT	RECEIVED	ACCEPTED	DECISION	STATUS	STAFF
86-019	AIEA POST OFFICE LAND TRANSFER	U.S. POSTAL SERVICE	04-10-86	00 00 00	04-25-86	4	JBY
79-002	ALA WAI BOAT HARBOR IMPROVE	WATER TRANS FAC DIV, DOT	01-23-79	01-23-79	02-28-79	4	JBY
85-039	ALA WAI BOAT TRANSPORTATION	GUSS, GINO P.	06-07-85	06-10-85	10-17-85	5	RF
79-036	ALA WAI CANAL-UTILITY LINES	HAWAIIAN ELECTRIC COMPANY, INC	10-29-79	10-29-79	01-17-80	4	
86-046	ALA WAI FLOATING DOCKS	OPCR, CITY & COUNTY OF HONOLU	06-25-86	06-25-86	07-08-86	4	RF
88-019	ALA WAI MARGINAL WHARF	STATE DOT - HARBORS DIV	04-15-88	04-15-88	04-22-88	4	VW
82-010	ALENAIO STREAM FLOOD CONTROL	ARMY CORPS OF ENGINEERS	04-21-82	04-21-82	05-27-82	4	RF
89-008	ALII DRIVE REALIGNMENT	HAWAII CTY - DPW	02-24-89	02-24-89	00 00 00	2	JDN
88-025	ANAEHOOMALU BAY MOORINGS	TRANSCONTINENTAL DEVEL. CO.	07-15-88	07-25-88	09-07-88	4	JDN
85-026	ANAEHOOMALU DREDGING & FILLING	TRANSCONTINENTAL DEVELOPMENT C	04-25-85	04-25-85	09-05-85	5	RF
81-008	ANAHOLA STREAM HYDRO DAM	JOHN D. HARDER	03-03-81	04-13-80	05-20-81	4	JBY
83-028	BARBERS POINT HARBOR CHANGES	ARMY CORPS OF ENGINEERS	00 00 00	00 00 00	00 00 00	0	JBY
86-004	BARBERS POINT HARBOR DRYDOCK	MARISCO, LTD.	03-17-88	03-17-88	03-30-88	5	JDN
80-045	BARBERS PT LIGHT-FED TRANS	US COAST GUARD, 14TH DIST	04-30-80	04-30-80	05-14-80	4	JBY
86-070	BARKING SANDS MASTER PLAN	U.S. NAVY	10-22-86	00 00 00	11-12-86	4	RF
81-066	BARKING SANDS-KAUAI BOAT RAMP	US NAVY, PACIFIC MISSILE RANGE	06-06-81	06-06-81	06-19-81	4	JBY
85-050	BAYVIEW STREET RELIEF DRAIN	DPW, CITY & COUNTY OF HONOLULU	08-01-85	00 00 00	08-28-85	4	JBY
88-020	BELL STONE CRITICAL AREA	USDA-SOIL CONSERVATION SERVICE	05-06-88	05-06-88	05-20-88	4	JDN
88-003	BELLOWS AFB BRIDGE REPLACEMENT	U.S. AIR FORCE, DOD	01-28-88	01-28-88	02-03-88	4	JDN
87-029	BELLOWS AFB CELLULAR PHONE STN	GTE MOBILNET OF HAWAII INC	04-01-87	00 00 00	07-07-88	5	BO
86-036	BELLOWS AFS COMMUNICATIONS IMP	U.S. AIR FORCE	06-06-86	00 00 00	06-18-86	4	JBY
84-025	BELLOWS AFS EXCHANGE	U.S. AIR FORCE, DOD	02-20-84	02-21-84	03-29-84	4	JBY
84-065	BELLOWS AFS EXPANSION	U.S.A.F. DEPT. OF DEFENSE	11-27-84	11-27-84	12-12-84	5	CT
86-014	BELLOWS AFS PARK IMPROVEMENT	U.S. DEPT OF DEFENSE	03-27-86	00 00 00	04-02-86	4	BO
82-034	BELLOWS AFS TENNIS/SEPTIC TANK	U.S. AIR FORCE	11-12-82	11-12-82	01-03-83	4	JBY
85-014	BELLOWS AFS TOWER REPLACEMENT	UNIVERSITY OF RHODE ISLAND	03-13-85	00 00 00	09-26-85	4	JBY
81-067	BELLOWS AFS, BOAT LAUNCHING	U.S. AIR FORCE/DEEV	10-07-80	10-07-80	01-02-81	4	JBY
86-034	BISHOP POINT MOORING STRUCTURE	U.S. NAVY	06-09-86	00 00 00	06-18-86	4	JBY
85-047	CAPE KUMUKAHI PROPRTY DISPOSAL	U.S. GENERAL SERVICES ADMIN.	07-25-85	00 00 00	09-09-85	4	JBY
87-048	CHINATOWN GATEWAY PLAZA	DHCCD, CITY & COUNTY OF HONOLU	06-23-87	06-23-87	07-06-87	4	JDN
82-028	EWA BRINE WATER DISCHARGE PIPE	CHEVRON USA INC	08-08-82	08-08-82	10-06-82	4	NK
86-018	EWA DEEP WATER ARTIFICIAL REEF	AQUATIC RESOURCES DIV., DLNR	04-11-86	00 00 00	04-17-86	4	BO
84-026	EWA DRAIN MAINT & OUTLET REMOV	DPW, CITY & COUNTY OF HONOLULU	03-22-84	03-26-84	03-30-84	4	JBY
87-039	EWA ELDERLY HOUSING COMPLEX	FARMERS HOME ADMINISTRATION	05-12-87	05-12-87	05-26-87	4	JDN
88-011	FERN STREEET GROUP HOME	DHCCD, CITY & COUNTY OF HONOLU	02-22-88	02-22-88	03-02-88	4	JDN
80-016	FORT ARMSTRONG--MOTOR POOL	US GOVERNMENT, GSA	03-24-80	03-24-80	06-16-80	4	JBY
84-041	FORT HASE BEACH FENCE REPLACMT	U.S. MARINE CORPS, DOD	06-01-84	07-20-84	08-30-84	5	JBY
82-026	FRENCH FRIGATE SHOALS--MOORING	EASY RIDER TOD	08-31-82	09-31-82	10-08-82	4	JBY
87-037	FT DERUSSY BEACH RESTORATION	US ARMY CORPS OF ENGINEERS	05-12-87	00 00 00	06-15-87	4	AP
85-034	FT DERUSSY CLIMATE CONTROL SYS	DEPARTMENT OF THE ARMY	05-28-85	05-28-85	06-10-85	4	JBY
86-065	FT DERUSSY MULTIPURPOSE COURT	US ARMY SUPPORT COMMAND HAWAII	09-29-86	00 00 00	10-05-86	4	BO
87-076	FT SHAFTER/SCHOFIELD GUEST QUA	U.S. ARMY SUPPORT COMMAND HAWA	11-09-87	00 00 00	11-18-87	4	JDN
81-004	FT. DERUSSY BEACH RESTORATION	US ARMY CORPS OF ENGINEERS	03-11-81	03-11-81	04-14-81	4	JBY
87-033	FT. DERUSSY MUSEUM FOYER	US ARMY SUPPORT COMMAND HAWAII	04-30-87	04-30-87	05-12-87	4	JDN
81-027	FT. DERUSSY,KALANI ARMY RES.	US DEPT OF THE ARMY	00 00 00	06-30-81	07-25-81	4	MAB
85-065	GREEN ISL. TRANSIENT QUARTERS	U.S. COAST GUARD	10-28-85	00 00 00	11-15-85	4	BO
80-020	HAAUULA,OAHU--REMOVE SEAWALL	ROBERT F AINSWORTH	04-14-80	04-14-80	06-24-80	4	JBY
86-011	HAIKU POST OFFICE EXPANSION	U.S. POSTAL SERVICE	03-14-86	00 00 00	03-21-86	4	JBY
85-010	HAKALAU NAT'L WILDLIFE REFUGE	U.S. DEPT. OF THE INTERIOR	02-20-85	02-25-85	02-27-85	5	EKM
83-041	HALAWA STREAM CHANNEL IMPVTS	STATE DAGS	07-15-83	07-15-83	08-05-83	4	RF
89-006	HALAWA STREAM MAINT DREDGING	CEC OF HON - DPW	02-21-89	00 00 00	00 00 00	2	JDN

CZM MONITORING LOG

	1986				1987			
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec
State Land Use District Boundary Amendments:	1	3	6	1	0	2	4	2
Annual Total:				11				8
Conservation District Use Applications:	22	12	26	14	18	17	13	29
Annual Total:				74				77
Environmental Impact Statements and Assessments:	11	8	14	13	14	6	4	26
Annual Total:				46				50
Federal Consistency Reviews:	14	34	17	28	28	23	13	14
Annual Total:				93				78
Annual CZM Reviews Total:				224				213
C&C of Honolulu								
SMA Major:	10	7	6	4	7	5	7	7
Annual Total:				27				26
SMA Minor:	20	25	17	24	15	21	20	20
Annual Total:				86				76
County of Maui								
SMA Major:	10	7	11	6	8	9	16	15
Annual Total:				34				48
SMA Minor:	82	95	90	94	65	81	78	85
Annual Total:				361				309
County of Hawaii								
SMA Major:	4	7	8	8	3	1	11	10
Annual Total:				27				25
SMA Minor:	11	10	12	18	18	12	7	16
Annual Total:				51				53
County of Kauai								
SMA Major:	7	2	1	7	3	7	2	1
Annual Total:				17				13
SMA Minor:	6	10	9	7	10	6	8	7
Annual Total:				32				31
Annual Counties Total:				635				581
Annual Grand Total:				859				794

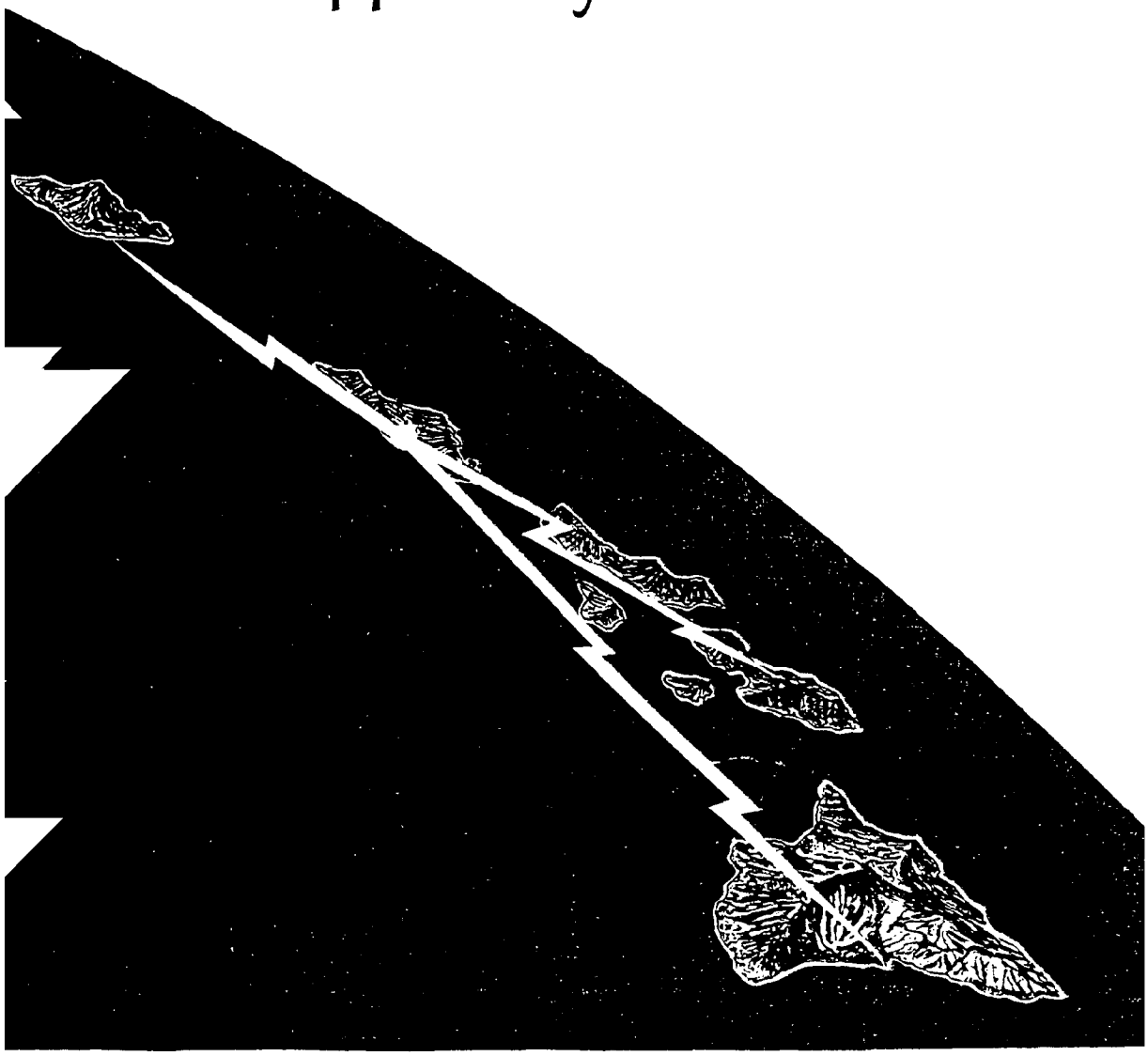
	1988				1989			
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec
State Land Use District Boundary Amendments:	3	3	0	0	6	7	5	2
Annual Total:				6				20
Conservation District Use Applications:	16	27	11	20	13	12	27	22
Annual Total:				74				74
Environmental Impact Statements and Assessments:	26	17	12	11	12	11	21	16
Annual Total:				66				60
Federal Consistency Reviews:	18	14	14	8	13	20	7	17
Annual Total:				54				57
Annual CZM Reviews Total:				200				211
C&C of Honolulu								
SMA Major:	13	8	5	10	5	12	5	5
Annual Total:				36				27
SMA Minor:	21	22	23	15	19	15	14	14
Annual Total:				81				62
County of Maui								
SMA Major:	14	9	12	6	12	5	17	13
Annual Total:				41				47
SMA Minor:	62	61	60	44	63	58	60	58
Annual Total:				227				239
County of Hawaii								
SMA Major:	2	3	2	4	3	7	2	5
Annual Total:				13				17
SMA Minor:	14	5	7	7	3	4	3	3
Annual Total:				33				13
County of Kauai								
SMA Major:	5	7	2	3	2	8	4	1
Annual Total:				17				15
SMA Minor:	7	2	1	1	6	4	7	3
Annual Total:				11				20
Annual Counties Total:				459				440
Annual Grand Total:				659				651

SMA HEARING NOTICES

COUNTY	PH NOTICE	PH	SMA #	TMK	APPLICANT / PROJECT / LOCATION	
Maui	3/9/90	4/9/90	90-009	2-2-2:42	Baldwin Pacific Properties, Inc.	
	320 multi-family res units, parks, roadways.					Kihei
Maui	3/9/90	4/11/90	90-006	5-3-1:82	Dr. John Corboy	
Molokai	Eye clinic					Kaunakakai
Hawaii	3/8/90	4/21/90		2-2-32:30	State DOH	
	Const. environmental hlth fac (ofc bldg)				Kamehameha Ave, Waiakea, S. Hilo	
Hon	3/12/90	4/4/90	89-61	9-1-26:26	Con-Fab Corp.	
	Concrete products manufacturing fac.				Campbell Ind. Park, Ewa	
Hon	3/19/90	4/11/90	90-5	5-5-1:2	C&C of Hon - Parks & Rec	
	Kakela Beach Park Master Plan: comfort sta, parking, landscaping					Haiku
Hon	3/19/90	4/12/90	89-98	8-6-1:40	Waianae Coast Comprehensive Health Center	
	Const free-standing, 1-story mental health center					
Maui	3/23/90	4/24/90	90-007	3-9-2:18	Kihei Franks Hui	
	Kihei Business Park 51-lot subdiv					Kihei
Maui	3/23/90	4/23/90		4-2-1:35	Maui Land & Pineapple Co., Inc.	
	Restoration of Honokahua Burial site					Kapalua
Maui	3/23/90	4/26/90	90-010	4-6-9:17, 7, 62	Maui DPW	
	Luakini St. Parking lot & drainage imp					Lahaina
Hawaii	3/27/90	4/11/90	SV	7-8-13:3	Keauhou-Kona Surf & Racquet Club	
	Excavation of matl & placement of rock riprap w/grout in sh. stbk					Keauhou-Kona
Hawaii	3/27/90	4/11/90	SMA	7-6-15:10, 32	Wallace & Karen Kobayashi	
	Hsg proj: 1 1-story duplex; 2 1-story, 2br cottages					Holualoa, N. Kona
Hawaii	3/27/90	4/11/90	SMA	7-7-15:66	Kuakini Kona, Inc.	
	12 unit condominium					Holualoa, N. Kona
Hawaii	3/27/90	4/11/90	SMA	7-6-22:49, 84	Akamai Partners, Inc.	
	15 lot SF res subdiv					Holualoa, N. Kona
Hawaii	3/27/90	4/11/90	SMA	7-5-20:21	Weiser & Jung Developments, Inc.	
	34 unit condominium proj. & revoke SMA #155 for 25 unit condo					Puapuaa, N. Ko
Hawaii	3/27/90	4/11/90	#106	7-8-10:52, 68	Kona Coast Resort Venture	
	Amend permit to allow Incr II: 195 addl condominium units					Keauhou-Kona
Hon	3/26/90	4/17/90	90-15	4-1-17:1, 21	State Dept of Hum Home Lands	
	Sewer system & sewer pump station					Waimanalo
Maui	4/20/90	5/22/90		3-7-11:17	Kahului Trucking & Storage	
	2 million gallon steel tank for molasses storage					Kahului
Maui	4/20/90	5/22/90		3-9-20:07	Glory Buil Hawaii, Inc.	
	210-unit Royal Maui Kai, 3-story parking struc & on-grade parking of 725 stalls,					Kihei
	2-story comm complex w/ ~20,000 ± leasable area					

H-PASS

Hawaii Planning Activities Support System



DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

The preparation of this report was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, United States Department of Commerce

Foreword

During the past three years, the State Department of Planning and Economic Development, through its Coastal Zone Management (CZM) Program, and the University of Hawaii's Department of Urban and Regional Planning have cooperated to develop a computerized system linking permit and resource management information of State and County agencies responsible for programs dealing with land and water use. This Hawaii Planning Activities Support System (H-PASS) is financed mostly with Federal CZM grants.

H-PASS has promising implications. Data processing and access to shared information bases for H-PASS participants offer opportunities for more efficient permit processing, sound and consistent decisions, and more comprehensive plans and programs dealing with coastal resource management. Using H-PASS to achieve Statewide permit simplification and coordination is also being seriously considered.

The success of H-PASS will depend on its use by participating agencies to improve the quality and efficiency of their planning and permit decisions. These, in turn, will insure improved response from and benefit to the public.

Hideto Kono,
Director

INTRODUCTION

The increase in government planning, land use, and other regulatory mechanisms over the past two decades has highlighted the need to provide easier access to information required for administrative review and permit processing. Without *timely* information, decision-making is often delayed. Without *comprehensive* information, administrators cannot properly plan and manage. And without *ready access* to information, decisions are more prone to subjective evaluation.

The increase in information requirements and related problems is evident in Hawaii's land use regulatory system. A variety of permits is often necessary for land or water use development. The current system of permit processing is cumbersome and brings frustration, wasted effort, delays, and increased costs for applicants and administering agencies.

In response to this problem, the Hawaii Planning Activities Support System (H-PASS) was developed as a research and demonstration project to improve information management for governmental agencies involved with coastal planning and land use. H-PASS is an automated system which integrates permit information of nine State and County agencies with major land and water use management responsibilities. The agencies are:

1. Department of Planning and Economic Development (DPED)
2. Department of Land and Natural Resources (DLNR)
3. Department of Health (DOH)
4. Department of Transportation (DOT)
5. Office of Environmental Quality Control (OEQC)
6. City and County of Honolulu Department of Land Utilization
7. County of Maui Planning Department
8. County of Hawaii Planning Department
9. County of Kauai Planning Department

H-PASS employs multiple remote terminals located in each of the participating user agencies. Data are entered by the user directly on terminals displaying formatted video screens, and processed centrally by the H-PASS computer. Information can be requested, displayed, and printed at the terminal site. The basic functions of the system are:

Monitoring: Tracking permit actions to ensure consistency and compliance in decision-making.

Coordination: Supporting and enhancing inter-agency communication and coordination.

Information Sharing: Improving access to planning and permit information.

Operational Enhancement: Improving planning and development review procedures through programs designed for efficient reporting, summary tabulations, and statistical analyses.

BACKGROUND

The idea of a computer-based system for land and water use developments emerged from several concerns of the Hawaii Coastal Zone Management (CZM) Program. When the State Legislature passed the Hawaii CZM Act in 1977, one of its key findings was that:

> *...Hawaii's coastal zone is both undermanaged and overregulated... (and) that new regulatory mechanisms must not be added onto, but rather combined with existing systems..*

The Department of Planning and Economic Development, as the CZM lead agency, actively pursued three initiatives aimed at improving the development review process.

First, a "Permit Simplification, Coordination, and Streamlining" project was undertaken to formulate recommendations promoting a legally coordinated and simpler system. Following a workshop and a study of permit simplification efforts in other states, a State task force was created by Governor George R. Ariyoshi to pursue streamlining measures.

Second, the CZM Program studied how State and County actions could be effectively monitored to ensure compliance with the objectives and policies of the Hawaii CZM Law. Various evaluation methods for detecting patterns of non-compliance were developed.

Information on H-PASS aids planners in attaining the State's goals of protection and beneficial use of our valuable resources.

Third, in conjunction with both of these efforts, the CZM Program investigated the feasibility of a computerized system which would increase the efficiency and effectiveness of development review procedures, provide ready access to resource information bases, and allow the CZM lead agency to monitor permit actions for compliance with CZM objectives and policies.

While similar computerized permit systems have been successfully implemented in other states, Hawaii's system is designed to encompass a broader and more comprehensive scope with respect to the number of agencies, permits, and data inventories.

After extensive review of the H-PASS requirements, data needs, and available public and private sources of data processing, alternative system configurations were evaluated and discussed with the user agencies. The present H-PASS design, consequently, consists of a network of remote terminals at user agencies linked by telecommunications to a central mini-computer.

The networking of agencies and applications was accomplished in three phases. In developing H-PASS, data files for nine development permits and approvals and over ten planning and resource inventories were compiled. The permits and approvals include the Land Use Commission's land use district boundary amendments, the Department of Land and Natural Resources' conservation district use applications and historic sites reviews, the Office of Environmental Quality Control's environmental impact statements, the Department of Health's water quality permits, and the four Counties' special management area permits.

H-PASS also houses data bases generally supporting land use planning activities. They include capital improvement program projects, the County of Hawaii's land use inventory, and resource inventories dealing with significant historic and archaeological sites, coastal resources and hazards, and Statewide energy activities.

THE H-PASS NETWORK

The Hawaii CZM Program is based on a "management network" of State and County legal authorities and land and water use control techniques which collectively implement its coastal objectives and policies. These policies are binding on agency actions throughout the coastal zone, which encompasses all land in the State excluding forest reserves and Federal lands, and which extends seaward to the limit of the State's jurisdiction. H-PASS is a physical analog of this management network and helps with the overall management of the program.

The network of H-PASS users consists of State and County agencies with direct responsibilities in the planning and management of coastal areas. Information processed through H-PASS consists of data on permits issued by these agencies and important planning information for land and water use reviews.

PERMIT INFORMATION FILES

The nine permit files contain records summarizing projects for which permit applications were filed, including the tax-map key of properties affected, name of the applicant, a brief project description, status of the permit, and permit filing and decision dates. Administering agencies maintain their respective permit files. Each of the nine permit files is described below.

Special Management Area (SMA) Permit - Counties of Maui, Hawaii, Kauai and the City and County of Honolulu. Also known as the Shoreline Management Permit on Oahu, this permit is required for any development within the SMA boundaries along the coastlines of each Island. Development proposals are reviewed intensively to avoid permanent loss of valuable coastal resources and to minimize adverse coastal environmental effects.

Land Use District Boundary Amendment - State Land Use Commission. Land and water uses throughout the State are generally defined and regulated by establishing boundaries for each of the four districts: urban, rural, conservation, and agriculture. A comprehensive review accompanies each petition to the Land Use Commission for district boundary amendments (the *amendment* is the "permit" or permission sought).

Conservation District Use Application (CDUA) - State Board of Land and Natural Resources. This permit is required for any use of, or activity within, the State's conservation district. The district encompasses forest reserves, marine waters, streams, and beaches.

National Pollutant Discharge Elimination System - State Department of Health. This permit allows wastewater discharge from fixed (point) sources into any surface waters in the State.

The development of permit information files provides potential for improved permit coordination.

Zone of Mixing - State Department of Health. The Department regulates variances from water quality standards at the point where discharges enter and are diluted by the receiving waters.

Shorewaters Construction and Events - State Department of Transportation, Harbors Division. Permits for development proposals in shorewaters, streams, and State harbors have been largely combined with the CDUA permit. The events permit covers offshore recreational activities of limited duration such as canoe regattas and surfing meets.

Clearinghouse Reviews - State Department of Planning and Economic Development. This review process provides the opportunity for State and local governments to assess Federal and Federally assisted projects which may significantly affect community development plans and programs.

CZM Federal Consistency Reviews - State Department of Planning and Economic Development. Review and concurrence by the CZM lead agency (DPED) is required for any Federal action, permit, license, or grant which directly affects the policies and provisions of Hawaii's CZM Program.

Environmental Impact Statements (EIS) and Negative Declarations - State Office of Environmental Quality Control. This bibliographic inventory contains records of all EIS's and negative declarations processed under the State EIS law, Chapter 343, Hawaii Revised Statutes.

INFORMATION SUPPORTING PLANNING AND LAND AND WATER USE REVIEWS

The following are sources of information on H-PASS supporting planning and land and water use reviews.

Historic Sites - State Department of Land and Natural Resources. This inventory includes all known historical and archaeological site records, site-specific investigations conducted by the Historic Preservation Office, and a bibliographic reference for cultural, historical, and archaeological research previously conducted for the site.

Land Use Inventory - County of Hawaii Planning Department. Parcel, structure, and establishment data by tax-map key for the entire County of Hawaii are maintained in separate files.

Coastal Resource Data Base - State Department of Planning and Economic Development. This is a repository of sixteen significant coastal resources in the State, collected by tax-map key at the plat level of detail, using best available source documents. It includes streams, wetlands, flood hazard areas, shoreline erosion, scenic sites, beach access, fishponds, and protected ecosystems.

Capital Improvements Program - State Department of Planning and Economic Development. Inventories of State capital improvement program allocation requests and expenditures for publicly funded construction projects.

Energy Data Management System - State Department of Planning and Economic Development. Inventories of energy-related projects, plans, and programs for ongoing surveillance of energy conservation and development activities.

Permit Requirements Index - State Department of Planning and Economic Development. A programmed matrix depicting the potential permits which may be required for a development proposal, given the general location and characteristics of the development activity.

CZM Monitoring System - State Department of Planning and Economic Development. A compilation of monitoring assessments of the major coastal permit decisions for detecting patterns of noncompliance with the CZM objectives and policies.

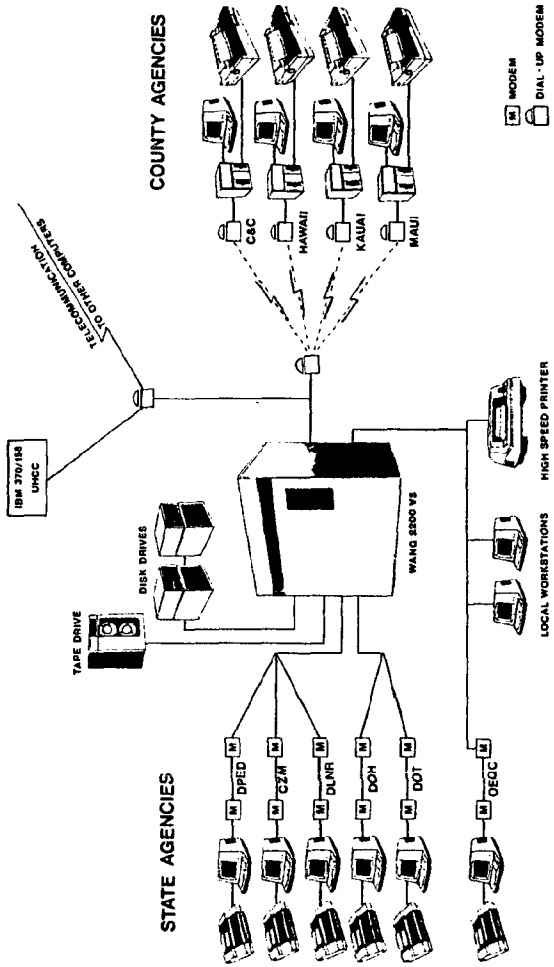
A shared resource data base provides information to support coastal and environmental management decisions.

H-PASS DESIGN FEATURES

The overall H-PASS design involves a network of remote terminals located at user agencies and linked by telecommunications to a central computer. Special H-PASS programs, referred to as subsystems, perform the tasks of passing data to and from the central computer.

The H-PASS computer's central processing unit is a Wang VS-80, with 512 KB (thousand bytes) of main memory. The VS system has "on-line" file capability and an interactive operating system, which together allow sharing of computer resources among several users concurrently. Programs

H-PASS CONFIGURATION



may be executed either interactively in a dialogue with the computer or in "batch mode" whereby data are transmitted one way at a time between the user and computer. A message processing system was developed to fully automate the batch mode of processing from the Counties to the H-PASS computer.

On-line disk storage, or the programs and data immediately available for processing, resides on two 90 MB (million bytes) disk drives, for a total on-line capacity of 180 MB. All components of the system are expandable to accommodate additional workstations and future processing requirements. The present hardware also includes a 1600 - bits-per-inch magnetic tape drive for access to information stored on tapes, and a 600 - lines-per-minute high speed printer.

For complex data manipulations, the H-PASS computer communicates with the University of Hawaii Computing Center's IBM 370/158 computer. This allows users to run data through various programs stored on the IBM 370/158 to produce statistical tables and graphs. A special feature of the system hardware allows for the conversion of computer printouts to word processing documents, for easier manipulation and publication of reports in letter quality print. Finally, access to data stored on other host computers may also be available for agency use through the H-PASS computer, contingent on proper permissions.

SYSTEM SUPPORT PROGRAMS

A variety of "support programs" were developed to serve the multiple system objectives relating to permit monitoring and coordination. These H-PASS programs and their capabilities are briefly described below.

Data Entry/Update: A data entry/update subsystem was developed for each permit or agency function described earlier. Pre-formatted video screens resembling permit application forms are used. Users enter data directly onto the blanks provided on the video screen, which is then validated to insure that logical responses have been provided before they are stored.

Report Subsystem: The report subsystem developed for each permit or agency function enables the user to retrieve stored information in the form of standardized printouts or video displays known as "reports." Although the form of the standardized reports varies by permit or agency function, a typical report will list proposed projects by geographic location, processing dates, disposition, and applicant.

Inquiry Subsystem: Inquiries can also be made for particular types of information. For example, a user can request a listing of permits issued along the shoreline in Waikiki. Inquiries can be made without programming knowledge through the use of descriptive statements in this special program.

Tax Map Key Inquiry: This program sorts the permit files by tax-map key to display all permit information in the system for a given parcel. The display includes the name of the project, the applicant, the permit involved, and relevant decision dates. It also serves as a convenient reference to other permits issued for or surrounding a particular location.

Electronic Mail: Electronic mail enables the users to send and receive messages, memoranda, and documents among themselves. Messages may be sent for immediate printing at any or all of the user locations. This capability is valuable for future permit coordination activities among the network agencies.

The H-PASS "Master Menu" provides access to various system data bases and programs such as...

```
                    H-PASS PROJECT MASTER MENU
                HAWAII PLANNING ACTIVITIES SUPPORT SYSTEM

        PRESS THE APPROPRIATE FUNCTION KEY TO ACCESS APPROPRIATE SYSTEMS

PF KEY          SYSTEM                  PF KEY          SYSTEM
------        -------------             ------        ----------

PF - 1  TAPE DOCUMENTATION SYSTEM       PF - 5  DPED MANAGER (FED,A95,CIP)
PF - 2  H-PASS SYSTEM TABLE DISPLAY     PF - 6  DLNR MANAGER (CDUA,CRS)
PF - 3  H-PASS TASK STATUS SYSTEM       PF - 7  DOH MANAGER (NPDES,57,ETC)
PF - 4  SPECIAL PROGRAMMING             PF - 8  DOT (SHOREWATERS)

PF - 9  COUNTY OF HAWAII (SMA,LUI)      PF -13  DEQC (EIS,NEG DEC)
PF -10  COUNTY OF KAUAI (SMA)           PF -14  CPHF
PF -11  COUNTY OF MAUI (SMA)            PF -15
PF -12  C&C OF HONOLULU (SMA)           PF -16  **** LOGOFF CONTROL MENU ****

PF -17  TC REPORTS TO STATE AGENCIES    PF -21  H-PASS REVIEW SYSTEM (HPMENU)
PF -18  TC REPORTS TO COUNTY AGENCIES   PF -22
PF -19  TC TO UHCC                      PF -23
PF -20  TTY 1200 BAUD TO UHCC           PF -24  TTY 300 BAUD TO UHCC
```

```
SMA                 SPECIAL MANAGEMENT AREA PERMIT                    SCREEN 1
              HAWAII PLANNING ACTIVITIES SUPPORT SYSTEM

        RECORD ID:  1 - 76 / 006
    COUNTY FILE NO:  CC/SMA-76006___
       PERMIT TYPE:  1   1=Major  2=Minor  3=Emergency  4=Exempt
  STATUS:  2  1=Pending  2=Apprvd  3=Denied  4=W/D  5=Void  6=Contest  7=Appeal
      FILED:  m3 / 16 / 76    ACCEPTED:  m3 / 22 / 76    DECISION:  m6 / 23 / 76
   PUB HEAR:  mm / mm / mm    CONTINUED:  mm / mm / mm    CONTESTED:  mm / mm / mm
  WITHDRAWN:  mm / mm / mm    NULL/VOID:  mm / mm / mm     AMENDED:  mm / mm / mm
     PROJECT NAME:  KEEHI_LAGOON_PARK_____________
        APPLICANT:  CITY_&_COUNTY_OF_HONOLULU-DPR_
            AGENT:  ____________________________
   MAJOR LANDOWNER:  CITY_&_COUNTY_OF_HONOLULU_____
   TYPE OF OWNER:  2  1=State 2=County 3=Prvt 4=Fed 5=Hawn Homes 6=Mixed 7=Other
   TYPE OF APPLICANT:  1   1=State  2=County  3=Private  4=Federal  5=Other
  APPLICANT INTEREST:  3   1=Landowner  2=Lessee  3=Dev Rights  4=Agent
              TMKs:  1 - 1 - mm3 - mm6   1 - 1 - mm3 - mm7   m - m - mmm - mmm
                     m - m - mmm - mmm   m - m - mmm - mmm   m - m - mmm - mmm
                     m - m - mmm - mmm   m - m - mmm - mmm   m - m - mmm - mmm
   ADDITIONAL TMKs:  ____________________________

Press PF1-3 for screens 1-3, PF13=Rewrite record, PF15=Next record, PF16=Exit
```

... Special Management Area Permits.


```
                    REVIEW/COORDINATION APPLICATION                    Screen 1
                HAWAII PLANNING ACTIVITIES SUPPORT SYSTEM

        PRESS THE APPROPRIATE FUNCTION KEY TO ACCESS THE APPROPRIATE SYSTEM

PFKEY   NAME OF SYSTEM                  PURPOSE
-----   ------------------------------  ------------------------------------
PF 1  = DATA ENTRY SYSTEM REVIEWS       Enables users to see the data entry
                                        modules created for other users.

PF 5  = REPORT GENERATION SYSTEM        Enables users to obtain reports which
                                        have been programmed for other users.

PF 9  = TABLE DISPLAY SYSTEM            Enables a review of all system codes.

PF12  = TMK INQUIRY SYSTEM              This provides a inquiry of all H-PASS
                                        system data on any user-specified TMK.

PF13  = DPED PERMIT INDEX               Permit Simplification Index.

ENTER = Display more options            More H-PASS system options.

PF16  = EXIT                            Exit from module.
```

By selecting "H-PASS Review System" from the Master Menu, the terminal will display a listing and description of the Review/Coordination Application systems.

DATA ACCESS AND SECURITY

Control over access to data is an important consideration in any multi-user system. H-PASS data files generally contain public data and are available to the general public. There are a few files, however, that are restricted to a particular group of users. These do not deal with public information. The system entails the use of passwords which control access to data files. Data modification, for example, is allowed only by the administering agency.

The use of standardized reports for retrieval of information falls into one of the three categories of access: no restrictions on use, notification before use, and restricted use. Information files relating to a permit case being litigated are temporarily extracted from H-PASS.

POTENTIAL FUTURE ACTIVITIES

With the establishment of the H-PASS network, several potentials for supporting and enhancing Statewide planning activities have become available. The following are examples.

PERMIT COORDINATION AND SIMPLIFICATION

In conjunction with the State permit simplification initiatives, H-PASS could function as a permit information center with central coordinating functions for State-administered permits. Implementation of this concept might include the following

A permit counter could be equipped with a terminal to automatically display all development permits required for a proposed activity. A prototype program was developed to display the array of agencies and permits required if development activity and locational characteristics are entered.

Permit Counter, Department of Land Utilization, City and County of Honolulu

The counter terminal would allow tracking the status of any permit being processed. Each of the permitting agencies would enter and update permit records at designated points in the permit or review process. Permit counter staff would be able to respond to personal or telephone requests for information, with appropriate referrals to relevant agencies.

The development of a single master application could be electronically routed to H-PASS agencies for response whenever an applicant applies for permits. A master application would contain basic information on a project, location and description, and be circulated to all agencies which have potential interest or jurisdiction. Within a specified period of time, agencies would be required to respond or relinquish their right to review the project. Of primary benefit to the applicant, this approach results in a precise listing of permits and development requirements at the outset of a project.

The periodic monitoring and analysis of permit processing procedures would seek out and address problems and potentials such as excessive delays, expanding categories of developments which can be exempted from the need for a permit, or major-minor distinctions for developments with no significant impacts.

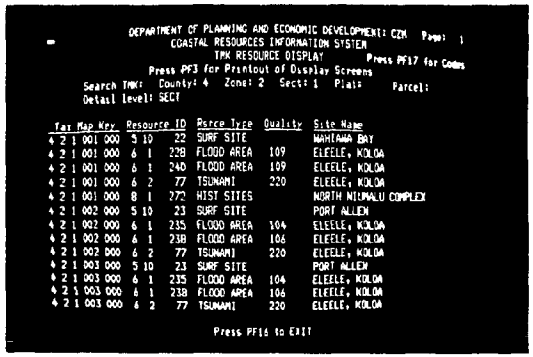
A State central coordinating agency could complement the Counties' central coordinating agency functions since a substantial segment of development proposals do not require County level approvals. Such projects include those using State lands, uses in the conservation district that are not within the SMA, offshore use and construction activities, effluent discharges, and certain Federal consistency reviews. Should a State central coordinating agency be established, significant opportunities would arise for coordinating State and County permits through joint review and public hearings. Improved coordination with Federal permitting agencies and regulatory requirements may similarly be achieved.

STATE PLAN MONITORING

Through the Coastal Energy Impact Program, the Hawaii Energy Data Management System was designed and demonstrated on H-PASS as a prototype for monitoring the implementation of the State Energy Functional Plan. Similar subsystems could be developed for the other functional plans to provide more detailed information regarding the compliance of activities with specific policies. H-PASS applications developed and related to other functional plan areas include the State inventory of recreational activities (Recreation Plan), historic sites inventory (Historic Preservation Plan), and CDUA permit (Conservation Lands Plan).

AUTOMATION OF LAND USE AND ENVIRONMENTAL INVENTORIES

To support general planning activities and land use decisions, the incorporation of the Counties' land use inventories on H-PASS is planned. One of the initial H-PASS efforts was the inclusion of the County of Hawaii's land use inventory to allow more convenient and frequent updating. The City and County of Honolulu's land use inventory is already automated through the Department of General Planning and Department of Data Systems. Cooperative arrangements for data sharing are envisioned in the near future. Land use inventories for the Counties of Kauai and Maui have not been updated since 1969, hence any automation must await the completion of comprehensive field surveys of the land parcels.



DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT: CZM Page: 1
COASTAL RESOURCES INFORMATION SYSTEM
TMK RESOURCE DISPLAY Press PF17 for Codes
Press PF3 for Printout of Display Screens
Search TMK: County: 4 Zone: 2 Sect: 1 Plat: Parcel:
Detail level: SECT

Tax Map Key	Resource ID	Parce Type	Quality	Site Name
4 2 1 001 000	5 10 22	SURF SITE		WAHEAWA BAY
4 2 1 001 000	6 1 228	FLOOD AREA	109	ELEELE, KOLOA
4 2 1 001 000	6 1 240	FLOOD AREA	109	ELEELE, KOLOA
4 2 1 001 000	6 2 77	TSUNAMI	220	ELEELE, KOLOA
4 2 1 001 000	8 1 272	HIST SITES		NORTH NIUMALU COMPLEX
4 2 1 002 000	5 10 23	SURF SITE		PORT ALLEN
4 2 1 002 000	6 1 235	FLOOD AREA	104	ELEELE, KOLOA
4 2 1 002 000	6 1 238	FLOOD AREA	106	ELEELE, KOLOA
4 2 1 002 000	6 2 77	TSUNAMI	220	ELEELE, KOLOA
4 2 1 003 000	5 10 23	SURF SITE		PORT ALLEN
4 2 1 003 000	6 1 235	FLOOD AREA	104	ELEELE, KOLOA
4 2 1 003 000	6 1 238	FLOOD AREA	106	ELEELE, KOLOA
4 2 1 003 000	6 2 77	TSUNAMI	220	ELEELE, KOLOA

Press PF16 to EXIT

This terminal display shows an example of the information available through the H-PASS Coastal Resource Data Base.

In support of coastal and environmental management decisions, the coastal resource data base was developed as a comprehensive repository of significant coastal resource information in the State. This data base not only facilitates CZM monitoring, but supports the information sharing objective of H-PASS, particularly with respect to the network agencies' permit reviews. Current information identifies the presence on any plat of land the following:

- Perennial and intermittent streams;
- Wetlands;
- Flood and tsunami hazard areas;
- Shoreline erosion areas;
- Beach access, rights-of-ways, and access problem areas;
- Coastal water quality and marine bottom ecosystems;
- Subsidence hazard areas;
- Recreational surf sites, fishing areas, and boat harbors;
- Scenic landmarks, water resources, and natural landforms;
- Historic sites;
- Natural area reserve systems;
- Marine life conservation districts; and
- Hawaiian fishponds.

Enhancing this data base to obtain parcel-level detail would significantly improve its value and usefulness in supporting planning and permit decisions. For example, the issuance of negative declarations and the decision to require an EIS could largely be an automated function through H-PASS. From the applicant's standpoint, the early specification of environmental constraints would provide greater predictability in determining the project's likelihood of approval.

COMPUTER MAPPING

A long-range capability which deserves further exploration is a computerized geographic information system, in which geographic information from maps is coded for computer storage. Programs can then be used to analyze and manipulate data and to reproduce it in map form. The most common use of geographic data analysis is to generate composite maps which show different combinations of data types. This may be compared to a system of map overlays depicting development limitations and opportunities.

Appendix C

Sample Reports from Counties

Hawaii County

RECEIVED
OFFICE OF STATE PLANNING

PLANNING COMMISSION
County of Hawaii

Agenda for the Meeting on Wednesday, April 11, 1990
Kona Surf Hotel, Mauna Kea Conference Room, 78-128 Ehukai Street,
Keauhou, North Kona, Hawaii - 10:30 a.m.

NEW BUSINESS (PUBLIC HEARINGS) - 10:30 a.m.

1. Application of Joseph Castelli, on behalf of the Keauhou-Kona Surf and Racquet Club, for a Shoreline Setback Variance to allow the excavation of material and placement of rock riprap and grout at three locations within the 40-foot shoreline setback area. The area involved is part of the Keauhou-Kona Surf and Racquet Club situated along the makai (west) side of Alii Drive, Keauhou and Kahaluu, North Kona, TMK: 7-8-13:3.

2. Application of Adrienne Ritz-Batty for a Special Permit to legitimize a bed and breakfast operation situated on a 0.46-acre lot within the State Land Use Rural District. The property is located along the west (makai) side of South Kona Belt Road, approximately 1,200± feet north of the general store at Kealia, Kealia House Lots, South Kona, TMK: 8-5-03:14.

3. Application of Bay View Farms for a Special Permit to allow the establishment of a coffee processing facility on 7 acres of land situated within the State Land Use Agricultural District. The property is located along the makai (west) side of the Lower Government Main Road (Painted Church Road), approximately 0.8 mile north of the Painted Church Road-City of Refuge (Keala-O-Keawe) Road intersection, Keei 2nd, South Kona, TMK: 8-3-08:65.

4. Application of Charles A. Young for a Special Permit to allow the establishment of a laundromat on 60,890 square feet of land situated within the State Land Use Agricultural District. The property is located along the north side of Lotus Blossom Lane, approximately 300 feet from the Hawaii Belt Road-Lotus Blossom Lane intersection, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-84:47.

5. Application of James Oppenheim for a Special Permit to allow the establishment of a convenience store and related improvements on 1.036 acre of land situated within the State Land Use Agricultural District. The area involved is located at the end of Kealakaa Street and adjacent to and north of the Lailani Housing Project, Kealakehe, North Kona, TMK: 7-4-07:Portion of 1.

NEW BUSINESS (PUBLIC HEARINGS) - 1:30 p.m.

1. Application of Wallace and Karen Kobayashi for a Special Management Area (SMA) Use Permit to allow the development of a housing project and related improvements consisting of a 1-story duplex structure and two 1-story, 2-bedroom cottages. The property involved is located on the mauka side of Alii Drive and across from the Kona Bali Kai Condominium, Holualoa, North Kona, TMK: 7-6-15:10 and 32.

2. Application of Kuakini Kona, Inc. for a Special Management Area (SMA) Use Permit to allow the development of a 12-unit condominium project and related improvements. The property involved is located between Kuakini Highway and Sea View Circle, approximately 320 feet north of the Kuakini Highway-Sea View Circle intersection, Kona Sea View Lots Subdivision, Holualoa 4th, North Kona, TMK: 7-7-15:66.

3. Application of Akamai Partners, Inc. for a Special Management Area (SMA) Use Permit to allow the development of a 15-lot residential subdivision and related improvements. There will be a single family dwelling constructed on each of the lots. The property involved is located along the makai side of Kuakini Highway and at the south end of Kupuna Street within the Komohana Kai Subdivision, Holualoa, North Kona, TMK: 7-6-22:49 and 84.

4. Application of Weiser & Jung Developments, Inc. for a Special Management Area (SMA) Use Permit to allow the development of a 34-unit condominium project and related improvements. Also requested is the revocation of SMA Use Permit No. 155 previously granted for this project to allow the development of a 25-unit condominium project and related improvements. The property involved is located along the makai side of Alii Drive, adjacent to and south of the Casa de Emdeko Condominium complex, Puapuaa, North Kona, TMK: 7-5-20:21.

5. Application of Kona Coast Resort Joint Venture for an amendment to Special Management Area (SMA) Use Permit No. 106 granted in July of 1979 which allowed the development of the 112-unit Keauhou Gardens condominium project and related improvements (Increment I). The amendment is to allow the development of Increment II of this project which would include the construction of 195 additional condominium units and related improvements. The property involved is located on the makai (southwest) side of the existing Keauhou Gardens condominium project and bordered by the 14th, 15th and 16th fairways of the Kona Country Club golf course, Keauhou-Kona, North Kona, TMK: 7-8-10:52 and 68.

NEW BUSINESS (PUBLIC HEARINGS) - 2:30 p.m.

1. Application of Hubert F. Griep, et al for a change of zone for 3.3 acres of land from an Agricultural 3-acre (A-3a) to an Agricultural 1-acre (A-1a) zoned district. The property is located along the makai (west) side of Mamalahoa Highway, diagonally across from the Mamalahoa Highway-Makalapua Street intersection, Kaloko, North Kona, TMK: 7-3-08:98.

2. Request by Lanihau Center Venture for a time extension to Condition E (deadline to submit plans for Phase II) of Ordinance No. 684 which rezoned 25+ acres of land from an Agricultural 1-acre (A-1a) to a General Commercial - 20,000 square foot (CG-20) zoned district. Also requested is an amendment which would allow the Planning Director to grant an administrative extension to time conditions imposed in the ordinance. The area involved includes the existing Lanihau Center and its expansion area, Kailua-Kona, Lanihau 2nd and Maeauoa 2nd, North Kona, TMK: 7-5-04:Portion of 7.

3. Application of Charles Forman and JBE Associates for a State Land Use Boundary amendment for 6.6± acres of land from the Agricultural to the Urban District. Also requested is a change of zone for 9+ acres of land from Agricultural 1-acre (A-1a), Multiple Residential - 1,000 square foot (RM-1) and Village Commercial - 7,500 square foot (CV-7.5) zoned districts to a General Commercial - 20,000 square foot (CG-20) zoned district. The property is located between the proposed Phase II of the Lanihau Center and Lono Kona Subdivision, and also between Kuakini Highway and the Queen Kaahumanu Highway Extension, Kailua-Kona, Keopu 1st, North Kona, TMK: 7-5-04:6 and 13.

MINUTES - March 1, 1990
ANNOUNCEMENTS
ADJOURNMENT

Planning Commission
25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

RECEIVED
APR 1990
OFFICE OF STATE PLANNING

CERTIFIED MAIL

30-94

April 5, 1990

Samuel Ruben, M.D.
State of Hawaii
Department of Health
75 Aupuni Street
Hilo, HI 96720

Dear Dr. Ruben:

Special Management Area (SMA) Use Permit Application
State of Hawaii, Department of Health
TMK: 2-2-32:30

The Planning Commission at its duly held public hearing on March 21, 1990, voted to approve your application, Special Management Area (SMA) Use Permit No. 293, to allow the construction of an environmental health facility (office building) and related improvements along the south side of Kamehameha Avenue, adjacent to and east of KK Tei Restaurant, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and zoning designation which designate the area as Medium Density Urban and Neighborhood Commercial - 10,000 square foot (CN-10). The

Public Facilities element of the General Plan states as a goal to, "Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community." The proposed Environmental Health facility would centralize the State Department of Health Environmental Health staff, who are currently located in the State Building on Aupuni Street and the Waiakea Health Center on Kuawa Street. The proposed facility would also accommodate further expansion of environmental program services and personnel. Therefore, the establishment of an Environmental Health Service facility would be consistent with the intent and purpose of the Zoning Code and the General Plan.

Another criteria in reviewing an SMA Use Permit application is that, "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The property, which is located within an area that has been extensively developed, is not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur, they can be adequately mitigated through compliance with existing regulations.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline due to the project's considerable distance from the coastal waters. The combination of

landscaping, County sewage disposal, and drainage improvements as may be required by the Department of Public Works will effectively inhibit erosion, water runoff, and potential pollutants from entering into coastal areas.

No archaeological resources are known to exist on the property. This approval recommendation is conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities.

There are no major identified scenic resources and viewplanes from or around the subject property. The one-story, 20-foot tall structure will not intensify the visual or structural impact of the area due to the project site being located within an extensively developed area. The proposed landscaping will further alleviate the visual and structural impacts of this one-story building. The height of the proposed Environmental Health facility would be well below the maximum height limit of 40 to 45 feet for those properties surrounding the subject property zoned Neighborhood Commercial or Limited Industrial.

The greatest concern regarding this request was that of reduced effective emergency response of a critical response agency during a tsunami. According to the FIRM Map, the subject property is located just outside of the tsunami inundation zone; however, it is located within a tsunami evacuation area. Thus, during a tsunami warning, this agency will be forced to evacuate to its designated base as is currently done from its Aupuni Street office. We would agree with the Civil Defense Agency that critical response agencies should be located out of known hazard zones in order to improve its effectiveness. One of the policies of Rule No. 9 (Special Management Area) is to "Encourage those developments which are not coastal dependent to locate in inland areas." Following an overall analysis of this request with repect to goals, policies, and objectives of the SMA and the General Plan, it is felt that a denial is not warranted under the circumstances. However, the Planning Director will impose as a condition of approval that an emergency preparedness and response plan be submitted to the Hawaii County Civil Defense Agency to address these concerns.

Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.

2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, interior driveway circulation, and parking stalls associated with the proposed development.

3. Construction of the environmental health service facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.

4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

5. Access to the subject property from Kamehameha Avenue shall meet with the approval of the Department of Transportation-Highways Division.

6. An emergency preparedness and response plan shall be filed with the Hawaii County Civil Defense Agency and the Planning Department prior to issuance of a certificate of occupancy for the environmental health services facility.

7. Comply with all other applicable laws, rules, regulations, and requirements including those of the Department of Public Works.

8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Harold Matsuura/DOH
Department of Public Works
Department of Water Supply
County Real Property Tax Division
DBED, CZM Program w/background

Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

February 9, 1990

Mr. Harold Masumoto, Director
Office of State Planning
Office of the Governor
State Capitol
Honolulu, HI 96813

RECEIVED
FEB 13 1990
OFFICE OF STATE PLANNING

30701

Attn: Doug Tom
Coastal Zone Management Program

Dear Mr. Masumoto:

Hawaii Coastal Zone Management Program
Fiscal Year 1989-1990

In accordance with the provisions of our Coastal Zone Management (CZM) Contract No. 27111, we respectfully submit our Quarterly Summary of Projected Expenditures for the period ending March 31, 1990.

Quarterly expenditures ending	
September 30, 1989	$ 34,417.00
December 31, 1989	38,451.13
TOTAL	72,868.13
Total projections for quarter ending March 31, 1990	37,668.25
Less cash received to date	0
Quarterly advance requested	$110,536.38

Please make check payable to the County of Hawaii and send to this office.

I hereby certify that the foregoing is true and just and that payment has not been received.

Sincerely,

DUANE KANUHA
Planning Director

RKN:aeb

Approved for payment. Services were satisfactorily rendered/goods were satisfactorily received on 2-15-90

As part of its development responsibilities, the Planning Department continues to offer extensive counseling opportunities to prospective developers within the SMA area as well as the rest of the County. The developers are informed of the necessary information requirements for the various development permits, special concerns and/or problems, and of any other permits, whether Federal, State or County which may be required. They are also encouraged to process permits which require a public hearing concurrently with the SMA Use Permit. In this way, the SMA Use Permit requirements have helped to coordinate the overall review process. Furthermore, through the counseling opportunity, many questionable projects are discouraged early in the review process or are amended to address the County's concerns.

SCOPE OF SERVICES

3) Compliance with HCZM Objectives and Policies.

The Planning Department continues to support the Hawaii CZM Objectives and Policies, both through its participation in the HCZM and through its normal departmental responsibilities and operations.

The Department, through its staff archaeologist, continues to review all development activities, whether in the SMA or not, with respect to its potential impact on archaeological or cultural resources. This review and any recommendations therefrom are coordinated with the State Historical Preservation Office on a regular basis.

SCOPE OF SERVICES

3) Administering Development in the Special Management Area (SMA).

7) Provide for project monitoring to ensure compliance with SMA Conditions.

Seven (7) SMA Major Use Permit Petitions were received during the report period. The Planning Department is reviewing two petitions. One (1) SMA Major Use Petition previously received was approved by the Planning Commission and four (4) have been scheduled for their consideration. Also, during this period, six (6) SMA Minor Use Permits were received and approved by the Planning Director.

One (1) Shoreline Setback Variance application was received during the reporting period and is currently being processed by the Planning Commission.

There were no citations issued for violating the Shoreline Setback Area and Special Management Area regulations during the reporting period.

SMA MAJOR	REC'D	ACTION	DEFER	PENDING PC	DEPT REVIEW
First Quarter	2	1	1	0	0
Second Quarter	5	0	0	4	1
SMA MINORS					
First Quarter	3	3	0	0	0
Second Quarter	3	3	0	0	0
SSV					
First Quarter	0	0	0	0	0
Second Quarter	1	0	0	1	0

SCOPE OF SERVICES

4) Support Public Participation

5) Support CZM Related Programs

6) Attend CZM Meetings

The Planning Director continues to support public participation in the HCZM through its active participation in the Statewide Advisory Committee (SAC). The liaison officer also attends liaison meetings called by OSP to discuss program status and budgetary requirements for the upcoming fiscal year.

Additionally, the Department has conducted and/or participated in various workshops and hearings which both were directly or indirectly related to the CZM Program. In addition, the Kailua Village Special District Urban review Commission and Hawaii Redevelopment Agency meetings have been attended by members of the Department.

Hawaii County Council Bill No. 14, which proposes to amend Chapter 23 (Subdivisions), Hawaii County Code 1983, by adding a new article relating to the dedication of land for public access to the Shoreline passed first reading on April 5, 1989. It is presently assigned to the Council's Planning Committee. The Council must pass Bill 14 on second reading prior to it becoming Ordinance.

City and County of Honolulu

DEPARTMENT OF LAND UTILIZATION

PUBLIC HEARING

OFFICE OF STATE PLANNING

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Department of Land Utilization of the City and County of Honolulu under Special Management Area Ordinance, Chapter 33, R.O.H., as amended, for the following application at the date and the time specified or soon thereafter:

DATE: Tuesday, April 17, 1990
TIME: 10:00 a.m.
PLACE: Waimanalo Community-School Library
41-1320 Kalanianaole Highway

APPLICATION: SPECIAL MANAGEMENT AREA USE PERMIT
90/SMA-15(DEB)

APPLICANT/
RECORDED OWNER: State Department of Hawaiian Home Lands
AGENT: Stanley S. Y. Young
TAX MAP KEY: 4-1-17: 1 and 21
LOCATION: Waimanalo, Oahu
REQUEST: A proposal to construct a gravity sewer system and pumping station.

Maps showing the general location and boundaries of the area under consideration are on file in the office of the Department of Land Utilization, Honolulu Municipal Building, 650 South King Street, 7th Floor, and are available to the public for inspection during office hours. For assistance, please call the department's Environmental Affairs Branch at 523-4077.

All interested persons are invited to attend. Those persons desiring to testify may register prior to the public hearing at the public hearing site and are encouraged to submit one copy of their testimony in writing.

Attendance at the public hearing is not necessary to submit testimony. Written testimony which is received by the Department of Land Utilization at the above address prior to the public hearing will be included with the transcripts of the hearing and will be considered in the evaluation of the request.

DONALD A. CLEGG
Director of Land Utilization

(Hon. Adv.: Monday, March 26, 1990)
0057L/5

DEPARTMENT OF LAND UTILIZATION (DLU)
CITY AND COUNTY OF HONOLULU

HAWAII COASTAL ZONE MANAGEMENT PROGRAM
PERFORMANCE REPORT
JANUARY 1, 1989 - MARCH 31, 1989

I. ADMINISTER DEVELOPMENT PERMITS

A. Special Management Area Use Permit (SMP)

Five (5) SMP applications received this quarter are currently being processed. Nineteen (19) projects were granted Minor Permits. Numerous other requests were reviewed and found to be exempt.

During this quarter, public hearings were held on five (5) SMP applications, as summarized below:

Public Projects - 4	Status
Kakaako Waterfront Park	Withdrawn
Pupuole Park Master Plan (Waipahu)	Approved
Kailua Beach Park Walls	Withdrawn
Kapiolani Community College Master Plan	Pending

Private Project - 1	Status
Renovations to Outrigger Waikiki Hotel	Approved

The hearings were sparsely attended, except for the one on the Kailua Beach Park Walls application. That hearing drew about 30 people. All who testified were in opposition to the project. Residents and community association representatives expressed concern about the visual impacts of the walls, and they recommended restoring the vegetation on the sand dune fronting the main comfort station. Following the hearing, the City Department of Parks and Recreation decided to withdraw the application.

The Hawaii Community Development Authority also withdrew its application for grading and landscaping for the proposed Kakaako Waterfront Park, in order to perform more extensive testing for the presence of hazardous materials.

Of the applications pending since last quarter, the following were approved: Waianae Mall expansion; Airport Crash Fire Rescue Station #2; Heeia-Kea Small Boat Harbor improvements; Kaneohe Wastewater Treatment Plant - conversion to pretreatment; industrial warehouse - Waipahu; three industrial warehouses - Waipahu; three-unit residential project - Waialua; and AT&T Cable Ship Terminal - Sand Island.

The City Council denied the application by General Telcourier, Inc. for a telecommunications facility within Koko Head Regional Park and instead imposed a moratorium on such facilities in the Park.

B. Shoreline Setback Variance (SV)

The department received five (5) applications for development within the shoreline setback. One is for a dining pavilion for an existing tennis club; one is an after-the-fact application for a seawall on a residential lot; and the other three concern various improvements within residential lots.

Public hearings were held on three applications received previously: a vehicle barrier in Mokuleia; a swimming pool on a residential lot in Koko Kai; and various improvements on a residential lot in Wailupe. The hearings were sparsely attended. All applications were subsequently approved with conditions.

Two other applications pending since the previous quarter were approved with conditions: Airport Crash Fire Rescue Station (with an SMP); and the application for a seawall in Makaha.

C. Shoreline Investigation

Several shoreline investigations were conducted during this period, mostly concerning eligibility for a 20-foot Shoreline Setback and to investigate the legality of existing seawalls.

The department has imposed a $10,000 fine and daily fines on Koolau Agricultural Company for the realignment of Punaluu Stream. The agent has recently indicated the applicant's intent to apply for an after-the-fact SMP.

Field investigations were also undertaken with regard to various SMP and Building Permit applications. Finally, field checks were performed on a number of projects where waiver of the shoreline survey was requested.

D. Minor Permits

A total of 19 Minor Permits were granted during this period. They entailed various small construction projects, such as rock walls, a park shower, comfort station renovations, and a small aquaculture facility.

II. H-PASS

The department has input permit data, but has been unable to transmit data because of problems with the modem hook-up.

III. PROJECT MONITORING

The DLU is conducting a continuous program of monitoring compliance of approved projects with permit conditions. In addition, the department is monitoring shoreline areas in response to applications and complaints.

IV. PERMIT COORDINATION, STREAMLINING AND LITIGATION

A. Permit Coordination

In this quarter, the DLU has been coordinating permits with the City and County Department of Public Works, Board of Water Supply, Department of Parks and Recreation, the State Department of Health, Department of Land and Natural Resources (DLNR), Department of Business and Economic Development, the Office of Environmental Quality Control and the U. S. Army Corps of Engineers. Public input has been received via public hearing.

B. Litigation

In a suit by the Sandy Beach Defense Fund over the Golf Course 5 & 6 project, the Hawaii Supreme Court decided in favor of the City that the SMP was valid and that the City Council - as a legislative body - could not be required to hold a contested case hearing.

Kauai County

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COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the County of Kauai Planning Commission at the County Building (Council Chambers) on Thursday, March 8, 1990, at 1:30 p.m. or soon thereafter to consider, under the Special Management Area Rules and Regulations of the County of Kauai, State Land Use Commission Rules and Regulations, and provisions of Section 8 of the Kauai County Revised Code of Ordinances, the following:

1. SPECIAL MANAGEMENT AREA USE PERMIT, USE PERMIT and CLASS IV ZONING PERMIT to allow construction of church facilities within the Special Management Area and Residential and Special Treatment-Public zones on property located approximately 350 feet northeast of the intersection of Kuhio Highway and Kawaihau Road in Kapaa, Kauai, further identified as Tax Map Key: 4-6-14: Por. 26, containing an area of 1.96 acres.

✓2. SPECIAL MANAGEMENT AREA USE PERMIT to allow construction of a paved, two-lane access road including installation of a waterline from Waapa Road to the Small Boat Harbor area in Nawiliwili, Kauai, on properties immediately south of the intersection of Niumalu and Waapa Roads, further identified as Tax Map Key: 3-2-03:7, 31 & 34, containing a land area of 7.762 acres.

All interested persons may present testimony for or against any application as public witnesses. Such testimony should be made in writing and presented to the Commission prior to the public hearing.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Petitions for intervenor status must be submitted to the Commission and the applicant at least seven (7) days prior to the date of the hearing advertised herein and shall be in conformance with Chapter 4 of the Rules of Practice and Procedure of the Planning Commission.

Proposed plans and the Rules of Practice and Procedure of the Planning Commission are available for inspection at the Planning Department which is located at 4280 Rice Street, Lihue, Kauai.

KAUAI PLANNING COMMISSION
Thomas P. Contrades, Chairman
By Tom H. Shigemoto, Planning Director

(Feb. 15, 1990)

Publish in reduced print.

Exhibit "A"

JOANN A. YUKIMURA
MAYOR

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

RECEIVED
JAN 19 1989
Office of State Planning
27877

TOM H. SHIGEMOTO
PLANNING DIRECTOR
ROLAND D. SAGUM, III
DEPUTY PLANNING DIRECTOR
TELEPHONE (808) 245-3919

RECEIVED
JAN 23 1989
OSP
Land Use Division

January 17, 1989

Hemmeter/VMS Kauai Company V
1441 Kapiolani Blvd., 18th Floor
Honolulu, Hawaii 96814

Subject: Use Permit U-89-12
Special Permit SP-89-6
Shoreline Setback Variance SSV-89-2
Special Management Area Use Permit SMA(U)-89-3
Class IV Zoning Permit Z-IV-89-12
TMK: 3-5-01: Por 102, Nawiliwili, Kauai

The Planning Commission, at its meeting held on January 12, 1989, approved the subject permits to establish an 18-hole golf course and to construct and establish accessory uses and structures including a golf academy subject to the conditions contained within the attached report.

Tom H. Shigemoto

TOM H. SHIGEMOTO
Planning Director

cc: Mayor
Public Works Dept.
Water Dept.
Health Dept.
Highways Div.
Airports Div.
✓State Planning
DLNR
Dept. of Agriculture
Real Property Division

RE: Special Management Area Use Permit SMA(U)-89-3
Special Permit SP-89-6
Shoreline Setback Variance Permit SSV-89-2
Use Permit U-89-12
Class IV Zoning Permit Z-IV-89-12

APPLICANT: Hemmeter/VMS Kauai Company V

ADDITIONAL FINDINGS:

1. In 1978, an Special Management Area Use Permit SMA(U)-78-16 was approved by the Planning Commission relative to the Lihue Airport Master Plan. Condition #2 reads as follows:

   "2. The 40 feet vehicular access to the shoreline for recreational purposes be provided and so delineated and recorded on the final subdivision maps and documents."

   Subsequently, in 1980 when the subdivision was applied for, condition #2 of S-78-139 read:

   "2. The subdivider provide public vehicular access for recreational purposes to the shoreline (access may be along existing cane roads providing access to the shoreline). This condition shall be so annotated on the subdivision map."

   The final subdivision map reflects the existing Easement 16 (20 ft. wide) in metes and bounds that addresses the SMA and subdivision requirements, and which follows the existing vehicular beach access on the property. However, the easement was never formally granted to the County.

2. The Planning Commission has received a 138 signature petition that requests the provision of "...access to the entire shoreline area from Ahukini to the Nawiliwili lighthouse. It is recommended that the present roadway used by fishermen and others be preserved and that the lands eastward of this roadway be declared Conservation to prevent further destruction of trees, flora, fauna, and rock formations."

EVALUATION:

Applicant proposes to establish an 18-hole golf course; a 22,900± sq. ft. clubhouse that would accommodate two dining areas, a men's and women's health club; a 19,500 sq. ft. academy that would have classrooms, lecture theater, pro shop, office and cart storage area; an 8,000 sq. ft. golf course maintenance building; and parking areas to accommodate approximately 148 stalls, 10 of which are intended for the public. The golf

course is to be constructed makai of Lihue Airport, and is intended to enhance the amenities available to Westin's hotel operations.

In considering the above requested uses and structures, the following permit standards were considered:

A. Special Permit:

A Special Permit is required since the rating of this Agricultural District soil is "B Class." However, this permit will be rendered moot should this project site be reclassified into the Urban District as is currently being requested by the applicant before the Land Use Commission. In determining whether the proposed use could be considered "unusual and reasonable," the following 5-point Special Permit test was utilized:

1. The proposed use would not be considered to be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations given the site's location and access, which makes continued agricultural use (sugarcane) difficult for the landowner. The site was utilized for the cultivation of sugarcane when much of the region was being cultivated; however, the conversion of much of the land within the vicinity was to urban type uses (industrial, resort) which only magnified the site's location and access problems. The site is presently vacant and uncultivated.

2. The proposed use would not adversely affect surrounding properties. The abutting and surrounding properties are the Lihue Airport and the applicant's Kauai Lagoon Resort, of which this project will be integrated with. As no habitable structures are intended and minimal number of single story structures are intended, airport operations should not be impacted.

3. The golf course academy use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection. Minimum expansion of water, sewer, and fire protective services would be needed for the proposed use, as this general area is already being serviced. No major off-site infrastructural improvements will be needed for the project. On-site improvements, particularly the drainage system, should assist the surrounding areas. All utilities and public services are available. Where they are not, the applicant will be responsible for the appropriate upgrades and/or improvements.

4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established:

   a. The proposed use and improvements are in response to trends and needs within the tourism industry to provide recreational options that make optimum use of existing and available resources. The development of the property as a golf course/academy is considered a traditional approach to the development of resort areas, and will be an extension of the existing resort function of the Kauai Lagoons Hotel.

   b. The surrounding areas have evolved into a full-fledged airport with a new runway to accommodate larger and newer aircraft and terminal in anticipation of greater volumes of traffic; and a major world class destination resort complex. Surrounded by urban types of uses and isolated locationally has rendered the project site agriculturally undesirable.

5. The nature of the surrounding and uses has rendered the subject area undesirable for active agricultural pursuits.

B. Use Permit:

A Use Permit is necessary for golf courses within the County's "Agriculture" District and for commercialized recreation activities within the "Open" District. Given the nature of the proposed activity, we do not anticipate adverse impacts to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or detrimental to property and improvements in the area provided all proposed structures and landscaping comply with the Department of Transportation's Airports Division concerns and requirements, and adequate beach access and parking (to be discussed) be provided. Additionally, adverse environmental impacts are not anticipated based on the studies submitted with the permit application.

C. SMA Use Permit:

The proposed improvements to the site will not adversely affect ocean dependent resources, will improve beach access and public parking areas, will improve the drainage characteristics of the site, will not adversely impact the historic sites on the property, and makes provisions for solid and liquid waste treatment and/or disposal in order to minimize any potential for degradation of the coastal resources.

Furthermore, the proposal does not:

1. involve dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;

2. reduce the size of any beach or other area usable for public recreation;

3. reduce or impose restrictions for public access to tidal and submerged lands, beach portion of rivers and streams within the special management area, provided the recommendations contained in this report relative to the vehicular beach access are maintained;

4. adversely affect water quality based upon the studies submitted, existing areas of open water free of visible structure, existing and potential fisheries and fishing grounds, wildlife habitats, or estuarine sanctuaries; and

5. substantially interfere with or detract from the line of sight toward the sea from a State highway nearest the coast, or from existing public views to and along the shoreline.

Specific areas of concern within the SMA include the following:

1. Archaeological - A data recovery and preservation plan for the archaeological sites located on the property shall be reviewed and approved by the State Historic Preservation Officer and the Planning Department prior to any grading or grubbing of the property. For any sites to be preserved, and to prevent accidental destruction of the site, a buffer zone and barrier utilizing metal poles at least 10 ft. high, with either flagging or fencing connecting the poles shall be established, and shall be constructed prior to any grading or grubbing of the site. Such barrier shall be field checked by the Planning Department for adequacy.

2. Landscaping - The extensive landscaping proposed for the project will improve the quality of the coastal scene and open spaces of the site. A landscaping master plan, subject to prior review and approval, should also be required.

3. Beach Access - The Hawaii Coastal Zone Management Act contains the following Objectives and Policies that could be considered applicable to this project:

Objectives

- provide coastal recreational opportunities accessible to the public;

- protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies

- Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

  - protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;

  - providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value.

- insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landform and existing public views to and along the shoreline;

- preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources.

Although the applicant reflects public beach access (2 parking areas of 5 stalls each, and an unimproved floating lateral pedestrian easement), we are of the opinion that, given the rugged nature and length of the coastline, and the many varied fishing related activities and types that occur, vehicular access parallel to the coastline as it currently exists MUST be maintained in order to comply with the SMA and subdivision requirements of 1978 and 1980. Any diminishment of this vehicular access could be considered to be contrary to the Objectives and Policies of the Hawaii Coastal Zone Management Act.

In this instance, such vehicular access should remain unimproved, and should delineate the makai boundary of the golf course. Methods can be established and implemented to prevent vandalism to the golf course improvements. We do not believe 4-wheel drive all-

terrain vehicles will be a problem due to the lack of a sand beach fronting the golf course. To require coastal users to park in only two specific areas and walk and carry their fishing gear approximately 600 to 800 feet just in order to reach two coastal areas would not be considered appropriate, nor would it benefit any recreational users of the coastline. Such a program as proposed by the applicant will only serve to discourage coastal recreational use by the local residents.

4. Design - Since design plans have not yet been developed for the proposed structures to be constructed, the Planning Commission should review the plans prior to the issuance of any building permit. Design criteria should include non-reflective roof materials, no mirrored windows, exterior lighting fixtures limited to shielded lights, cut-off luminaries or indirect lighting and no spotlighting of the ocean. Relative to height, such structures should be low rise or single story, not to exceed 35 ft. If appropriate, staggered and graduated building heights and building envelopes, and the establishment of a transition zone should be utilized.

5. The Conservation District should be clearly established with a staked line utilizing wooden or metal poles a minimum of 10 ft. in height and painted for ease in visual identification by equipment operators. This stake line should be verified in the field by the Planning Department.

6. The grading and/or grubbing plan should be subject to review and approval by the Planning Director. The applicant should institute and maintain whatever measures are necessary, including but not limited to filter screens, siltation ponds, etc. to minimize or eliminate drainage impacts to the coastline or waters during the grading and grubbing phase of the project.

D. Shoreline Setback Variance Permit:

According to Chapter 205, HRS and the County regulations governing shoreline setback, setbacks are required for a number of reasons. For one, there is the potential that structures built too close to the shoreline could "disturb the natural shoreline processes and erode the shoreline." There is also the issue of "maintaining open spaces" along the coastline. Then, too, the "unrestricted removal of sand and coral could deteriorate the shoreline and remove it from public use and enjoyment." Finally, dwellings and structures built too close could be "subject to tsunami and high wave damage."

In light of the above objectives, a variance could be granted by the Commission if it finds either that, 1) such structure, activity or facility is in the public interest, or 2) hardship will be caused to the applicant if the request is denied. The applicant is requesting a Shoreline Setback Variance (SSV) to permit landscaping portions of the golf course (tees, fairways, and greens), and portions of the mauka-makai public access path to be constructed within the setback area.

As previously discussed, we are of the opinion that an unimproved vehicular access road concept similar to that which exists now, and which runs parallel to the shoreline, must be maintained. Any reduction in this lateral vehicular access would be contrary to the intent of the previous SMA Permit approved in 1978, the subdivision requirement of 1980, and specific SMA objectives and policies. It would be preferable that this unimproved public access road be utilized as the makai edge of the golf course. A revised golf course design incorporating the above is subject to review and approval by the Planning Commission. Where this roadway location can still satisfy our concern, and where the golf course improvements necessitate a SSV, we would have no objection since aesthetically improving the coastline experience with open space and landscaping improvements would be in the public interest. However, such improvements should not interfere, restrict, or reduce the public's lateral access along the shoreline.

Other concerns considered included the following:

1. Agency Comments:

   a. State Highways Division - Since Kapule Highway will also be utilized for access for this project, certain Kapule Highway improvements required by the Highways Division but deferred by the applicant should be implemented as a part of this project. These improvements should be in place prior to the opening of this third golf course.

   b. Public Works Department - Relative to the future sewer ocean outfall, the applicant should install and extend the dry line from the airport during the construction of this golf course in order to preclude construction difficulties at a later date in attempting to install the outfall line across an area already developed. Such cost of improvement should be credited toward the Environmental Impact Assessment fee that will be required of the applicant, if appropriate.

Relative to the sewage treatment plant capacity, such issue must be resolved by the applicant with Public Works prior to the issuance of any permits.

2. Lihue Development Plan and General Plan - The subject area is designated Open and Agriculture in the Lihue Development Plan. We are of the opinion the requested uses can be considered consistent with certain of the Plan's policies such as enhancement of the existing resort concept, and the provision of public shoreline access.

   As to the General Plan, the nature of uses proposed could be considered consistent with the objectives sought to be accomplished by the Open and Agriculture designations. The golf course is of an open space, landscaped nature, while access to the coastline must still be maintained similar to what exists now.

   We concur that agricultural use of the property would not be preferable due to its location and isolation, the nearby uses and its limited access.

3. We concur that the golf course should be urbanized in this case. The applicant's intent to maintain the existing zoning designations should be made explicit, either as a restrictive covenant for the property or as an agreement with the County, that such designations should not be amended, and that residential or resort units will not be permitted. Towards that end, the applicant should amend the zoning of the property from Ag/Open to Open. Furthermore, the need to expedite the total permit process is understood instead of starting said process if and when the lands are reclassified.

   However, we do not feel that construction of the golf course should proceed if the land is not urbanized in this case. After the fact urbanization, we believe, circumvents the interest of the State land use law.

CONCLUSION:

Based on the foregoing findings and evaluation, it is concluded that provided the archaeological, architectural, drainage, public access and agency concerns are properly addressed and mitigated as recommended herein, the project can be designed to satisfy the objectives, policies and guidelines for development within the SMA. The Shoreline Setback Variance in this particular instance is duly warranted in that it is in the public interest. All efforts should be made to meet the 40 ft. shoreline setback

throughout although deviations will be considered if necessary, and provided the public vehicular access road is utilized as the makai boundary of the project where appropriate.

Furthermore, with the inclusions of the mitigative measures recommended:

1. The development will not have any substantial adverse environmental or ecological effect. Any adverse environmental or ecological effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety and welfare, and other compelling public interests. The development will not have adverse effects by itself or in conjunction with other individual developments, the potential cumulative impacts of which would result in a substantial adverse environmental or ecological effect and the elimination of planning options.

2. The development is consistent with: the objectives, policies and special management area guidelines contained in Chapter 205A of the Hawaii Revised Statutes; the objectives and policies contained in Section 3.0 of the Special Management Area Rules and Regulations of the County of Kauai (SMA Rules); and the Special Management Area guidelines contained in Section 4.0 of the SMA Rules.

3. The development is consistent with the County General Plan, the Comprehensive Zoning Ordinance of the County of Kauai, specifically Sec. 8-20.5 and 8-19.6, the Lihue Development Plan, and all other applicable ordinances.

Finally, it is concluded the project in this case based on its location and surroundings can be considered an "unusual and reasonable use" within the State Land Use "Agricultural" District utilizing the 5-point Special Permit test.

RECOMMENDATION:

Based on the foregoing findings, evaluation and conclusion, it is hereby recommended that Use Permit U-89-12, Special Permit SP-89-6, Shoreline Setback Variance SSV-89-2, Special Management Area Use Permit SMA(U)-89-3, and Class IV Zoning Permit Z-IV-89-12 be approved subject to the following conditions:

1. No construction shall be allowed to commence until the State Land Use Commission and Land Board of the State of Hawaii have approved the district boundary amendment and CDUA respectively.

2. All required landscaping and building plans shall be reviewed and approved by the Department of Transportation, Airports Division and FAA prior to submittal to the County for permit processing to ensure that height, safety, and lighting concerns have been adequately addressed. Such plans shall be stamped and dated by that agency. Any revisions to said shall follow the same process.

3. a) Prior to grading or grubbing of the property, a data recovery and preservation plan for the archaeological sites on the property shall be reviewed and approved by the Planning Department and the State Historic Preservation Officer, and such requirements completed.

   b) For any sites to be preserved and/or incorporated into the project, a buffer zone and barrier utilizing metal poles at least 10 ft. in height, with either flagging or fencing connecting the poles shall be established and constructed prior to any grading or grubbing of the site. Such barrier shall be reviewed and approved in the field for adequacy.

   c) Whenever grading or grubbing is to occur in the vicinity of the sites identified in (b) above, the consulting archaeologist shall be present and on site to oversee such activities.

   d) With regard to human burials, disinterment of remains and subsequent reinterment would be the appropriate course of action. Disinterment and reinterment would be conducted in accordance with existing State Health Department rules and regulations, and Chapter 6E-Historic Preservation (Haw. Rev. Stat.) as recently amended by Act 265 of the State of Hawaii Fourteenth Legislature. Act 265 requires the development, in consultation with the Office of Hawaiian Affairs, of a burial treatment plan covering the disinterment, scientific study, and reinterment of Hawaiian burial remains.

   e) Should any additional archaeological finds other than those already identified be discovered, the applicant shall cease grading or grubbing activity in the affected areas and contact the State Historic Preservation Officer and Planning Department. The Planning Commission reserves the right to impose additional conditions relating to preservation of archaeological resources if deemed necessary.

4. Prior to any State or County permit application applicable to the property subject of the permits herein conferred, the applicant shall submit to the Planning Commission for its review and approval, the following:

a) a scale map providing:

i. a designated, unimproved lateral shoreline pedestrian and vehicular access on the subject site for fishermen generally between that area commonly referred to as "Naito Beach" and moving south towards Ninini Point. said access shall follow the existing unimproved road or relocated as the makai boundary of the project. At certain points, said access may be relocated mauka of a golf tee, green, or fairway, provided that there is no break in the access; and

ii. a designated, unimproved or improved lateral shoreline pedestrian access and developer-provided vehicular access on the subject site for fishermen generally between said "Naito Beach" and moving north towards Ahukini Landing. Said access shall follow the existing unimproved road or relocated as the makai boundary of the project. At certain points, said access may be relocated mauka of a golf tee, green, or fairway, provided that there is no break in the access;

Upon approval of said scale map, applicant shall submit the necessary subdivision application to establish such access-ways described above.

b) a scale map or plan depicting a minimum of ten (10) parking stalls situated on the subject property, and northern and southern vehicular accesses leading from said parking stalls to County or State roadway. systems. During construction and/or grading, alternate access areas shall be provided to the public. The applicant shall submit a map reflecting these temporary access areas, and shall publish such map in the local newspaper.

c) scale depictions of the proposed signage designating the various accesses and parking stalls described hereinabove, together with a scale map or plan which locates said proposed signage;

d) a copy of a license agreement by which members of the public who wish to utilize the accesses and parking stalls created and described herein for fishing and such related purposes, will be afforded entry thereto, which should provide, at minimum, for the following:

i. the license shall provide for vehicular access to the parking facilities described in paragraph (b) above, and shall create a right, for fishing and related purposes, to utilize such accesses and the specified parking facilities for the purposes stated herein;

ii. the license shall provide vehicular and/or pedestrian access to the shoreline from the parking facilities and shall grant vehicular and/or pedestrian access along the shoreline upon the accessways designated in the scale map to be approved hereunder, the location of which shall be determined by the Planning Commission after the applicant has submitted the item described in paragraph (a) above;

iii. the license may provide that the licensee, who must apply for the individual license with the applicant, must provide proof of identification and such other information deemed necessary by the applicant for the purposes of ensuring the safety of persons and the security of the subject property; the applicant's requirements for information from any prospective licensee, however, shall be reasonable, and such requirements proposed to be imposed by the applicant shall be submitted in writing to the Planning Department for review and approval prior to any and/or grubbing permit application for the subject property;

iv. the license may provide that the licensee must, in light of Chapter 520, Hawaii Revised Statutes, sign an acknowledgment regarding the respective rights and liabilities of those using the lands of another for recreational purposes;

v. the license shall provide that the licensee shall absolve the County of Kauai, the Planning Commission of the County of Kauai, and the applicant from any and all liability for any

property damage or bodily injury, or death, resulting from the licensee's use of the subject property;

vi. the applicant may commence taking applications for and issuing licenses to individuals within 90 days of Planning Commission approval of these permits;

vii. upon complaint to the Planning Department by any person denied a license or denied reasonable requests to enter the subject property notwithstanding possession of a license, the Planning Department shall contact the applicant's representatives for the purpose of making a determination as to whether or not the complaint is justified. If the denial by the applicant is not justified, the Planning Department shall submit a report and recommendation to the Planning Commission regarding the permits issued hereunder;

The applicant shall be responsible for the maintenance of the accesses and parking facilities created in connection with the foregoing condition, together with any improvements installed, erected, placed or constructed thereupon.

e. All accesses shall be made available on a 24 hour basis.

f. executed copy of any avigation and noise easement documents and maps for the entire parcel, as required by the Department of Transportation, Airports Division.

5. Prior to building and/or grading permit application, applicant shall submit construction and/or grading plans detailing the areas and types of improvements where the shoreline setback variance is to be utilized. Such plans shall be subject to review and approval by the Planning Commission, and shall not restrict or reduce public vehicular or lateral each access as it currently exists. The shoreline setback variance approval shall not be applicable to dry wells, draining outlets, drain lines, headwalls, structures, etc.

6. The grading and/or grubbing plan shall be subject to review and approval by the Planning Director. Applicant shall institute and maintain whatever measures are

necessary to minimize or eliminate drainage impacts to the shoreline and waters specifically during the grading and grubbing phase of the project.

7. Any structures proposed shall be subject to design review and approval by the Planning Commission. Design criteria shall include a 35 foot height limitation, non-reflective roof materials, no mirrored windows, exterior lighting fixtures limited to shielded lights, cut-off luminaries or indirect lighting, and no spotlighting of the ocean. If appropriate, staggered and graduated building heights and building envelopes, and the establishment of a transition zone should be established or incorporated in the design.

8. Prior to grading or grubbing of the site, the Conservation District should be clearly established with a stake line utilizing metal poles a minimum of 10 ft. in height which clearly demarks the boundaries and provides a visual identification by equipment operators. The stake line should be verified in the field by the Planning Department.

9. As recommended by the Public Works Department, the applicant shall install a "dry line" through the site during the grading aspect of the project for the future ocean outfall.

10. As a condition to issuance of Use Permit U-89-12, and pursuant to Section 8-20.5(b) of the Kauai County Code, the applicant shall, pursuant to its representations and offer, prior to any State or County permit application pertinent to the property subject of the permits herein conferred, remit the sum of $150,000.00 in the form of United States currency or valid negotiable instrument, to the Director of Finance, County of Kauai, which remittance shall specifically be utilized for the purposes of mitigating the impacts to the community reasonably anticipated to be generated by the project proposed and approved herein.

11. Other requirements and concerns of the State Highways Division, Public Works, Water and Fire Departments, and State Health Department shall be resolved and/or complied with the respective agency(ies).

12. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve these conditions with the respective agency(ies).

13. Applicant shall submit a landscape master plan for the site for review and approval by the Planning Director in conjunction with condition #2 above.

14. Applicant shall submit a certified shoreline survey of the property prior to the issuance of any grading or grubbing permit.

15. Applicant shall conduct follow up studies relative to the applicant's Exhibits "E" (Baseline Assessment of the Marine Environment in the Vicinity of the Kauai Lagoons Golf Course, Lihue, Kauai, Hawaii) and "F" (Environmental Impact of Fertilizer and Pesticide Use on the Proposed Westin Kauai Lagoons Phase V Golf Course). Such studies should take place at such time the project is fully operational. Specific areas to be tested shall include, but not be limited to, the areas fronting the academy, and all areas where drainage improvements are provided that outlet to the sea. Measurements shall occur during storm and normal weather conditions. Such studies shall be submitted within one (1) year after the project becomes fully operational.

    The Planning Commission reserves the right to impose any conditions or requirements, if necessary, in order to address any unforseen or unanticipated problems or concerns that may result from these studies.

16. Roadways connecting the existing resort development to the proposed project shall be paved to County standards.

17. A revised beach access masterplan shall be submitted prior to building permit application. This masterplan shall reflect all beach access (vehicular and pedestrian) and parking areas and/or easements within the entire resort complex (all phases). Applicant shall notate on said master plan the document type by which each easement or area has been established and granted. The Planning Department reserves the right to add conditions upon further review.

18. Applicant shall submit a zoning amendment application to the County as discussed in this report, within 6 months from the date of completion of the golf course, if approved.

Approved & Recommended to Commission:

By _____
Michael Laureta
Planner

_____
Tom H. Shigemoto
Planning Director

County of Kauai

[redacted]

HAWAII COASTAL ZONE MANAGEMENT PROGRAM
TWELFTH YEAR IMPLEMENTATION GRANT CONTRACT NO. 27112
QUARTERLY STATUS REPORT
Period Covering January 1, 1990 to March 31, 1990

I. Budget

II. Special Projects

The Planning Department staff consulted with the Office of State Planning regarding beach erosion studies.

III. SMA Permits

Type of Permit	No. of Permits Received	No. of Permits Approved	No. of Permits Denied	Ave. length of time for Review
SMA Major	3	3	0	37 days
SMA Minor	3	2	0	1 days
SMA Emergency	0	0	0	
Shoreline Setback Var.:				
a. SSV requiring SMA	0	0	0	
b. SSV not requiring SMA	0	0	0	

Violations

No violations were confirmed during the quarter.

IV. Others

The Department monitored state legislation affecting Special Management Areas and participated in lobbying and providing information to decision makers.

The Department worked with OSP regarding monitoring and enforcement of the CZM Program relative to the H-PASS Program.

The Department drafted proposed amendments to the County of Kauai Shoreline Setback Rules and Regulations. Staff set up a meeting with staff members of other counties to discuss and review the legislation affecting the Shoreline Setback Rules.

Staff continues its regular attendance at the monthly Statewide Advisory Committee meetings.

Maui County

NOTICE OF PUBLIC HEARING
MAUI PLANNING COMMISSION

OFFICE OF STATE PLANNING

The Maui Planning Commission of the County of Maui hereby gives notice that it will conduct a hearing on May 22, 1990 at 9:00 a.m. in the Civil Defense Conference Room, 1st Floor, County Building, Wailuku, Maui on the following applications:

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATIONS

1. MR. RONALD M. GAMMIE, Executive Vice-President and General Manager, Kahului Trucking & Storage, requesting a Special Management Area Use Permit to construct a 2.0 million gallon steel tank for molasses storage at Kahului, Maui, TMK 3-7-11:17

2. MR. RICHARD TAKASE on behalf of Glory Buil Hawaii, Inc., requesting a Special Management Area Use Permit to construct the 210-unit Royal Maui Kai, a three-story parking structure and on-grade parking of 725 stalls collectively, a two-story commercial complex with approximately 20,000 square feet of net leasable area, and other related improvements at Kamaole, Kihei, Maui, TMK 3-9-20:07

3. MR. TEUANE TOMINAGA, State Public Works Engineer, Department of Accounting & General Services, requesting a Special Management Area Use Permit to construct a two-story classroom building, a one-story music building, three portable classrooms at the Lokelani Intermediate School and four portable classrooms at the Kihei Elementary School and other related improvements at Kihei, Maui, TMK 2-2-02:43 (90/SM1-012)

SPECIAL MANAGEMENT AREA USE PERMIT & SHORELINE SETBACK VARIANCE

1. MR. ALVIN FUKUNAGA, Director, Department of Public Works, requesting a Shoreline Setback Variance and Special Management Area Use Permit to construct a concrete lined channel, box culvert and other related improvements for the proposed Mahinahina Channel and Flood and Erosion Control Project at Mahinahina, Lahaina, Maui, TMK 4-3-06:16, 41, 43, 51, 70 (90/SM1-014)

CHANGE IN ZONING

1. MR. ARDEN HENDERSON, President, Maui Electric Company, Ltd., requesting a Change In Zoning from County Agriculture to M-2 Heavy Industrial District for approximately 14.958 acres of land at Maalaea, Maui, TMK 3-8-05:25 (90/CIZ-10)

The subject public hearing will be conducted in accordance with the Hawaii Revised Statutes, the Maui County Code and the rules of the Maui Planning Commission. Information pertaining to the subject applications are on file in the Office of the County of Maui Planning Department, 200 S. High Street, Wailuku, Maui.

All testimony regarding the subject application must be filed in writing with the Planning Department before the date of the hearing or presented at the time of the hearing.

RALPH N. MAUCA
Deputy Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

November 8, 1989

Mr. Henry Sheldon
HASEKO MANAGEMENT AND INVESTMENT INC.
820 Mililani Street, Suite #820
Honolulu, Hawaii 96813

Dear Mr. Sheldon:

RE: Special Management Area Use Permit for the proposed 9,600 square feet Honokowai Shopping Village and gasoline pumps at TMK: 4-4-1: 14, Honokowai, Maui.

At its regular meeting on November 7, 1989, the Maui Planning Commission reviewed the above request and after due deliberation, voted unanimously to grant the subject Special Management Area Use approval in accordance with plans dated July 10, 1989, (Exhibit B), subject to the following conditions:

1. That the conditions of this Special Management Area Use Permit shall be self enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Planning Commission that there is prima facie evidence that a breach has occurred the permit shall be automatically suspended pending a hearing on the continuity of such Special Management Area Use Permit, provided that written request for such a hearing is filed with the department within ten (10) days of the date of receipt of such notice of alledged breach. If no request for hearing is filed within said ten (10) day period, the Planning Commission may revoke said Special Management Area Use Permit.

2. That subject Special Management Area Use Permit shall not be transferred without the prior written approval of the Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit.

4. That the construction of the proposed project shall be initiated within a period of two (2) years from the date of the granting of the Special Management Area Use Permit.

5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and rain, and ambient noise levels and traffic disruptions.

6. That full compliance with the comments of the Department of Public Works, as identified in their memo dated October 6, and 30, 1989 (as amended), shall be rendered, unless written verification has been obtained that these conditions have been either modified or deleted.

7. That full compliance with the conditions of the Department of Transportation, Highways Division as identified by their letter dated September 27, 1989, shall be rendered.

8. That full compliance with the Department of Water Supply as identified by their letter dated September 15, 1989, shall be rendered.

9. That full compliance with the Department of Health as identified by their letter dated September 18, 1989, shall be rendered.

10. That full compliance with all applicable governmental requirements shall be rendered.

11. That any changes and or modifications to this permit shall be referred to the Maui Planning Commission for its review and approval.

12. That the hours of operation for the Shopping Village shall not exceed 12:00 a.m.

13. That full compliance with the comments of the Urban Design Review Board as identified by their letter dated October 25, 1989 shall be rendered.

A copy of the Director's Report and Recommendations dated November 7, 1989 is enclosed for your reference.

Thank you for you cooperation. Should you have any questions, please contact Mr. Daren Suzuki of my staff.

Very truly yours,

CHRISTOPHER L. HART
Planning Director

DS:ms
cc: LUCA
T. Ishikawa
A. Yoshimori
D. Suzuki

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the matter of petition of MR. HENRY SHELDON on behalf of HASEKO MANAGEMENT & INVESTMENT, INC. requesting a Special Management Area Use Permit to construct the proposed 9,600 square foot Honokowai Shopping Village along with gasoline pumps at TMK 4-4-1:14, Honokowai, Maui.	Docket No. 89/SM1-036 Mr. Henry Sheldon on behalf of Haseko Management & Investment, Inc.

DIRECTOR'S REPORT

November 7, 1989

Special Management Area Use Permit

Department of Planning
County of Maui
200 S. High street
Wailuku, Maui, HI 96793

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the matter of petition of MR. HENRY SHELDON on behalf of HASEKO MANAGEMENT & INVESTMENT, INC. requesting a Special Management Area Use Permit to construct the proposed 9,600 square foot Honokowai Shopping Village along with gasoline pumps at TMK 4-4-1:14, Honokowai, Maui.	Docket No. 89/SM1-036 Mr. Henry Sheldon on behalf of Haseko Management & Investment, Inc.

DIRECTOR'S REPORT

Findings of Fact

Procedural Matters

The Special Management Area Use Permit application was received by the Planning Department on July 17, 1989.

The application was deemed complete and ready for processing by the Department of Public Works per memo dated August 4, 1989.

Site Information

The project site is located on the mauka side of Lower Honoapiilani Road, across the Kaanapali Shores and Embassy Suites. It is bounded by the North and East by the Honokowai Flood Control Channel and on the South by sugarcane fields. It consists of .878 acres (38,245 sq. ft.) of land, and is approximately 500 feet from the shoreline. (Exhibit A)

The property is undeveloped and was recently as a site for a portable concrete batching facility for the construction of the Embassy Suites Hotel.

The general area of the project slopes gently at about 1 to 2 percent in the Northerly direction towards Honokowai Channel. The onsite elevations range from 14 feet to 19 feet mean sea level. The soil classification of the site is described as Pulehu Silt Loam by the USDA Soil Conservation Service.

Proposed Project

The proposed retail commercial shopping village will contain 9,600 square feet of business floor space distributed in 3 one-story buildings approximately 35 feet in height. A gasoline pumping facility will also be located on the Northerly portion of the project site with appropriate vehicular movement lanes to avoid on-site traffic congestion.

The principal access to the project will be located directly across from the entry way to the Embassy Suites Hotel. A secondary driveway is proposed on the Northerly portion of the site for right turn exits only. The exit only access will serve to facilitate vehicular movement within the shopping village. (Exhibit B)

The project design consits of cement plaster and heavy timber for the structure, and concrete tile for the roof. (Exhibit C) The completed project will contain appropriate landscaping to provide a buffer from the highway and serve as a screen to the flood control channel and fencing. An architecturally defined entry was to the main shopping area consiting of flag poles, landscape plantings and signs will provide a focal point for the project.

The project will have 33 off-street parking stalls and two (2) loading zones. Appropriate improvements such as landscaping, roadway improvements drainage systems, sewer connections and water service will be constructed base on County requirements. All of the County infrastructural assessments will be fulfilled during the construction permitting stages for the project.

The drainage report shows that there will be no adverse effects by storm runoff from the construction of the proposed project to the adjacent and downstream properties. Said report indicates that the on-site drainage would be collected and discharged into the recently contructed Honokowai Flood Control Channel. Also, the impact of any off-stie drainage will not be a concern due to the completion of the Flood Control project. (Exhibit D)

The vehicular access to the project will be from Lower Honoapiilani Road. It presently has a 50 feet right-of-way with a average of 30 feet pavement. According to the Traffic Impact Analysis Report the proposed project will not generate any adverse traffic impact at the project site and at the intersection of Lower Honokowai Road and Honoapiilani Highway.

Land Use Designations

1. State Land Use Designations -- Urban

2. Lahaina Community Plan -- Business/Commercial

3. County Zoning -- B-2 Business Zone

4. The entire project site is located within the Special Management Area.

Agency Reivew

The subject Special Management Area Use Permit application has been forwarded to the following agencies for their review and comment:

1. Department of Public Works -- memo dated October 6, 1989 (Exhibit E)

2. Department of Transportation -- letter dated September 27,1989 (Exhibit F)

3. Department of the Army -- letter dated September 27, 1989 (Exhibit G)

4. Department of Water Supply -- letter dated September 15, 1989 (Exhibit H)

5. Department of Health -- letter dated September 18, 1989 (Exhibit I)

6. Department of Interior -- letter dated September 12, 1989 (Exhibit J)

Development Assessment

Pursuant to Section 2-9.4 Significant Criteria of the Special Management Area Rules and Regulations of the County of Maui.

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.

   The proposed project site does not contain any natural or cultural resources as determined by serveral on-site surveys. Therefore, the project will not be a commitment causing a loss or destruction of any natural or cultural resources.

2. Significantly curtails the range of benefical uses of the environment.

Because the project site has been designated in the Lahaina Community Plan as "Business" and zoned as B-2 Business District by the County, and because the surrounding area has been developed with hotels, condominiums, and business uses, the beneficial uses of the area has been pre-determined for business type land uses. Accordingly, the proposed project will be consistent with such determination.

3. Conflicts with the County or the State's long term environmental policies or goals.

The State and County's environmental policies and goals, in part, call for protective measures and concerns to be directed toward the preservation of natural and cultural resources including the protection of the shoreline resources. The proposed project does not conflict with said policies and goals inasmuch as there are no known natural and cultural resources on the project site and the site is located considerably inland of the shoreline.

4. Substantially affects the economic or social welfare and activities of the community, County, or State.

The proposed project will have a positive contributory impact on the economy, especially during construction of the project through the employment of construction workers. The proposed project should not have any significant adverse impact on the social welfare of the community since the project is relatively small, containing a maximum of 9,600 sq. ft. of floor space, and will not cause any undue burden on public services.

5. Involves substantial secondary impacts, such as population changes and increased effect on public facilities, streets, drainage, sewage, and water systems and pedestrian walkways.

With the fulfillment of all of the governmental requirements for public facility services such as water assessments, drainage improvements, etc., the proposed project should not involve any substantial secondary impact on public services.

6. In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involve a commitment for larger action.

Inasmuch as the proposed project site is located in an area presently developed with high-rise condominiums, hotels and business uses, the proposed project should not add or have any significant effect upon the environment or involve a commitment for larger action.

7. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat.

Several on-site surveys indicated that the project site has been graded and contains serveral large trees. No known rare or threatened species of plants or animals were observed. Accordingly, the project will not have any impact on rare or threatened plant or animal life.

8. Substantially and adversely affects air or water quality and ambient noise levels.

During construction, it is anticipated that there will be an impact on air quality and ambient noise levels because of the use of construction equipment and dust caused by construction activity. These impacts will be mitigated through strict adherence to all State and County regulations pertaining to construction activities. The quality of off-shore waters should not be impacted due to the inland location of the project and due to the requirements for drainage control.

9. Substantially affects an environmental sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters.

The project and its location, along with the completion of the Honokowai Flood Control Channel, are such that the environmentally sensitive areas should not be substantially affected. For example, the project site is no longer in the flood area as defined by the Flood Insurance Rate Maps due to the new flood control channel. The shoreline should not be affected due to the inland location of the site and there are no estuary or erosion-prone areas.

10. Substantially alters natural land forms and existing public views to and along the shoreline.

The proposed project will not affect the view to the shoreline due to the preemption of the view to the shoreline by the existing high-rise development on the makai side of the project site.

Analysis

Relative to Part II, Section 2-8.3.b of the Special Management Area Rules and Regulations of the County of Maui:

a. Sensitive areas will not be altered or impacted since environmental or ecological effects are not anticipated, as the proposed project is consistent with the current and future developments in the area; and does not border the shoreline.

b. The proposed project is consistent with Part II Section 2-8.1 and 2, Special Management Area objectives, policies and guidelines.

c. The proposed project is consistent with the State Land Use District, County Land Zoning, Lahaina Community Plan and other applicable ordinances.

Conclusion

The proposed project is consistent with Part II, Section 2-8.3.b of the Special Management Area Rules and Regulations of the County of Maui and is not anticipated to create and environmental or ecological effects.

Dated this 7th day of November, 1989, Wailuku, Maui. Hawaii.

CHRISTOPHER L. HART
Planning Director

County of Maui
Hawaii CZM Program
FY 1989-1990
Narrative Report: October 1, 1989 - December 31, 1989

1. Support and participate in monitoring programs.

The Planning Department continued to be a resource to DBED' monitoring programs by providing appropriate information and assistance for the quarter.

2. Support and participate in CZM related programs.

The County of Maui's CZM staff, the Planning Department and the Department of Public Works continued to support and participate in CZM related programs.

3. Administer SMA development activities.

In order to fulfill the objectives and policies of the Hawaii CZM program, the County of Maui's CZM staff and the Planning Department continued to provide the services necessary to administer all developments and activities within the Special Management Area. During the quarter, the following number of permits were processed:

Type of Permit	No. of Permits Received	No. of Permits Approved	No. of Permits Denied	Average Length of time for Review
SMA Major	13	11	0	90 days
SMA Minor	58	57	1	15 days
SMA Emergency	0	0	0	0 days
SMA Amendments	1	1	0	60 days
SMA Extensions	4	4	0	60 days
SMA Transfer	2	2	0	60 days
Shoreline Setback Variance:				
a) SSV requiring SMA	1	1	0	60 days
b) SSV not requiring SMA	0	0	0	0 days

Attached please find a listing of the eleven (11) approved Special Management Area Permits and the Director's Reports and approval letters pertaining to each project. These documents incorporate the following:

a. Background information on the affected property and surrounding properties.

b. Description of the project.

c. Assessment of the environmental impacts.

d. The project's consistency with the Special Management Area objectives and policies.

e. The projects consistency with the County General Plan, Zoning and other applicable ordinances.

f. Letters of support or opposition from the public with regard to significant issues of the project.

g. Conditions of approval.

4. Facilitate and support public participation.

The Planning Department continued to facilitate and support public participation by consistantly emphasizing the role of public input in the Special Management Area Permit decision making process and other development activities.

5. Attend CZM meetings.

As necessary, CZM and other related meetings were attended by the CZM and Planning Staff.

6. Coordinate, facilitate and streamline review process.

In its capacity as the Central Coordinating Agency (CCA), the Department of Public Works has continued to administer and coordinate the development of the application process in relation to the requirements of the CZM program.

During the past quarter, sixteen (16) Special Management Area Permit Applications were reviewed by the CCA to ensure that all the required information for processing was submitted. (See attached SMA application listing)

7. Enforce compliance with CZM laws and permit conditions.

Field inspections have been conducted by the Public Works staff to monitor compliance with SMA permit conditions, rules and regulations. During the quarter, eleven (11) citations were issued. (Violations attached)

APPLICANT	TMK:	DESCRIPTION	ACTION TAKEN OF VIOLATION
Charles Foreman	4-9-03:10	Erected Bar/Refreshment Refreshment Stand w/o SMA Permit	Legal action to be taken
Charles Foreman	4-9-03:10	Erected Two Tents w/o SMA Permit	Legal action to be taken
Charles Foreman	4-9-03:10	Erected Lifeguard Stand/Water Related Equipment Rack w/o SMA Permit	Legal action to be taken
Charles Foreman	4-9-03:10	Erected Sign Stand/Water Related w/o SMA Permit	Legal action to be taken
Charles Foreman	4-9-03:10	Condition #1 of 5/15/85 SMA Permit No Identification Signage	Legal action to be taken
Charles Foreman	4-9-03:10	Condition #3 of 5/15/85 SMA Permit Building within Shoreline Setback area	Legal action to be taken
Tom Corbin President Maui Venture Capital Co.	4-6-08:04	Erected Activities Booth and Sign w/o SMA Permit	Legal action to be taken

Tsukie N. Fushikoshi	4-6-08:04	Erected Activities Booth and Sign w/o SMA Permit	Legal action to be taken
Hana Day Care Center	1-4-04:29	Erected 2-story structure w/o SMA Permit	Legal action to be taken
Ernest Mendes	3-1-01:19	Erected Roadside Stand w/o SMA Permit	Legal action to be taken
Richard A. & Lynn Rasmussen	2-6-02:03	Erected Bath Structure w/o SMA Permit	Legal action to be taken

8. Facilitate and assist the coordinating of reviews.

For the quarter ending December 31, 1989, seventeen (17) SMA Major Permits, and four (4) SMA Minor Permit applications, and one (1) SMA amendment application were received by the Public Works Department for review and comment.

9. Staffing.

Maui County's CZM Program experienced staffing changes during this quarter. Two (2) CZM coordinator positions became vacant and are expected to be filled shortly.

Department of Public Works
Special Management Area Permit Application Listing
for the period: October 1, 1989 - December 31, 1989

The following Special Management Area Applications were received by the Land Use and Codes Administration for review to ascertain that all required information for processing has been submitted:

1. MR. B. MARTIN LUNA on behalf of Keo Kai Development, TMK: 3-9-04:portion of 134 -- The application was received on October 9, 1989, for the proposed Keonekai Villages at Kihei, Maui and held in abeyance to the absence of a letter of authorization. It was received and thereafter transmitted to the Planning Department on October 17, 1989.

2. MR. ALVIN FUKUNAGA, Director of Public Works, County of Maui, TMK: 3-1-02:2; 3-1-04:126; 3-1-04:6 -- The application was received on October 16, 1989, for the proposed Kahakuloa Drainage System at Kahakuloa, Maui, and thereafter transmitted to the Planning Department on October 20, 1989.

3. MR. DAN T. KOCHI, Deputy Director of Harbors, State of Hawaii, Department of Transportation, TMK: 3-6-01:2 -- The application was received on October 13, 1989, for the proposed Maalaea Boat Harbor Improvements at Maalaea, Maui, and held in abeyance to the absence of signature on application and map defining the 500-feet notification boundary. It was received and thereafter transmitted to the Planning Department on November 22, 1989.

4. MR. JAMES E. PAVISHA, Project Director, The Ritz-Carlton Hotel Co., TMK: 4-2-01:4, 5, 13, 14, 34, Portion of 12 & 18 -- The application was received on October 16, 1989, for the proposed Ritz-Carlton Kapalua Hotel at Kapalua, Maui and held in abeyance to the absence of letter of authorization, preliminary drainage report, preliminary plans, plot plan, landscape, irrigation and lighting plans. It was received and thereafter transmitted to the Planning Department on November 16, 1989.

5. MR. HERBERT K. YIM, President/CEO, Molokai General Hospital, TMK: 5-3-09:17 -- The application was received on October 31, 1989, for the proposed Physicians Office Building at Kaunakakai, Molokai and held in abeyance to the absence of signature on application, environmental assessment, correct list of owners within the notification boundary, and map defining the 500-feet notification boundary. It was received and thereafter transmitted to the Planning Department on December 18, 1989.

6. MR. PAUL R. MANCINI on behalf of Dujardin Development Co., TMK: 3-9-04:132 -- The application was received on November 1, 1989, for the proposed Kihei View Apartments at Kihei, Maui and held in abeyance to the absence of letter of authorization. It was received and thereafter transmitted to the Planning Department on November 16, 1989.

7. MR. ROBERT HARTMAN on behalf of McDonald's of Hawaii Development Co., TMK: 3-9-05:17 -- The application was received on November 7, 1989, for the proposed McDonald's Restaurant and Menehune Golf Course at Kihei, Maui and held in abeyance to the absence of landscape lighting and graphics plan and additional set of submittals. It was received and thereafter transmitted to the Planning Department on December 18, 1989.

8. MR. B. MARTIN LUNA on behalf of Rose Royce, Dorvin Lewis, and Kihei Plaza, TMK: 3-9-20:10, 14, & 29 -- The application was received on November 13, 1989, for the proposed Rainbow Office Plaza and Rainbow Villas at Kihei, Maui and thereafter transmitted to the Planning Department on November 16, 1989.

9. MR. STANLEY T. YASUMOTO, Architects Hawaii Ltd. on behalf of Maui Marriott, TMK: 4-4-06:29 -- The application was received on November 13, 1989, for the proposed renovations at Maui Marriott Hotel, Kaanapali, Maui, and held in abeyance to the absence of certified shoreline map. It was received and thereafter transmitted to the Planning Department on December 1, 1989.

10. MR. ALVIN FUKUNAGA, Public Works Director, County of Maui, TMK: 4-3-06:16, 31, 41, 51, 43, 64, & 70 -- The application was received on November 13, 1989, for the proposed Honolua Watershed and Mahinahina Channel/Desilting Basin at Honolua, Maui, and held in abeyance to the absence of a current certified shoreline map, drainage report, and construction plans.

11. MR. UWE SCHULZ, on behalf of Holy Innocents Episcopal Church, TMK: 4-6-08:42 -- The application was received on November 14, 1989, for the proposed Columbarium at Lahaina, Maui and thereafter transmitted to the Planning Department on November 24, 1989.

12. MR. JOSEPH HARTLEY, Executive Vice-President, Maui Land & Pineapple Co., TMK: 3-8-52:9 -- The application was received on November 15, 1989, for the proposed Employee Housing at Kahului, Maui and held in abeyance to the absence of the second story floor plan and landscape lighting and irrigation plans. It was received and thereafter transmitted to the Planning Department on December 14, 1989.

13. MR. RUSSEL L. BURNS, Vice President, Baldwin Pacific Properties, Inc., TMK: 2-2-02:42 -- The application was received on November 15, 1989, for the proposed Piilani Multi-Family Project at Kihei, Maui and held in abeyance to the absence of color rendering.

14. MR. WILLIAM S. HOGARTY, Senior Vice President, Wooley/Sweeney Hotel #12, TMK: 3-9-20:9 -- The application was received on November 28, 1989, for the proposed Kihei Regency Apartment at Kihei, Maui and held in abeyance to the absence of notarized letter of authorization, signature on notification notice, landscape irrigation and lighting plans, and colored rendering. It was received and thereafter transmitted to the Planning Department on December 15, 1989.

15. MR. WILLIAM MCKEON on behalf of John Corboy, M.D., TMK: 5-3-01:82 -- The application was received on November 17, 1989, for the proposed Eye Clinic at Kaunakakai, Molokai and held in abeyance to the absence of environmental assessment and public hearing notification form.

16. MR. ORMOND L. KELLEY on behalf of Jim Slemons Enterprises Inc., TMK: 3-7-11:02 -- The application was received on December 26, 1989 for the proposed Vovlo Sales and Services Facilities at Kahului, Maui and held in abeyance to the absence of environmental assessment and landscape lighting and irrigation plans.

Department of Planning
Special Management Area (SMA) Major Permits,
Extensions, Amendments and Transfers and
Shoreline Setback Variances
Processed and Acted on by the Maui Planning Commission:
October 1, 1989 to December 31, 1989

1. MR. HIDEKI HAYASHI, Vice President, TSA International, Ltd., requesting Special Management Area Use Permit to construct 200 multi-family residential units in four 2-story building clusters with an office-laundry building, swimming pool, children's play area and other related improvements at the proposed Kiawe Terrace Project, Kihei, Maui, TMK: 3-9-01:11. Granted approval on October 10, 1989

2. MR. HANS RIECKE on behalf of Moon & Hart, requesting a Special Management Area Use Permit time extension and a change in permit holder for a proposed 18-unit apartment project located at Kihei, Maui, TMK: 3-9-16:02. Granted approval on October 10, 1989.

3. MR. LEE OHIGASHI on behalf of Finance Holdings, Ltd., requesting a transfer of permit holder from James and Linda Markum to Finance Holdings, Ltd. for the approved Special Management Area Use Permit for the proposed 18-unit apartment building at Lahaina, Maui, TMK: 4-5-07:04. Granted approval on October 10, 1989.

4. MR. HOWARD NAKAMURA, Acting General Manager, Wailea Resort Company, Ltd., requesting a Special Management Area Permit and Step 1 Planned Development approval for the proposed 24-lot Wailea SF-10 residential subdivision at TMK: 2-1-08:portion of 42, Wailea, Maui. Granted approval October 24, 1989.

5. MR. B. MARTIN LUNA on behalf of the County of Maui and the Maui Community Arts and Cultural Center requesting a Special Management Area Use Permit to construct a cultural and arts center at the Maui Central Park, Wailuku, Maui, TMK: 3-8-07:portion 1 and 3-7-01:portion 2. Granted approval on October 24, 1989.

6. MR. MARK HENDERSON IVES requesting an amendment to the Special Management Area Use Permit for the construction of a 60-unit condominium complex and accessory building to include ten employee housing units at TMK: 4-3-10:32, Kahana, Maui. Granted approval October 24, 1989.

7. MR. DAVID P. LEWIS requesting Special Management Area Use Permit for the proposed 38 single family residential lot Keonekai Estates Subdivision at Kihei, Maui, TMK: 3-9-14:02 and 03. Granted approval November 7, 1989.

8. MR. HENRY SHELDON on behalf of Haseko Management and Investment, Inc., requesting a Special Management Area Use Permit to construct the proposed 9,600 square feet Honokowai Shopping Village consisting of a convenience store with gas pumps, take-out food restaurants, shops, parking, landscaping and other related improvements at Honokowai, Maui, TMK: 4-4-01:14. Granted approval on November 7, 1989.

9. MR. ERIC MAEHARA on behalf of Seibu Hawaii, Inc. requesting a Special Management Area Use Permit for the expansion of the Makena Golf Course to include a 18-hole golf course, cart storage structure, parking and other related improvements at Makena, Maui, TMK: 2-1-05:108 and 2-1-08:90. Granted approval on November 21, 1989.

10. MR. HEDEKI HAYASHI, Vice-President, TSA International, Ltd., requesting a Special Management Area Use Permit and Step I Planned Development approval for the proposed La'i Honua Villas project at Wailea, Maui, TMK: 2-1-08:59 and 91. Granted approval on November 21, 1989.

11. MR. B. MARTIN LUNA on behalf of Horita-Maui, Inc., requesting a Shoreline Setback variance to construct improvements to the Kenolio Drainageway as part of the Kaonoulu Estates Project at Kihei, Maui, TMK: 3-9-01:15. Granted approval on November 21, 1989.

12. MR. B. MARTIN LUNA on behalf of Horita-Maui Inc., requesting a Special Management Area Use Permit for the Kao No Ulu Estates Project consisting of 220 single-family houselots; a 220-unit apartment complex within 29 buildings; drainage improvements to the Kulanihakoi and Kenolio Drainageways; and other related improvements at the proposed Kao No Ulu Estates Project at Kihei, Maui, TMK: 3-9-01:15, 48 and portion of 149. Granted approval on November 21, 1989.

13. MR. PUNDY YOKOUCHI requesting a time extension of a Special Management Area Use Permit for the Hawaiian Sea Village project at TMK: 4-4-06:45, 46 and portion of 32. Granted approval on November 21, 1989.

14. MR. JAMES NIESS on behalf of Landmark Development Company, Inc., requesting a Special Management Area Use Permit for the proposed nine (9) unit, two story Kanoe Palms apartment building at Kihei, Maui, TMK: 3-9-17:18. Granted approval on December 5, 1989.

15. MR. WARREN UNEMORI on behalf of Kenolio Place Partners requesting a Special Management Area Use Permit for a proposed 16-lot residential subdivision along Kenolio Road, Kihei, Maui, TMK: 3-9-28:03. Granted approval on December 5, 1989.

16. MR. B. MARTIN LUNA, on behalf of Stouffer Wailea Beach Resort, requesting a transfer of permit holder of an approved Special Management Area Use Permit and Shoreline Setback Variance to Wailea Seaside Company, Ltd., and approval of modifications to the architectural plans, TMK: 2-1-08:67, Wailea, Maui. Granted approval on December 5, 1989.

17. MR. CHARLIE NALEPA on behalf of West Maui Taxpayer Association, requesting a Special Management Area Use Permit for the proposed Napili Fire Station and related improvements at Alaeloa, Lahaina, Maui, TMK: 4-3-03:110. Granted approval on December 19, 1989.

18. MR. WARREN SUNNLAND requesting a Special Management Area Use Permit time extension for the Longs Retail Business Center, TMK: 3-9-02:30 and 109. Granted approval on Decemger 19, 1989.

19. MR. B. MARTIN LUNA requesting a Special Management Area Use Permit time extension for the Grand Champions Beach Resort Project, TMK: 2-1-08:62, Wailea, Maui. Granted approval on December 19, 1989.

V89-0137

FILE NO. SMA/LSN 89-3 Date 4 October 1989

LAND USE AND CODES ADMINISTRATION

COUNTY OF MAUI

NOTICE OF VIOLATION

TO: Owner CHARLES TORRMAN

Mailing Address 555 HUKILIKE ST, KAILUA, HI 96734

TO: Contr./Lessee/Tenant

Mailing Address

RE: CONSTRUCTION OF PDR/PRECESSIONAL STAND W/O A MINOR SMA PERMIT

(Name or description)

ADDRESS HOLE BALLOA LANDING, KAUAI, HANAPEPE

TAX MAP KEY 4-9-03:10 PERMIT NO. None

New Building ____	Type ____ Constr.	Stories ____	Repairing ____	Demolition ____	Reconstruction ____
Old Building ____	Addition ____	Alteration ____	Remodel ____	Moving ____	Misc. Structure ____

Dimension ____	Floor Area ____ Sq. Ft.	Ceiling ____
Walls ____	Floor ____	Basement Floor ____
Partitions ____	Roof ____	
Foundation ____	Roof Overhang ____	

I have inspected the above described structure and/or premises and have found the following violations of the County of Maui's codes and/or ordinances governing same:

Codes and/or Ordinance (s) and Section (s)	Violation (s)
Maui County Code Chapter 20.12 R & R of Maui Code, Cont'd 20.12.610 Definition Of Development	"Development" means: any of the uses, activities or operations on land, within the SMA ... to include the placement or erection of any solid material (B/P stand) or ... w/o first obtaining a Minor SMA permit (Definition #2)

You are requested to:

- [ ] Stop Work! Apply for permit for the work performed as required by law, by ____ 19____ Submit ____ copies of Building Plans and Plot Plans of project, when applying for a permit.
- [x] Stop Work! Please contact CARL WITHER by 10/16 19 89 before doing any more work.
- [ ] Remove all unauthorized work by ____ 19____ Please call the undersigned after removal is completed.
- [ ] Start making corrections immediately and complete all work by ____ 19____ Please call the undersigned after corrections have been made.

PLEASE BE ADVISED THAT IF NO ACTION IS TAKEN, THIS MATTER WILL BE REFERRED TO THE COUNTY ATTORNEY'S OFFICE FOR APPROPRIATE ACTION.

Inspector: [signature] Ph. 244-2760

FOR DIRECTOR OF PUBLIC WORKS

DLNR

RECEIVED
APR 23 1990
OFFICE OF STATE PLANNING

AGENDA
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: APRIL 27, 1990
TIME: 9:00 A.M.
PLACE: BOARD ROOM, ROOM 132
KALANIMOKU BUILDING
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

B. DIVISION OF AQUATIC RESOURCES

1. REQUEST FOR APPROVAL TO AMEND/EXTEND AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) AND THE UNIVERSITY OF HAWAII (UH) DURING FY 1990-1991

C. DIVISION OF FORESTRY AND WILDLIFE

1. REQUEST TO ENTER INTO AN AGREEMENT FOR SUPPLEMENT NO. 2 OF THE MASTER COOPERATIVE AGREEMENT WITH THE NATURE CONSERVANCY

D. DIVISION OF WATER AND LAND DEVELOPMENT

1. APPROVAL FOR AWARD OF CONTRACT - JOB NO. 3-9W-H, KUALAPUU RESERVOIR IMPROVEMENTS, MOLOKAI

E. DIVISION OF STATE PARKS

1. OUT OF STATE TRAVEL REQUEST TO ATTEND THE THIRD INTERNATIONAL CONFERENCE ON GROUND PENETRATING RADAR

2. APPROVAL TO HIRE A CONSULTANT TO PROVIDE ASSISTANCE IN AUTOMATING THE STATE PARKS DIVISION-WIDE OFFICE INFORMATION SYSTEM

3. PERMISSION TO NEGOTIATE WITH THE FRIENDS OF IOLANI PALACE, INC., AND EXECUTE DOCUMENT FOR A MANAGEMENT CONTRACT FOR IOLANI PALACE, BARRACKS, CORONATION PAVILION AND OLD ARCHIVES (KANAINA) BUILDING, HONOLULU, OAHU

F. DIVISION OF LAND MANAGEMENT

1. TRANSMITTAL OF DOCUMENTS FOR BOARD CONSIDERATION:

(a) ASSIGNMENT OF GENERAL LEASE NO. S-4027, COMMUNICATIONS SATELLITE CORPORATION (COMSAT), ASSIGNOR, TO MOTOROLA COMMUNICATION INTERNATIONAL, INC., ASSIGNEE, MOUNT KAALA, MOKULEIA, WAIALUA, OAHU, TMK 6-7-03:21

(b) ASSIGNMENT OF GENERAL LEASE NO. S-5082, GERALD L. POTTORF AND MARION TO. KUNIKIYO, ASSIGNORS, TO WARD HOLMES, ASSIGNEE, LOT 53, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI

(c) MEMORANDUM OF AGREEMENT WITH U.S. DEPARTMENT OF NAVY FOR SAFETY ZONE AREA AT BARKING SANDS, KEKAHA, WAIMEA (KONA), KAUAI

(d) SUBLEASE BETWEEN TOKAI RAYON CO., LTD., SUBLESSOR, AND DR. WAYNE MATSUYAMA, ET AL, PENDLETON TAX SERVICE, AND BANK OF HAWAII, SUBLESSEES, WESTRIDGE SHOPPING CENTER, KALAUAO, EWA, OAHU, TMK 9-8-13:14

(e) CANCELLATION OF REVOCABLE PERMIT NO. S-6244 TO ERNEST K. NAPUUNOA AND ISSUANCE OF REVOCABLE PERMIT TO ROSABELLA LUKELA RAMOS COVERING GOVERNMENT LAND OF KAHAKULOA VALLEY, KAHAKULOA, WAILUKU, MAUI, TMK 3-1-04:POR. 49

(f) ASSIGNMENT OF GENERAL LEASE NO. S-4459, LAWRENCE BALBERDE, JR., ASSIGNOR, TO PAUL JEROME BALBERDE, ASSIGNEE, LOT 21, PANAEWA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-56:18

2. SET ASIDE OF STATE LAND UNDER CONTROL AND MANAGEMENT OF THE DEPARTMENT OF HEALTH FOR THE NEW HONOKAA HOSPITAL SITE, NAMOKU AND HAINA, HAMAKUA, HAWAII, TMK 4-5-10:91

3. REQUEST FOR GRANT OF DRAINAGE EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY AT KAANAPALI, LAHAINA, MAUI, TMK 4-4-06:SEAWARD OF 5

4. AMENDMENT TO PRIOR BOARD ACTION CONCERNING CONSTRUCTION RIGHT-OF-ENTRY TO COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY AT HONOKOWAI, LAHAINA, MAUI, TMK 4-4-02:18

5. CITY AND COUNTY OF HONOLULU REQUESTS PERPETUAL, NON-EXCLUSIVE EASEMENT FOR WALL PURPOSES, MOANALUA ROAD, PALI MOMI STREET TO AIEA INTERCHANGE, FAUS PROJECT NO. M-7200(1), AIEA, HAWAII, TMK 9-9-38:62

6. DEPARTMENT OF TRANSPORTATION REQUESTS AUTHORIZATION TO DISPOSE OF SURPLUS HIGHWAY REMNANT, KALIHI, HONOLULU, OAHU

7. HONOLULU GAS COMPANY REQUESTS CANCELLATION OF GENERAL LEASE NO. S-3702, WAHIAWA, OAHU

8. SET ASIDE OF STATE LAND AT MOANALUA, OAHU FOR DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF LAND MANAGEMENT STORAGE AREA AND MAINTENANCE YEAR

9. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS SET ASIDE OF LAND FOR ADDITION TO THE STATE CAPITOL (TERRITORIAL OFFICES/E.O. 1600), HONOLULU, OAHU

10. DEPARTMENT OF BUDGET AND FINANCE REQUESTS AMENDMENT TO DEPARTMENT OF THE ARMY SUBLEASE FOR MAUNA KAPU COMMUNICATION STATION SITE, CONTRACT NO. DACA 84-3-88-24, MAKAKILO, OAHU

11. AMENDMENT OF REVOCABLE PERMIT NO. S-6460 TO WAIANAE VALLEY RANCH COMPANY, WAIANAE, OAHU, TMK 8-5-06:11

12. REQUEST TO AMEND QUITCLAIM DEED CONVEYING LAND FROM GSA TO STATE OF HAWAII, GSA CONTROL NO. 9-N-HI-465 A (LAND OFFICE DEED S-27660), TMK 1-1-10:4, MOANALUA, HONOLULU, OAHU

13. CONVEYANCE OF PROPERTIES BETWEEN THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU, HONOLULU, OAHU

14. AMENDMENT TO GENERAL LEASE NO. S-3747 TO THE U.S. DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH ITS JOINT USE WITH THE FEDERAL AVIATION ADMINISTRATION AND THE HAWAII AIR NATIONAL GUARD FOR THE MOUNT KAALA LONG RANGE RADAR FACILITY AT MOUNT KAALA, OAHU

15. KAUAI RACING ASSOCIATION REQUESTS RIGHTS-OF-ENTRY TO UTILIZE KAUAI RACEWAY PARK, MANA, KAUAI (TO BE DISTRIBUTED)

H. ADMINISTRATION

1. APPROVAL FOR STAFF TO ATTEND INTERNATIONAL CONFERENCE

2. REQUEST FOR APPROVAL TO ENTER INTO A RESEARCH CONTRACT WITH THE UNIVERSITY OF HAWAII

3. PERMISSION FOR A COST EXTENSION CONTRACT TO CARRY OUT AQUACULTURE MARKET RESEARCH AND DEVELOPMENT

4. MASTER PLAN SUBMITTAL FOR ELEMENTS OF WAIMEA FALLS PARK, OAHU; APPLICANT: MR. CHARLES J. PIETSCH, ASSOCIATES FOUR

5. CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR COMMERCIAL TOUR USE OF MANUKA STATE WAYSIDE, KAUMAHINA STATE WAYSIDE, AND DIAMOND HEAD STATE MONUMENT; APPLICANT: RON REILLY, ISLAND BICYCLE ADVENTURES

6. CDUA FOR PROPERTY SUBDIVISION AND CONSOLIDATION, KAALAEA, OAHU; APPLICANTS: THE FONG FAMILY AND THE MARGARET L. WATSON TRUST; AGENT: MR. DAVID BILLS, GRAY, HONG, BILLS AND ASSOCIATES

7. AFTER-THE-FACT CDUA FOR A RECREATIONAL CABIN, WAILAU, MOLOKAI; APPLICANT: MR. DOUGLAS T. LEGRANDE

8. CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENCE AT HAENA, KAUAI; APPLICANT: RICHARD ANAWALT

9. REQUEST TO EXTEND THE INITIATION DEADLINE OF CDUA OA-2161: ADDITION TO A SINGLE FAMILY RESIDENCE; APPLICANT: JOHN RAPP

10. REQUEST FOR TIME EXTENSION CDUA FOR A CABLE SHIP TERMINAL AND STORAGE FACILITY, SAND ISLAND, OAHU; APPLICANT: J.R. FULLERTON, MANAGER; AMERICAN TELEPHONE AND TELEGRAPH CO. (AT&T)

11. REQUEST FOR A SECOND 90-DAY TIME EXTENSION OF A CDUA FOR THE DEVELOPMENT OF A DOCK, LANDING AREA AND PROTECTIVE GROIN, AND FOR THE DREDGING OF A CHANNEL, ETC., IN WAIULUA BAY, SOUTH KOHALA, HAWAII; APPLICANT: HRW LIMITED PARTNERSHIP; AGENT: BELT COLLINS AND ASSOCIATES

12. REQUEST FOR TIME EXTENSION ON THE CDUA FOR AN ADMINISTRATIVE RULE AMENDMENT TO ESTABLISH A SPECIAL SUBZONE, SUBDIVISION AND EDUCATIONAL USE PERTAINING TO THE DEVELOPMENT OF THE HONUA HAWAII CULTURAL CENTER; APPLICANT: DIVISION OF LAND MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES

13. REQUEST FOR A TWO-YEAR TIME EXTENSION OF AN APPROVED CDUA FOR A SUBDIVISION/CONSOLIDATION, LANDSCAPING, AND RELATED IMPROVEMENTS FOR THE WESTIN KAUAI HOTEL AT LIHUE, KAUAI, HAWAII; APPLICANT: HEMMETER/VMS KAUAI COMPANY II

14. REQUEST FOR A TIME EXTENSION ON CDUP HA-2145 FOR A UTILITY AND ACCESS EASEMENT AT PUAKO, SOUTH KOHALA, HAWAII; APPLICANT: MR. RANDOLPH B. STOCKWELL

15. REQUEST FOR A TIME EXTENSION ON CDUP OA-1636 FOR A ROADWAY EASEMENT AT KAHANA VALLEY, OAHU; APPLICANT: BOARD OF WATER SUPPLY

16. TEMPORARY VARIANCE REQUEST TO CONDUCT ARCHAEOLOGICAL FIELD RESEARCH AT NA PALI COAST STATE PARK, KAUAI; APPLICANT: DR. TERRY L. HUNT

17. SAND ISLAND INDUSTRIAL PARK DEVELOPMENT AGREEMENT

I. DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT

1. APPOINTMENT OF LICENSE AGENT: TOM CHRISTY DBA CAST AND CATCH, ISLAND OF KAUAI

2. FILLING OF POSITION NO. 2952, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER V, ISLAND OF KAUAI

J. OTHER DEPARTMENTS

1. LEASE - HONOLULU INTERNATIONAL AIRPORT, OAHU (UNITED STATES OF AMERICA, FEDERAL AVIATION ADMINISTRATION

2. APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4646, ETC., AIRPORTS DIVISION

3. ISSUANCE OF LEASE BY DIRECT NEGOTIATION, FORT ARMSTRONG, HONOLULU HARBOR, OAHU (AMERICAN PRESIDENT LINES, LTD.)

4. ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NATIONAL MARINE FISHERIES BUILDING, KEWALO BASIN, OAHU (PARADISE CRUISE, LTD.)

5. ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (SUISAN COMPANY, LTD.)

6. ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 13/14, HONOLULU HARBOR, OAHU (OCEAN ICE, INC.)

7. AMENDED: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (UNITED STATES COAST GUARD)

:PT. OF LAND & NATURAL RESOURCES
P.O.Box 621
Honolulu, Hawaii 96809

JOHN WAIHEE
GOVERNOR OF HAWAII

RECEIVED
JAN 22 1990
OFFICE OF STATE PLANNING

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
Keith W. Ahue
MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

30195

JAN 19 1990

FILE: OA-9/26/89-2322
180-Day Exp. Date: 3/25/90
SUSPENSE DATE: Three weeks
DOC.: 7210E

MEMORANDUM

TO: The Honorable Harold S. Masumoto, Director
Office of State Planning

FROM: WILLIAM W. PATY, Chairperson
Board of Land and Natural Resources

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application

APPLICANT: Mr. George L. Kekuna

FILE: OA-9/26/89-2322

REQUEST: Installing and operating a water level sensor system in Kawainui Marsh

LOCATION: Kawainui Marsh, Oahu

TMK: 4-2-16: 1

PUBLIC HEARING: YES X NO _____

Your comments regarding the request will be greatly appreciated at your earliest convenience. Should you require additional information on the application, please contact Don Horiuchi of my staff, at 548-7837.

WILLIAM W. PATY

Attachment

JOHN WAIHEE
GOVERNOR OF HAWAII

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
DEPUTIES
Neil S. Ahue
MANABU TAGOMORI
RUSSELL N. KURUMOTO
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

RECEIVED
JAN 22 1990
OFFICE OF STATE PLANNING

REF:OCEA:VIN

JAN 19 1990

30196

FILE NO.: OA-9/26/89-2322
180-Day Exp. Date: 3/25/90
DOCUMENT NO.: 7207E

Mr. George L. Kekuna
Deputy Director Designate
Civil Defense
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Kekuna:

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION
Conservation District Use Application

This acknowledges the receipt and acceptance for processing your application to install and operate a water level sensor system in Kawainui Marsh.

According to your information, you propose to install two remote water level sensing devices at Kawainui Marsh. The primary gage location will be immedidately adjacent to the level. The secondary gage location will be at the U.S.G.S. stream station 2540 in Kawainui Stream.

After reviewing the application, we find that:

1. The proposed use is a conditional use within the Protective subzone of the Conservation District according to Administrative Rules, Title 13, Chapter 2, as amended;

2. A public hearing pursuant to Section 183-41, Hawaii Revised Statutes (HRS), as amended, is required for this proposed use, and;

3. In conformance with Title 11, Chapter 200, of the Administrative Rules, a negative declaration was determined for the proposed action.

Since a public hearing is required, an additional $50.00 public hearing fee is required for your application. Please remit this fee to us as soon as possible.

Also please be advised that it will be your responsibility to comply with the provisions of Section 205A-29(b), Hawaii Revised Statutes, relating to Interim Coastal Zone Management (Special Management Area) requirements.

Negative action, as required by Law, on your application by the Board of Land and Natural Resources can be expected should you fail to obtain from the Country thirty (30) days prior to the 180-day expiration date, as noted above, one of the following:

1. A determination that the proposed development is outside the Special Management Area (SMA);

2. A determination that the proposed development is exempt from the provisions of the county ordinance and/or regulation specific to Section 205A-29(b), HRS; or

3. A Special Management Area (SMA) permit for the proposed development.

Pending action on your application by the Land Board in the near future, your cooperation and early response to the matters presented herein will be appreciated. Should there be any questions, feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

Very truly yours,

WILLIAM W. PATY

Attachment

cc: U.S. Fish and Wildlife Service
C&C Dept. of General Planning
C&C Dept. of Land Utilization
C&C Dept. of Parks and Recreation
C&C Board of Water Supply
DOH/OEQC/EC/OHA/OSP

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

FOR DLNR USE ONLY
Reviewed by
Date
Accepted by
Date
Docket/File No.
180-Day Exp.
EIS Required
PH Required
Board Approved
Disapproved
Well No.

DEPARTMENT MASTER APPLICATION FORM

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER (If State land, to be filled in by Government Agency in control of property)

Name City and County of Honolulu

Address 650 So. King St.
Honolulu, Hawaii
96813

Telephone No. 523-4121

SIGNATURE

Date September 22, 1989

II. APPLICANT (Water Use, omit if applic is landowner)

Name Mr. George L. Kekuna
Oahu Civil Defense Agency

Address 650 So. King St.
Honolulu, Hawaii
96813

Telephone No. 523-4121

Interest in Property Flood Hazard Mitigation. See Atch 1 For Eviden
(Indicate interest in property; submit written evidence of this interest)

*SIGNATURE

Date September 22, 1989

*If for a Corporation, Partnership, Agency or Organization, must be signe by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

( ) A. State Lands

(X) B. Conservation District Use

( ) C. Withdraw Water From A Ground Water Control Area

( ) D. Supply Water From A Ground Water Control Area

( ) E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTE

District Windward

Island Oahu

County C&C of Honolulu

Tax Map Key 4-2-16:1

Area of Parcel 599.559 Acres
(Indicate in acres or sq. ft.)

Term (if lease) N/A

JOHN WAIHEE
GOVERNOR OF HAWAII

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
KEITH W. AHUE
MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

OFFICE OF STATE PLANNING
30519

REF:OCEA-VIN

File: OA-8/17/89-2310
180-Day Exp. Date: 2/13/90
Doc.: 7545E

MAR 6 1990

MEMORANDUM

TO: Manabu Tagomori, Deputy Director
Division of Water and Land Development

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources

SUBJECT: Conservation District Use Application for "Pia Well" at Niu Valley, Oahu, Hawaii; TMK 3-7-15: 64

We are pleased to inform you that your Conservation District Use Application for "Pia Well" was approved by the Board of Land and Natural Resources on January 26, 1990, as a "Permitted use," subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended;

2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;

3. If historic remains such as artifacts, shell or charcoal deposits, burials, and stone pavings are found during construction or required restoration work, the applicant must stop work in the area and contact the Historic Preservation Program (at 548-7460), immediately; that office is authorized to assess the situation and make recommendations for mitigative action, if needed.

4. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of drilling and landscaping plans, and specifications, to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application; three (3) approved copies to be returned to the applicant, plan approval by the Chairperson (or authorized representative) not to imply approval required of other agencies.

5. The applicant is required to use only such landscaping material as may be acceptable to this Department, to prevent erosion, to be installed according to a landscaping plan submitted to this Department for approval (see Conditions 4 and 6).

6. Ground exposed or vegetation disturbed subsequent to this authorization shall be revegetated within ninety (90) days of the termination of stockpiling at the site, unless otherwise provided in a plan (and schedule) on file with and approved by this Board or its authorized representative.

7. Appropriate measures shall be exercised to prevent construction materials, debris, petroleum deriatives, etc., from entering or polluting streams or the surrounding area; upon the completing of test pumping, all debris, drilling and pumping materials and equipment shall be removed.

8. Any drilling work to be done on the land shall be initiated within one (1) year of the approval of such use, and all work and construction must be completed within three (3) years of the approval of such use.

9. The use of the property is limited to those articulated in the application.

10. The proposed exploratory well is to be drilled within the existing reservoir fence enclosure.

11. The applicant is allowed to conduct pumpage tests for up to seven days, 24 hours per day. All operations are to be conducted in conformance with the State Department of Health regulations regarding noise (Chapters 11-42 and 11-43 of the Administrative Rules). The contractor shall use mufflers and other means for noise control. All noise muffling equipment shall be properly maintained and repaired or replaced as needed.

12. The applicant shall provided written notification of drilling schedules and conditions (i.e. "up to seven days, 24 hours a day") to all adjacent homeowners within 500 yards of the site and provide written documentation of such notification to the Department prior to initiation of drilling.

13. That failure to comply with any of these conditions shall render this Conservation District Land Use application null and void; and

14. Approval is subject to other terms and conditions as may be prescribed by the Chairperson.

Please acknowledge receipt of this permit, with the above noted conditions, in the space provided below. Please sign two copies; retain one and return the other one within thirty (30) days, please.

Should you have any questions on any of these conditions, please feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

WILLIAM W. PATY

Receipt acknowledged

_____
Applicant's Signature

cc: Oahu Board Member
Oahu Land Agent
C&C Dept. of General Planning
C&C Dept. of Land Utilization
C&C Board of Water Supply
OHA/OSP/DOH

JOHN WAIHEE
GOVERNOR OF HAWAII

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND ENVIRONMENTAL AFFAIRS
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FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

RECEIVED
OFFICE OF STATE PLANNING

30216

REF:OCEA-VIN

File No.: KA-5/22/89-2255
Doc. No.: 7213E

JAN 23 1990

Mr. Miguel Godinez
P.O. Box 508
Hanalei, Kauai, Hawaii 96714

Dear Mr. Godinez:

Subject: Conservation District Use Application for Commercial Kayaking Expeditions from Haena, Kauai, Along the Na Pali Coast to Polihale State Park, Kauai

We are writing to inform you that the Board of Land and Natural Resources, on November 17, 1989, denied your subject application for the following reasons:

1. The proposed commercial use is inconsistent with the objectives of the Resource and Limited subzones;

2. The proposed use represents an expansion of existing authorized uses and a potential hazard to the safety of passengers and crews of your proposed operations; and

3. The Na Pali Coast area has reached its design carrying capacity, subject to further studies to be authorized by the Board.

Should you have any questions, please feel free to contact Jay Lembeck of our Office of Conservation and Environmental Affairs, at 548-7837.

Very truly yours,

WILLIAM W. PATY

Receipt acknowledged

_____
Applicant's Signature

Date _____

cc: Kauai Board Member
Kauai Land Agent
Kauai County Planning Department
OSP/OHA/DOT

DOH

OEQC BULLETIN

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

JOHN WAIHEE
GOVERNOR

MARVIN T. MIURA, Ph.D.
DIRECTOR

Volume VII | April 8, 1990 | No. 7

REGISTER OF CHAPTER 343, HRS DOCUMENTS

The OEQC Bulletin is a semi-monthly publication. The publication dates of the bulletin are the eighth and twenty-third of each month. Applicants should deliver an appropriate number of Draft and Final EISs to the accepting authority before submitting copies to OEQC for distribution and publication. Environmental Assessments should be submitted to the accepting authority directly. Based on the assessment, the accepting authority will submit to OEQC a determination of a Negative Declaration or a Preparation Notice for publication in the bulletin. Draft and Final Environmental Impact Statements must be received by the fifth and twentieth days of the month for publication in the respective issue. Negative Declarations and Preparation Notices must be received at least five working days prior to the publication date. All documents submitted for publication in the OEQC Bulletin should be delivered to the Office of Environmental Quality Control, 465 South King Street, Room 104, Honolulu, Hawaii 96813. To ensure proper processing of documents, please attach OEQC Bulletin Publication Form with all submittals. These forms can be obtained by calling OEQC at 548-6915.

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NEGATIVE DECLARATIONS

The following actions have been determined to have little or no impact upon the environment. Environmental Impact Statements are not required of these projects. Those who wish to contest this determination have a 60-day period, from this publication date, in which to initiate litigation. Any questions regarding the following projects should be directed to the listed contacts.

OAHU

KALEIOPUU ELEMENTARY SCHOOL

Location: Ewa, Oahu
TMK: 9-4-02:16

Proposing Agency: Department of Accounting and General Services
Contact: Mark Yamabe (548-7660)

The Department of Accounting and General Services proposes to construct an approximately 9,000 square foot reinforced concrete and masonry serving kitchen/dining room building. This project will be constructed in an area which had been graded as part of the construction work for the first increment of the school.

The project will provide the school with a much-needed facility to implement its program in accordance with Educational Specifications. Since the project will be constructed within the existing school campus, no land will be removed from the tax base. The estimated cost of the project is $1,442,000.

KALIHI VALLEY EXPLORATORY WELL

Location: Honolulu, Oahu
TMK: 1-4-18:06

Proposing Agency: City and County of Honolulu Board of Water Supply
Contact: Lawrence Whang (527-6138)

The Board of Water Supply, City and County of Honolulu, proposes to drill an exploratory well in Kalihi Valley to determine the quantity and quality of water available at the site. The well is located on land owned by the Board of Water Supply and falls within the State Conservation District Area. This well site is about 75 feet above Kalihi Stream and north of the suburban residential area at about 550 feet elevation, 800 feet south of Likelike Highway.

An area of about .75 to 1.0-acre will be cleared and graded at the project site to accommodate well drilling and support equipment and necessary supplies. All excess material from the clearing and grading the project site will be disposed at an approved location for this type of material. Once the area has been cleared, a temporary fence may be erected to secure the project site.

The project will involve drilling a hole about 16 inches in diameter to a depth of 50 feet. Once the drilling is completed, a 12-inch diameter steel casing will be grouted into place, and an additional 100 feet of open hole shall be drilled. A pump will be installed and a series of aquifer tests conducted to determine the sustained well capacity and water quality. Upon completion of the tests, the pump will be removed, and the well will be capped. The estimated project duration is six months, and the estimated cost of this project is approximately $110,000.

RODIEK-WALKER HOUSE RESTORATION

Location:	Honolulu, Oahu
TMK:	1-8-08:01
Permitting Agency:	Department of Land Utilization
Contact:	Ardis Shaw-Kim (527-6256)
Applicant:	Masao Nangaku c/o Spencer Mason Architects

The applicant has requested a Conditional Use Permit, Type 2 to restore the 1904 Rodiek-Walker house for use as a corporate retreat, and approval to place three dwelling units on a single zoning lot. The three dwellings will be the Rodiek-Walker house, a new house for the owners, and a replacement for the existing caretaker's building, in a new location.

The project site encompasses 5.691 acres. The property is almost completely enclosed by rock walls and fences, with the exception of three access ways. The main entrance and exit are located on Pali Highway, and there is a rear service gate off Jack Lane.

There are two existing dwellings on the site, the historic Rodiek-Walker house and the caretaker's building. The proposed use would add one single-family dwelling to the site and replace the existing caretaker's building with a new, relocated one. In addition to the dwellings, there are several other structures involved. The existing tennis court will be restored. The small pavilion in the Japanese garden will be repaired and several outbuildings, including the restroom building, will be demolished.

KAKELA BEACH PARK ACQUISITION

Location:	Koolauloa, Oahu
TMK:	5-5-01:54
Proposing Agency:	City and County of Honolulu Department of Parks and Recreation
Contact:	Walter M. Ozawa (527-6343)

The Department of Parks and Recreation is proposing to acquire an 11.115-acre private beach park currently owned by the corporation of the President of the Church of Jesus Christ of Latter Day Saints. Zions Securities Corporation currently maintains and manages use of the property. After City acquisition, the Department of Parks and Recreation will assume responsibility for maintenance and management.

City ownership of Kakela Beach Park will allow casual public day use without any permits. However, organized group outings and camping will require permits from the City Department of Parks and Recreation. The property is designated Park on the Koolauloa Development Plan Public Facilities Map. City Ordinance No. 89-153 appropriated $7 million to acquire Kakela Beach Park.

MAKAHA BRIDGE NUMBERS 3B, 4, 5 AND 5A REPLACEMENT

Location: Makaha, Oahu
TMK: 8-3-various

Proposing Agency: Department of Transportation
Contact: Dennis Imada (548-7493)

The Department of Transportation is proposing the replacement of four existing wooden bridges with four new wider concrete bridges along Farrington Highway. Roadway approach work at both ends of the structures will also be made to provide a smooth transition from the existing road to the new bridges. The alignment of the existing streams which run under the bridges will remain unchanged.

The new concrete bridges will provide the same vertical clearance as the existing wooden bridges and will meet the Federal Highway Administration guidelines. New concrete abutments will be constructed as well as new concrete piers making the new bridges one, two or three span structures. Pre-cast concrete planks will be used for the new bridge decks. Concrete vertical face railings and 8 foot wide shoulders will be provided on both sides of the bridges. Estimated project cost is $3,890,000.

PLANTATION ROAD - 12-INCH WATER MAIN AND APPURTENANCES

Location: Waianae, Oahu
TMK: 8-5-01
8-5-03
8-5-19

Proposing Agency: City and County of Honolulu
Board of Water Supply
Contact: Lawrence Whang (527-5138)

The Board of Water Supply, City and County of Honolulu, is proposing the installation of approximately 3,760 linear feet of 12-inch water main along Plantation Road, extending from Farrington Highway to Waianae Valley Road. Within Farrington Highway, connection will be made to an existing 20-inch main. Within Waianae Valley Road, connection will be made to an existing 12-inch main. Also proposed is the installation of air relief valves and gate valves.

The proposed water main will be constructed within the pavement and shoulder area of Plantation Road. Intrusion into the pavement areas of Farrington Highway and Waianae Valley Road are required to make necessary connections to existing water mains. The proposed water main shall be constructed of either poly-wrapped ductile iron or polyvinyl chloride pipe.

The estimated construction time for the proposed water main is nine months. It is estimated that the construction will begin about August 1990. The estimated construction cost is $700,000 funded by the Board of Water Supply.

EIS PREPARATION NOTICES

The following actions have been determined to have significant impacts upon the environment. Environmental Impact Statements will be prepared for these projects. A 30-day consultation period commences with the initial publication of these projects in the bulletin (see deadline dates). The purpose of soliciting comments during the consultation period is to establish the scope and the depth of coverage that the Draft EIS should have.

HAWAII

KAILUA PARK EXPANSION PROJECT

Location: North Kona, Hawaii
TMK: 7-5-05:07 & 83

Accepting Authority: Governor, State of Hawaii

Proposing Agency: Hawaii County
Department of Parks and Recreation

Please send your comments to:

Consultant: James H. Pedersen
Planning Consultant
P. O. Box 22
Volcano, Hawaii 96785

and a copy of your comments to OEQC, attention Dr. Marvin T. Miura, Director

Deadline: May 8, 1990

The Department of Parks and Recreation, County of Hawaii is proposing a master plan for new site improvements and facilities at its present "old Kona Airport site."

The County of Hawaii presently shares the old Kona Airport site with facilities belonging to the State of Hawaii, Department of Land and Natural Resources, State Parks Division. Present facilities provided and maintained by the County include two softball fields, a football field, two soccer fields, four tennis courts, an basketball court, a bicycle motorcross, horseshoe pits, playground equipment, and a community center structure. Parking is abundant at the site with unstructured parking areas on open portions of the old airport runway. The State of Hawaii provides a large special events pavilion and beach recreation facilities at the north end of the old airport site.

The proposed Kailua Park is located approximately 1/2 mile north of the center of Kailua-Kona in the district of North Kona. The site is bordered by a residential subdivision on the west (Kailua Bay Estates), the State Parks portion of the old Kona Airport on the north, and vacant land to the east and south. Kuakini Highway terminates at the park site. In 1986, twenty acres were added to the County park site, which is approximately 34 acres, through a 40-year lease with the Sate of Hawaii. It is on this added portion that the new improvements of the Kailua Park Master Plan are proposed for construction.

The Master Plan for Kailua Park proposes to provide the following improvements to the existing park site:

- Gymnasium - approximately 15,000 square feet in size with provisions for basketball, volleyball, multi-purpose recreation/meeting facilities, bathrooms, lockers, staff accommodations, and storage. The gymnasium proper would seat approximately 1,500 spectators.

- Swimming Pool - pool with accessory locker and shower facilities areas. Bleachers are also proposed for the pool with seating capacity in the 400 spectators range.

- Multi-Purpose Field - a large open field that would support various sport activities such as football, track and field events, soccer and softball.

- BMX Track - A relocated bicycle motorcross track to replace the existing track.

- Tennis Courts - four new tennis courts to be placed adjacent to the existing ones.

- Horseshoe Throw - a horseshoe pitching area to replace the existing facility will be provided in the area makai of the existing ball fields.

- Parking - a total of 750 parking stalls for cars are to be provided at the park site.

Existing facilities to remain include tennis courts, soccer fields, ball fields, community center and playground. Estimated cost of this project is approximately $7.3 million.

DRAFT ENVIRONMENTAL IMPACT STATEMENTS

A 45-day review period commences with the initial publication of these projects in the bulletin (see deadline dates). EISs listed in this section are available for review at the following repositories:

- Office of Environmental Quality Control
- Legislative Reference Bureau
- Municipal Reference and Records Center (Oahu EISs)
- University of Hawaii Hamilton Library
- State Main Library
- Kaimuki Regional Library
- Kaneohe Regional Library
- Pearl City Regional Library
- Hilo Regional Library
- Wailuku Regional Library
- Lihue Regional Library
- Branch library in closest proximity to the project

Please send your comments to the accepting authority with a copy to the applicant or proposing agency (see

listed contacts). OEQC would also appreciate a copy of your comments.

MOLOKAI

MAKOLELAU DISTRICT - NEARSHORE DESILTING PROJECT

Location: Makolelau, Molokai
TMK: 5-5-01:38

Please send your comments to:

Accepting Authority: Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

with a copy of your comments to OEQC, attention Dr. Marvin T. Miura and:

Applicant: Grace Land Investments, Inc.
c/o William A Brewer, Brewer/Brandman Associates
1188 Bishop Street, Suite 3411
Honolulu, Hawaii 96813

Deadline: April 22, 1990

The proposed action involves the removal of an estimated 5,000 to 10,000 cubic yards of accumulated silt deposits from the nearshore and intertidal zone. The proposed project site encompasses an area of about six acres and is located between Panahaha and Kawiu Fish Ponds. Both fish ponds and adjacent uplands are owned in fee by the applicant. The objective of this project is to restore the recreational potential of a 600-foot-long beach.

A six-inch portable hydraulic cutterhead suction dredge, deployed on pontoons, would be utilized to remove unconsolidated deposits and restore the natural grade to the nearshore and intertidal zones. The dredge can move approximately 200 cubic yards of material per hour up to a distance of 3,000 feet. Dredge spoils, consisting largely of silt, would be pumped via pipeline to a previously cleared dewatering site located on the north side of Kamehameha V Highway (East Molokai Road). The dewatering site encompasses about 2.25 acres of generally flat, previously disturbed, Agriculture-zoned land. The pipeline would be routed under the highway through an existing drainage culvert. The project would be undertaken and completed within six months following issuance of appropriate permits.

OAHU

HONOLULU RAPID TRANSIT DEVELOPMENT PROJECT - ALTERNATIVES ANALYSIS AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Location: Honolulu, Oahu
TMK: Various

Please send your comments to:

Accepting Authority: Mayor, City and County of Honolulu
Honolulu Hale
530 South King Street
Honolulu, Hawaii 96813

with a copy of your comments to OEQC, attention Dr. Marvin T. Miura, Director and:

Proposing Agency: City and County of Honolulu
Department of Transportation Services
c/o Mark Scheibe, Parsons Brinckerhoff Quade & Douglas, Inc.
Two Waterfront Plaza, Suite 220
Honolulu, Hawaii 96813

Deadline: May 23, 1990

The proposed action is an improvement of the transit system in the urban Honolulu, Hawaii, area from Waiawa, through Downtown Honolulu, to Waikiki and the University of Hawaii. Three transportation alternatives were considered:

- A "No-Build" or "Do Nothing" alternative which is based on the existing bus system of 475 buses/
- A Transportation System Management alternative based on an expanded bus system of 997 buses; and
- A fixed guideway with feeder bus system.

Six full-corridor fixed guideway alternatives, each with different physical alignments which range in length from 16.8 to 18 miles, were considered. They are based on an advanced rapid transit technology with a fully integrated feeder bus system. Various alignment combinations make up the six full-corridor fixed guideway alternatives considered in the study. Variations among the full-length alternatives occur in only two sections: two options (Kamehameha Highway and Salt Lake Boulevard) are available for the section between Aloha Stadium and Keehi Interchange and three options (Hotel Street underground, Beretania/Alakea and Nimitz Highway) are available for the section consisting of Downtown and West Kakaako.

In addition to the full-corridor alternative, three Minimum Operable Segment (MOS) fixed guideway alternatives have also been considered. These lower cost alternatives are portions of the full-corridor alternatives and range in length from 6.4 to 11 miles.

For the environmental, engineering, and financial analyses of the alternatives, a "generic" fixed guideway system was developed. This generic system is a composite of the advanced rapid transit technologies that could be used in Honolulu, and would incorporate these four features:

- Medium Capacity (20,000 passengers per hour in peak direction).
- Electrified.
- Automated.
- Fully grade-separated.

There are several candidate technologies that could meet Honolulu's requirements.

- Steel wheel on steel rail
- Rubber tire on concrete
- Straddle beam monorail systems
- Magnetic levitation system

Two sites for a fixed guideway maintenance facility and storage yard have been identified. Only one site would be utilized. The Navy Ewa Drum Storage site in Waiawa, adjacent to Leeward Community College, would be chosen to service any of the full-corridor alternatives. A site makai of the newly constructed Kalihi-Palama bus maintenance facility at Middle Street would be chosen to service any of the Minimum Operable Segment alternatives.

The decisions to be derived from the current study are: the mode of transportation to be used in addressing Honolulu's transportation problems; the preferred fixed guideway alignment and termini, if that mode is selected; and the funding approach to be used.

Based on the comments received during the public review period, the City administration will prepare a Locally Preferred Alternative Report that will be submitted, along with its implementing financial plan, to the City Council for their consideration and endorsement. The Financial Plan relating to the Locally Preferred Alternative will be submitted to the State Legislature for their consideration in connection with the capital funding of the project.

KAAHUMANU PARKING STRUCTURE REDEVELOPMENT

Location: Honolulu, Oahu
TMK: 2-1-02:16, 20, 26, & 56

Please send your comments to:

Accepting Authority: City and County of Honolulu
Department of General Planning
650 South King Street
Honolulu, Hawaii 96813

with a copy of your comments to OEQC, Attention Dr. Marvin T. Miura, Director and:

Proposing Agency: City and County of Honolulu
Department of Housing and Community Development
c/o Colette Sakoda, Project Manager
R.M. Towill Corporation
420 Waiakamilo Road, Suite 411
Honolulu, Hawaii 96817

Deadline: May 23, 1990

The Kaahumanu Parking Structure Redevelopment plan covers 1.85 acres of land comprising four parcels. The parcels are bounded by Nimitz Highway, Queen Street, Nuuanu Avenue, and Merchant Street. Three of the

parcels are owned by the City and County of Honolulu; the fourth is owned by the State of Hawaii. The City will acquire or lease the state-owned parcel.

The overall redevelopment concept is a high quality urban complex combining residential, office, and commercial uses. The project area is proposed to be over 500,000 square feet.

Envisioned as a mixed-use development, the project will be a combination of a downtown hotel/condominium, a first-class office tower, and a commercial plaza with retail shops and restaurants. The plan is comprised of a multi-tower complex. The buildings will be bridged over Bethel Street at the upper level for pedestrian movement.

There are four components which are included in the plan. The "Promenade" is planned as a two-level shopping galleria providing 37,600 square feet of leasable area for retail, restaurant, and office space. The "Water Tower at Harbor Court" will provide 122 luxury two-bedroom, two-bath, hotel-condominium apartments. The tower will have about 171,000 square feet of space. The "Pier Tower at Harbor Court" will add approximately 220,500 square feet of first-class office space to the inventory. Each floor will typically have about 11,000 gross square feet of space. The "Rampart Suites," a five-story structure, will be occupied by retail and commercial office activities.

All of the 462 existing parking stalls, 411 from the Kaahumanu parking garage and 51 from the old police station parking lot, will be replaced. A total of 1,035 stalls are planned in the new project. 462 stalls on the lower parking levels will be owned by the City and made available to the public, 122 spaces will be assigned to the hotel-condominium apartments (one per unit), and the remaining 451 spaces will be reserved for use by the office, retail, and commercial occupants of the "Pier Tower" and "Rampart Suites."

COUNTRY COURSES AT KAHUKU (MALAEKAHANA)

Location: Koolauloa, Oahu
TMK: 5-6-06:02 & 06

Please send your comments to:

Accepting Authority: City and County of Honolulu
Department of General Planning
Municipal Office Building, 8th Floor
650 South King Street
Honolulu, Hawaii 96813

with a copy of your comments to OEQC attention Dr. Marvin T. Miura and:

Applicant: The Estate of James Campbell
c/o William E. Wanket, Inc.
Pacific Tower 660
1001 Bishop Street
Honolulu, Hawaii 96813

Deadline: Extended to April 8, 1990

The proposed Country Courses at Kahuku, Malaekahana site preliminary plans consist of a single 18-hole championship, daily-fee golf course and support facilities. Course completion is expected to be by 1994. A single clubhouse will serve the 18-hole course. The clubhouse would be approximately 10,000 to 12,000 square feet. Incorporated into the clubhouse would be a starting facility, pro-shop, lockers, restaurant/lounge, rest rooms, and cart storage and maintenance facilities for 90 golf carts. Cart storage is expected to account for approximately 5,000 square feet or approximately one-half of the clubhouse area. The clubhouse will be served by a driving range and putting green. The clubhouse will be provided with an appropriate number of parking stalls.

The site was once part of the Kahuku Sugar Company. Since the early 1970's when those operations ceased, the land has been vacant except for grazing operations. Currently, most of the property is being used by the Gunstock Ranch for grazing 100 head of cattle and 40 horses, and for boarding about a dozen horses. The Malaekahana State Park occupies the area across the highway, while the mauka area of the site adjoins the military lands of the Kahuku Training Area and pastures used for grazing.

Approximately 100 acres of the 200 acre project site will be reshaped to some extent. This will require grading of the golf course site itself, reshaping tees and greens, developing sand traps and swaling areas to guide surface runoff to retention areas or ponds. Project costs are estimated at about $9 million.

with a copy of your comments to OEQC attention Dr. Marvin T. Miura and:

Applicant: Kuilima Development Company
1001 Bishop Street, Suite 2000
Honolulu, Hawaii 96813

and: George Akita
c/o Group 70, Limited
924 Bethel Street
Honolulu, Hawaii 96813

Deadline: Extended to May 23, 1990

The proposed project involves removal of approximately 1,800 cubic yards of silt and clay sediments from a 0.66 acre area of Kawela Bay in its southeastern portion. The removal of these sediments is the primary goal of the project, in order to improve water clarity and eliminate the silt/clay bottom texture in the swimming, snorkeling and wading area offshore of the two planned new resort hotels.

The desilting equipment will remove the top six to 12 inches of sediments in this area utilizing a suction device. Hard, consolidated substrate areas will not be alterated or excavated. Material that cannot be removed by this equipment will not be removed by any other means.

The silt and clay material will be pumped into a containment pond on 0.34 acres in the nearshore upland area adjacent to the desilting project. This containment facility will allow dewatering of sediments along with drying and compaction. The storage capacity of this facility will be adequate to accommodate desilting materials and the residence time will be sufficient to allow removal of suspended sediments from the water. Water returning to the ocean from the containment area will have turbidity levels that are equal or better than that measured in this portion of Kawela Bay.

The dewatered sediments will be removed to golf course construction areas on the applicant's property, if useable; if not, it will be land filled. The total duration of the desilting, dewatering and disposal operations will be two months for operations and one month for mobilization and demobilization.

Following the desilting operation, approximately 1,000 cubic yards of crushed basalt gravel and 5,000 cubic yards of calcareous sand will be place at the silt removal site. The sands will fill the depressions in the bottom through this area of the Bay. This action is expected to improve circulation in this part of the Bay and reduce the likelihood of a recurrence of the problem. Sand will be imported onto the property by trucks and stock piled near the project site. Using amphibious earth moving equipment or hydraulic pumping, this sand will be transported offshore to fill the bottom areas. The filling project will require approximately two weeks to complete.

FINAL ENVIRONMENTAL IMPACT STATEMENTS

The following EISs have been submitted for acceptance. All comments received by the applicant or proposing agency, and corresponding responses, should be contained within the Final EIS. Those who wish to contest the acceptance of an EIS have a 60-day period in which to initiate litigation. The 60-day litigation period starts from the date of publication of an EIS's acceptance.

HAWAII

HAWAII COMMODITIES IRRADIATION FACILITY

Location: Hilo, Hawaii
TMK: 2-1-12:106, 107, & 108

Proposing Agency: Department of Business and Economic Development

Accepting Authority: Governor, State of Hawaii

Status: Currently being processed by the Office of Environmental Quality Control

Initially published as a Final EIS on December 23, 1988.

HONOKOHAU INDUSTRIAL PARK

Location: North Kona, Hawaii
TMK: 7-4-08:26 & 49

Applicant: Robert S. McClean
c/o Helber, Hastert & Kimura, Planners

Accepting Authority: State Land Use Commission

Status: Currently being processed by the State Land Use Commission.

The applicant, Robert S. McClean, seeks incremental districting of the 89.5-acre property to develop the site for light industrial, commercial, and service-related uses.

The proposed project is broken down into two increments:

Increment I is a 45.5-acre development intended to provide space for light industrial activities which generally require larger lots and open storage areas. Increment I proposes the following:

- continuation of ready-mix concrete and quarrying operations of West Hawaii Concrete;
- sale of boats and marine products and the continuation of the storage, construction, repair and maintenance of boats and other marine-related activities;
- sales of lumber, hardware and other construction materials and services, and the manufacture of lumber products;
- development of self-storage facilities;
- development of an automotive repair and service center, and an automotive sales lot for new and/or used cars;
- storage of trucks, buses and construction equipment;
- Office and storage facilities for contractors and small businesses, and production and sale of nursery products.

Increment II is proposed to be developed for commercial and service-related uses. This includes uses intended to support proposed civic activities at Kealakehe, along with uses that would support the general economic development of the region. Specific types of activities might include offices, restaurants and other related commercial operations, as well as wholesale services to retail businesses, businesses which produce local consumer goods, services which support the local building industry, light manufacturing, etc.

The project site is located about three miles north of Kailua-Kona, approximately 1,000 feet mauka of the Queen Kaahumanu Highway northeast of the Honokohau Small Boat Harbor. The makai 74.6 acres of the project site lie within the General Subzone of the State Conservation District. The mauka 14.9 acres are in the State Agricultural District.

OAHU

HAWAII FILM FACILITY EXPANSION AT DIAMOND HEAD

Location: Honolulu, Oahu
TMK: 3-1-42:09 & 33

Proposing Agency: Department of Accounting and General Services

Accepting Authority: Governor, State of Hawaii

Status: Currently being processed by the Office of Environmental Quality Control

Initially published as a Final EIS on August 8, 1989.

KEEHI LAGOON RECREATION PLAN

Location: Honolulu, Oahu
TMK: 1-1-03:01, 03, 05, & 06
1-2-23:33, 39, & 44
1-5-41:03

Proposing Agency: Department of Transportation Harbors Division

Accepting Authority: Governor, State of Hawaii

Status: Currently being processed by the Office of Environmental Quality Control

Initially published as a Final EIS on January 23, 1990.

MALULANI SPORTS COMPLEX

Location: Koolaupoko, Oahu
TMK: 4-6-06:01, 04, 07, 09, 11, 13, 15, 22-44, 48-51
4-6-16:31 & 32

Applicant: Nanatomi Hawaii, Inc.
c/o Vincent Shigekuni
Helber, Hastert and Kimura Planners

Accepting Authority: City and County of Honolulu
Department of General Planning

Status: Currently being processed by the Department of General Planning

The proposed project is located in Heeia Kea Valley, in the vicinity of the Heeia Kea Pier and Boat Harbor. The total project area is approximately 220 acres.

Nanatomi Hawaii proposes the development of a sports complex on the property, including an 18-hole golf course, golf clubhouse with dining facilities, meeting and function rooms, three tennis courts, an aerobics facility, a health spa and associated fitness facilities, as well as approximately 30 to 35 single-family homes.

A par 70, 18-hole golf course will be designed to use as much of the existing area, terrain and vegetation for challenging play. Water features will be distributed throughout the site to function as fairway amenities as well as irrigation reservoirs and siltation basins. The golf course will be open for public play for a fee.
Nanatomi Hawaii will dedicate approximately nine acres of the property for community-oriented facilities. Approximately one acre will be dedicated for the realignment of Kamehameha Highway near the entrance to the Heeia Kea Pier and Boat Harbor. By realigning a short segment of Kamehameha Highway, a three-acre area will be available for a public beach park and the expansion of boat harbor facilities. Approximately five acres of land mauka of the realigned highway could be used as a site for an amphitheater, hula halau and picnic area.

Hiking trails and a four acre campground accessible to the windward community with a permit from Nanatomi Hawaii are also planned.

OCEANIC INSTITUTE MASTER PLAN FOR THE CENTER FOR APPLIED AQUACULTURE

Location: Makapuu Point, Oahu
TMK: 4-1-14:04

Applicant: The Oceanic Institute
c/o Applied Analysis, Inc.

Accepting Authority: City and County of Honolulu
Department of Land Utilization
Environmental Affairs

Status: Currently being processed by the Department of Land Utilization

The Center for Applied Aquaculture Master Plan is a revision of the existing Oceanic Institute Master Plan on file with the Department of Land and Natural Resources. The Center for Applies Aquaculture is located at Makapuu Point.

The United States Congress has appropriated $6.125 million through the United States Department of Agriculture Cooperative State Research Service for the construction of the Center for Applied Aquaculture. The State of Hawaii is matching the federal appropriation with a $5 million grant administered by the Department of Land and Natural Resources through the Division of Water and Land.

Operations will include:

- Applied research to solve operational and production problems of commercial aquaculture operations.
- Finfish and crustacean maturation, hatchery, and growout technology development.
- Aquaculture nutrition research.
- Aquaculture information services, including design, engineering, economics, and management of aquaculture operations.
- Industry assistance, including training, prototype development, and effluent/discharge analysis.

The Center for Applied Aquaculture is an applied aquaculture research facility supporting the development of commercial aquaculture in Hawaii and the United States. The Center will be equipped to provide services to the commercial aquaculture industry that are

unavailable from traditional sources.

HONBUSHIN MISSION INTERNATIONAL OF HAWAII

Location:	Mililani, Oahu
TMK:	9-5-01:65
Applicant:	Honbushin Mission International of Hawaii c/o Gerald Park, Urban Planner
Accepting Authority:	City and County of Honolulu Department of General Planning
Status:	Accepted by the City and County of Honolulu, Department of General Planning on March 27, 1990.

Honbushin Mission International of Hawaii is requesting a State Land Use District Boundary Amendment from an Agricultural to Urban designation and an amendment to the Central Oahu Development Plan from Agriculture to Public and Quasi-Public Use. The requested changes in land use designations are for 15 acres in the ahupuaa of Waipio in the Ewa District. The property is a part of a larger 143-acre parcel.

The Honbushin Mission desires to establish facilities for a retreat program of meditation, physical exercise, seminary training, and meetings in addition to its continuing agricultural activities. The retreats are planned for up to 120 participants, who would gather for sessions lasting five weeks. Four sessions per year are proposed.

Participants will be housed in two new attached buildings to be constructed on the western edge of the property. The two-story, 28,700-square-foot buildings will have 36 lodging units with bath facilities but no kitchens.

Two separate, new buildings of approximately 1,400 square feet each will be constructed for use as a seminary training center. The buildings will accommodate ten men and ten women.

An existing, one-story, 3,900-square-foot garage will be renovated and converted into an eight-unit dormitory accommodating 24 volunteer farm workers. There will be bathing facilities but no kitchens.

A second existing garage of approximately 3,900 square feet will be converted into four attached dwelling units to house the Mission's staff of 15 to 20 people, including the staff's families. These units will be equipped with kitchen and bath facilities.

A new single-story, 2,600-square-foot kitchen and dining room will be constructed to provide meals to persons on-site.

A second greenhouse of approximately 5,400 square feet will be erected adjacent to an existing greenhouse. The 15-foot high structure will be constructed of steel framing, with fiberglass roof and walls.

A 17,000-square-feet outdoor earthen amphitheater will be constructed. The floor will be set four feet below grade with a 4,000 square foot triangular stage.

A 1,600 square foot ceremonial tea house will be constructed on a point of land overlooking Waipio Acres in the southwestern corner of the property. The wooden structure will be oriental in design and sited amidst a landscaped Japanese garden.

An existing parking lot will be supplemented by two new lots. A six-stall lot with a loading space will be constructed to the immediate south of the proposed kitchen and dining building. A second parking area with space for 18 vehicles, four buses and two loading spaces will be constructed to the north of the central warehouse building. This second lot adjoins the existing parking lot.

NOTICES

AVAILABILITY OF REPORT

HAWAII'S ENVIRONMENT 1988: THE ANNUAL REPORT OF THE ENVIRONMENTAL COUNCIL

Copies of this report may be obtained at no charge by writing to:

Environmental Council
465 South King Street, Room 104
Honolulu, Hawaii 96813

The number of copies is limited, so readers are advised to write early.

The report contains synopses of some of the important environmental events and issues of 1988. Submissions were received from many public and private agencies.

EIS ADVISORY

ENVIRONMENTAL ASSESSMENTS AND NOTICES OF DETERMINATION

Agencies and applicants should be diligent in preparing environmental assessments to assure that they meet the letter and intent of the law.

Information should be contained in the documents which will substantiate statements and decisions. (i.e. There should be substantiating evidence to justify the statement that there will be no environmental impacts.)

Per Section 10, Chapter 200 of Title 11, Administrative Rules, Department of Health, environmental assessments shall contain:

(1) Identification of applicant or proposing agency;
(2) Identification of approving agency, if applicable;
(3) Identification of agencies consulted in making assessment;
(4) General description of the action's technical, economic, social, and environmental characteristics;
(5) Summary description of the affected environment, including suitable and adequate location and site maps;
(6) Identification and summary of major impacts and alternatives considered, if any;
(7) Proposed mitigation measures, if any:
(8) Determination;
(9) Findings and reasons supporting determination; and
(10) Agencies to be consulted in the preparation of the environmental impact statement, if applicable.

Projects should not be done on an incremental basis to avoid preparation of an environmental impact statement. Per Section 12, Chapter 200, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short and long-term effects of the action.

Please refer to Chapter 200 for more information or call OEQC at 548-6915.

MEETING NOTICE

OAHU WASTEWATER MANAGEMENT

Sponsor:	Hawaii Association of Environmental Professionals
Location:	American Lung Association 245 North Kukui Street
Date:	April 10, 1990 (Tuesday)
Time:	4:15 - 5:30 p.m.

Dr. Kenneth Sprague of the Board of Water Supply will be the moderator for this seminar. The following is a list of topics to be discussed at the seminar:

Ecological Concerns - Dr. John Harrison (UH Environmental Center)
Health Concerns - Dr. Roger Fujioka (UH Water Resources Research Center)
Engineering and Economic Concerns - James Honke (Honolulu Public Works Wastewater Management)

For more information, contact Bill Corwin at 836-0555.

ENVIRONMENTAL NOTES

ENDANGERED HAWAIIAN PLANT INFORMATION

The U.S. Fish and Wildlife Service published its most recent Notice of Review for Plants in the Federal Register on February 21, 1990. 55 Fed. Reg. 6184 et seq. According to the review, 180 taxa of native Hawaiian plants are classified as Category 1 candidates, and 148 taxa of native Hawaiian plants are classified as Category 2 candidates.

Category 1 candidates are defined by the Services as those taxa for which the Service has on file enough substantial information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species. Category 2 candidates are defined by the Service as those taxa for which there is some evidence of vulnerability, but for which there are not enough data to support listing proposals at this time.

The Service is required to implement a system of monitoring the status of candidate taxa under listing petitions that are determined by the Service to be warranted but precluded by pending proposals, including Category 1 and Category 2 candidate Hawaiian plants. According to the Service,it is prudent to take candidate taxa into account during environmental planning. Because the list of candidates is continuously changing as taxa are added, reclassified, and deleted, land-use planners should obtain the most current status of candidate taxa from the U.S. Fish and Wildlife Service.

HAWAII'S OWN ENDANGERED SPECIES

The following information was taken from the Department of the Interior, U.S. Fish and Wildlife Service's Endangered Species Technical Bulletin, "Listing Proposals - October/November 1989," Volume XIV, November - December, 1989, p. 1.

Sixteen species - 11 plants and 5 animals - were proposed by the Fish and Wildlife Service during October and November 1989 for listing as Endangered or Threatened. All are native to the United States. If the proposed listings are approved, Endangered Species Act protection will be extended to the following Hawaiian plants:

Remya spp.

Remya is a genus of small perennial shrubs in the aster family (Asteraceae, also known as Compositae). It comprises three species, all of which are endemic to the Hawaiian Islands. These plants grow to about 3 feet (1 meter) tall, with many slender, sprawling branches. The narrow leaves are up to 6 inches (15 centimeters) in length and coarsely serrated. Small, dark yellow flowers are clustered at the ends of the stems.

The quality of the natural Hawaiian environment has been degraded steadily since the introduction of many non-native animals and plants. Grazing and browsing feral and domesticated animals, the erosion and other habitat degradation they cause, and competing naturalized plants are the greatest threats. Many of Hawaii's endemic plants and animals, which evolved in isolation, have declined in range and survive only in pockets of relatively undisturbed habitat.

All three species in the genus *Remya* were proposed on October 2 for listing as Endangered:

- *R. mauiensis* - This species is known from two small populations in the western part of the island of Maui, where they occur on adjacent ridges. They appear to be 20 to 25 plants at one site and 1 or 2 at the other. The State of Hawaii has fenced the larger population to protect it from cattle.
- *R. montgomeryi* - Apparently restricted to the island of Kaua'i, *R. montgomeryi* is known from only one site on the sheer, virtually inaccessible cliffs below the upper rim of Kalalau Valley. The population's size in unknown, but is believed to number fewer than 50 plants.
- *R. kauaiensis* - Another Kaua'i endemic, this species is known from five small populations in the Koke'e State Park area. The sites contain a total of about two dozen individuals.

Dwarf Iliau (Wilkesia hobdyi)

The dwarf iliau, a Hawaiian plant in the aster family (Asteraceae), is related to the spectacular and more widely known silversword. It apparently occurs only on two steep ridges in the Na Pali coast area of western

the Pu'u ka Pele Forest Reserve, and they total approximately 350 individuals.

Wilkesia hobdyi has been proposed for listing as Endangered (F.R. 10/2/89). The greatest threat to its survival is browsing by feral goats. Large herds roam the cliffs upon which the plants grow and are responsible for a great deal of damage. They not only eat the plants but accelerate erosion of the fragile ridge soil. The goat herds are increasing rapidly due to game management practices aimed at maintaining high numbers for hunting.

Aupaka (*Isodendrion hosakae*)

The fifth Hawaiian plant proposed during October (F.R. 10/10/89) for listing as Endangered, *I. hosakae* is found on the island of Hawai'i (the "Big Island"). This woody shrub, a member of the violet family (Violaceae), grows up to 30 inches (76 cm) in height. It has narrow, lance-shaped leaves and small flowers that are yellowish-green to white in color. This species is one of four in the genus *Isodendrion*, which is endemic to the Hawaiian Islands.

About 275 individuals grow on three volcanic cinder cones in the Waikoloa area of the South Kohala District. All three sites are on privately owned land. The greatest immediate threat to *I. hosakae* is browsing and habitat disturbance by domestic cattle. Feral pigs also have been observed in the area and their rooting may pose additional problems for this species, as it does for many other Hawaiian plants. On several occasions in the past, the entire area has been leased on a temporary basis to the U.S. Army for ground troop training exercises. Such military activities could pose an additional threat, as could range fires during the dry season.

The dwarf Iliau (Wilkesia hobdyi) branches from its base and grows to about 2 feet (60 cm) in height. Whorled tufts of narrow leaves grow at the top of each branch. Cream-colored flowers about 0.75 inch (2 cm) across are borne in clusters up to 18 inches (45 cm) long.

EARTH DEEDS/EARTH THOUGHTS

In celebration of Earth Day's twentieth anniversary on April 22, 1990, the Office of Environmental Quality Control would like to share some "Earth Deeds" and "Earth Thoughts" submitted, to our office, by the caring people of Hawaii. OEQC is dedicated to inform and educate the people of these beautiful islands, of how they can help to clean up and preserve our special "paradise."

ENERGY

- When purchasing a home, check for its energy efficiency.
- Avoid air conditioning as much as possible.
- Insulate the water heater and pipes, turn down the thermostat to 120 degrees.
- Use a clothesline rather than a dryer.
- If a clothes dryer is used, keep the lint screen clean.
- Purchase only high efficiency electrical appliances.
- Use low watt light bulbs or fluorescent lights.
- Use a solar water heater.
- Ask the electrical utility company for information on ways to cut down on electricity.
- Plant trees around the house.
- Strive to cut 20% off your individual electrical consumption by monitoring monthly electrical bills.
- Purchase electrical tools and appliances only when hand operated tools are not available.

WATER

- Repair all leaks and pipes.
- Use water-efficient washing machine and dishwasher.
- Collect rainwater and use rainwater for irrigation.
- Use plants adopted to your micro-climatic conditions.
- Use plants requiring little or no water.
- Install ultra low flush toilets using 60% - 90% less water than conventional toilets.
- Take showers, less than 5 minutes, not baths.
- Turn off faucets, do not run water when not being actively in use for shaving, brushing teeth, handwashing, etc.
- Use water efficient shower heads and sink faucets.

WASTE REDUCTION/RECYCLING

- Purchase durable goods.
- Reduce consumption.
- Use mugs instead of papers or styrofoam cups.
- Use cloth napkins instead of paper napkins.
- Cut down on the use of disposable chopsticks.
- Use metal utensils instead of disposable wood and plastic knives and forks.
- Double side photo copies.
- Recycle envelopes and papers.
- Use cloth diapers.

FOOD

- Eat lower on the food chain: vegetables, fruits, grains, tofu.
- Use leftovers.
- Purchase locally grown food.
- Encourage markets to stock locally grown produce.
- Read labels carefully on food products and purchase food products which have not been processed extensively.
- Purchase organically grown food and support legislation for organic labeling.
- Grow a vegetable garden.
- Plant fruit trees.
- Share food with others.
- Support efforts to preserve heirloom vegetable and fruit species.
- Support formation of seed banks and seed exchange programs to preserve genetic diversity.
- Be aware of how production of our food affects the environment.
- Fast for a day.
- Participate in programs concerned with world hunger issues.

TRANSPORTATION

- Use public transportation whenever possible.
- Walk or use a bicycle.
- Join a car pool.
- Purchase only fuel efficient cars, try for 35 MPH.
- Maintain your car, tune ups and oil change.
- Use radial tires and check tire pressure once a week.
- Adhere to posted speed limits, don't speed.
- Don't accelerate quickly from a dead stop, drive smoothly slow down gradually.
- Plan ahead and combine activities to minimize excessive driving.
- Plan trips carefully, choosing shortest route, avoid congestion.

TOXIC SUBSTANCES AND POLLUTANTS

- Avoid buying clothes requiring dry cleaning and dry clean only when necessary.
- Do not use aerosol and other products using CFC's as propellants. Better yet, avoid using aerosol products.
- Support legislation requiring system for collecting and recycling CFC in refrigerators and air conditioners.
- Read labels on all products, buy and use the least toxic products available or use non harmful substitutes.
- Use natural pest control products for insect control.
- Support legislation which encourage and help industry to modify manufacturing processes to reduce, recycle or eliminate the use of hazardous chemicals.
- Be aware of the toxic chemicals in your neighborhood.
- Properly dispose of prescription drugs and household chemicals.
- Be aware of poisonous plants.
- Be aware of hazardous substances and conditions in your workplace.

LIFESTYLE/ENVIRONMENTAL ETHICS

- Satisfy vital needs rather than desires.
- Appreciate and respect all life forms from the bacteria to the cockroach, not only those considered beautiful or useful.
- select and choose meaningful work rather than just making a living.

- Be concerned about the plight of the developing countries.
- Appreciate our rich ethnic and cultural differences.
- Try to simplify our daily living and avoid what is new merely because it is new.
- Join and participate in the activities of environmentally concerned organizations.
- Replace stress in your life, have fun and appreciate the wonders of nature.
- Don't purchase products made from endangered species of plants, animals or products made from over exploited species (reptiles, tortoise shells, ivory, fur).
- Avoid using wood from tropical rainforests unless you are certain that sustainable tree farming practices have been used.
- Plant trees and shrubs.
- Encourage environmentally sound practices at your workplace.
- Purchase products from companies that don't pollute, damage the environment, use animal testing or use toxic substances in their products.
- Purchase stocks from companies who established environmental goals.

POSTER OFFERED FOR EARTH DEEDS

"WHAT CAN PEOPLE DO TO HELP OUR ISLAND ENVIRONMENT? WHAT THINGS, SMALL OR LARGE, ARE YOU DOING TO SAVE THE ENVIRONMENT?"

The State Office of Environmental Quality Control wants answers to those two questions. OEQC wants to find out how you are trying to help the environment by asking you for your Earth Thoughts and Earth Deeds.

Examples of Earth Deeds and Earth Thoughts would include: recycling plastic bags, using solar water heaters, using fans instead of air conditioners, asking for paper bags instead of plastic at supermarkets, planting native plants, walking when possible instead of using the car.

The effort by OEQC to find out how individuals are trying to help the environment ties in with the 20th Earth Day Celebration in April. Replies should be addressed to Earth Deeds/Earth Thoughs, Office of Environmental Quality Control, 465 South King Street, Room 104, Honolulu, Hawaii, 96813.

As a "Mahalo" for your concerns and comments, an environmental poster will be sent to individuals who submit the attached coupon:

Mail to:
Earth Deeds/Thoughts, OEQC-Room 104,
465 South King St.,
Honolulu, Hawai'i, 96813

Earth Thought: I think the environment would be improved if _____
_____
_____

Earth Deed: To help the environment I _____
_____
_____

Please send my poster to:
(Name) _____

(Address) _____

(City/State) _____
(Zip) _____

Pursuant to Section 13-222-12, Hawaii Administrative Rules entitled "Shoreline Certification"

Date: April 8, 1900 Number: 90-07

NOTICE OF APPLICATION: Application available for inspection at District Land Offices on the islands of Kauai, Hawaii and Maui and at Room 220, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu

	LOCATION	APPLICANT	TAX MAP KEY	DATE RECEIVED
		Page 2 (continued)		
5)	Shoreline boundary fronting Hookipa Park (Hamakuapoko, Makawao, Maui)	Dept. of Parks and Recreation, County of Maui for State of Hawaii (County of Maui) Exec. Ord. No. 1198	2-5-04:25	3/22/90
6)	Lot 30 Block 1 Milolii Beach Lots Subdiv. (F.P. 789) Por. of Grant 3723 to J.M. Monsarrat at Papa 2nd (S. Kona, Hawaii)	Wes Thomas & Assoc., Inc. for Douglas Strom	8-8-06:08	3/22/90
7)	Area 13-A & 13-B Being a Por. RP 6856, L.C. Aw. 7713, Apana 6 to V. Kamamalu (Kahuluu, North Kona, Hawaii)	Towill, Shigeoka and Associates, Inc. for B.P. Bishop Estate	7-8-13:02, 43	3/27/90
8)	Lot 72, Puako Beach Lots (H.T.S. Plat 414-B) (Lalamilo, S. Kohala, Hawaii)	Wes Thomas & Assoc., Inc. for Andrew R. Main	6-9-03:11	3/28/90

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Comments on application may be made in writing to the State Land Surveyor at Room 210, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu within fourteen (14) days of this notice.

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Tel. 548-6460

PUBLIC NOTICE

Pursuant to Section 13-222-12, Hawaii Administrative Rules entitled "Shoreline Certification"

Date: April 8, 1990 Number: 90-07

NOTICE OF APPLICATION: Application available for inspection at District Land Offices on the islands of Kauai, Hawaii and Maui and at Room 220, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu

	LOCATION	APPLICANT	TAX MAP KEY	DATE RECEIVED
		Page 3 (continued)		
9)	Lot 3, Ld. Ct. App. 1867 (Map 2) (Kawela, Molokai)	Charles M. Busby, P.E., For Cecilia K. Kamakana	5-4-17:01	3/29/90
10)	Lot A Being All of RP 3178, L.C. Aw. 5147, Apana 2 to Kaiu (Ualapue, Molokai)	Charles M. Busby, P.E., for Lani Blissand	5-6-01:29	3/29/90
11)	Lot 21-A of Kahaluu Beach Lots Being a Por. of RP 6856, L.C. 7713, Ap. 6 to V. Kamamalu (Kahaluu, North Kona, Hawaii)	Wes Thomas & Assoc., Inc. for Jerry Morey	7-8-14:78	4/2/90
12)	Lot 1 & 2 on Map 2 of Ld. Ct. App. 1705 (Holualoa 3rd, N. Kona, Hawaii)	Wes Thomas & Assoc., Inc. for First Haw'n Bank Trustee of the Barbara Lyman Trust	7-7-04:25	4/3/90
13)	Lot 31, Ld. Ct. App. 614, Map 8 at Malae (Kaneohe, Koolaupoko, Oahu)	A Surveyor for James Schmit, Pamela D. Ross, Charles J.W. Chamberland, Thomas Sellers and Cheryl Sellers	4-4-21:36	4/3/90

.....

Comments on application may be made in writing to the State Land Surveyor at Room 210, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu within fourteen (14) days of this notice.

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Tel. 548-6460

Pursuant to Section 13-222-12, Hawaii Administrative Rules entitled "Shoreline Certification"

Date: April 8, 1990 Number: 90-07

NOTICE OF APPLICATION: Application available for inspection at District Land Offices on the islands of Kauai, Hawaii and Maui and at Room 220, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu

LOCATION	APPLICANT	TAX MAP KEY	DATE RECEIVED
	Page 4 (continued)		
14) Por. of Grant 1308 to Aikaula, Lot 2, Haleaha Beach Lots, F.P. 230 (Haleaha, Koolauloa, Oahu)	DJNS Surveying and Mapping, Inc. for Gloria Antoku	5-3-06:41	4/3/90

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Comments on application may be made in writing to the State Land Surveyor at Room 210, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu within fourteen (14) days of this notice.

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Tel. 548-6460

PUBLIC NOTICE

Pursuant to Section 13-222-12, Hawaii Administrative Rules entitled "Shoreline Certification"

Date: April 8, 1990 Number: 90-07

NOTICE OF APPLICATION: Application available for inspection at District Land Offices on the islands of Kauai, Hawaii and Maui and at Room 220, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Oahu

NOTICE OF SHORELINE CERTIFICATION OR REJECTION

	LOCATION	APPLICANT	TAX MAP KEY	DATE CERTIFIED (C) OR REJECTED (R)
1)	Lot 18 and Shoreline Fronting Lots 18 and 19 of Sunset Beach Lots (F.P. 256) (Pupukea, Koolauloa, Oahu)	Cummins & Cummins for Robert Scurich	5-9-20:39, 40	3/3/90(R)
2)	Lots L and 108 Mokuleia Beach Subdiv., F.P. 863 (Kamananui, Waialua, Oahu)	ControlPoint Surveying and Engineering, Inc. for Toshio Masuda	6-8-11:44	3/13/90(C)
3)	Lot "A" Being Por. of RP 4512, Mahele Award 43 to J.Y. Kanehoa at Kukuiula (Koloa, Kauai)	Agor Latham Architect for John Trenary	2-6-03:15	3/23/90(C)
4)	Ld. Ct. App. 677 Subdiv. of Lot 1110 on Map 254 into Lots 1110-A and 1110-B (Kailua, Koolaupoko, Oahu)	Walter P. Thompson Inc. for WGB, Inc.	4-3-13:33	3/23/90(C)

.....

APPEAL may be made to the Department of Land and Natural Resources in writing within twenty (20) days of the date of this notice:

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Tel. 548-6460

) Lot 601 of Ld. Ct. App. 1089 (Kamananui, Waialua, Oahu)	Harry K. Matsuo for William I. Ellison III	6-7-14:26	3/23/90(C)
6) 3061 Kalakaua Ave. (Waikiki, Honolulu, Oahu)	A Surveyor for Yoshihisa Shoshihara	3-1-33:02	4/6/90(C)
7) Outrigger Canoe Club, Lot 3 of Ld. Ct. App. 351, Kapiolani Park (Waikiki, Honolulu, Oahu)	ControlPoint Surveying and Engineering, Inc. for Outrigger Canoe Club	3-1-32:31	4/6/90(C)

.....

APPEAL may be made to the Department of Land and Natural Resources in writing within twenty (20) days of the date of this notice:

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Tel. 548-6460

465 SOUTH KING STREET : KEKUANAOA BUILDING, #104 · HONOLULU, HAWAII 96813

OEQC BULLETIN

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

BULK RATE
U.S POSTAGE
PAID
Honolulu, HI
Permit No. 1502

DBED
Coastal Zone Management Program

NOTICE OF PROPOSED ACTION

BY THE HAWAII STATE DEPARTMENT OF HEALTH SECTION 401 WATER QUALITY CERTIFICATION PUBLIC NOTICE 89-CW-WQC-5

November 6, 1989

The Hawaii State Department of Health, Environmental Management Division, is issuing the following notice of proposed action under the Clean Water Act and Chapters 91, 92 and 342D, Hawaii Revised Statutes.

The Department has received a complete application for a Section 401 Water Quality Certification and has prepared a tentative determination regarding the certification. This Section 401 Water Quality Certification is for the permitted activity under the U.S. Army Corps of Engineers (COE), Section 404 Permit Program of the Clean Water Act of 1977.

On the basis of preliminary review of the requirements of the Clean Water Act and 40 Code of Federal Regulations, Part 121, the Director of Health proposes to issue a Section 401 Water Quality Certification to the following applicant, subject to the following conditions:

Island Power Company, Inc.
P.O. Box 625
Kalaheo, Kauai, Hawaii

Bonneville Pacific Corporation, as agents
820 Mililani Street, Suite 712
Honolulu, Hawaii 96813

Contact Person: Clark Mower or Dean R. Anderson
Telephone No: (801) 363-2520 or (808) 599-5222

Project Name and Location: Construction of Upper Wailua River Hydroelectric Power Project Maheo Stream, North Fork Wailua River, Wailua, Kauai, Hawaii

The applicant proposes to construct and operate a hydroelectric power plant as a "run of the river" project in the Wailua River Basin - 7 miles northwest of Wailua, Kauai, Hawaii, for the purpose of generating electricity for sale to Kauai Electric Company. The proposed Upper Wailua Hydroelectric Project would divert between 8 and 48 cubic feet per second (cfs) of sugarcane irrigation water from the Hanalei Tunnel outlet, by means of a concrete diversion weir, through a buried pressure penstock (approximately 8,925 feet long - varying in diameter from 48 to 32 inches) to a 1.26 megawatt power house sited on the west bank of Maheo Stream (approximately 200 feet upstream of its confluence with the North Fork Wailua River). After passing through the power house turbine generator, uncontaminated irrigation water would be returned to Maheo Stream via a 50 foot long tailrace.

The project feature evaluated by this certification is limited to:

1. The discharge of pollutants associated with construction of a concrete diversion weir (approximately 5 feet high; 30 feet across; 1,210 feet above mean sea level (msl) and electrical power plant (approximately 40 feet wide; 40 feet long; 20 feet high; 710 feet msl); and
2. The discharge of up to 48 cfs of irrigation water, via the proposed 50 foot long tailrace, into Maheo Stream during operation of the power plant.

Of concern are the following State water quality parameters:

- During construction in Maheo Stream: Total Suspended Solids, Turbidity; and
- During operation of the power plant (i.e. discharge of irrigation water into Maheo Stream): Turbidity, Temperature, Dissolved Oxygen.

Maheo Stream is calssified by the Department of Health as Class 2 Inland Water Body.

In accordance with State of Hawaii, Department of Health, Administrative Rules, Title II, Chapter 54, Water Quality Standards, Section 11-54-03(b)(4): The objective of Class 2 waters is to protect their use for recreational purposes, propagation of fish and other aquatic life, agricultural and industrial water supplies, shipping, navigation and propagation of shellfish. The uses to be protected in this class of waters are all uses compatible with the protection and propagation of fish, shellfish and wildlife and with recreation in and on these waters. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class. No new sewage discharges shall be permitted within estuaries. No new industrial discharges shall be permitted within estuaries, with the exception of acceptable non-contact thermal and floating drydock or marine railway discharges within Pearl Harbor, Oahu.

The application package is deemed to be complete and the required $100.00 filing fee has been paid to the State of Hawaii. Therefore, based on the Section 401 Water Quality Certification application and supporting information, it is recommended that a Section 401 Water Quality Certification be issued for the subject discharge activity pending public participation via this public notice of proposed action.

Conditions of the Section 401 Water Quality Certification:

1. The granting of a Section 401 Water Quality Certification shall be limited to the discharge of the following materials into the Class 2 waters of Maheo Stream, North Fork Wailua River:
   a. concrete diversion weir and intake structure; and
   b. sugarcane irrigation water.
2. The applicant shall insure that:
   a. project activities associated with the "discharge(s)" shall be conducted according to good engineering management practices that will provide reasonable assurance that the applicable State Water Quality Standards will not be violated;
   b. construction debris and any other deleterious material(s) shall be contained and prevented from entering state waters;
   c. material(s) to be placed in state waters shall be free of waste metal products, organic materials, objectionable debris and any pollutants at toxic or potentially hazardous concentrations to aquatic life; and
   d. best judgement shall be used in determining the necessity for implementation of provisionally approved U.S. Army Corps of Engineers methods (silt curtains, sand bags, cofferdams, sedimentation ponds, flow diversion, etc.) to isolate the construction activities and prevent degradation of existing receiving water quality.
3. The applicant shall conduct water quality, discharge character and/or biological monitoring in accordance with their monitoring plan received May 19, 1989.

RECEIVED
APR 2 0 1990
OFFICE OF STATE PLANNING

NOTICE OF PROPOSED ACTION

BY THE

STATE DEPARTMENT OF HEALTH

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND

ZONE OF MIXING

90-CW-PW-3

APRIL 20, 1990

The State Department of Health, Environmental Management Division, is issuing the following notice of proposed action under the Clean Water Act, Chapter 342D, Hawaii Revised Statutes, and Chapters 11-54 and 11-55, Administrative Rules, Department of Health.

The Department of Health has received complete applications for National Pollutant Discharge Elimination System (NPDES) permits and applicable Zones of Mixing. However, the Department of Health was unable to complete the processing of the applications prior to the NPDES permits and applicable Zones of Mixing expiration dates. The U.S. Environmental Protection Agency, Region 9 requested the incorporation of the State Water Quality Standards and toxicity testing into the NPDES permits. Therefore, in accordance with Section 342D-6(d), Hawaii Revised Statutes, has administratively extended the NPDES permits and Zones of Mixing. Following the resolution of the Water Quality Standards and toxicity testing issues, the Department of Health has prepared tentative determinations regarding the NPDES permits. The corresponding requested Zones of Mixing have been also incorporated into the proposed NPDES permits.

On the basis of preliminary review of the requirements of the Clean Water Act, Chapter 342D, Hawaii Revised Statutes, and Chapters 11-54 and

11-55, Administrative Rules, Department of Health, the Director of Health proposes to issue NPDES permits and applicable Zones of Mixing to discharge to the following applicants, subject to certain effluent limitations and special conditions:

Hawaiian Electric Company

P.O. Box 2750

Honolulu, HI 96840

KAHE GENERATING STATION

NPDES Permit No. HI 0000019

Zone of Mixing No. ZM-21

The applicant operates a steam electric power generating facility located at 89-900 Farrington Highway. Six (6) production units (air preheater/boiler/steam turbine generator/condenser) operate in pairs, having a total rated generating capacity of 638 megawatts. Once through condenser cooling water for the generating units and cooling water for pumping units are combined into a transition basin then discharged into the Pacific Ocean through Outfall Serial No. 001 at a designed maximum rate of 861 MGD. In addition to the once through cooling water, Low Volume Wastes (LVW) (daily maximum flow of 0.27 MGD) and treated intermittent non-hazardous Metal Cleaning Wastes (MCW) (daily maximum flow of 0.35 MGD) are also discharged through Outfall Serial No. 001. The outfall discharge from the facility enters the Pacific Ocean, a "Class A" open coastal water, at coordinates: Latitude 21°21'24.8"N; Longitude 158°08'07"W, 750 feet offshore at the depth of 27 feet. The beneficial use of Class A open coastal waters include recreation, aesthetic enjoyment, the protection and propagation of fish, shellfish, and wildlife.

The applicant also requested that the existing Zone of Mixing for the assimilation of once through cooling water, LVW, and treated non-hazardous MCW from the Kahe Generating Station be granted. The proposed Zone of Mixing is in an area of approximately 455 hectares (1,125 acres) bounded by a square with sides of 2,134 meters (7,000 feet) in length offshore and alongshore, centered alongshore on a point between the shoreline discharge and intake structures at a depth of 27 feet. The proposed NPDES permit and Zone of Mixing will expire on May 31, 1994.

PACIFIC SEA FARMS

P.O. Box R

Laie, HI 96762

NPDES Permit No. HI 0021059

Zone of Mixing No. ZM-263

The Pacific Sea Farm facility is located on the northern shores of Oahu near the abandoned Kahuku airfield. The plant consists of 32 operating raceways, eight (8) ponds, and a hatchery of eight (8) raceways and 16 tanks. Three (3) source wells provide up to 33.6 MGD (1.34 m^3/sec) of brine water to the aquaculture farm. Discharge is by a constructed lined canal which drains into state designated Class A waters of the Pacific Ocean.

The applicant also requests a Zone of Mixing for the assimilation of concentrated aquatic feeding facility process water. The proposed Zone of Mixing dimensions are a rectangle, extending 4,000 feet northwesterly and 1,500 feet southeasterly from the point of discharge (Latitude 21°42'07"N, Longitude 157°57'33"W) and extending 2,500 feet offshore. The Zone of Mixing shall extend vertically from the surface to the ocean floor.

NPDES Permit No. HI 0021059 and Zone of Mixing No. 263 were issued to Marine Culture Enterprises on November 1, 1984. The NPDES permit and Zone of Mixing expired on October 31, 1989. During the term of the permit, Marine Culture Enterprises reorganized under the new name of Pacific Sea Farms, Inc. The permit was modified to reflect the reorganization on June 30, 1988. On June 23, 1989, Pacific Sea Farm reapplied for an NPDES permit and on November 2, 1989 the Department administratively extended the existing permit. The proposed NPDES permit and Zone of Mixing will expire on October 31, 1994.

U.S. Navy

Fort Kamehameha WWTP

PACNAVFACENGCOM

Pearl Harbor, HI 96860

NPDES Permit No. HI 0110086

Zone of Mixing No. ZM-257

The Fort Kamehameha WWTP is operated by the U.S. Navy. It provides secondary wastewater treatment to Naval housing and industrial operations at Pearl Harbor, and to Air Force housing and industrial operations at Hickam Air Force Base. Wastewater is also contributed by Army housing at Fort Kamehameha, the Hawaii Air National Guard, and the Marine Corps Camp Smith.

The total population served is in excess of 50,000. The design flow of the treatment plant is 7.5 MGD, with a peak of 23 MGD. The application, dated August 22, 1988, reports an average flow of 5.47 MGD, but recent Discharge Monitoring Reports indicate monthly average flows over 8 MGD. The plant is therefore already operating over its design capacity, although its compliance history with secondary treatment limits is very good.

Influent is weak, averaging about 100 mg/l BOD and suspended solids.

Major non-domestic flows include the Ship Wastewater Collection Ashore System (SWWCA), serving the Pearl Harbor docks, the Shipyard Control Industrial Area, and the Naval laundry at Aiea. The total number of non-domestic dischargers to the system is over 200. The effluent is chlorinated with an average concentration of 1.8 mg/l.

The effluent is discharged through a submerged outfall to the Pearl Harbor Entrance Channel. The outfall is 1,700 feet long and discharges at a depth of approximately 40 feet. The proposed permit and Zone of Mixing will expire on February 28, 1993.

Persons wishing to comment upon or object to the proposed determinations by the Director of Health regarding issuance of the NPDES permits and applicable Zones of Mixing or request a hearing pursuant to Sections 11-54-09(c)(4) and 11-55-13, Administrative Rules, Department of Health, should submit their comments or request in writing no later than May 21, 1990 either in person or by mail, to:

Office Address

State of Hawaii
Department of Health
Environmental Management Division
Clean Water Branch
Five Waterfront Plaza, Suite 250
500 Ala Moana Boulevard
Honolulu, Hawaii 96813
Telephone: (808)543-8309
Contact: Mr. Steven Y.K. Chang

Mailing Address

State of Hawaii

Department of Health

Environmental Management Division

Clean Water Branch

P.O. Box 3378

Honolulu, Hawaii 96801

Copies of the draft NPDES permits, applicable Zones of Mixing, fact sheets, if required, and other information on file are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m., at the Department of Health address shown above. A charge will be assessed for copies.

Further information may be obtained by writing to the Department of Health at the above address.

All comments or objections received no later than comment period May 21, 1990 will be considered in the formulation of the final determinations regarding the applications. A hearing may be held upon submission of a written request if the Director of Health determines that there is significant public interest to meet the requirements of Sections 11-54-09(c)(4) and 11-55-13, Administrative Rules, Department of Health. A public notice of such hearing will be issued not less than 30 days prior to the hearing date.

If no hearing is held and the determinations of the Director of Health, after consideration of all comments and objections, are substantially unchanged from the tentative determinations, the NPDES permits and applicable Zones of Mixing will be issued and this action will be final.

Please bring the foregoing notice to the attention of all persons whom

you know would be interested in this matter.

JOHN C. LEWIN, M.D.

Director of Health

P0307EC

JOHN WAIHEE
GOVERNOR OF HAWAII

RECEIVED
JAN 1 5 1989
Office of State Planning

JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
EPHSD/EPB

NOTICE OF PUBLIC HEARING
BY THE
HAWAII STATE DEPARTMENT OF HEALTH
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

JANUARY 13, 1989
89-EP-PW-1

Date of Public Hearing: Wednesday, February 15, 1989

Time: 2:00 p.m.

Place: Kinau Hale Board Room (3rd Floor)
State Department of Health Building
1250 Punchbowl Street
Honolulu, Hawaii

The Hawaii State Department of Health, Environmental Protection and Health Services Division, is issuing the following notice of proposed action and public hearing under the Clean Water Act and Chapters 91 and 342, Hawaii Revised Statutes.

The Department has received complete application for National Pollutant Discharge Elimination System (NPDES) permit. However, the Department was unable to complete the processing of the application, prior to the NPDES permit expiration date. The U.S. Environmental Protection Agency, Region 9 requested the incorporation of State Water Quality Standards and toxicity testing into the NPDES permit. Therefore, in accordance with Section 342-6(e), Hawaii Revised Statutes, the Department has administratively extended the NPDES permit. Following the resolution of the Water Quality Standards and toxicity testing issues, the Department has prepared tentative determinations regarding the permit and issued a notice of proposed action on October 28, 1988, 88-EP-PW-3, in The Honolulu Advertiser. The public hearing is being held as requested by the Hawaii Freshwater Fishing Association to consider the issue raised regarding the operation of the treatment facility.

On the basis of preliminary review of the requirements of the Clean Water Act, as amended, Chapter 342, Hawaii Revised Statutes, and Chapter 11-55, Administrative Rules, the Director of Health proposes to issue an NPDES permit to the following applicant, subject to certain effluent limitations and special conditions:

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PUBLIC WORKS
650 SOUTH KING STREET
HONOLULU, HI 96813

WAHIAWA SEWAGE TREATMENT PLANT (STP)
111 CALIFORNIA AVENUE
WAHIAWA, OAHU, HI 96786
NPDES PERMIT NO. HI 0020125

The applicant operates a secondary treatment facility which has a design capacity of 2.49 MGD and serves to provide treatment for domestic wastewater collected from the populace (currently 17,202) residing in the town of Wahiawa, Oahu. Currently, approximately 1.43 MGD of treated effluent is discharged via the Wahiawa STP Outfall Sewer into the South Fork of Kaukonahua Stream, Wahiawa Reservoir (Lake Wilson) at coordinates: Latitude 21°29'37"N; Longitude 158°02'34"W. The Wahiawa Reservoir is classified as a "Class 2" inland water in which the uses to be protected include limited non-contact recreational purposes, propagation of fish, and agricultural water supply. The proposed permit will expire on March 1, 1992.

All interested parties are invited to be present or represented at the hearing to express their views on the proposed issuance of this permit.

Persons wishing to comment upon or object to the proposed determinations may submit same in writing and/or appear at the public hearing. Written comments should be submitted no later than February 15, 1989, either in person or by mail, to:

Office Address
State of Hawaii
Department of Health
Environmental Protection and
Health Services Division
Environmental Permits Branch
AMELCO Building, 3rd Floor
645 Halekauwila Street
Honolulu, Hawaii 96813
Telephone: (808)548-6410
Contact: Mr. Steven Chang

Mailing Address
State of Hawaii
Department of Health
Environmental Protection and
Health Services Division
P.O. Box 3378
Honolulu, Hawaii 96801

Copies of the application, proposed permit, fact sheet, if required, and other information on file are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m., at the Department of Health address shown above. A charge will be assessed for copies.

Further information may be obtained by writing to the Department of Health at the above address.

Oral statements may be received and considered, but for accuracy of the record, all important testimony should be submitted in writing. Oral statements should summarize extensive written material so there will be time for all interested persons to be heard. It is requested, but not required, that sufficient copies of written material be produced so other interested persons may receive a copy and it will not be necessary for written material to be read at length.

All comments or objections received no later than February 15, 1989, and/or presented at the public hearing will be considered in the formulation of final determinations regarding the application. Following the public hearing, the Director may make appropriate modifications in the terms and conditions of the proposed permit and shall issue or deny the permit. The Director will provide notice of such issuance or denial to any person who participates in the public hearing and any other person who requests to be placed on a mailing list. The notice will briefly indicate any significant changes from the tentative determinations and draft permit.

The permit will be issued by the Director unless he grants a written request for an adjudicatory hearing. Requests for an adjudicatory hearing must be filed within twenty (20) days following the notice of issuance, and must meet the requirements of Chapters 91 and 342, Hawaii Revised Statutes. A public notice of any such adjudicatory hearing will be issued not less than thirty (30) days prior to the hearing date. If no adjudicatory hearing is requested, the permit will be issued or denied, as appropriate, and this action will be final.

Any person with a hearing impairment desiring to attend the hearing may request the assistance of a sign language interpreter provided such request is made 72 hours prior to the scheduled hearing. This request may be made by writing to the Environmental Permits Branch or by calling 548-6410 (voice) or 548-6210 (TDD).

Please bring the foregoing notice to the attention of all persons whom you know would be interested in this matter.

JOHN C. LEWIN, M.D.
Director of Health

Appendix D

Monitoring Guidance from OCRM and Federal CZM Act of 1972

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

JUN 12 1990

RECEIVED
JUN 18 1990
OFFICE OF STATE PLANNING
31228

TO: State Program Managers

FROM: James P. Burgess, Chief
Coastal Programs Division

SUBJECT: 1990-1991 Performance Report Guidelines

The performance report guidelines for 1990-1991 have been revised from the August 17, 1989 guidance. The guidelines remain divided into three sections:

- Section A - status of grant;
- Section B - status of state permits, Federal consistency, and program changes; and
- Section C - annual report.

No changes were made to Section A.

The only change made to Section B was adding a column to two Federal consistency charts to indicate the date that the consistency notification or application was received from the Federal agency or applicant. In order to compile a national database on Federal consistency, it is critical that all the information requested in the Federal consistency charts is submitted. We strongly urge that the consistency data be presented in the same format as contained in the Section B charts. However, the information may be displayed in some other form, as long as it is easily interpreted.

After reviewing the responses to last year's Section C annual reports, several report questions were revised. Some questions were eliminated, while others were added or clarified. The questions with an asterisk (*) are one-time questions from last year and should be answered only if changes have occurred since you submitted Section C (i.e., legislative changes, new initiatives, emerging problems). The questions with an ampersand (@) are new or revised questions; they should be answered even if they are one-time questions. Please note that several of the new questions replace questions from last year's guidance. Section C is due on October 31, 1990.

An abbreviated version of the performance report guidelines will be incorporated in the 1990-91 grant award package. That version is designed to be used in conjunction with the attached guidelines.

Some confusion exists regarding the requirement for a final performance report, previously due 90 days after the end of the grant. A final performance report covering all activities for the grant period is not required. Instead, a quarterly report will be required for the last quarter of the grant period. However, if there are activities that have not been closed out, CPD may request that a short close-out status sheet be provided to ensure that all tasks and activities have been officially accounted for. For example, if a grant ends on September 30, 1991, a quarterly report will be due on October 30, 1991. If there are activities conducted during the grant close-out period that were not reported on in the October 30 report, a brief close-out status sheet may be due no later than December 31, 1991. Financial Status Reports are still required to be submitted to the NOAA Grants Office 90 days after the end of the grant.

If you have any questions, please contact the CPD regional staff.

May 1990

Office of Ocean and Coastal Resource Management

Revised Performance Report Guidelines

Introduction

This paper provides Office of Ocean and Coastal Resource Management (OCRM) guidance for the submission of performance reports for financial assistance awards under Sections 306 and 306A of the Coastal Zone Management Act, as amended (CZMA). The information contained in the performance reports is needed to determine the states' adherence to the terms of financial assistance awards, compliance with grant tasks and significant improvement schedules and benchmarks, adherence to the approved state coastal management programs, and the extent to which each state is addressing the coastal management needs identified in Section 303(2)(A)-(I) of the CZMA.

The performance report requirements are divided into three sections: Section A (status of grant tasks), Section B (status of program implementation activities), and Section C (annual report). States are required to submit Section A for each quarter of the grant award, submit Section B during the second and fourth quarters of the grant award, and submit Section C on an annual basis (due to OCRM each October 31). In other words, for the first and third quarterly reports, states will submit Section A; for the second and fourth quarterly reports, states will submit both Section A and Section B. Section C replaces the previously required final performance report. The new annual report is due October 31 of each year, covers the previous year (October 1 - September 30), and is not tied to specific award periods.

Wherever possible, states are encouraged to use existing data as attachments to the performance report, particularly for the information requested under Section C. The attachments may be reports prepared for internal office purposes, reports prepared by the CZM agency, or other statewide reports.

A number of examples are attached to this document as guidance for Sections A and B. The attachments are suggested formats for completing specific sections of the report. Information may be submitted in any usable format provided that the required information is included. Specific inconsistencies between OCRM reporting requirements and state reporting systems should be resolved by the state program managers and appropriate CPD regional staff.

Section A

Quarterly Reporting Requirements - Status of Tasks

This section describes the status of each Section 306 and Section 306A grant task and relevant special award conditions. The report must be detailed enough to provide OCRM with a clear understanding of what has been accomplished under each task during the performance period. The section should be organized in the same format as the original grant application and include the following information:

1. Status of task, organized by task number and title (e.g., meetings held, work products completed, contracts completed).

2. Status of significant improvement tasks and benchmarks (states may use an asterisk to indicate the significant improvement tasks in the narrative).

3. Status of special award conditions due during the performance period.

If a work product or benchmark is not due for a task, the narrative should provide more information than "the work is continuous and on-going." Please indicate whether the task is on schedule and when the work is expected to be completed.

The performance report should also be informative enough to provide OCRM with preliminary notice that revisions to the grant or the significant improvement memorandum may be necessary due to problems encountered during the reporting period. However, noting potential grant changes in the performance report does not replace the need to formally request such changes.

States are encouraged to make these reports as concise as possible. Depending on the size and complexity of the state grant, these reports may be no more than five to ten single-spaced pages. Narrative discussions can be particularly brief in cases where attachments (contracts, work products, meeting minutes, publications, public notices, etc.) provide a clear indication of status. Refer to Attachment A for an example.

Section B

Semi-annual Reporting Requirements on Program Implementation

This section describes the information required to assess the states' adherence to the basic program implementation. Section B must be submitted as part of the second and fourth quarter performance reports, covering the previous six months (i.e., two quarters). Information under this section will focus on administration of the state CZM core regulatory programs and related efforts. Three major topics will be reported on: (1) permit administration, monitoring and enforcement, (2) Federal consistency, and (3) program changes. Information reported under these topics should include sufficient detail to provide a clear understanding of the major activities, problems, and accomplishments during the reporting period.

In the case of the first two topics, states must submit quantitative information in chart or tabular form and narrative sections which briefly discuss significant accomplishments, problems, or controversial activities covering program implementation and Federal consistency requirements.

States may use existing state reporting mechanisms to provide the tabular data requested if such reports meet the reporting requirements. When a topic area in Section B is also a grant task (and therefore reported under Section A), it is not necessary to repeat the same information in Section B. Following is a more detailed description of information to be reported on under each topic of this section.

Permit Administration, Monitoring, and Enforcement

This section should include quantitative data on the number and type of all state and local government CZMP mandated permit applications; the number and type of state and local CZMP permits issued, pending, conditioned or denied; average processing time; number of violations detected and specific enforcement actions taken; and any other monitoring activities such as overflights or field trips. In the case of networked programs, which rely on more than one regulatory program, quantitative information described above must be provided on each core program. A suggested format for the chart reports is presented in Attachment B1. These charts are provided as guides. The states may submit the information in their current state agency format. If a state is unable to provide information for one or more of the categories, please contact the appropriate CPD program staff.

The narrative section should briefly discuss controversial development projects or issues and the CZM program's role or involvement. States may append news clippings, memos, etc., to support abbreviated summaries. If an item has been discussed in previous reports, please update this information as necessary. In addition, describe the lead CZM agency's efforts to monitor activities of other state or local agencies, identify accomplishments or problems related to ensuring agency compliance with the State

approved CZM program, and where necessary discuss actions to bring these agencies into compliance.

Federal Consistency

This section must include both charts and narrative information which describe the Federal consistency reviews and activities during the report period. Suggested formats for the charts are presented in Attachment B2.

The narrative report should briefly describe, in case study format, significant consistency reviews, specific examples of controversial projects, types of project modifications required to meet consistency provisions, and important consistency negotiations during the reporting period. The narrative should also report on efforts to improve the consistency review process, (i.e., to develop regulations, guidelines or other advisory materials). Again, internal reports, etc. may be included as attachments in lieu of narrative in the performance reports.

Program Changes

The report should identify any changes to state authorities or organizational structure that occurred during the reporting period and which may affect the federally approved CZM program. Examples include changes in CZM or core program statutes, changes in organization or coordination agreements, amended regulations, approval of local coastal programs, and designation of special management areas. If no changes have occurred to the approved program during the reporting period, please include a statement to this effect. This report is not a substitute for the formal submission to OCRM of such program changes pursuant to 15 CFR 923.80-84.

Section C

Annual Report

The purpose of this section is to enable OCRM to: (1) collect comprehensive information for a national database on coastal management issues, (2) collect information on innovative management techniques for exchange between programs, (3) cite specific accomplishments under the Federal CZM program, and (4) identify emerging coastal management issues. The topic areas under this section reflect the national coastal management objectives as defined in the Coastal Zone Management Act, as amended, Section 303(2)(A)-(I).

Section C must be completed once a year and submitted to OCRM on October 31. The report will include information on the previous twelve months, e.g., October 1 to September 30.

OCRM has prepared Attachment C, which describes the information to be reported in the annual report.

The questions with an asterisk (*) are one-time questions from last year and should be answered only if changes have occurred since you submitted Section C (i.e., legislative changes, new initiatives, emerging problems). The questions with an ampersand (@) are new or revised questions; they should be answered this year even if they are one-time questions. Please note that several of the new questions replace questions from last year's guidance. In some cases, the number of questions has been reduced for a section (i.e., ocean and coastal use management).

When responding to the questions in Section C, discuss specific examples wherever possible. Examples could include the use of CZM funds for a small planning project as seed money for a large urban waterfront project, or the modification of a major development project to meet appropriate regulatory requirements. If a question is not applicable to a specific coastal management program, you do not need to address that issue. When appropriate, feel free to attach studies or reports to the performance report in lieu of or as a supplement to any narrative.

Attachment A - Example of Grant Task Status

Attachment A: Example of Grant Task Status

Task 88 - IV. Local Coastal Programs

Subtask A - LCP support contracts

All local government support contracts were signed within 2 months of grant start date. (Summary sheet of contract start date and sub-award amount provided in attachment B.)

Subtask B - Special Grants to Improve Local Monitoring and Enforcement

Initiation of pilot projects has fallen behind since only City X has signed a contract. City Y and County Z have declined to finalize contracts because of lack of matching funds. Cities W and V may be interested in contracts - if contracts with these two cities cannot be signed by April 30, funds will need to be reprogrammed to other tasks.

* Subtask C - Update of GIS data base for LCPs:
Work presently is two months behind schedule due to delays in hiring a contractor (contract attached). Work is progressing on data collection (10 of 38 counties now complete) and we expect to be able to complete 1/2 of the update by June 30, which will fulfill the interim Sig Benchmark 1.

* Task 88 V. Refinement of Mitigation Policy

Work is progressing on schedule. The interagency work group has met twice and agreed on the major policy issues to be addressed (offsite mitigation, replacement ratios, and impact assessment criteria.) This was based on the contractor's initial work product - a review of past mitigation projects in our state. Interim benchmarks 1 and 2 were met last quarter.

A. The contractor was hired by January 15 (copy attached).
B. The initial review of past mitigation projects was completed on March 28 (copy attached).

Task 88 VI. 306A Projects

Status of each project is as follows:

Boat ramp #4 - All 306A information was received from the City on February 1 and forwarded to OCRM on February 15. We are awaiting response.

* significant improvement task

Dune Walkover #5 - The City did not provide title opinion and PE by close of quarter - we expect to receive by April 30. Project should still be completed by end of the grant.

Waterfront #6 - City Z has not provided necessary information. Funds will need to be reprogrammed to another 306(A) project that can be completed by the end of the grant or to task 88 X, Map Digitization, to speed up wetlands mapping.

* Task 88 VII, Beach Access Study - Region 1

Four meetings were held with the RPC and local governments to refine data requirements and collection methodology. Although no benchmarks or work products were due this quarter, items due next quarter should be on schedule. Draft outline of study attached FYI.

Attachment B1 - Example of Permit Administration, Monitoring, and Enforcement Charts

Performance Report Permit Chart #1

For state CZM agencies with direct permitting authority.

State/Local Permitting Agency	Type of Permit Activity	Applications Filed	Permits Issued w/out Conditions	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
Coastal Management Agency	Major Coastal Development Permit						
Coastal Management Agency	Minor Coastal Development Permit						
Local Gov't. (if appropriate)	Coastal Development Permit						
Etc.							
Total CZMP Regulatory Activity							

The permitting CZM agency may use this chart or revise it to conform to their permit reporting procedures.

Performance Report Permit Chart #2

For state CZM programs with "networked" agencies.

State/Local Permitting Agency	Type of Permit Activity	Applications Filed	Permits Issued w/out Conditions	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
Water Quality Management Agency	Tidal Development Permit						
Local Gov't. (if appropriate)	Stormwater Management Permit						
Etc.							
Total CZMP Regulatory Activity							

* - Where applicable indicate major or minor.

These charts should be used by the states as guides.
The states may submit the information in the form that the networked agecies use or process the data to fit a chart of this type.

Performance Report Permit Chart #3

For both direct permitting CZM states and networked states.

Type of Violation	State Enforcement Agency	Violations Detected for Reporting Period	Total Violations Resolved	Total Violations Pending
Permit Violation				
Un-permitted Activity				
Total				

Performance Report Permit Chart #4

Dispostion of the Total Violations Resolved.

Type of Violation	State Enforcement Agency	After-the-Fact Permit Issued	Order to Restore Area in Violation to Original Condition	Judicial Enforcement Actions	Application Pending	Total
Permit Violation						
Un-permitted Activity						

Attachment B2 - Federal Consistency Charts

I. Direct Federal Agency Activities - Section 307(c)(1) and (2) *

Federal Agency	Description of Activity or Project	Date Federal Agency Notification Received	Proximity to Coastal Zone (within, seaward landward)	Concurrence	Non-concurrence		Concurrence After Modification	Time of Review
					Insufficient Information	Inconsistent w/ State Policies		
DOD/ACOE	Dredge Material disposal-Port Bienville Harbor		Within			X	X	45 days

* Each individual project acted on during the past six months should be listed.

II. Federal Licenses and Permits - Section 307(c)(3)(A) *

Federal Licensing or Permit Agency	Type of Permit	Number of Permits	Number of Concurrences	Number of Projects		Concurrence After Modification	Time of Review
				Insufficient Information	Inconsistent w/ State Policies		
DOD/ACOE	Section 10 and/or Section 404	6	3	1	2	2	60 days

* Group projects by federal agency and type of license or permit.

III. Federal Licenses and Permit Activities Described in Detail in OCS Plans - Section 307(c)(3)(B) *

Federal Agency	Projects Name and Plan of Exploration or Develop.	Date Application Received	Concurrence	Non-concurrences		Concurrence After Modification	Time of Review
				Insufficient Information	Inconsistent w/ State Policies		
DOI/MMS	Santa Lucia Unit - P0007 (POE)				X		6 days

* List each individual project.

IV. Federal Assistance to State and Local Governments - Section 307(d) *

Federal Agency	Type of Assistance	Number of Applications	Number of Concurrences	No. of Non-concurrence		Number of Concurrences After Modification	Time of Review
				Insufficient Information	Inconsistent w/ State Policies		
DOT/FHA	Road Assistance	5	4		1		30 days

* Group cases by federal agency and type of funding.

Attachment C - Annual Report

Section C: Annual Report

Wetlands

*1. What are your state's major coastal wetlands protection problems or issues (institutional, man-made or natural) and how are you addressing them?

Problems or Issues i.e.,

1. Illegal fill or dredging;
2. Violation of permit conditions;
3. Loss of habitat through erosion, storm, water level rise, subsidence, reduced fresh water inflow, or salt water intrusion; sedimentation; pollution;
4. Inadequate monitoring and enforcement;
5. Inadequate regulation or laws;
6. Limited geographic jurisdiction;
7. Limited coordination;
8. Lack of political will, public education, funding, staffing, data, etc.

Note: In your response to the above, please try to specify differences regarding:

1. Estuarine Sub-tidal (SAV)
2. Estuarine Tidal (mudflats, emergent tidal)
3. Riverine Tidal
4. Riverine Non-tidal
5. Lacustrine (lakes and ponds)
6. Palustrine (swamps, shrub-scrub, marshes)
7. Other (i.e., seasonal)

2. To the best of your ability, please fill out the wetlands chart contained in Appendix A. If you cannot provide the information, what is your state doing to develop this type of database?

*3. Cumulative Impact

- How is your state/program required to factor cumulative impacts into habitat/wetland project review decisions (i.e., by law, regulation, through permits)?

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* one-time question (answer again only if circumstances have changed)
@ new question (answer in the October 1990 report)

@ o Have thresholds for cumulative impacts been developed? What methods were employed in determining these thresholds?

o What problems have you had with implementing a cumulative impact review policy or process, i.e., inadequate data or definitions, exemptions? How are you attempting to address them? If you do not have such a policy/process, is one being considered?

*4. Mitigation

o Does your state have a state-wide habitat/wetlands mitigation policy, or do any individual state agencies employ any mitigation policies or internal guidelines? If so, describe how the policy framework is used to mitigate impacts to wetlands and how mitigation conditions on permits are coordinated among state and Federal agencies. Please attach a copy of the policy.framework.

o When "compensatory mitigation" is required or allowed for unavoidable wetland alteration, what methods can be used (i.e., creation, restoration enhancement, mitigation banking, donation of wetlands or buffers, in lieu fees) and where is it required (or allowed), i.e., on site, in a similarly functioning ecosystem, within same watershed, in a mitigation bank, anywhere in coastal zone?

@ o What type of mitigation is allowed? Is it in-kind replacement, out-of-kind replacement based on criteria, any out-of-kind, other?

o How is compensatory mitigation measured or mitigation banking credited? Is mitigation measured by area using replacement ratios or it measured functionally by the functional equivalence of the lost wetland? If it is measured functionally, how is functional equivalency assessed? Which system is employed, e.g, HEP, PennHep, FHWA/Adamus Method, WET II?

o How does your state assess the quality of compensatory mitigation? Does the state require monitoring and research on mitigation projects? If so, what is the basis for a successful/unsuccessful determination?

5. No Net Loss of Wetlands

@ o Does your state or CZMP have a no net loss policy? Is one pending? Please attach a copy of the policy.

@ o Does the state or CZMP have a system for accounting for no net loss? Is one being developed?

Coastal Pollution

*1. What are your state's major coastal pollution trends and problems? What water quality parameters and contaminants does the state monitor? Please attach relevant statewide or coastal reports and a brief description of state water quality monitoring programs.

@ Please submit a copy of your state's most recent Section 305(b) (Clean Water Act) report if you have not already done so.

*2. In which specific areas (e.g. specific bays or estuaries) has water quality significantly improved or declined? What factors (such as increased urbanization, upgraded STPs) have caused these changes?

*3. Which agency is responsible for the 401 certification program? Briefly describe the certification process, including how the state CZM agency interacts with the water quality agency (or division if the two are in the same agency). Is the 401 process effective? How can it be improved?

4. What new efforts has your state undertaken to address marine debris, e.g., plastics pollution and driftnets? What new activities has your state undertaken to address tributyltin pollution?

5. Describe the efforts during the past year by your state (both State Water Quality Agency and the CZM Program) to address coastal non-point source pollution? What is the status of the non-point source plans required by the EPA under Section 319 of the Clean Water Act? What steps have been taken to implement the plans in the following areas, i.e., new state statutes or regulations related to:

a. Stormwater management;
b. Water quality-related considerations in marina sitings;
c. Special Area Management Plans for estuarine areas;
d. Institution of best management practices for land disturbing activities;
e. Educational efforts; and
f. Other

@ Has the CZM program received §319 (Clean Water Act) funding from EPA to implement the above activities? Please provide a brief summary of funded projects and describe the CZM role in these and any other §319 projects.

6. Describe the CZM's agency's involvement in EPA initiatives such as the National Estuary Program (include committees on which you are a member) and Near Coastal Waters Program or give an update if you reported on this last year. Address ways in which the initiatives can be improved.

Ocean Dumping

@1. Describe any new ocean dumping developments in your state, e.g., state legislation, regulations, and litigation.

@2. How well is "voluntary compliance" with Federal consistency on ocean dumping by the Corps of Engineers and the Environmental Protection Agency working?

Permit Simplification

1. Identify actions taken by your CZM program to simplify the permit process or other decision-making processes.

Ocean and Coastal Use Management

@1. Describe any new developments in ocean and coastal use management, e.g., state legislation, regulations, litigation, problems, conflicts between uses, and solutions. Please specify how the coastal program is involved.

Coastal Hazards

*1. Which of the following hazards are of concern to your state? For each indicated hazard, briefly describe the magnitude of the problem and the specific areas of concern.

___ Coastal flooding and storm surge
___ Coastal erosion (short and long term)
___ Sea level rise/lake level fluctuation
___ Subsidence
___ Tsunamis
___ Earthquakes
___ Other (Identify)

*2. Which of the following traditional techniques is the state currently using to address each of the above indicated hazards? Briefly describe how the technique is used and assess its effectiveness.

___ Public education
___ Technical assistance to residents/businesses
___ Research on cause/effect/response
___ State or local planning (including disaster planning)
___ Policy development
___ Structural response (beach replenishment, bulkheads)
___ Restrictions on development or use of areas
___ Land/structure acquisition
___ Other (explain)

3. What new or innovative actions is the state undertaking to address the hazards mentioned above, e.g. new studies, policies, financial incentives/disincentives.

*4. Which of the following levels of coordination is the state involved in or promoting to address the above identified hazards? Describe the administrative/ organizational mechanisms to accomplish this coordination, and the role of the Coastal Management Program.

___ Federal - State
___ Interstate
___ Intrastate
___ State - Local
___ CZMP - Floodplain managers
___ Other (explain)

Public Access

@1. Please provide the following quantitative information concerning public access for last year:

a. The number and type of public access projects, and the amount of funds spent on these projects. Please distinguish between CZM and non-CZM funded projects.

b. The total number of acres or miles of shoreline acquired.

c. The increased number of visitor days and state or local revenue resulting from state public access efforts.

2. Describe any innovative techniques that your state has used to acquire or enhance public access to the coast. Please be specific and provide examples; this could include access acquired through permit negotiations, etc.

@3. Describe any existing public access problems or conflicts, and solutions, if any, that have successfully resolved them.

@4. Describe any new public access developments in your state, e.g., state legislation, regulations, handicapped access guidelines, litigation, and public access guides and educational efforts.

Urban Waterfront and Ports

*1. What are the major problems (both environmental and economic) concerning harbors and urban waterfronts in your coastal zone? How have you addressed the problems? Please give examples by port, city, issue, problem, and solution, i.e., water quality, toxics, commercial vs. recreational uses, harbor management plans, waterfront zoning, legislation, etc.

APPENDIX "A" WETLANDS GAIN/LOSS CHART (Revised 4/30/90)

STATE: _____

REPORTING YEAR: _____

ACRES OF WETLANDS LOST

Type of Wetland	DREDGE		FILL		EROSION	OTHERS FACTORS FOR WETLANDS LOSS *			
	permitted	illegal	permitted	illegal		FACTOR 1	FACTOR 2	FACTOR 3	FACTOR 4
Estuarine Sub-Tidal									
Estuarine Tidal									
Riverine Tidal									
Riverine Non-Tidal									
Lacustrine									
Palustrine									
Other (i.e. Seasonal)									

* Please specify other factors leading to wetlands loss that are reported here.

ACRES OF WETLANDS GAINED

Type of Wetland	ACRES OF WETLANDS CREATED			ACRES OF WETLANDS RESTORED			ACRES OF WETLANDS ENHANCED		
	Method #1	Method #2	Method #3	Method #1	Method #2	Method #3	Method #1	Method #2	Method #3
Estuarine Sub-Tidal									
Estuarine Tidal									
Riverine Tidal									
Riverine Non-Tidal									
Lacustrine									
Palustrine									
Other (i.e. Seasonal)									

* Please specify methods used to create, restore or enhance wetlands (i.e method 1 creation is creation of shallow bottoms from uplands, method 2 creation is marsh grass plantings, etc.)

COASTAL ZONE MANAGEMENT ACT OF 1972

(PL 92-583, 16 U.S.C. 1451 *et seq.*, October 27, 1972; Amended by PL 93-612, January 2, 1975; PL 94-370, July 26, 1976; PL 95-219, December 28, 1977; PL 95-372, September 18, 1978; PL 96-464, October 17, 1980; PL 98-620, November 11, 1984; PL 99-272, April 7, 1986; PL 99-626, November 7, 1986)

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that —

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

[302(f) added by PL 96-464]

(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters. [Former 302(f)—(i) redesignated as (g)—(j) by PL 96-464]

(g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

CONGRESSIONAL DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) 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 esthetic values as well as to needs for economic development, which programs should at least provide for—

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas of subsidence and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands.

(C) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(D) public access to the coasts for recreation purposes,

(E) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

(F) the coordination and simplification of procedures in order to ensure expedited governmental decision-making for the management of coastal resources,

(G) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(H) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking, and

(I) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies; and

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in governmental decisionmaking; and

(4) to encourage the participation and cooperation of the public, state and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title.

[303 revised by PL 96-464]

DEFINITIONS

SEC. 304. For the purposes of this title —

(1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

[304(2) added by PL 96-464]

(2) The term "coastal resource of national significance" means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, if any such area is determined by a coastal state to be of substantial biological or natural storm protective value. [Former 304(2)—(16) redesignated as (3)—(17) by PL 96-464]

(3) The term "coastal waters" means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(4) The term "coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern

Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa.

[304(4) amended by PL 96-464]

(5) The term "coastal energy activity" means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, on in close proximity to, the coastal zone of any coastal state:

(i) Any outer Continental Shelf energy activity.

(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deep-water port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10))).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be 'in close proximity to the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

(6) The term "energy facilities" means any equipment or facility which is or will be used primarily —

(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

(7) The term "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(8) The term "estuarine sanctuary" means a research area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitute to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(9) The term "Fund" means the Coastal Energy Impact Fund established by section 308(h).

(10) The term "land use" means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

(11) The term "local government" means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.

(12) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(13) The term "outer continental shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the outer continental shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

(14) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

(15) The term "public facilities and public services" means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

(16) The term "Secretary" means the Secretary of Commerce.

(17) The term 'special area management plan' means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone.

[304(17) added by PL 96-464]

(18) The term "water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary may make grants to any coastal state —

(1) under subsection (c) for the purpose of assisting such state in the development of a management program for the land and water resources of its coastal zone; and

(2) under subsection (d) for the purpose of assisting such state in the completion of the development, and the initial implementation, of its management program before such state qualifies for administrative grants under section 306.

(b) The management program for each coastal state shall include each of the following requirements:

(1) An identification of the boundaries of the coastal zone subject to the management program.

(2) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(3) An inventory and designation of areas of particular concern within the coastal zone.

(4) An identification of the means by which the state proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions.

(5) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(6) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(7) A definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(8) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

(9) A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

No management program is required to meet the requirements in paragraphs (7), (8), and (9) before October 1, 1978.

(c) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's costs for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactorily developing its management program.

(d)(1) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(2) if the Secretary finds that such state meets the eligibility requirements set forth in paragraph (2). The amount of any such grant shall not exceed 80 per centum of the costs for such purposes in any one year.

(2) A coastal state is eligible to receive grants under this subsection if it has —

(A) developed a management program which —

(i) is in compliance with the rules and regulations promulgated to carry out subsection (b), but

(ii) has not yet been approved by the Secretary under section 306;

(B) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval by the Secretary pursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency;

(C) specified the purposes for which any such grant will be used:

(D) taken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency; and

(E) complied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection.

(3) No management program for which grants are made under this subsection shall be considered an approved program for purposes of section 307.

(e) Grants under this section shall be made to, and allocated among, the coastal states pursuant to rules and regulations promulgated by the Secretary; except that —

(1) no grant shall be made under this section in an amount which is more than 10 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary may waive this limitation in the case of any coastal state which is eligible for grants under subsection (d); and

(2) no grant shall be made under this section in an amount which is less than 1 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary shall waive this limitation in the case of any coastal state which requests such a waiver.

(f) The amount of any grant (or portion thereof) made under this section which is not obligated by the coastal state concerned during the fiscal year for which it was first authorized to be obligated by such state, or during the fiscal year immediately following, shall revert to the Secretary who shall add such amount to the funds available for grants under this section.

(g) With the approval of the Secretary, any coastal state may allocate to any local government, to any areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to any regional agency, or to any interstate agency, a portion of any grant received by it under this section for the purpose of carrying out the provisions of this section.

(h) Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306. Whenever the Secretary approves the management program of any coastal state under section 306, such state thereafter —

(1) shall not be eligible for grants under this section; except that such state may receive grants under subsection (c) in order to comply with the requirements of paragraphs (7), (8), and (9) of subsection (b); and

(2) shall be eligible for grants under section 306.

(i) The authority to make grants under this section shall expire on September 3, 1979.

ADMINISTRATIVE GRANTS

SEC. 306. (a) The Secretary may make grants to any coastal state for the purpose of administering that state's management program, if the state matches any such grant according to the following ratios of Federal to state contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; 1 to 1 for any fiscal year after fiscal year 1988. The Secretary may make the grant only if the Secretary—

(1) finds that such program meets the requirements of section 305(b);

(2) approves such program in accordance with subsections (c), (d) and (e); and

(3) finds, if such program has been administered with financial assistance under this section for at least one year, that the coastal state will expend an increasing proportion of each grant received under this section (but not more than 30 per centum of the grant unless the state chooses to expend a higher percentage) on activities that will result in significant improvement being made in achieving the coastal management objectives specified in section 303(2)(A) through (I).

For purposes of this subsection, the costs of administering a management program includes costs incurred in the carrying out, in a manner consistent with the procedures and processes specified therein, of projects and other activities (other than those of a kind referred to in clauses (A), (B), or (C) of section 306A(c)(2) that are necessary or appropriate to the implementation of the management program.

[306(a) revised by PL 96-464; PL 99-272]

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided*, That no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of this section: *And provided further*, That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver.

[306(b) amended by PL 93-612; PL 96-464]

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities,

and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title; except that the Secretary shall not find any mechanism to be 'effective' for purposes of this subparagraph unless it includes each of the following requirements:

(i) Such management agency is required, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, to send a notice of such management program decision to any local government whose zoning authority is affected thereby.

(ii) Any such notice shall provide that such local government may, within the 30-day period commencing on the date of receipt of such notice, submit to the management agency written comments on such management program decision, and any recommendation for alternatives thereto, if no action is taken during such period which would conflict or interfere with such management program decision, unless such local government waives its right to comment.

(iii) Such management agency, if any such comments are submitted to it, with such 30-day period, by any local government —

(I) is required to consider any such comments,

(II) is authorized, in its discretion, to hold a public hearing on such comments, and

(III) may not take any action within such 30-day period to implement the management program decision, whether or not modified on the basis of such comments.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power —

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to ap-

prove or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section. *Provided.* That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c), and subject to the following conditions:

(1) The state shall promptly notify the Secretary of any proposed amendment, modification or other program change and submit it for Secretarial approval. The Secretary may suspend all or part of any grant made under this section pending state submission of the proposed amendments, modification or other program change.

(2) Within 30 days from the date on which the Secretary receives any proposed amendment, the Secretary shall notify the state whether the Secretary approves or disapproves the amendment, or whether the Secretary finds it is necessary to extend the review of the proposed amendment for a period not to exceed 120 days from the date the Secretary received the proposed amendment. The Secretary may extend this 120-day period only as necessary to meet the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(3) The state may not implement any proposed amendment as part of its approved program pursuant to section 306, until after the proposed amendment has been approved by the Secretary.

[306(g) revised by PL 99-272]

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs. *Provided.* That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

(i) The coastal states are encouraged to provide in their management programs for—

(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

(B) specific and enforceable standards to protect such resources.

If the Secretary determines that a coastal state has failed to make satisfactory progress in the activities described in this subsection by September 30, 1984, the Secretary shall not make any grants to such state provided under section 306A after such date.

[306(i) added by PL 96-464]

[*Editor's note:* Section 5(b) of PL 96-464 provides:

"(b) The amendments made by subsection (a)(1) and (2)* of this section apply with respect to grants made after September 30, 1980, under section 306 of the Coastal Zone Management Act of 1972 and, within two hundred and seventy days after such date, the Secretary of Commerce shall issue regulations relating to the administration of subsection (a) of such section 306 (as so amended by such subsection (a)(1))."]

RESOURCE MANAGEMENT IMPROVEMENT GRANTS

[306A added by PL 96-464]

SEC. 306A. (a) For purposes of this section—

(1) The term 'eligible coastal state' means a coastal state that for any fiscal year for which a grant is applied for under this section—

((A) has a management program approved under section 306; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I).

(2) The term 'urban waterfront and port' means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

*Subsections (a)(1) and (2) amended Section 306(a) and (b), respectively, of this Act.

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306 (c)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under section 305(b)(3) in the state's management program as areas of particular concern.

(3) The provision of access of public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 305(b)(7).

(c) (1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; and

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

(d)(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state matches any such grant according to the following ratios of Federal to state contribution for the applicable fiscal year: 4 to 1 for fiscal 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

[Former 306A(d)(1) deleted and new (d)(1) added by PL 99-272]

(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall

provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. 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, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until —

(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by such state with such certification is conclusively presumed as provided for in subparagraph (A), except if such state fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, such state shall provide the Secretary, the appropriate federal agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by such state with such certification shall be conclusively presumed; or

[(ii) revised by PL 95-372, September 18, 1978]

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed —

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common

agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program with respect to that portion of the coastal zone management program affecting such inland areas.

(h) In case of serious disagreement between any Federal agency and a coastal state —

(1) in the development or the initial implementation of a management program under section 305; or

(2) in the administration of a management program approved under section 306;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.

COASTAL ENERGY IMPACT PROGRAM

[308 revised by PL 95-372, September 18, 1978]

SEC. 308. (a) (1) The Secretary shall administer and coordinate, as part of the coastal zone management activities of the Federal Government provided for under this title, a coastal energy impact program. Such program shall consist of the provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development. Such assistance, which includes —

(A) grants, under subsection (b), to coastal states for the purposes set forth in subsection (b)(5) with respect to consequences resulting from the energy activities specified therein;

(B) grants, under subsection (c)(1), to coastal states for study of, and planning for, consequences relating to new or expanded energy facilities in, or which significantly affect, the coastal zone;

(C) grants, under subsection (c)(2), to coastal states to carry out their responsibilities under the Outer Continental Shelf Lands Act;

(D) loans, under subsection (d)(1), to coastal states and units of general purpose local government to assist such states and units to provide new or improved public facilities or public services which are required as a result of coastal energy activity;

(E) guarantees, under subsection (d)(2) and subject to the provisions of subsection (f), of bonds or other evidences of indebtedness issued by coastal states and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are required as a result of coastal energy activity;

(F) grants or other assistance, under subsection (d)(3), to coastal states and units of general purpose local government to enable such states and units to meet obligations under loans or guarantees under subsection (d) (1) or (2) which they are unable to meet as they mature, for reasons specified in subsection (d)(3); and

(G) grants, under subsection (d)(4), to coastal states which have suffered, are suffering, or will suffer any unavoidable loss of a valuable environmental or recreational resource;

shall be provided, administered, and coordinated by the Secretary in accordance with the provisions of this section and under the rules and regulations required to be promulgated pursuant to paragraph (2). Any such financial assistance shall be subject to audit under section 313.

(2) The Secretary shall promulgate, in accordance with section 317, such rules and regulations (including, but not limited to, those required under subsection (e) as may be necessary and appropriate to carry out the provisions of this section.

(b) (1) The Secretary shall make grants annually to coastal states, in accordance with the provisions of this subsection.

(2) Subject to paragraph (3), the amounts payable to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), and (C):

(A) An amount which bears, to one-half of the amount appropriated for the purpose of funding grants under this subsection for such fiscal year, the same ratio that the amount of outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

(B) An amount which bears, to one-quarter of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal Government bears to the total volume of oil and natural gas produced in such year from all of the outer Continental Shelf acreage which is leased by the Federal Government.

(C) An amount which bears, to one-quarter of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

(3)(A)(i) After making the calculations required under paragraph (2) for any fiscal year, the Secretary shall —

(I) with respect to any coastal state which, based on such calculations, would receive an amount which is less than 2 per centum of the amount appropriated for such fiscal year, increase the amount appropriated for such fiscal year, increase the amount payable to such coastal state to 2 per centum of such appropriated amount; and

(II) with respect to any coastal state which, in such fiscal year, would not receive a grant under paragraph (2), make a grant to such coastal state in an amount equal to 2 per centum of the total amount appropriated for making grants to all states under paragraph (2) in such fiscal year if any other coastal state in the same region will receive a grant under such paragraph in such fiscal year, except that a coastal state shall not receive a grant under this subclause unless the Secretary determines that it is being or will be impacted by outer Continental Shelf energy activity and that it will be able to expend or commit the proceeds of such grant in accordance with the purposes set forth in paragraph (5).

(ii) For purposes of this subparagraph —

(I) the states of Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia, the Commonwealth of Puerto Rico, and the Virgin Islands (the Atlantic coastal states) shall constitute one 'region':

(II) the states of Alabama, Florida, Louisiana, Mississippi, and Texas (the Gulf coastal states) shall constitute one 'region'.

(III) the states of California, Hawaii, Oregon, and Washington (the Pacific coastal states) shall constitute one 'region' and

(IV) the state of Alaska shall constitute one 'region'.

(B) If, after the calculations required under subparagraph (A), the total amount of funds appropriated for making grants to coastal states in any fiscal year pursuant to this subsection is less than the total amount of grants payable to all coastal states in such fiscal year, there shall be deducted from the amount payable to each coastal state which will receive more than 2 per centum of the amount of funds so appropriated an amount equal to the product of —

(i) the amount by which the total amount of grants payable to all coastal states in such fiscal year exceeds the total amount of funds appropriated for making such grants; multiplied by

(ii) a fraction, the numerator of which is the amount of grants payable to such coastal state in such fiscal year reduced by an amount equal to 2 per centum of the total amount appropriated for such fiscal year and the denominator of which is the total amount of grants payable to coastal states which, in such fiscal year, will receive more than 2 per centum of the amount of funds so appropriated, reduced by an amount equal to the product of 2 per centum of the total amount appropriated for such fiscal year multiplied by the number of such coastal states.

(C)(i) If, after the calculations required under subparagraph (B) for any fiscal year, any coastal state would receive an amount which is greater than 37½ per centum of the amount appropriated for such fiscal year, the Secretary shall reduce the amount payable to such coastal state to 37½ per centum of such appropriated amount.

(ii) Any amount not payable to a coastal state in a fiscal year due to a reduction under clause (i) shall be payable proportionately to all coastal states which are to receive more than 2 per centum and less than 37½ per centum of the amount appropriated for such fiscal year, except that in no event shall any coastal state

receive more than 37½ per centum of such appropriated amount.

(iii) For purposes of this subparagraph, the term 'payable proportionately' means payment in any fiscal year in accordance with the provisions of paragraph (2), except that in making calculations under such paragraph the Secretary shall only include those coastal states which are to receive more than 2 per centum and less than 37½ per centum of the amount appropriated for such fiscal year.

(4)(A) The Secretary shall determine annually the amounts of the grants to be provided under this subsection and shall collect and evaluate such information as may be necessary to make such determinations. Each Federal department, agency, and instrumentality shall provide to the Secretary such assistance in collecting and evaluating relevant information as the Secretary may request. The Secretary shall request the assistance of any appropriate state agency in collecting and evaluating such information.

(B) For purposes of making calculations under paragraph (2), outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries of a coastal state shall be determined as follows:

(i) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before the date of the enactment of this paragraph), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

(ii) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

(iii) If, after the date of enactment of this paragraph, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

(C) For purposes of making calculations under this subsection, the transitional quarter beginning July 1, 1976, and ending September 30, 1976, shall be included within the fiscal year ending June 30, 1976.

(5) Each coastal state shall use the proceeds of grants received by it under this subsection for the following purposes (except that priority shall be given to the use of such proceeds for the purpose set forth in subparagraph (A):

(A) The retirement of state and local bonds, if any, which are guaranteed under subsection (d) (2); except that, if the amount of such grants is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds.

(B) The study of, planning for, development of, and the carrying out of projects and programs in such state which are —

(i) necessary to provide new or improved public facilities and public services which are required as a result of outer Continental Shelf energy activity;

(ii) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care.

The Secretary may, pursuant to criteria promulgated by rule, describe geographic areas in which public facilities and public services referred to in clause (i) shall be presumed to be required as a result of outer Continental Shelf energy activity for purposes of disbursing the proceeds of grants under this subsection.

(C) The prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource if such loss results from coastal energy activity.

(6) The Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (5). The United States shall be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which —

(A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or

(B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (5). Before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

(c)(1) The Secretary shall make grants to any coastal state if the Secretary finds that the coastal zone of such state is being, or is likely to be significantly affected by the siting, construction, expansion, or operation of new

or expanded energy facilities. Such grants shall be used for the study of, and planning for (including, but not limited to, the application of the planning process included in a management program pursuant to section 305(b)(8)) any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such state's coastal zone as a result of the siting, construction, expansion, or operation of such new or expanded energy facilities. The amount of any such grant shall not exceed 80 per centum of the cost of such study and planning.

(2) The Secretary shall make grants under this paragraph to any coastal state which the Secretary finds is likely to be affected by outer Continental Shelf energy activities. Such grants shall be used by such state to carry out its responsibilities under the Outer Continental Shelf Lands Act. The amount of any such grant shall not exceed 80 per centum of the cost of carrying out such responsibilities.

(3) (A) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from the transportation, transfer, or storage of coal or from alternative ocean energy activities.

(B) Such grants shall be allocated to any such state based on rules and regulations promulgated by the Secretary which shall take into account the number of coal or alternative ocean energy facilities, the nature of their impacts, and such other relevant factors deemed appropriate by the Secretary.

[308(c)(3) added by PL 96-464]

(d)(1) The Secretary shall make loans to any coastal state and to any unit of general purpose local government to assist such state or unit to provide new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. Such loans shall be made solely pursuant to this title, and no such loan shall require as a condition thereof that any such state or unit pledge its full faith and credit to the repayment thereof. No loan shall be made under this paragraph after September 30, 1986.

[*Editor's note:* Section 6 of Public Law 99-626 provides the following exception to the deadline cited in 308(d)(1) of this Act:

"Sec. 6. AUTHORITY TO MAKE LOANS.

The authority of the Secretary of Commerce to make loans under paragraph (1) of subsection (d) of section 308 of the Coastal Zone Management Act of 1972 (Public Law 92-583, 16 U.S.C. 1451, et seq.) as amended, shall extend to September 30, 1987, for loans made to eligible States or units pursuant to and in accord with agreements entered into between the Secretary and any State prior to September 30, 1986, that provided for a total sum of loans to be made to that State or its units, but such loan authority shall be limited to $7,000,000."]

(2) The Secretary shall, subject to the provisions of subsection (f), guarantee, or enter into commitments to guarantee, the payment of interest on, and the principal amount of, any bond or other evidence of indebtedness if it is issued by a coastal state or a unit of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of a coastal energy activity.

(3) If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its obligations pursuant to a loan or guarantee made under paragraph (1) or (2) because the actual increases in employment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such state or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such state or unit pursuant to subsection (e)(3), take any of the following actions:

(A) Modify appropriately the terms and conditions of such loan or guarantee.

(B) Refinance such loan.

(C) Make a supplemental loan to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

(D) Make a grant to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

Notwithstanding the preceding sentence, if the Secretary —

(i) has taken action under subparagraph (A), (B), or (C) with respect to any loan or guarantee made under paragraph (1) or (2), and

(ii) finds that additional action under subparagraph (A), (B), or (C) will not enable such state or unit to meet, within a reasonable time, its obligations under such loan or guarantee and any additional obligations related to such loan or guarantee; the Secretary shall make a grant or grants under subparagraph (D) to such state or unit in an amount sufficient to enable such state or unit to meet such outstanding obligations.

(4) [308(d)(4) deleted by PL 96-464]

(e) Rules and regulations with respect to the following matters shall be promulgated by the Secretary as soon as practicable, but not later than 270 days after the date of the enactment of this section:

(1) A formula and procedures for apportioning equitably, among the coastal states, the amounts which are available for the provision of financial assistance under subsection (d). Such formula shall be based on, and limited to, the following factors:

(A) The number of additional individuals who are expected to become employed in new or expanded coastal energy activity, and the related new population, who reside in the respective coastal states.

(B) The standardized unit costs (as determined by the Secretary by rule), in the relevant regions of such states, for new or improved public facilities and public services

which are required as a result of such expected employment and the related new population.

(2) Criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g)(2).

(3) Criteria and procedures for evaluating the extent to which any loan or guarantee under subsection (d)(1) or (2) which is applied for by any coastal state or unit of general purpose local government can be repaid through its ordinary methods and rates for generating tax revenues. Such procedures shall require such state or unit to submit to the Secretary such information which is specified by the Secretary to be necessary for such evaluation, including, but not limited to —

(A) a statement as to the number of additional individuals who are expected to become employed in the new or expanded coastal energy activity involved, and the related new population, who reside in such state or unit;

(B) a description, and the estimated costs of the new or improved public facilities or public services needed or likely to be needed as a result of such expected employment and related new population;

(C) a projection of such state's or unit's estimated tax receipts during such reasonable time thereafter, not to exceed 30 years, which will be available for the repayment of such loan or guarantee; and

(D) a proposed repayment schedule.

The procedures required by this paragraph shall also provide for the periodic verification, review, and modification (if necessary) by the Secretary of the information or other material required to be submitted pursuant to this paragraph.

(4) Requirements, terms, and conditions (which may include the posting of security) which shall be imposed by the Secretary, in connection with loans and guarantees made under subsections (d)(1) and (2), in order to assure repayment within the time fixed, to assure that the proceeds thereof may not be used to provide public services for an unreasonable length of time, and otherwise to protect the financial interests of the United States.

(5) Criteria under which the Secretary shall establish rates of interest on loans made under subsections (d)(1) and (3). Such rates shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans.

In developing rules and regulations under this subsection, the Secretary shall, to the extent practicable, request the views of, or consult with, appropriate persons regarding impacts resulting from coastal energy activity.

(f)(1) Bonds or other evidences of indebtedness guaranteed under subsection (d)(2) shall be guaranteed on such terms and conditions as the Secretary shall prescribe, except that —

(A) no guarantee shall be made unless the indebtedness involved will be completely amortized within a reasonable period, not to exceed 30 years;

(B) no guarantee shall be made unless the Secretary determines that such bonds or other evidences of indebtedness will —

(i) be issued only to investors who meet the requirements prescribed by the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(ii) bear interest at a rate found not to be excessive by the Secretary; and

(iii) contain, or be subject to, repayment, maturity, and other provisions which are satisfactory to the Secretary;

(C) the approval of the Secretary of the Treasury shall be required with respect to any such guarantee, unless the Secretary of the Treasury waives such approval; and

(D) no guarantee shall be made after September 30, 1986.

(2) The full faith and credit of the United States is pledged to the payment, under paragraph (5), of any default on any indebtedness guaranteed under subsection (d)(2). Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of the holder, or known to the holder at the time acquired.

(3) The Secretary shall prescribe and collect fees in connection with guarantees made under subsection (d)(2). These fees may not exceed the amount which the Secretary estimates to be necessary to cover the administrative costs pertaining to such guarantees.

(4) The interest paid on any obligation which is guaranteed under subsection (d)(2) and which is received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954. The Secretary may pay out of the Fund to the coastal state or the unit of general purpose local government issuing such obligations not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at a comparable rate determined for loans made under subsection (d)(1).

(5)(A) Payments required to be made as a result of any guarantee made under subsection (d)(2) shall be made by the Secretary from sums appropriated to the Fund or from moneys obtained from the Secretary of the Treasury pursuant to paragraph (6).

(B) If there is a default by a coastal state or unit of general purpose local government in any payment of principal or interest due under a bond or other evidence of indebtedness guaranteed by the Secretary under subsection (d)(2), any holder of such bond or other evidence of indebtedness may demand payment by the Secretary of the unpaid interest on and the unpaid principal of such

obligation as they become due. The Secretary, after investigating the facts presented by the holder, shall pay to the holder the amount which is due such holder, unless the Secretary finds that there was no default by such state or unit or that such default has been remedied.

(C) If the Secretary makes a payment to a holder under subparagraph (B), the Secretary shall —

(i) have all of the rights granted to the Secretary or the United States by law or by agreement with the obligor; and

(ii) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

Such rights shall include, but not be limited to, a right of reimbursement to the United States against the coastal state or unit of general purpose local government for which the payment was made for the amount of such payment plus interest at the prevailing current rate as determined by the Secretary. If such coastal state, or the coastal state in which such unit is located, is due to receive any amount under subsection (b), the Secretary shall, in lieu of paying such amount to such state, deposit such amount in the Fund until such right of reimbursement has been satisfied. The Secretary may accept, in complete or partial satisfaction of any such rights, a conveyance of property or interests therein. Any property so obtained by the Secretary may be completed, maintained, operated, held, rented, sold, or otherwise dealt with or disposed of on such terms or conditions as the Secretary prescribes or approves. If, in any case, the sum received through the sale of such property is greater than the amount paid to the holder under subparagraph (D) plus costs, the Secretary shall pay any such excess to the obligor.

(D) The Attorney General shall, upon the request of the Secretary, take such action as may be appropriate to enforce any right accruing to the Secretary or the United States as a result of the making of any guarantee under subsection (d)(2). Any sums received through any sale under subparagraph (C) or recovered pursuant to this subparagraph shall be paid into the Fund.

(6) If the moneys available to the Secretary are not sufficient to pay any amount which the Secretary is obligated to pay under paragraph (5), the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extend and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. Any sums received by the Secretary through such issuance shall be deposited in the Fund. The Secretary of the Treasury shall purchase any notes or other obligations issued under this paragraph, and for this purpose such Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under that Act are extended to include any purchase of notes or other obligations issued under this paragraph. The Secretary of the Treasury may at any time sell any of the notes or other obligations so acquired under this paragraph. All redemptions, purchases, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

(g)(1) No coastal state is eligible to receive any financial assistance under this section unless such state —

(A) has a management program which has been approved under section 306;

(B) is receiving a grant under section 305(c) or (d); or

(C) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

(2) Each coastal state shall, to the maximum extent practicable, provide that financial assistance provided under this section be apportioned, allocated, and granted to units of local government within such state on a basis which is proportional to the extent to which such units need such assistance.

(h) There is established in the Treasury of the United States the Coastal Energy Impact Fund. The Fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of carrying out subsections (c) and (d). The Fund shall consist of—

(1) any sums appropriated to the Fund;

(2) payments of principal and interest received under any loan made under subsection (d)(1);

(3) any fees received in connection with any guarantee made under subsection (d)(2); and

(4) any recoveries and receipts under security, subrogation, and other rights and authorities described in subsection (f).

All payments made by the Secretary to carry out the provisions of subsections (c), (d), and (f) (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided for in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of subsections (c), (d),

and (f) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

[308(h) amended by PL 99-272]

(i) The Secretary shall not intercede in any land use or water use decision of any coastal state with respect to the siting of any energy facility or public facility by making siting in a particular location a prerequisite to, or a condition of, financial assistance under this section.

(j) The Secretary may evaluate, and report to the Congress, on the efforts of the coastal states and units of local government therein to reduce or ameliorate adverse consequences resulting from coastal energy activity and on the extent to which such efforts involve adequate consideration of alternative sites.

(k) To the extent that Federal funds are available under, or pursuant to, any other law with respect to —

(1) study and planning for which financial assistance may be provided under subsection (b)(4)(B) and (c)(1), or

(2) public facilities and public services for which financial assistance may be provided under subsection (b)(4)(B) and (d), the Secretary shall, to the extent practicable, administer such subsections —

(A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any Federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and

(B) to avoid duplication.

(l) As used in this section —

(1) The term 'retirement,' when used with respect to bonds, means the redemption in full and the withdrawal from circulation of those which cannot be repaid by the issuing jurisdiction in accordance with the appropriate repayment schedule.

(2) The term 'unavoidable,' when used with respect to a loss of any valuable environmental or recreational resource, means a loss, in whole or in part —

(A) the costs of prevention, reduction, or amelioration of which cannot be directly or indirectly attributed to, or assessed against, any identifiable person; and

(B) cannot be paid for with finds which are available under, or pursuant to, any provision of Federal law other than this section.

(3) The term 'unit of general purpose local government' means any political subdivision of any coastal state or any special entity created by such a state or subdivision which (in whole or part) is located in, or has authority over, such state's coastal zone, and which (A) has authority to levy taxes or establish and collect user fees, and (B) provides any public facility or public service which is financed in whole or part by taxes or user fees.

INTERSTATE GRANTS

[309 revised by PL 96-464]

SEC. 309. (a) The coastal States are encouraged to give high priority—

(1) to coordinating State coastal zone planning, policies, and programs with respect to contiguous areas of such States;

(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas; and

(3) to establishing an effective mechanism, and adopting a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The coastal zone activities described in paragraphs (1), (2), and (3) of this subsection may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 percent of the cost of such activities, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

(b) The consent of the Congress is hereby given to two or more coastal States to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

(2) establishing executive instrumentalities or agencies which such States deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any State or party thereto without further approval by the Congress.

(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to give high priority to the coastal zone activities described in subsection (a). The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Energy, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal States to create and maintain a temporary planning and coordinating entity to carry out such activities. The

amount of such grants shall not exceed 90 percent of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity for a Federal-State consultation.

(c) A coastal State is eligible to receive financial assistance under this section if such State meets the criteria established under section 308(g)(1).

RESEARCH AND TECHNICAL ASSISTANCE FOR COASTAL ZONE MANAGEMENT

SEC. 310 [Repealed]

[310 repealed by PL 99-272]

PUBLIC HEARINGS

SEC. 311. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

[312 revised by PL 96-464]

SEC. 312. (a) The Secretary shall conduct a continuing review of the performance of coastal states with respect to coastal management. Each review shall include a written evaluation with an assessment and detailed findings concerning the extent to which the state has implemented and enforced the program approved by the Secretary, addressed the coastal management needs identified in section 303(2)(A) through (I), and adhered to the terms of any grant, loan, or cooperative agreement funded under this title.

(b) For the purpose of making the evaluation of a coastal state's performance, the Secretary shall conduct public meetings and provide opportunity for oral and written comments by the public. Each such evaluation shall be prepared in report form and the Secretary shall make copies thereof available to the public.

(c) The Secretary shall reduce any financial assistance extended to any coastal state under section 306 (but not below 70 per centum of the amount that would otherwise be available to the coastal state under such section for any year), and withdraw any unexpended portion of such reduction, if the Secretary determines that the coastal state—

(1) is failing to make significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I); or

(2) is failing to make satisfactory progress in providing in its management program for the matters referred to in section 306(i)(A) and (B).

[312(c) amended by PL 99-272]

(d) The Secretary shall withdraw approval of the management program of any coastal state, and shall withdraw any financial assistance available to that state under this title as well as any unexpended portion of such assistance, if the Secretary determines that the coastal state is failing to adhere to, is not justified in deviating from (1) the management program approved by the Secretary, or (2) the terms of any grant or cooperative agreement funded under section 306, and refuses to remedy the deviation.

(e) Management program approval and financial assistance may not be withdrawn under subsection (d), unless the Secretary gives the coastal state notice of the proposed withdrawal and an opportunity for a public hearing on the proposed action. Upon the withdrawal of management program approval under this subsection (d), the Secretary shall provide the coastal state with written specifications of the actions that should be taken, or not engaged in, by the state in order that such withdrawal may be canceled by the Secretary.

(f) The Secretary shall carry out research on, and offer technical assistance to the coastal states with respect to, those activities, projects, and other relevant matters evaluated under this section that the Secretary considers to offer promise toward improving coastal zone management.

[*Editor's note:* Section 9(b) of PL 96-464 provides:

"(b) Within two hundred and seventy days after the date of the enactment of this Act, the Secretary of Commerce shall issue such regulations as may be necessary or appropriate to administer section 312 of the Coastal Zone Management Act of 1972 (as amended by subsection (a)* of this section)."]

RECORDS AND AUDIT

SEC. 313. (a) Each recipient of a grant under this title or of financial assistance under Sec. 308 shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant and of the proceeds of such assistance, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

*Subsection (a) revised Section 312 of this Act.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall —

(1) after any grant is made under this title or any financial assistance is provided under section 308(d); and

(2) until the expiration of 3 years after —

(A) completion of the project, program, or other undertaking for which such grant was made or used, or

(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided,

have access for purposes of audit and examination to any record, book, document, and paper which belongs to or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this title.

ADVISORY COMMITTEE

SEC. 314. [Repealed]

[314 repealed by PL 99-272]

NATIONAL ESTUARINE RESERVE RESEARCH SYSTEM

SEC. 315. (a) Establishment of the System.—There is established the National Estuarine Reserve Research System (hereinafter referred to in this section as the 'System') that consists of—

(1) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

(2) each estuarine area designated as a national estuarine reserve under subsection (b).

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

(b) Designation of National Estuarine Reserves.—After the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—

(1) the Governor of the coastal State in which the area is located nominates the area for that designation; and

(2) the Secretary finds that—

(A) the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

(B) the law of the coastal State provides long-term protection for reserve resources to ensure a stable environment for research;

(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for public education and interpretation; and

(D) the coastal State in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

(c) Estuarine Research Guidelines.—The Secretary shall develop guidelines for the conduct of research within the System that shall include—

(1) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research within the System;

(2) the establishment of common research principles and objectives to guide the development of research programs within the System;

(3) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

(4) the establishment of performance standards upon which the effectiveness of the research efforts and the value of reserves within the System in addressing the coastal management issues identified in subsection (1) may be measured; and

(5) the consideration of additional sources of funds for estuarine research than the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research community.

(d) Promotion and Coordination of Estuarine Research.—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting estuarine research give priority consideration to research that uses the System; and

(2) consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research.

(e) Financial Assistance.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

(A) to a coastal State—

(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

(iii) for purposes of conducting educational or interpretive activities; and

(B) to any coastal State or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal States to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) of subsection (e) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 per centum of the costs of the lands, waters, and interests therein or $4,000,000, whichever amount is less.

(B) The amount of the financial assistance provided under paragraph (1)(A)(ii) and (iii) and paragraph (1)(B) of subsection (e) may not exceed 50 per centum of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

(f) Evaluation of System Performance.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

(3) The secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

(g) Report.—The Secretary shall include in the report required under section 316 information regarding—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

(3) the status of the research program being conducted within the System; and

(4) a summary of the evaluations made under subsection (f).

[315 amended by PL 96-464; revised by PL 99-272]

COASTAL ZONE MANAGEMENT REPORT

[316 head revised by PL 96-464]

SEC. 316. (a) The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved and a statement of the reasons for such action; (5) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of this section; (6) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (7) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (8) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (9) a summary of outstanding problems arising in the administration of this title in order of priority; (10) a description of the economic, environmental, and social consequences of energy activity affecting the

coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (13) such other information as may be appropriate.

[316(a) amended by PL 96-464]

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

(c) (1) The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.

[316(c) added by PL 96-464]

RULES AND REGULATIONS

SEC 317. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 318. (a) There are authorized to be appropriated to the Secretary —

[318(a) revised by PL 96-464]

(1) such sums, not to exceed $35,000,000 for the fiscal year ending September 30, 1986, not to exceed $36,600,000 for the fiscal year ending September 30, 1987, $37,900,00 for the fiscal year ending September 30, 1988, $38,800,000 for the fiscal year ending September 30, 1989, and $40,600,000 for the fiscal year ending September 30, 1990, as may be necessary for grants under sections 306 and 306A, to remain available until expended.

[318(a)(1) revised by PL 99-272]

(2) such sums, not to exceed $75,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1988, as may be necessary for grants under section 308(b);

[318(a)(2) deleted and (a)(3) redesignated as (2) by PL 99-272]

(3) such sums, not to exceed $1,000,000 for the fiscal year ending September 30, 1986, and not to exceed $1,500,000 for each of the fiscal years occurring during the period beginning October 1, 1986, and ending September 30, 1990, as may be necessary for grants under section 309, to remain available until expended;

(4) such sums, not to exceed $2,500,000 for the fiscal year ending September 30, 1986, not to exceed $3,800,000 for the fiscal year ending September 30, 1987, $4,500,000 for the fiscal year ending September 30, 1988, $5,000,000 for the fiscal year ending September 30, 1989, and $5,500,000 for the fiscal year ending September 30, 1990, as may be necessary for grants under section 315, to remain available until expended; and

(5) such sums, not to exceed $3,300,000 for the fiscal year ending September 30, 1986, not to exceed $3,300,000 for the fiscal year ending September 30, 1987, $3,300,000 for the fiscal year ending September 30, 1988, $4,000,000 for the fiscal year ending September 30, 1989, and $4,000,000 for the fiscal year ending September 30, 1990, as may be necessary for administrative expenses incident to the administration of this title.

[318(a)(4)—(6) revised and redesignated as (3)—(5) by PL 99-272]

(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed $800,000,000, for the purposes of carrying out the provisions of section 308, other than subsection (b), of which not to exceed $150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section.

[318(b) amended by PL 96-464]

(c) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 306 or 309.

[318(c) amended by PL 96-464]

(d) The amount of any grant, or portion of a grant, made to a State under any section of this Act which is not obligated by such State during the fiscal year, or during the second fiscal year after the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants under the section for such reverted amount was originally made available.

[318(d) added by PL 99-626]

[*Editor's note:* In addition to amending existing sections of the Coastal Zone Management Act of 1972 and adding new sections to the Act, PL 94-370 includes the following sections:]

SEC. 15. ADMINISTRATION

(a) [Repealed by PL 95-219]

(b) [Superseded by subsection (b) of PL 95-219. See editor's note below.]

(c) [Repealed by PL 99-272]

SEC. 16. SHELLFISH SANITATION REGULATIONS.

(a) The Secretary of Commerce shall —

(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish; and

(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry.

The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

(b) The Secretary of Health, Education, and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry, and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve.

[*Editor's note:* In addition to repealing Section 15(a) of PL 94-370, subsection (b) of PL 95-219 amended Section 5316 of Title 5, United States Code as follows:

"(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

(141) Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(142) Assistant Administrators (3), National Oceanic and Atmospheric Administration.

(143) General Counsel, National Oceanic and Atmospheric Administration."]

[*Editor's note:* Sections 2 through 11 and 13 of PL 96-464 amended and have been incorporated into the existing language of this Act. Section 12 of PL 96-464 follows:]

SEC. 12. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) (1) The Secretary, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same date and to each House of the Congress while it is in session. Such final rule shall be referred to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House, respectively.

(2) Any such final rule shall become effective in accordance with its terms unless, before the end of the period of sixty calendar days of continuous session, after the date such final rule is submitted to the Congress, both Houses of the Congress adopt a concurrent resolution disapproving such final rule.

(b) (1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise in the rulemaking power of the House of Representatives and as such they are deemed a part of the Rules of the House of Representatives but applicable only with respect to the procedure to be followed in the House of Representatives in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time in the same manner and to the same extent as in the case of any other rule of that House.

(2) Any concurrent resolution disapproving a final rule of the Secretary shall, upon introduction or receipt from the other House of the Congress, be referred immediately by the presiding officer of such House to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Merchant Marine and Fisheries of the House, as the case may be.

(3) (A) When a committee has reported a concurrent resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives, and shall not be debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate in the House of Representatives on the concurrent resolution shall be limited to not more than ten hours which shall be divided equally between those favoring and those opposing such concurrent resolution and a motion further to limit debate shall not be debatable. In the House of Representatives, an amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such concurrent resolution was agreed to or disagreed to.

(4) Appeals from the decision of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a concurrent resolution shall be decided without debate.

(5) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution with respect to any final rule of the Secretary, then it shall not be in order to consider in such House any other concurrent resolution with respect to the same final rule.

(c) (1) If a final rule of the Secretary is disapproved by the Congress under subsection (a)(2), then the Secretary may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection. Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Secretary in accordance with section 553 of title 5, United States Code, in any case in which the Secretary determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Secretary considers necessary or appropriate.

(2) The Secretary after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of a concurrent resolution of disapproval under this section shall not be construed as an expression of approval of the final rule involved, and shall not be construed to create any presumption of validity with respect to such final rule.

(e) (1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than twenty days after the decision of the court of appeals.

(3) [Repealed]

[12(e)(3) repealed by PL 98-620]

(f) (1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which the House of Representatives is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the periods specified in subsection (a)(2) and subsection (b).

(2) If an adjournment sine die of the Congress occurs after the Secretary has submitted a final rule under subsection (a)(1), but such adjournment occurs—

(A) before the end of the period specified in subsection (a)(2); and

(B) before any action necessary to disapprove the final rule is completed under subsection (a)(2);

then the Secretary shall be required to resubmit the final rule involved at the beginning of the next regular session of the Congress. The period specified in subsection (a)(2) shall begin on the date of such resubmission.

(g) For purposes of this section:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "concurrent resolution" means a concurrent resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the final rule promulgated by the Secretary of Commerce dealing with the matter of , which final rule was submitted to the Congress on .". (The blank spaces shall be filled appropriately.)

(3) The term "rule" means any rule promulgated by the Secretary pursuant to the Coastal Zone Management Act (16 U.S.C. 1450 et. seq.).

(h) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have any force or effect after September 30, 1985.

Appendix E

Evaluation of Existing H-PASS and Wang VS

1 Evaluation of Existing H-PASS and Wang VS

1.1 Evaluation of Hardware and Software Capability for Future Use

1.1.1 Wang VS minicomputer, Wang microcomputer terminals, Wang network

- The Wang VS minicomputer and terminals are still operating and can be used in the future. However, the $30,000 or greater annual cost for maintaining the system will outweigh the benefits for the CZM program. The technology used in the Wang VS and microcomputers is dated. Continued use of the Wang system will lock the CZM office into the full maintenance contract even though the H-PASS system is getting limited use.

- Greater functionality and reliability at a lower cost can be obtained by using IBM compatible microcomputers. In addition, IBM compatible microcomputers will be consistent with the systems the counties will be acquiring. This will make it easier for the CZM office to develop compatible database systems with the counties.

- The Wang telecommunications system is not functioning correctly. Only DLNR has an active connection to the H-PASS system. The counties and OEQC cannot access H-PASS because of telecommunications problems. The hardware vendor blames the application software, but no one is maintaining the applications software. The nd result is that the telecommunications problems will not be resolved.

- The Wang terminals can be used for general office tasks. However, because the terminals run an outdated version of DOS, some new applications may not run on them.

1.1.2 H-PASS application

- The design documents for the H-PASS application should be kept. The concepts behind the Statewide planning database still apply, and may assist the designers of future planning database systems.

- The H-PASS application should be phased out. The expertise and design specifications required to maintain the application do not exist. No one currently understands the system well enough to make enhancements.

- To reverse engineer the system will take a significant amount of time and money. This time and money can be more effectively spent developing a microcomputer application. With the current PC database and application tools, applications that are easier to use and more powerful than H-PASS can be developed in a shorter time than it will take to update the H-PASS system. In addition, the expertise to develop a PC database system is widely available, and could possibly be done by in-house CZM staff.

- A PC-based system will provide additional tools including integrated spreadsheets, word processing, and project management tools that are not available in the current Wang environment.

Appendix F

Monitoring Programs of Other States

COMMUNITY RESOURCES, INC.

COASTAL ZONE MANAGEMENT

MONITORING AND ENFORCEMENT PROGRAMS

IN OTHER STATES

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May 1990

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EXECUTIVE SUMMARY

PURPOSE

The State of Hawaii contracted with a joint venture of Eugene P. Dashiell, AICP; Data House, Inc.; and Community Resources, Inc. (CRI) to evaluate and improve the Hawaii Coastal Zone Management Monitoring and Enforcement Program.

CRI's principal responsibility in the study was to gather **information, evaluations, and recommendations from key informants in other state Coastal Zone Management (CZM) programs.** This report summarizes the results of in-depth interviews with staff of ten state CZM agencies, recent national evaluations of the CZM program, and materials sent to CRI by other state CZM agencies.

SURVEY METHOD

The survey of state programs was not designed to produce a comprehensive national portrait of the status of state CZM monitoring and enforcement efforts. Instead, the survey was designed to solicit ways in which Hawaii's program might be improved or problems to avoid in creating the new program.

A letter informing the 30 program managers of state CZM agencies about the Hawaii study was sent in March. Information about monitoring and enforcement activities was requested, and a post card was included to permit the managers to identify a contact person for follow up interviews and to recommend programs that might serve as models for Hawaii. (See Appendix C for copies of the letter, the card, and a list of the State Coastal Zone Managers.)

Nineteen of the programs responded to the letter by sending back the card, and in a number of cases, program documents and materials. Because of staff time and budget limits, not all of the respondents could be interviewed. Interviews were sought with programs based on geographic balance, program comparability, recommendations, and innovative reputation. Interviews were successfully completed with ten of the programs and two principals in a recent national evaluation of the CZM program. (See Appendix A for a list of survey respondents.)

THE NATIONAL CONTEXT

During the Reagan years, the Federal CZM program was often threatened with drastic reduction or elimination. One of the consequences of the critical attention focused on the program was a number of national studies of CZM effectiveness.

Dr. David Brower, a principal in one of the studies, feels that most states have very inadequate reporting of program effectiveness. Based on the evidence most are able to produce, it is "difficult to even make a good case for refunding (the national CZM program)." Some of the difficulty is due to the problem of measuring what didn't happen because of CZM, but a large part of the problem is that data is neither being collected nor analyzed to evaluate program effectiveness.

The General Accounting Office (GAO) found in 1986 that the federal CZM program's program management, monitoring, and evaluation needed improvement and recommended that the federal CZM program help the states "establish and implement formal program-monitoring procedures, and establish appropriate evaluation guidelines."

New federal reporting requirements for state CZM programs were issued in 1988 requiring semi-annual statistical summaries of program activities and an annual evaluation of program impact on State and Federal objectives.

SURVEY RESULTS

Monitoring. The way state programs monitor compliance and enforcement varys widely in response to the state's institutional structure and the powers and responsibilities of the lead CZM agency. Processing requirements which centralize or coordinate all permiting activities simplify some state's efforts. Most states are limited by staff and budget from doing as comprehensive a monitoring effort as they would like.

Enforcement. State enforcement programs also vary widely. Some agencies feel that only minor permit violations are escaping their attention, while other states know that significant amounts of unpermitted activity are not being detected and stopped.

Federal Reporting. Most of the state programs surveyed were complying fully with the new Federal reporting requirements.

Communication. The Hawaii Planning Activities Support System (HPASS) which was established to facilitate monitoring and enforcement by linking State and County agencies to the Hawaii Coastal Zone Management Program (HCZMP) was a more ambitious system that any used by the state programs CRI surveyed.

Many of them are just now trying to develop the computer linkages between agencies that HPASS was designed to create. Many of the respondents stressed that hardware should not be the major focus and emphasized the importance of creating and maintaining a network of agency professionals who provide mutual support for the management of the coastal zone. Any innovation in hardware or process should support this objective.

Information Management. Most of the states surveyed had permit and/or enforcement tracking systems in various states of computerization. None had developed a computerized planning information database as was attempted with HPASS.

INNOVATIVE PROGRAMS

The survey yielded a number of suggestions for improvement in monitoring or communication and for information management. The suggestions are listed below and discussed in detail in Chapter 3.

Monitoring and Communications

- Overflights and aerial photography
- Staff spot checks and site visits
- Staff-local CZM manager field trips and overflights
- Citizen involvement in coastal monitoring
- Public awareness programs
- Network awareness programs
- State registers of permits, enforcement actions, and other activities
- Public notice networks
- State clearinghouse/review coordination
- Joint review processes
- Joint application processes
- Consistency certification requirements
- Staff geographic specialization
- Computerized networks linking agency offices
- Use of the annual review for an informal evaluation
- Annual permit file review and compliance check for a sample of permits issued two years previously
- Five year review of local program permit files and outstanding enforcement actions

Information Handling

- Computer network linking agency offices
- Permit or enforcement tracking databases linking databases at network agencies
- Geographic information systems

RECOMMENDATIONS AND SUGGESTIONS

A selection of respondents' suggestions and recommendations for communications and information management are provided in Chapter 4. Two of the most pertinent are:

- View communicating as a way to promote awareness among members of the network of CZM agencies that mutual support allows pooling of resources and increases the effectiveness of all agenices in solving common problems.

- Make any program innovation as simple as you can. "Get a foot in the door and get people comfortable." After the people who do the work are comfortable with it, you can expand.

1. THE NATIONAL CONTEXT

1.1 HOSTILE POLITICAL ENVIRONMENT

During the Reagan years, the Federal Coastal Zone Management Program was under attack by top administrators who attempted to eliminate the program. Attempts to end the program were defeated by Congress who restored funding and reauthorized the program.

According to Dr. David Brower, attempts to demonstrate program effectiveness during these years were almost counterproductive because senior officials didn't want to recognize CZM achievements. (Interview, April 18, 1990).

Funding support for State programs during these years was erratic. There was often great uncertainty about the amount of funding, and grant proposals often had to be submitted at the last minute when Congress restored program funding.

1.2 NATIONAL STUDIES OF CZM EFFECTIVENESS

One of the consequences of the critical attention focused on the CZM program during the Reagan years were a number of national studies of CZM effectiveness.

Dr. David Brower, principal in a recent study of CZM effectiveness, notes that most states have very inadequate reporting of program effectiveness. Based on the evidence most are able to produce, it is "difficult to even make a good case for refunding (the CZM program)." (Interview, April 18, 1990).

Some of the problem with judging program effectiveness is due to the difficulty of measuring what <u>didn't happen</u> because of the CZM legislation and permit processes. For example, in North Carolina before passage of Dredge and Fill laws, significant damaging developments were eliminating wetland areas. After the laws were passed, requests to develop in such areas have been very rare because developers know permission is rarely granted. There is no way of reliably measuring what might have been proposed and developed if the CZM laws did not exist.

However, even if the evaluation of program management is confined just to CZM's impact on existing development proposals and on illegal activities, data and analysis of effectiveness are difficult to obtain. As a result, most states are unable to effectively measure achievements, allocate resources rationally, or demonstrate program worth to their administrations, legislatures, or Federal reviewers.

Brower's views are supported by the General Accounting Office's (GAO) summary of eight studies of the Federal Coastal Zone Management Program between 1976 and 1986 (General Accounting Office, 1986). The GAO found "that NOAA [National Oceanic and Atmospheric Administration] needed to improve its program management, monitoring, and evaluation..."and that "federal CZM officials were performing annual program evaluations of approved state's coastal zone programs without appropriate evaluation guidelines and criteria."

Because of this, the GAO recommended

> "that NOAA work closely with the states to help them ...establish and implement formal program-monitoring procedures, and establish appropriate evaluation guidelines and criteria."

1.3 NEW FEDERAL REPORTING REQUIREMENTS

NOAA's Office of Ocean and Coastal Resource Management issued new requirements for reporting on state monitoring and enforcement of CZM goals and objectives in September 1988. The Revised Performance Report Guidelines specified that State Programs would provide:

- semiannual statistical summaries of permit, enforcement, and federal consistency actions, and
- an annual narrative report which presents evaluations of efforts and impacts on State objectives and topics of Federal concern.

(See Exhibit 1-A).

According to some informants, the Federal requirements were imposed without real consultation with the State as to their realism, need, or cost. Some States are still not complying fully with the requirements, and are negotiating with the OCRM as to what information and evaluative narrative they must provide.

EXHIBIT 1-A: FEDERAL REPORTING REQUIREMENTS

Frequency	Section	Topics
QUARTERLY	Section A	Status of Grant Tasks
SEMI-ANNUAL	Section B	Status of Program Implementation Activities: (Tables) Permits Violations Federal Consistency Actions
ANNUAL	Section C	Annual Report: Narrative Evaluation of State Program Progress and Impacts on National Concerns (Topic Areas): Estuarine habitats Coastal pollution Ocean dumping Coastal hazards Ocean and coastal use management Public access Urban waterfronts and ports Permit simplification

Source: National Oceanic and Atmospheric Administration. Office of Ocean and Coastal Resources Management. Revised Performance Report Guidelines (September 1988).

Other states have not found the regulations difficult to meet. One survey respondent viewed the annual report as a valuable opportunity to conduct an informal evaluation of his state's CZM program. He saw it as

- an opportunity to assess program strengths and weaknesses, and
- an aid to setting priorities for staff and grant allocations.

Brower believes that the new Federal reporting requirements result from the Bush administration's positive support for Coastal Zone Management. He thinks that OCRM is sincerely trying to support and improve State CZM efforts and wants the information and analysis in order to improve their understanding of state programs and staff and funds allocations.

2.0 SURVEY FINDINGS

Community Resources, Inc. (CRI) had primary responsibility for surveying the Coastal Zone Management programs of other states to learn how they met the responsibility for monitoring and enforcement. In addition, CRI was asked to determine how each state had responded to the new Federal reporting requirements and to obtain basic operational characteristics of staff size and work load.

This chapter summarizes information gained from materials sent by other state programs and from ten in-depth interviews conducted with staff of state Coastal Zone Management lead agencies. The purpose of this chapter is to give an overall view of how surveyed state programs do monitoring and enforcement and the nature of their response to the Federal reporting requirements. Innovative and illustrative programs are noted in this chapter and discussed in the following chapter in more detail

The survey findings are reported by six categories:

- **Monitoring**
- **Enforcement**
- **Federal Reporting**
- **Agency Size and Work Load**
- **Communication**, and
- **Information Management.**

2.1 MONITORING

For the purpose of this report, we defined monitoring as the act of collecting and recording information that could be used to determine if CZM policy and regulations were being enforced.

The Federal CZM legislation and the administrative approach followed by the NOAA has permitted a wide variety of institutional responses to the requirements the State CZM

programs have to monitor and enforce the CZM policies and regulations.

As a result, the methods used to do monitoring vary in response to the institutional arrangements and powers and responsibilities of the lead CZM agency in each state. Exhibit 2-A illustrates this diversity of approach. State programs vary in the intensity and comprehensiveness with which they monitor illegal activity, permitted developments, permitting activities of other agencies (State and/or local), enforcement activities, or Federal consistency with State CZM policies and regulations. More specific discussion of the varying approaches is given in the following subsections on:

- o Permits,
- o Enforcement, and
- o Federal Consistency

2.1.1 Permits

A key factor affecting how and what state programs monitor is who has the permitting power for the Coastal Zone. The power to issue permits may be held by:

- o The State CZM agency,
- o A State line agency or agencies,
- o Both the State CZM agency and local CZM or line agencies, or
- o Both the State line agency or agencies and local CZM or line agencies (as in Hawaii).

In cases where all of the permitting power is held by the State Coastal Zone Management agency, monitoring permits and illegal activity is simply a matter of internal investigation, collection, and recording. The more the power to permit is shared between agencies the greater are the communication, coordination, and evaluation problems in monitoring permit activity.

Some states have created simplifying and consolidating permit process structures that make it easier for them to monitor permits. Examples of these are the State Clearinghouse and Joint Agency reviews which consolidate agency permit responses, Consistency Certification processes which require notification and/or approval of permits by the State CZM, and North Carolina's Common Application Process which uses one application to meet the requirements of ten state agencies and the U.S. Corps of Engineers.

EXHIBIT 2-A: MONITORING ACTIVITIES OF SURVEY RESPONDENTS

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Permits			Issue permits
	State CZM agency		NC, SC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	BCDC, CA, CT, OR, WA
	State Line agency	Local CZM/ Line Agency	GU, HI
			Review and/or certify consistency with CZM policy
	State CZM agency		CT, GU, OR, SC, WA
			Joint review /clearinghouse
	State CZM agency		FL, GU, NC, OR
			Common application review
	State CZM agency		NC

EXHIBIT 2-A: MONITORING ACTIVITIES OF SURVEY RESPONDENTS (Continued)

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Permits (Continued)			Monitor permitting by other agencies
	State CZM agency		CA, GU, FL, HI, OR, WI
			Monitor illegal activity
	State CZM agency		GU, NC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	CA, CT
	State Line agency	Local CZM/ Line Agency	GU, HI
			Monitor development site
	State CZM agency		GU, NC
	State Line agency		FL, WI
	State CZM agency	Local CZM/ Line Agency	CA, CT
	State Line agency	Local CZM/ Line Agency	GU, HI
Enforcement			Monitor enforcement only within agency
	State CZM agency		BCDC, CA , NC, SC, WA

EXHIBIT 2-A: MONITORING ACTIVITIES OF SURVEY RESPONDENTS (Continued)

Focus of Monitoring	Location of Primary Responsibility: State	Location of Primary Responsibility: Local	Role of CZM Agency
Enforcement (Continued)			Monitor enforcement by State agencies
	State CZM agency		GU, FL, HI, OR, WI
			Monitor enforcement by local agencies
	State CZM agency		CA (1), HI
Federal Consistency			Monitor Federal Agencies through COE/EIS process
	State CZM agency		GU, HI, OR, SC
			Actively search for Federal activities
	State CZM agency		CA, FL, WI

(1) The California Coastal Commission conducts a review of local jurisdiction files and outstanding violations within the geographic area of the jurisdiction every five years as part of its evaluation of the adequacy of local monitoring and enforcement of Local Coastal Plans. Local enforcement actions are not formally monitored on an annual basis.

KEY: BCDC (Bay Conservation & Development Commission), CA (California Coastal Commission), CT (Connecticut), FL (Florida), GU (Guam), HI (Hawaii), OR (Oregon), SC (South Carolina), WA (Washington), WI (Wisconsin)

Some states simplify their monitoring requirements by not tracking all or some local agency activities or other State agency actions even when permitting power is shared. They rely on legal requirements for other agencies to conform with CZM or on permit processes which insure that the most significant projects have to receive either their review or approval.

Another factor affecting monitoring scope is budget and staff. An ambitious permit monitoring program would include:

- o Monitoring coastal areas for illegal actions
- o Monitoring permitted development sites for observation of permit requirements and conditons
- o Monitoring permits issued by other agencies for appropriate analysis, restrictions, and conditions.

Most states do not have the budget and staff needed for such a comprehensive approach and find ways to limit the scope of monitoring. Some focus their monitoring on special geographic areas of high significance or sensitivity, intensive development, or controversy. Others limit the scope by relying on other agencies and citizens to detect illegal activities and permit condition violations.

Some states do have innovative programs which regularly and systematically monitor permits and illegal activity. Connecticut's Community Group Staff Contact program, and California's Summer Permit Review program and its Five Year Local Coastal Program Reviews are innovative examples of such systematic monitoring programs.

Connecticut's high staffing levels allow the assignment of one staffer as contact person for each Community Group (a coastal area containing five to eight local governments). Each contact person records all permit and enforcement activities for his area in a log book, regularly meets with the local government staff to exchange information and presents CZM concerns, makes spot checks of coastal conditions, and visits project sites.

In the Summer Permit Review program, California regularly examines the results of past permit actions. Staff select permits approved two years before, review the adequacy of permit files, and makes followup site visits to large or controversial projects.

In the Five Year Local Coastal Program Review, a local jurisdiction's permit files and outstanding violations in the coastal area controlled by the local government are reviewed to evaluate the effectiveness of the local CZM program.

2.1.2 Enforcement

The extent to which the lead State CZM agency monitors enforcement activity varies widely from State to State. State agencies which issue permits are usually involved in the enforcement of permit conditions and curtailment of illegal activities in the coastal zone. Often these strong CZM agencies monitor only their internal enforcement activities, especially if they are the principal coastal permit and enforcement agency.

State agencies which only provide administrative and technical support to permit-issuing line agencies are usually also not involved in direct enforcement activities. They may track only the enforcement activities of State agencies or both State and local agencies, depending on how significant the local permitting and enforcement powers are.

2.1.3 Federal Consistency

Some state CZM agencies view the effort to insure Federal consistency as either the main function or a major function their agency performs. Often these CZM agencies are not directly involved in the permitting and enforcement functions. Florida and Wisconsin both reported being actively involved in seeking to identify Federal coastal projects and promoting Federal agency awareness of the Federal consistency requirements.

Other state agencies reported a much more passive stance, relying on the Corps of Engineers permit requirements and the Environmental Impact Statement process to bring Federal actions to their attention. Most indicated that they had excellent relations with the Corps of Engineers and that the Corps routinely referred to them any projects that hadn't been reviewed by the State CZM process.

Wisconsin has an innovative program that gives them access to both their State CZM permit files and the Corps of Engineers' permit files. Using the State CZM permit numbers, they can check that all Corps of Engineers permit requests and approvals have gone through the State CZM process.

2.2 ENFORCEMENT

State agencies vary widely in the extent to which they are involved in enforcement, as was noted above.

2.2.1 Detection

State programs vary in the amount of time, staff, and budget expended on detecting illegal actions (violations of permit conditions or actions without permits). Some states like Connecticut and North Carolina operate regular flights over coastal areas to monitor development and shoot aerial photography for later analysis, and perform spot checks of coastal areas and project sites.

Other state CZM agencies have limited funds and/or staff and rely on citizen complaints and reports by other agencies to bring violations to their notice.

One innovative method for improving detection is to enlist citizens in monitoring coastal activities and reporting violations of CZM restrictions. California, Washington, and Wisconsin all reported using public awareness activities to increase citizen monitoring of coastal developments.

2.2.2 Notices

All state programs contacted in the survey indicated that they attempt to negotiate a resolution of any violations rather than move to formal administrative or legal actions. Some states noted that it was difficult to demonstrate the efficacy of their enforcement activities because many of the problems were resolved on site in the field with informal agreements to abide by CZM restrictions or to restore resource damage.

2.2.3 Enforcement Actions

Enforcement actions typically precede from administrative actions involving orders to stop development or restore resource conditions and levying fines to legal actions, typically brought by the State's Attorney General.

2.3 FEDERAL REPORTING

Most of the states surveyed were complying with the new Federal requirements. The requirements include semi-annual tabulations of permit, enforcement, and Federal consistency actions and an annual narrative report.

2.3.1 Semi-annual Tabulations

Only one of the states reported not complying with the required semi-annual statistical tabulations. This state was not tabulating Federal consistency actions but was providing the Office of Coastal Resource Management (OCRM) with copies of individual consistency letters and declarations they issue.

2.3.2 Annual Narrative Report

Two of the states reported not complying with the requirement to produce an annual narrative report evaluating progress toward State and national policy objectives. On the other hand, one respondent welcomed the annual report as an opportunity to do an informal evaluation of their program. They had proposed doing such an evaluation as an aid to program management, but had not been able to carry out a formal program evaluation. The same respondent also noted that they had been able to budget additional grant funds to support the preparation of the annual report.

2.4 AGENCY SIZE AND WORK LOAD

Agency size and work load exhibited a wide range as might be expected given the wide variation in agency responsibilities.

The state agencies surveyed ranged in size from Pennsylvania's one man office to North Carolina's 40 person division. The median size agency was between 5 and 8 people.

Total permits reviewed or issued ranged from the 150 per year handled by the Bay Conservation and Development Commission to the 1,000 State and General Permits issued by the North Carolina Division of Coastal Management. The median was 400 permits per year handled by the Washington Department of Ecology's Shorelands Division.

Total investigations of violations reports ranged from 20 per year to 160.

Staff work loads didn't show any consistent relationship to the total work load of the state agency. Permit reviews per staff member ranged from 22 to 160 per year with the median work load being the 67 permits per year issued by North Carolina staff. Investigations of violations ranged from a low of 7 per year to 100 with the median being the 23 per year in Connecticut.

This finding must be tempered by the difficulty of making comparisons between states. What Washington means by a permit review or a violations investigation may be quite different from what is meant by that term in Connecticut.

2.5 COMMUNICATION

Hawaii Planning Activities Support System (HPASS) was a more ambitious system than any of the systems used for either communication or information handling by the states surveyed by CRI. Most state agencies relied heavily on standard office practices and organizational communication methods. This collection of conventional business practices include regular face-to-face meetings, frequent communication by phone, and transmital of data by fax or mail. Many of them are just now trying to develop the computer linkages that HPASS was designed to create between State and County agencies.

2.5.1 Objectives

State programs devise their communication systems to accomplish a number of objectives, including:

- o Transmittal of Permit Status Information
- o Transmittal of Enforcement Action Status Information
- o Transmittal of Project or Violation Information and Analysis
- o Requests for Assistance and Responses
- o Discussion and Establishment of Policy and Program
- o Evaluation of Program Achievements

Such objectives are logical and easily explained as necessary to accomplish the basic monitoring and enforcement responsibilities of any state CZM agency. However, two additional objectives recurred over and over in the comments of the state agency staff surveyed.

First, many respondents emphasized the importance of creating and maintaining a network of agency professionals who can and will mutually support each other's attempts to manage the coastal zone. They stressed how important it is:

- o to make the communication system work for the people on the front lines,

- o to keep communications "hassle free" and sensitive to the extreme time and attention demands placed on most workers in the system, and.

- o to maintain continuity and long term relationships.

Such a network supports and nurtures the cooperative effort necessary if permits and violations are to be processed efficiently and fairly.

Secondly, respondents emphasized the importance of actively promoting and maintaining awareness of CZM goals, policies, and concerns within the local and State agencies and among the members of the public. The objective is to keep all participants to the coastal zone management process up to date on the state agency's policies and programs so that CZM concerns are incorporated in public and private decisions about use of coastal resources right from the beginning.

As one informant put it, "They may not like us or what we stand for, but they do know what we stand for, and that we will be actively involved in any coastal actions. As a result, they have to include our concerns in their decisions."

2.5.2 Formats

A number of innovative communcation formats are used by the surveyed states to accomplish these two objectives.

Among the formats used to create and maintain a mutually supportive network of professionals are:

- Frequent informal one-to-one communication and visits associated with continuity of personnel, program, and policy. (This is seen as necessary if the CZM agency is to be viewed as a reliable, supportive, and consistent actor in the planning and management of the coastal zone.)

- Annual helicopter overflights by local CZM managers and Pennsylvania's State CZM officer to view coastal development activities and resource conditions.

- Clearinghouses and joint review sessions which bring together all of the reviewing and permitting agencies to consolidate comments and potential conditions at one time in one place.

- An on-line terminal system that allows North Carolina's Central Office and Field Offices to easily exchange messages, documents, and data electronically.

Communication formats used to promote and maintain public and private awareness of CZM policy and programs include:

- Public awareness programs that inform agency staff, developers, and citizens about the CZM program, the permit process, the nature of violations, and the enforcement process.

- Publication of newsletters and regular mailings to interested parties to insure knowledge of coastal issues, pending projects, or process or program changes.

- Publication by Washington's CZM office of training handouts advising local and State agency staff on technical details of the CZM law, program, or permit or enforcement processes

- Use of formal commissions or councils to approve permits or to set program direction.

2.6 INFORMATION MANAGEMENT

The information management systems used by the surveyed state programs reflected the current established systems used by most public and private offices. None had attempted to establish a computerized information management system with the objectives of both tracking permits and violations and providing a planning database as was attempted with HPASS.

2.6.1 Objectives

State CZM agencies need to collect and manage information in order to:

- Track the status of permit and enforcement actions,
- Describe the permit or enforcement action (location, type of action or violation, coastal resource or hazard affected, etc.),
- Store and retrieve copies of the formal permit application or violation documents, and
- Store and retrieve data and analytical results useful for determining impacts of coastal resource use.

2.6.2 Methods

Most of the states surveyed had permit tracking systems in varying states of computerization. Typically, these systems could be searched by keywords to identify those permits with certain characteristics (affecting estuarine habitats, for example).

One of the most innovative of these is the Wisconsin CZM program's permit tracking database which is created by extracting and comparing permit information from both the Wisconsin Department of Natural Resources' permit files and from the U.S. Corps of Engineers' permit files.

Some of the states with permit tracking systems hope to combine these tracking systems with a Geographic Information System (GIS) at some point in the future. Washington has an operational GIS, but it is not used by the CZM program for analytical purposes or permit tracking.

At the other spectrum, Pennsylvania's sole State CZM officer uses a purely manual system to track coastal activities. Manual systems do have the advantage of low cost and ease of use. However, the costs of using them mount as the complexity and number of permit and enforcement records mount. Because of problems of searching their manual system for permit information such as what conditions had been applied, South Carolina is moving to computerize all their permit records.

3.0 PROGRAM INNOVATIONS

As noted in Chapter 2, state programs vary widely in their approaches to coastal management. This has resulted in a rich diversity in how they meet the requirement to monitor and enforce their CZM laws, regulations, and policies. A number of the more innovative programs were briefly discussed in Chapter 2. This chapter provides a more systematic discussion of the innovations and their perceived benefits.

The programs can be classified by purpose:

- To improve or extend monitoring or communication, or
- To improve information management (storage, retrieval, and transmittal).

3.1 MONITORING AND COMMUNICATIONS

The innovative monitoring and communications programs discovered in the survey of state CZM programs can also be classified by purpose. They include programs designed to:

- Improve the Monitoring of Coastal Resources, Permits, and Unpermitted Activity
- Improve Public and Private Awareness of CZM Programs, Issues, Processes, and Violations
- Improve the Efficiency and Effectiveness of CZM Permit Processes
- Improve the Efficiency and Effectiveness of Staff or Network Interactions, and
- Evaluate and Improve the Effectiveness of Existing Permit and Enforcement Programs.

3.1.1 Improving Coastal Monitoring

Overflights and Aerial Photography. Some state programs have very active programs of checking for permit violations or unpermitted activities through use of regular flights over coastal areas backed up by analysis of aerial photography. Such programs both catch violations that might not be spotted by field inspections on the ground and deter unpermitted activity.

Staff Spot Checks and Site Visits and Staff-Local CZM Manager Field Trips and Overflights. Some states routinely schedule spot checks of coastal conditions and visits to project sites by staff. Usually these activities are scheduled in conjunction with other business such as visits to local CZM agency staff or permit hearings. They view this regular checking of coastal conditions as necessary to permit review and enforcement monitoring.

Pennsylvania regularly budgets funds for helicopter overflights of coastal areas by the state CZM manager and local CZM agency staff. They use these flights as a way of checking permitted developments and for detecting unpermitted activity. In addition, the field trips help to promote local awareness of CZM issues, policies, and concerns and encourage communication among the members of the network.

Citizen Involvement in Coastal Monitoring. A number of states reported success from efforts to recruit citizens to help monitor coastal conditions and report violations. A variety of methods were used to accomplish this aim, ranging from informal and ad hoc methods such as public announcements, speeches, and media interviews to formal programs such as South Carolina's Creek and Beach Watch Workshop program or California's Adopt A Beach program.

The Creek and Beach Watch Workshops were created to increase public support for enforcement of CZM laws and regulations. The workshops explain the CZM laws and violations to citizens and provide contact information if violations are spotted. These programs can help increase the effectiveness of limited staff.

3.1.2 Improving Public and Private Awareness.

Public Awareness Programs. A number of the states have very active public awareness programs. They see it useful for building support for enforcement activities, for insuring awareness of the need to follow permit procedures, and building legislative and executive support for CZM programs. A variety of formats are used to accomplish these purposes. Newsletters which provide basic program information and report on CZM agency activities and coastal resource or hazard issues are often used. Basic informational workshops designed to orient new local agency staff, developers, and community interest group representatives are another common method.

Network Awareness Programs. These programs are aimed at increasing the awareness and technical competence of the staff of agencies involved in CZM permit and enforcement activities. Some states hold regular workshops to present technical training while others rely on publication of basic fact and information handouts due to budget/staff limits.

Guam has an ambitious program to improve the awareness and effectiveness of participants in its network of CZM agencies. It has produced training manuals to teach building inspectors how to enforce the zoning laws and a "Bible" for its land use commissioners which explains the land use laws and provides case studies of the law's application.

3.1.3 Improving CZM Permit Processes.

State Registers. Some state CZM programs can easily monitor proposed activities in their coastal areas because their states have published registers of all permits, Environmental Impact Statements, grants, and violations. These registers assist the State and local CZM agencies in insuring that permit procedures are followed, that all agencies are informed about developments or violations, and that controversial issues receive adequate public review and discussion.

Public Notice Networks. Several states noted the value of having a very complete and active public notice network. Such networks routinely post notice of actions through a variety of publications and institutions and mail notices to individuals and interest groups who are either known to be affected or who have indicated a desire to be notified. The benefits of such notifications was to support adequate review of actions. In addition, because adequate notice insured the participation of all viewpoints in discussing controversial issues, the CZM agency was able to act as a facilitator of the process instead of an advocate of any particular position. As one respondent put it, "We're advocates for the permit process."

State Clearinghouse/Review Coordination. Some state programs benefitted from the existence of a central state clearinghouse or a central state review coordination process which pulls all permit reviews together. In some cases, the state CZM agency is responsible for running the clearinghouse or providing the coordination of responses; in other cases, it is only one of the participants. Such centralized processes clearly aid the state CZM's ability to easily monitor coastal projects in addition to promoting process simplification and pooling of review resources.

Joint Review Processes. In cases where no formal clearinghouse process exist, some states regularly used joint review sessions. In these sessions, the developer proposing a coastal project would present his development proposal to representatives from all the permitting and reviewing agencies. The agency representatives would then indicate what there concerns were likely to be in reviewing the project and what conditions might be imposed. Such sessions were viewed as useful for focusing the developer on addressing and solving problems and for building awareness and support between all the permitting and reviewing agencies.

Joint Application Processes. North Carolina has a innovative program by which one common application is used by ten state agencies and the Corps of Engineers. If additional information is required by any agency, they can ask the developer to provide it to them. The common application simplifies the paperwork and filing requirements of developers and insures the sharing of a commong base of project information by all the agencies. Used in conjunction with a clearinghouse process like that described above, it makes permit tracking a simple process of monitoring the progress of the single application through the reviewing and permitting agencies.

Consistency Certification Requirements. Some states use consistency requirements with State and/or local agencies as a method for insuring awareness, review, and in some cases, approval of coastal permits. In an approach parallel to that of Federal consistency approvals, the agency would have to formally certify that they were in compliance with CZM law and regulations, and in some cases, receive approval of consistency certification from the state CZM agency. These formal processes insure that the agency has considered coastal impacts and provide a method by which the state agency can monitor the impacts.

3.1.4 Improving Staff or Network Interactions.

Geographic Specialization. Connecticut assigns one staff person as contact person for each Community Group (a coastal area containing five to eight local governments). Each contact person records all permit and enforcement activities for his area in a log book, regularly meets with the local government staff to exchange information and presents CZM concerns, makes spot checks of coastal conditions, and visits project sites. They feel that the expertise about local coastal conditions and developments and the familiarity with local processes and personalities which staff develop as a result of these assignments is highly beneficial. The agency feels that they understand what is happening at the local level and that local government knows the state staff and is aware of state CZM concerns.

Computerized Networks. Only one survey respondent indicated that they were using a computerized network to link their network together. North Carolina's four Regional Offices have terminals which are directly linked to the Raleigh Central Office. Information on permits is available to the Central Office as soon as it is logged in by one of the Regional Offices. The terminals are regularly used to transmit information and data between the offices. The advantage of the system is the speed with which information and data can be moved and reacted to.

3.1.5 Evaluating Permit and Enforcement Effectiveness.

Most respondents did not indicate that they regularly conducted formal systematic evaluations of permit and enforcement activities.

One respondent noted that they had proposed conducting a formal evaluation of the state CZM program, but had been unable to fund the evaluation. He noted that they had actually welcomed the new Federal requirements for the annual report since it required them to do an informal evaluation which they then could use for program management purposes. However, the respondent did indicate that their willingness to do the evaluation had been increased by the fact that they were able to budget grant funds for the extra work involved in doing the evaluation.

California has built in evaluative processes in their monitoring and enforcement efforts. One such process is their Summer Review Program under which, each summer, they select 2,000 permits that were approved two year previously. Files on the permits are reviewed for document completeness, and site visits are made to large or controversial projects to inspect compliance with permit requirements and conditions. Based on a series of these reviews, California's enforcement officer concludes that around four to five percent of developments are not complying with permit requirements.

California also has a program for reviewing the permit and enforcement activities of the 55 local jurisdictions whose Local Coastal Programs have been certified by the California Coastal Commission. Under this Five Year Local Coastal Program Review, the Commission staff would review permit files and outstanding violations in the coastal area controlled by the jurisdiction and make an evaluation of the effectiveness of the local CZM program. However, because of severe staff and budget restrictions over the last eight years, no Local Coastal Program Reviews are being done.

3.2 INFORMATION HANDLING

As was noted previously, most survey respondents reported their agencies were doing nothing more advanced than normal office information handling practices. Most were moving to automate manual files, find ways to link internally and with other agencies, and develop improved databases.

Computer Network. Only North Carolina reported using a networked computer system, as was noted above. Data entry at terminals in the four Regional Offices and the Central Office establishes and updates records in a central computer database.

Database Formats. All the operational computerized databases were used for permit or enforcement action tracking. Permit or enforcement action identifier and descriptor information is maintained on these data bases which are use to make status reports and searches for permits or enforcement actions by characteristics such as location, date, or type.

One of the more innovative of these databases is Wisconsin's CZM permit database which is created by extracting permit files from the State Department of Natural Resources and the U.S. Corps of Engineers permit databases every two weeks. Files are compared using a common state permit number which appears in both databases. The database has value for insuring both Federal consistency and private compliance with the CZM permit process and for pooling all of the information available on both systems.

California is planning to develop a Coastal Resource Information Center (CRIC) which would be a linked database which could be accessed by State and local agencies and members of the public. The initial concept is that CRIC should include permit, enforcement, and resource/hazard information, much as was planned for HPASS.

Several states have or are developing Geographic Information Systems. None reported using them for monitoring and enforcement purposes. Most of these systems were not likely to be fully operational for a number of years.

4.0 RECOMMENDATIONS AND SUGGESTIONS

Survey respondents were asked if they had any suggestions or recommendations about how communication and information handling might be improved in CZM programs. They were asked to base their answers on the experience in their state and to either suggest improvements needed in their state or approaches that had proved successful for them.

A selection of respondents' suggestions and recommendations for communications and information management follows.

4.1 COMMUNICATIONS

- Use public awareness programs to add leverage to enforcement efforts by enlisting citizens to detect and report violations. Examples are South Carolina's Creek and Beach Watch and California's Adopt A Beach program.

- View communicating with other members of the agency network as the primary job that must be done to insure enforcement and monitoring.

- View communicating as a way to promote awareness among members of the network of CZM agencies that mutual support allows pooling of resources and increases the effectiveness of all agencies in solving common problems.

- Create Federal, State, and local joint working groups to review enforcement problems, pool resources, and decide on appropriate actions and roles.

- Hold regular workshops to build awareness of program, personal relations with staff, and promote resource pooling.

- Regular, scheduled contact with local officials by staff familiar with local conditions can insure that CZM concerns are incorporated in local decisions.

- Recognize the greater difficulty involved in making a network system work and work at making communication happen. You have to make sure both that you communicate with the other agencies and that they communicate with you. Communication must be scheduled, visits must be

made, people must be brought together. If you don't communicate early, problems of support, mistrust, and ill will will result.

- Build an awareness and a perception that the agency means business, has a clear program objective, and has the authority, support, and continuity to promote the objective.

- Develop and maintain a continuing network of one-to-one relationships. Such relationships are critical to the success of the CZM agency since much depends on cooperative efforts by other State agencies who are asked to add to their workloads to meet review deadlines.

- Be very careful not to "harass" the staff of these agencies if their reviews or responses are slow coming in. Provide assistance when requested as promptly as possible to these agencies as an incentive for them to do likewise and as repayment for their courtesy and support.

- Meet on a regular basis,with the people involved in providing reviews and assistance to talk about the process, identify any problems, and to renew the personal relationships. Ask them to give you an honest answer to the question:

  "How are we viewed in your agency?"

- Make any program innovation as simple as you can. "Get a foot in the door and get people comfortable." After the people are comfortable with it, you can expand.

4.2 INFORMATION HANDLING

- Automate and improve communication and information technology to increase staff effectiveness and deal with the difficulty of increasing staff. Manual systems are being swamped by the difficulty of retrieving or sorting permits or enforcement actions once large numbers of permits or violations have been processed by the system.

- Make hardware and software compatible between offices and agencies if at all possible to reduce the difficulty of data and information transfers. (Some states find it almost impossible to link even within departments because of incompatibility.)

APPENDIX A:

LIST OF SURVEY RESPONDENTS

National Evaluators

Dr. David Brower, University of North Carolina Center for Urban and Regional Studies

Dr. Charles Colgan, University of South Maine

State Programs

Bob Hickman, Bay Conservation and Development Commission, California (BCDC)

Nancy Cave, California Coastal Commission (CA)

Dan Rothenberg, Coastal Zone Management Program, Connecticut Department of Environmetal Protection (CT)

Theodore Hoehn, Office of Coastal Management, Florida Department of Environmental Regulation (FL)

Larry Toth, Pennsylvania Division of Coastal Zone Management (PA)

Mike Ham, Guam Coastal Management Program (GU)

John Parker, North Carolina Division of Coastal Management (NC)

Don Oswalt, Oregon Department of Land Conservation and Development (OR)

John L. Hensel, South Carolina Coastal Council (SC)

Jim Anest and Brian Offord, Washington Department of Ecology (WA)

Dave Jones, Wisconsin Department of Energy and Coastal Management (WI)

APPENDIX B:

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California

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Florida

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Oregon

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_____. Chapter 141, Division 85: Division of State Lands. **Includes procedures for handling violations, enforcement procedures, and civil penalties.**

Oregon Statutes. Chapter 196:840 - 990. Wetlands, Rivers, Removal and Fill; Ocean. **Includes procedures for handling violations, enforcement procedures, and civil penalties.**

Pennsylvania

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Virgin Islands

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Virginia

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Wisconsin

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APPENDIX C

SURVEY MAILINGS

Eugene P. Dashiell
PLANNING SERVICES
Land Use, Marine & Water Resource Plans
Environmental Impact Statements

Date

[Mailing list, 30 CZM Program Managers, Nationwide]

Dear _____:

I request your assistance in providing information about your CZM monitoring enforcement program which may assist the State of Hawaii in its review of its own CZM monitoring and enforcement program. My firm has the contract with the State of Hawaii, Office of State Planning, Coastal Zone Management Program Office, to provide a review of the Hawaii program and to make recommendations concerning it.

We are specially interested in how you track compliance with coastal zone laws and objectives by State, County and Private agencies.

We have enclosed a post card for your convenience in responding to this letter. We will be following up with a telephone call to you. If you have questions or comments, Please call me or Mr. Doug Tom, CZM Program Manager for Hawaii (808-548-3026).

Thank you for your assistance.

Sincerely yours,

Eugene P. Dashiell, AICP

Enclosure

330 Coral Street • Suite 202 • Honolulu, Hawaii 96813-5344
(808) 537-9717

Eugene P. Dashiell, AICP
Planning Services
330 Coral Street, Suite 202
Honolulu, Hawaii 96813-5544

Hawaii CZM Monitoring and Enforcement Survey. March 15, 1990

Please check the applicable categories. Thank you for your assistance.

_ The name and telephone number of our point of contact is:
Name _____, Number_____

_ We are interested in the results of your project and would like to receive further information about it at a later date.

_ We have material we are sending you under separate cover which explains our Monitoring and Enforcement Program.

_ We believe the following states have exceptional monitoring and enforcement programs which Hawaii may be interested in as models for their own.
_____, _____, _____, _____.

STATE COASTAL ZONE PROGRAM MANAGERS

ALABAMA -
Luther Holt
Program Manager
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ALASKA -
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Coastal Program Coordinator
Division of Governmental
Coordination
Office of Mgmt. & Budget
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AMERICAN SAMOA -
Henry Sesepasara
Program Manager
Development Planning Office
Government of American Samoa
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CALIFORNIA -
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Program Manager
California Coastal Commission
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BCDC -
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Executive Director
Bay Conservation &
Development Commission
30 Van Ness Avenue, Room 2011
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CONNECTICUT -
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Coastal Zone Management Program
Department of Environmental
Protection
18-20 Trinity Street
Hartford, CT 06106
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DELAWARE - David S. Hugg, III
Executive Assistant to
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Dept. of Natural Resources
and Environmental Control
89 Kings Highway
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Program Manager
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Dept. of Environmental Regulation
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GUAM - Mike Ham
Program Manager
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HAWAII - Douglas Tom
Program Manager
Coastal Zone Management Branch
Office of State Planning
State Capitol, Room 410
Honolulu, HI 96813
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LOUISIANA - Terry Howey
Director
Coastal Resources Division
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MAINE - Dave Keeley
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MASSACHUSETTS -Steve Bliven
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Program Manager
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Steven T. Mason Bldg., Box 30028
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(517) 373-1950

MISSISSIPPI - Jerry Mitchell, Chief
Coastal Programs Division
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(601) 864-4602

NEW HAMPSHIRE -David Hartman
Program Manager
Office of State Planning
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NEW JERSEY - John Weingart, Director
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Department of Environmental
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NEW YORK - George Stafford, Director
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162 Washington Street
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NORTH CAROLINA - George T. Everett, Director
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512 North Salisbury Street
Raleigh, NC 27611
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NORTHERN MARIANAS - Robert Rudolph, Acting Administrator
Coastal Resources Management Office
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Saipan, Mariana Islands 96950
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PENNSYLVANIA - E. James Tabor, Chief
Division of Coastal Zone Management
Bureau of Water Resources Management
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PUERTO RICO - Ines Monefeldt, Director
Coastal Management Office
Dept. of Natural Resources
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RHODE ISLAND - Grover Fugate, Executive Director
Coastal Resources Management Council
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(401) 277-2476

SOUTH CAROLINA -

Dr. Wayne Beam
Executive Director
South Carolina Coastal Council
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VIRGIN ISLANDS -

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St. Thomas/St. John
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VIRGINIA -

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Rod Mack, Supervisor
Shorelands Division
Department of Ecology
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WISCONSIN -

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Division of Energy and
Coastal Management, 6th Floor
Department of Administration
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Madison, WI 53707
(609) 266-3687

Appendix G

Typical Hardware and Software Specifications for the Proposed System

1 Typical Hardware and Software Specifications for the Proposed System

1.1 Hardware

1.1.1 File server
1.1.2 Workstations
1.1.3 Extended/expanded memory
1.1.4 Uninterruptable power supply, surge suppressor
1.1.5 Mouse
1.1.6 Tape drive
1.1.7 Laser printer, memory, font cartridges

1.2 Software

1.2.1 Operating system
1.2.2 Menu system
1.2.3 Relational database
1.2.4 Application development tools
1.2.5 Utilities
1.2.6 Back up software
1.2.7 Word processing, desktop publishing
1.2.8 Spreadsheet
1.2.9 Project management

1.3 Network

1.3.1 Network cards
1.3.2 Network cables
1.3.3 Network operating system
1.3.4 Telecommunications lines
1.3.5 Modems
1.3.6 Communications software

1.4 Supplies

1.4.1 Paper
1.4.2 Cartridges
1.4.3 Cables
1.4.4 Diskettes
1.4.5 Storage cabinets and cases
1.4.6 Extension cords

1.5 Maintenance

1.5.1 Hardware
1.5.2 Software
1.5.3 Upgrades

1.6 Facilities

1.6.1 Power
1.6.2 Cables
1.6.3 Phone lines
1.6.4 Lighting
1.6.5 Furniture

Appendix H

Memoranda of Workshops

March 6, 1990

Mr. Doug Tom
Hawaii Coastal Zone Management Program
250 South King Street
Honolulu, Hawaii 96813

Dear Mr. Tom:

Subject: Initial Workshop Meeting with HCZMP Liaison County Officers and Key State Users -- Contract to Evaluate and Improve the Hawaii Coastal Zone Management Monitoring and Enforcement Program

I am submitting the enclosed draft memo for your review. It will accompany the subject meeting notice. Its purpose is to inform the attendees of the subject of the meeting which is to obtain their evaluation on the existing program and their ideas on how it may be improved.

I plan to conduct a workshop session of about 2 & 1/2 hours, broken up by coffee breaks. I would prefer a morning time slot which would start at 9:00am and end at 11:30am. The information resulting from this meeting will be extremely useful in carrying out the work of our contract.

Please call if you have questions or comments.

Sincerely yours,

Eugene P. Dashiell, AICP

Enclosures

Monitoring and Enforcement (M & E) Program Workshop

Purpose

The purpose of this workshop is obtain the views of County and State CZM managers and HPASS users regarding the existing monitoring and enforcement program and ways to improve it. The contractor's task is to advise the HCZMP and to recommend changes if warranted. As participants in the program and users of the HPASS/Wang VS system:

- You have the most experience with the system. Does it work for you? If not, what would work?
- You know what you need to supply the M & E program requirements. Do you think there are better ways to report?
- You know your CZM information needs, does HPASS fulfill them? Do you need the HPASS data base? Do you use it? Are there better ways to provide a planning data base, such as a GIS or PC based system?
- You know your time and budget pressures. Can your agency maintain its own data base? Does it need a State-wide data base?
- What would be the best way for you to report to HCZMP in order to fulfill your obligations under the HCZMA?

Approach

At the workshop, we will ask you to try and answer these and other questions which come up. Over the next two months we will be reviewing the M & E program and probably contacting you directly to ask more questions or to review proposed changes. We will be contacting other States to discuss their programs and to see if any of their procedures would be useful here.

Initially, it appears that the Wang VS system is not user-friendly and probably hampers HCZMP reporting and analysis. A big question is whether or not a replacement system should include the planning data which may not be required for HCZMP to do its job which is "...to detect patterns of state and county agency non-compliance with the CZM objectives and policies pursuant to Chapter 205A, Sections 205A-3, 205A-4, and 205A-5."

As the contractor for this project, our job is to review the overall M & E program and to suggest changes to it. We are not specifically tasked to provide computer or data base solutions. But we expect that these will enter into our discussions to some extent.

Thank you for your assistance in this. Please feel free to call me if you have questions or comments about the project or the workshop.

Eugene P. Dashiell, AICP

Eugene P. Dashiell
AICP
PLANNING SERVICES

Land Use, Marine & Water Resource Plans
Environmental Impact Statements

March 27, 1990

Agenda

HCZMP Monitoring & Enforcement Review

1.	Introductions -- Contractors and HCZMP agencies.	9:00
2.	Purpose of Workshop -- Purpose of workshop; need for ideas from HCZM agencies to make the M&E program more efficient and productive.	
3.	Participants describe how the M&E program works in their office, how much time they spend on it, what information is of value to them as well as to the OSP. Is there any problem with HPASS or hardware?	
4.	Summary of the working HCZM M&E program, based on above discussion.	10:00
5.	Participants suggest improvements to the program, data, computerization, less work, or other items.	
6.	Summary of suggestions for improvements.	11:00
7.	Schedule of second workshop, evaluation forms to be mailed out to participants and returned. Close of workshop.	11:45

Contractors are Gene Dashiell, AICP, Planning Services; Ryan Yamamoto of Data House; Bob Stanfield of Community Resources. We will send you a summary of this workshop and would like you to sign and return if with comments. A second workshop is tentatively scheduled for April 18 to discuss our tentative findings. Thank you for your assistance.

330 Coral Street • Suite 202 • Honolulu, Hawaii 96813-5344
(808) 537-9717

Eugene P. Dashiell
AICP
PLANNING SERVICES

Land Use, Marine & Water Resource Plans
Environmental Impact Statements

April 5, 1990

TO: Bob Stanfield

Subject: List of attendees at March 27 Workshop

Bennett Mark	C&C Honolulu	DLU	527-5038
Norman Hayashi	Hawaii Co	Plng Dpt	961-8288
Ricky Tsuchiya	Kauai Co	Plng Dpt	245-3919
Philip Ohta	Maui Co	Plng Dpt	243-7735
Mark Scheffel	DLNR	Forestry	548-8850
Roy Sakamoto	State	OEQC	548-6915
Caryn Tatori	State	OEQC	548-6916
John Nakagawa	State	HCZMP	548-5973
Kenton Kuwada	State	HCZMP	548-5973
Gene Dashiell	Planning Services		537-9717
Bob Stanfield	Community Resources		528-2211
Ryan Yamamoto	Data House		942-8108

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Eugene P. Dashiell
AICP
PLANNING SERVICES

Land Use, Marine & Water Resource Plans
Environmental Impact Statements

Memorandum

April 12, 1990

To: HCZMP Monitoring and Enforcement Workshop Participants

Subject: Notes from March 27 Workshop and Agenda for April 19 Workshop

1. Enclosed are our notes from the subject workshop. Please review for consistency and accuracy. We have added a few remarks based on discussions with other agencies who could not attend, but who are participants in the program.

2. At the April 19 workshop, we will present some suggested changes to the HPASS system and we will discuss the minimal reporting requirements for HCZMP to OCRM. Based on your reactions to our suggestions, and your participation in the workshop, we will prepare our draft report to HCZMP.

CF: Mr. Doug Tom

330 Coral Street • Suite 202 • Honolulu, Hawaii 96813-3544
(808) 537-9717

Mailing List

HCZM M&E Workshop

April 12, 1990

Counties

Mr. Tom H. Shigemoto, Planning Director, Kauai
Mr. Ricky Tsuchiya*

Mr. Donald Clegg, Director, DLU, Honolulu
Mr. Bennet Mark*

Mr. Christopher L. Hart, Planning Director, Maui
Mr. Phillip Ota*

Mr. Duane Kanuha, Planning Director, Hawaii
Mr. Norman Hayashi*

State

Mr. William W. Paty, Chairperson, DLNR
Mr. Mark Sheffel*
Mr. Roger Evans*

Dr. John C. Lewin, Director, DOH
Mr. Gene Akazawa*
Ms. Caryn Tatori*

Mr. Edward Y. Hirata, Director, DOT
Mr. Dave Parsons*

Contractors
Mr. Bob Stanfield, Community Resources*
Mr. Ryan Yamamoto, Data House*

*Attended meeting or participated in interview.

April 12, 1990

MEMORANDUM

TO: Participants

FROM: Bob Stanfield, Manager, Community Resources, Inc.

SUBJECT: Report on March 27, 1990 Meeting with HPASS Users

1.0 Participants

STATE

HCZMP

John Nakagawa
Kenton Kuwada

OEQC

Roy Sakamoto
Caryn Tatori

DLNR

Mark Sheffel

COUNTY

Hawaii

Norman Hayashi

Honolulu

Bennett Mark

Kauai

Ricky Tsuchiya

Maui

Phillip Ota

Consulting Team

Gene Dashiell, AICP (Project Manager and Principal)
Bob Stanfield, Community Resources, Inc. (CRI)
Ryan Yamamoto, Data House, Inc.

2.0 Agenda

Introductions

Statement of Purpose by HCZMP

Workshop Purpose by Dashiell

Participant Experiences with M&E process and with HPASS Information System

Participant Suggestions and Recommendations for M&E process and Information System

Closing Remarks and Announcement of Follow up Workshop, April 19

3.0 Statement of Purpose by HCZMP

John Nakagawa, Hawaii Coastal Zone Management Program (HCZMP) planner, explained that the purpose of the contract with Dashiell and his consulting team was to examine the goals and objectives of the HCZMP Monitoring and Enforcement (M&E) Program and to specify the needs and criteria that should be met by the M&E Information System.

He emphasized that the project was not aimed at updating and revising the HPASS System. Instead, the project will help:

- o clarify what kind of system is needed to meet the needs of all the State and county agencies involved in the M&E Program, and then

- o look at what should be done with the HPASS System:

  -- upgrade software and/or hardware,
  -- maintenance of existing data with system replacement, or
  -- abandon existing data and system replacement

He noted that HCZMP's information needs for M&E consists of:

- o Sufficient information on permits and rule making by State and County agencies to insure that impacts are in compliance with CZM policies and objectives.

- o Information required by Federal OCZM to demonstrate adequate M&E activity

4.0 Workshop Purpose Statement by Dashiell

Gene Dashiell introduced the members of the Consulting Team, and explained the purpose of the workshop was to gather the experiences, problems, and recommendations of the State and County staff involved in the M&E Program in an informal atmosphere.

Participants were asked to evaluate both the process and the information handling in the current M&E Program.

5.0 Participants Comments on the Existing M&E System

5.1 Process

The State Advisory Committee which includes State agency, County, and Community members meets to review HCZMP operations and policies. It is not directly involved in the M&E System.

County

All four of the counties use information from their own databases to prepare reports to HCZMP and type or copy data into the report to HCZMP that has already been entered into their own databases.

Kauai and Maui send HCZMP copies of all approved SMA permits.

When the counties need information for CZM permit actions, they are working under tight time deadlines. As a result, they can't wait for data bases to be updated. To get the most current information, they call the other State and County agencies to obtain process and planning information and informal evaluations of projects.

State

State agencies don't have to have HCZMP certify their consistency with CZM policies and objectives. By law, they are supposed to act in ways consistent with the CZM policies and objectives. Disagreements about whether agency policies or actions are consistent with the CZM policies and objectives have arisen between HCZMP and State agencies.

HCZMP uses the OEQC Register to collect information on EIS actions at present because the modem connection with HCZM from OEQC is not working.

Maintenance of the HPASS system costs $33,000 per year on a contract with Wang. No software support was provided because custom software was developed for the HPASS program.

Federal

The Federal CZM program wants to see evidence of improvement in Coastal Zone Management.

New semi-annual and annual Federal Reporting Requirements may increase the amount of information that the HCZMP must report to the Federal Office of Coastal Zone Management (OCZM). Hawaii is currently negotiating with OCZM about the requirements. The proposed regulations would impose major data requirements, with much of the data difficult to collect.

5.2 HCZMP Needs

County

HCZMP does not need all of the information collected from the counties on the current HPASS form. What is needed is a quarterly report with the following elements:

- o A Statistical Summary of SMA Permits (Major & Minor) and of Shoreline Variances by Applied and Approved
- o A Listing of Public Hearings Completed and Scheduled
- o A Summary of Significant Major SMA Permits & Shoreline Variances with a Paragraph Describing Key Elements of Each Action
- o A Statistical Summary of County Monitoring & Enforcement Actions

HCZMP needs evidence of appropriate criteria/expertise being used by the counties in approving permits.

HCZMP needs enough descriptive information and summary statistics so that they can pick out patterns and identify emerging problem areas and trends. Such a "flagging" system alerts them that there is a problem for which they may need to:

- o call the permit agency to discuss the problems,
- o muster resources for special studies, or
- o prepare requests to the Legislature for the resources or staff needed to address the problem.

State

HCZMP could rely on the OEQC Bulletin to collect information on all EIS actions affecting the Coastal Zone. The HPASS system is not needed.

HCZMP needs early warning from State agencies which are proposing rules affecting CZM policy goals and objectives and involvement in consultation in order to avoid unnecessary dispute or delays in implementation.

5.3 State & County Agency Needs

Each agency should be able to get a printout of any information they entered into the system without a lengthy wait.

Data was entered into HPASS that nobody used. No data should be entered unless a clear and continuing need is demonstrated.

The HPASS form was not "user friendly", and input was difficult.

HPASS tried to establish a common CZM planning data base. However, each agency now has its own individual data base in manual and/or computerized form. As a result, a common computerized data base for CZM purposes is not needed by the State and County agencies.

A map based data base that could be used to identify all permits affecting a specific location, region, island, or county could be useful.

County

The counties never could get direct printed output from the HPASS system. Instead, they had to ask HCZMP to print output from the system and send it to them.

The major need of county CZM planners is for data and analysis that can be quickly assembled due to the limited time they have for review and response to permit applications. They rely on reviewing agency comments to identify any problems, and could benefit from quicker response by reviewers.

Reviewing agencies may not have the information needed to properly evaluate the accumulating effects of many "minor" SMA permit actions (eg. Seawall construction). University experts are hard to involve in reviews, and may not have adequate data on the overall pattern of changes resulting from minor permit approvals.

County planning agencies don't have the staff expertise to evaluate either the issues or the reviewers' responses. An additional problem is the resolution of conflicting responses from consultants.

County agency staff sometimes find it useful to consult with the other counties for guidance on how they handled certain types of projects. There is no need for a computerized data base for such comparisons, because a call is easier and a data base would be expensive to update and wouldn't be used enough to justify the updating.

County CZM planners would find it useful to know what other permits or land use actions are associated with the project in addition to the application for an SMA permit.

County CZM planners do not find the State Data Book or the State Data Book Bulletin Board System very useful either as a reference or as a guide to sources.

County CZM planners do not need access to a Statewide Planning Data Base or Geographic Information System (GIS). Such data might be most useful and relevant to the agency specialist, consultants, or other reviewers who are asked to comment on CZM permit actions.

County CZM planners had little use for the old data on HPASS. In some cases, the data was incorrect. In addition, the counties have their own data collections which they use if there is a need to information on the past permit actions.

State

When HPASS was operated from the UH, OEQC was able to both enter input and get printed output from the data base.

DLNR was unable to get a direct printout from the HPASS system.

DLNR doesn't use HPASS. (Since the meeting, Dashiell has learned that Roger Evans does keep his Conservation District Permit information on the Wang system, but would like to move it to the PC-based data system that DLNR has adopted (DBASE IV).

DOT (Dave Parsons) has suggested that the HPASS data be made available in IBM-PC format.

OEQC is developing its own computerized data base. OEQC would like to create a computerized version of the Register that could be searched by keyword and accessed by other computer over a modem connection. A bill to appropriate such a system is in the Legislature

OEQC would be willing to include CZM material in its Register if HCZMP wanted to provide it on a regular basis.

DOH (Gene Akagawa) does not need HPASS data. DOH maintains its own water quality files on an IBM-PC system. He is interested in a GIS.

6.0 Options for Information Handling & Communicating

Several options for information handling and communicating between all the participants in the State's CZM M&E System could be implemented. Ranging from simplest to most complex, they are:

6.1 Information Handling

Baseline: Present practice with each Agency maintaing an individual data base. Retrieval and analysis by manual and computer methods within agency. Transmittal to other agencies and to HCZMP by phone message, fax, or mail.

Purpose of Options: Increase ease of retrieving, transmitting, and analyzing information for each Agency. Reduce the amount of paper transmitted and held by agencies.

- Index Option: A Data Base containing an Index to all Permits, Shoreline Variances, Hearings, Monitoring and Enforcement Actions, and Rules Change Information. Could be searched and summarized by keywords like Type, Date, Location of Document, Issuing Agency, Geographic Location of Action, Applicant Name, etc. depending on the extent of indexing. An on-line Bulletin Board System could allow computerized searching of the Index for those agencies with computer-modem facilities, and periodic reports could be printed out for those without such equipment.

- Document Option: A Data Base containing the text of the Permits, and other Process Documents (Shoreline Variances, Proposed Regulations, etc.) produced by scanning and storage on optical disk. Could be searched by keyword and used to retrieve and printout specific text and graphic information quickly.

- Planning and Resource Management Option: A Data Base containing indices, text, and data useful for reviewing and commenting on permit applications.

6.2 Information Handling Network Structure

Two alternative network setups were suggested for information handling:

- PC Database Option: Each agency would have a computer with database software and a modem. A CZM database would be maintained on the PC, and report data transmitted to HCZMP.

- Agency Database Option: Data for reports to HCZMP would be extracted directly from agency data files, converted to the format needed by HCZMP, and transmitted to HCZMP with minimal additional data entry or manipulation.

6.2 Communications

Baseline: Present Practices of regular monthly meetings, phone conversations, routing of permits and regulations for review and comment, and exchange of paper reports/computer diskettes

Purpose of Options: Improve ease of communication, expand communication among Agencies, and promote awareness of CZM goals and resource and hazard management issues.

- Awareness/Consensus Working Meetings: Meetings once a year with key State and County agency staff to review key concerns of HCZMP and reach a consensus on procedures for identifying and communicating about significant permit actions and rule changes. Purpose: Establish lines of communication and procedures in order to promote awareness of and to avoid unnecessary conflicts over coastal resource and hazard management issues.

- Newsletter Option: Feature Stories on CZM Resource and Hazard Management Issues in Hawaii, News of Significant Actions, Rules and Regulations under Revision or Proposed, Legislation affecting Programs or Budget, Personnel News. Purpose: Broaden awareness and build a sense of community.

- Voice Mail Option: Allows recording of phone messages, conference calls, and retrieval of messages from other phones. Purpose: Increase efficiency in phone use among agencies.

- Electronic Bulletin Board System (BBS) Option: Computerized version of voice mail. Allows direct transmittal of personal and public messages, conferences on issues of interest, recall and response at time of convenience, and electronic transfer of text, graphics, and data. Purpose: Build a sense of community through conferences, increase efficiency in transmittal of computerized data, and reduce amount of paper transmitted and held by agencies.

7.0 Agency Capacities for Information Handling

County

Hawaii County has Wang machines and IBM-PC's. They are using custom data base software on the IBM-PC to track land use permits by TMK.

Honolulu City and County has a Mainframe based inter-agency data base system that tracks land use by TMK. Access to the system is through terminals. In addition, Honolulu has recently developed a basic Geographic Information System (GIS) for Oahu using ESRI's ARC-INFO system.

Maui County has a land use data base on IBM-PC's and is developing a GIS.

Kauai County is developing a database on the IBM-PC for tracking land use.

State

OEQC has two IBM-PCs and wants to develop a permit tracking database.

DLNR has IBM-PCs and is using DBASE IV software for their purchase order system.

The State has a GIS using ESRI's ARC-INFO system.

Eugene P. Dashiell
AICP
PLANNING SERVICES

Land Use, Marine & Water Resource Plans
Environmental Impact Statements

April 5, 1990

Mr. Roger Evans
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Evans:

Subject: Hawaii Coastal Zone Management, Monitoring and Enforcement Program

This is to confirm our telephone discussion of March 30 in which I noted that we have been contracted by HCZMP to provide a review of the monitoring and enforcement program and in particular the need for, and use of, the HPASS system and its data. I reported to you the results of our March 27 workshop which confirmed that the HPASS hardware, software and overall system no longer functions as originally intended some 10 or 15 years ago and, moreover, the data entry and maintenance requirements of HPASS have become sufficiently burdensome so that a replacement system of some sort is worthy of consideration. It appears that your's is the only office using the system in any significant manner and this is for the Conservation District Use Application files.

I stated that we would be looking into the feasibility of file transfer between the Wang VS system (HPASS) and IBM PC format which I understand is your intended replacement system within your office. My understanding is that you would accept a shut-down of HPASS providing your CDUA files can be made available to you in IBM-PC format. I also stated that such a shut-down is not imminent. Rather, if it is to happen, it would be after a suitable replacement M & E system was operational.

On April 19, at 9am, we will present our preliminary findings in a workshop to HCZMP agencies and HPASS users such as yourself. The meeting will be in the penthouse conference room of the Kamamalu Building. We will use the results of the workshop in the preparation of our draft report to the HCZMP. I hope you or your representative can attend.

Sincerely yours,

Eugene P. Dashiell

Eugene P. Dashiell, AICP

CF: Mr. Doug Tom, HCZM Program Manager

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Eugene P. Dashiell
AICP
PLANNING SERVICES

Land Use, Marine & Water Resource Plans
Environmental Impact Statements

April 19, 1990

Memorandum

To: HCZMP Workshop Participants

Subject: HCZMP Monitoring & Enforcement Recommendations for Discussion

Based on our review of the past workshop discussions, federal requirements, previous HPASS evaluations, discussions with agency officials, and review of HCZMP documents, we recommend that HCZMP consider the following actions to simplify their Monitoring and Enforcement reporting requirement.

We note that HCZMP's purpose is to oversee the furtherance of the 7 objectives of Hawaii's Coastal Zone Law (Act 205A-2). In sum, these objectives are as follows.

1) Recreational Resources. Provide coastal recreational opportunities accessible to the public.

2) Historic Resources. 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.

3) Scenic and Open Space Resources. Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

4) Coastal Ecosystems. Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

5) Economic Uses. Provide public or private facilities and improvements important to the State's economy in suitable locations.

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6) Coastal Hazards. Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

7) Managing Development. Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Our suggestions are made in the context of these 7 overall goals. It appears that up to now the HCZMP has not been able to measure progress towards achievement of these goals. We are suggesting an integrated approach which would permit direct tracking of achievements towards these goals. We believe that our suggestions, if implemented, would result in less rote data entry as is now required under HPASS and would free up vital staff time for assertive coastal planning and field inspections -- items that are in demand as the number of coastal actions increases in throughout the state.

Please review these suggestions and respond back to me or to John Nakagawa by May 7 with your changes, remarks, additions, or disagreements. We intend to use this document as a basis for our report with your concurrence.

Actions to Improve Reporting: County Agencies - State HCZMP

1) Request the counties to submit data in a simplified and unified format for use by HCZMP in some sort of microcomputer database. The counties could use their existing microcomputers and send data disks or use dial-up modems. Compliance with this suggestion could include:

   a) At a minimum, use of a uniform database format (not necessarily the same database software, but at a minimum softwares which can produce a common file format like ASCII or DIF);

   b) It might be desirable to have dedicated microcomputers in each county CZM office. In that case, HCZMP could assist in obtaining

suitable microcomputers and several copies of an appropriate database software for each county and for HCZMP, or just the software if that county has access to an appropriate microcomputer. This suggestion has an advantage of complete uniformity.

2) Set up the system for the counties to track SMA's with the same core of each database. Each county could customize the database as they wished for their own uses, but they would send the core of information to HCZMP which would meet the OCRM reporting requirements. HCZMP would dump those files into their own microcomputer database and could compose their reports. This would permit HCZMP to easily file the semi-annual tables to OCRM based on electronically loading the county files rather than hand-punching the information. The counties would save effort by having one-time-only data entry.

3) Reduce the questions the counties must answer to a bare minimum from the current HPASS forms.

Actions to Improve Reporting: State Agency - State HCZMP

4) HCZMP would customize their own database to track all the other information they now receive such as permit notices, permit applications and decision notices. They could keep narrative information about each permit action, federal consistency declaration, other State action, CDUA, or OCRM grant and then prepare draft reports from the data base. By so tracking data and entering data daily, actual reporting would be relatively straightforward at the required quarterly, semi-annual, or annual intervals.

When the above program is setup and working properly, HCZMP should shutdown the Wang HPASS system after making the files available in PC format.

5) According to the current federal reporting guidelines (Sep 1988) it appears that if additional detail is required from the states (for example, acres of wetlands), that this information would be submitted on a one-time basis to serve as a baseline to measure change. At present, such data is not required from the counties or the state. If it should be required, such data fields could be added to the proposed data base system of reports.

Actions to Meet Annual Federal Requirements

6) Add a checklist or scorecard which permits tabulation of contribution to, or taking from, the 7 objectives in ACT 205A. Include best management actions, conformance with CZM plans, and conditions on SMA, CDUA, or other CZM-related actions or permits. Consider categorizing (seawall, beach, marina, etc) SMA and other permit actions to provide an additional level of detail and search capability by type of action. Entries on the checklist would be numeric in terms of the 7 objectives so that for each semi-annual report there would be a measurable statement of the contribution to or taking from the objective. This could be done by category of action as well which would permit time-scale analysis of the relative proportion of actions for easy detection of trends.

HCZMP, themselves, would track and evaluate state and federal projects in the same manner against the same 7 objectives. If this initial tracking was too time consuming, a special directive could be sought from the Governor to all state agencies to perform this

Summary of scores from all SMA/CDUA , permit or other actions in the State (0 = loss, 1 = no change, 2 = contribution)

	The 7 HCZMA Objectives in Act 205A-2	1 Qrtr	2 Qrtr	3 Qrtr	4 Qrtr	Net for Year
1	Provide Public Accessible Recreation	0	1	2	0	0.75
2	Protect/restore Historic Resources	1	2	0	1	1.00
3	Protect/improve Scenic Resources	1	1	0	2	1.00
4	Protect Ecosystems	0	0	1	0	0.25
5	Economic Development in Suitable Locations	1	2	1	1	1.25
6	Reduce Hazards to Life and Property	2	1	1	1	1.25
7	Improve Development Review Process	0	0	1	0	0.25

function and to submit the scorecard/checklists themselves.

Scorecards/checklists would provide a standard evaluation format equally applicable to county, state or federal agencies and based on existing state law. Implementation of this concept (originally a concept in HPASS, but very complex, and not readily retrievable) would provide a near instantaneous way of monitoring and evaluating the progress of CZM actions and programs in Hawaii.

7) Update the state coastal zone management plan, basing measurement of achievement towards the 7 goals on these suggestions. Given the plethora of CZM actions in recent years, it appears that there is a need for this update.

Actions to Improve Communication and Coordination

8) Make the "awareness program", especially for State agencies, more active. This program is vital to obtaining a more unified and assertive CZM planning effort at the state level. This would aid to improve the CZM planning and coordination among state agencies. HCZMP should consider use of a periodic news letter which could be published directly by HCZMP or through use of the OEQC Bulletin initially.

   a) This is particularly important for improving communication regarding the issuance of rules and regulations by state and federal agencies.

   b) Consider more intensive use of the OEQC Bulletin for publishing HCZMP program information and semi-annual statistics. Use of the Bulletin seems a logical and inexpensive way to reach more state agency planners

especially. An advantage of the Bulletin is that the mechanism to publish and distribute is already in place.

c) The concept of a dial-up modem bulletin board for CZM information-sharing between agencies is appealing because it would permit agencies to query each other in cases where they did not want to telephone. This would also permit conferencing--a useful management tool. If the state CZM data files were operational as suggested above, they could be a part of this bulletin board and could be queried by type of action, location, date, or whatever by agencies seeking comparable actions during permit/project review. Maintenance of such a bulletin board would add to HCZMP's workload, and there is an inconvenience to users in that for the system to be effective, they must query it regularly.

d) Instead of a bulletin board, consider purchase of a Fax machine for each CZM office. It is possible that a Fax would be most useful to provide the required added communication capability between agencies.

e) HCZMP might consider a variety of media to aid in the awareness program. For example a brochure which outlines program goals, achievements, and responsibilities on the part of agencies and the public should be widely distributed and available in many places around the state. OEQC has the "EIS Handbook for Hawaii" which was financed in part by CZM funds, for example.

9) Consider use of semi-annual field trips in addition to quarterly site visits to inspect special problem areas such as loss of public access or marina development. The use of helicopters for these trips would be cost-

effective and would permit a better view of coastlines than from land.

Actions to Improve Resource Management Information

10) Hire a coastal engineer, especially for use in the awareness/outreach programs and in permit review to assist counties so that they do not have to rely on the private sector for coastal engineers (there probably are not many of these on the neighbor islands).

11) Work with OSP and other state agencies to investigate and develop a statewide planning database which would fulfill the original goals of HPASS. This seems to be a desired and necessary service, but it cannot be met by CZM. The state has a GIS which comprises a portion of such a system. The state is planning data interlinks as well.

12) Work with other state agencies to develop a statewide weekly or biweekly bulletin for all public notices including the OEQC Bulletin. This would probably be cost effective considering the present amount of time individual agencies put into handling their own public notices, etc. Such a bulletin would include CIP, which was the most frequently queried category of information in the HPASS. Submittals to the bulletin could be made by modem from each agency so that the bulletin publisher's job would be merely a matter of printing, maintaining a mailing list and mailing.

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HCZMP(12)(BWM)

May 3, 1990

Mr. Douglas Tom
Office of State Planning
Hawaii Coastal Zone
Management Program
State of Hawaii
Honolulu, Hawaii

ATTENTION: Mr. John Nakagawa

Dear Mr. Tom:

Hawaii Coastal Zone Management Program (HCZMP)
Monitoring and Enforcement Recommendations

We have reviewed the recommendations of your consultant, Eugene Dashiell, that were presented in his April 19, 1990 memorandum. We have the following remarks:

1. We agree that a more simplified system of reporting County Special Management Area (SMA) permit and Shoreline Setback Variance (SV) actions to the State, which would meet minimum Federal requirements, would be best. The current H-PASS system is obsolete, ponderous, and of questionable usefulness. We would have no objection to eliminating the H-PASS system altogether.

2. We do not believe that a planning database system, if based on primarily the County and State agency reports to the HCZM office, would be of any particular value to the City. An original intent of the H-PASS was to create a database of planning information. The City and County of Honolulu already has a Tax Map Key based planning information system called Permit Register Information and Monitoring (PRIM) and is currently installing a Geographical Information System (GIS). The PRIM and GIS satisfy the City's basic planning information needs. A State database system, if modelled after the old H-PASS, would be redundant at best, and could be onerous in its reporting requirements at its worst.

3. We suggest that statistical reports on individual projects from the City to the State HCZM office be limited to information which can be easily retrieved through our PRIM system. This would reduce the excessive amount of time that we must currently expend doing research to complete the H-PASS forms.

4. We do not believe that it is reasonable to ask a county agency to evaluate whether a permit or a variance it has issued properly mitigates adverse impacts on CZM goals. By their very nature, all permits and variances issued must have taken into consideration the CZM goals and must include appropriate mitigation measures; a county agency could therefore not indicate that it had not properly mitigated adverse impacts to CZM goals. We suggest that it is the HCZM office's obligation to make this determination itself.

If you have any questions, please contact Mr. Bennett Mark of our Environmental Affairs Branch at 527-5038.

Very truly yours,

Donald Clegg

DONALD A. CLEGG
Director of Land Utilization

DAC:sl

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