



COUNTY OF MAUI
DEPARTMENT OF PLANNING
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Application packet for
SPECIAL MANAGEMENT AREA
ASSESSMENT
(SMX, SM2, SM4, SM5, SM6, SM7)

I. SOURCES OF AUTHORITY

The sources of authority for a **Special Management Area (SMA) Assessment** are listed below:

- [Chapter 205A](#), Hawaii Revised Statutes (HRS), Coastal Zone Management, as amended.
- [Chapter 202](#), Special Management Area Rules for the Maui Planning Commission;
- [Chapter 302](#), Special Management Area Rules for the Molokai Planning Commission;
- [Chapter 402](#), Special Management Area Rules for the Lanai Planning Commission.

A fillable and savable PDF version of this application may be downloaded from the Department of Planning section of the County of Maui website, under "[Development Permits, Applications & Reviews](#)", www.mauicounty.gov.

II. PURPOSE

The purpose of the **Special Management Area Assessment** is to regulate any use, activity or operation that qualifies as a "**Development.**" This Assessment Application provides a means to preserve, protect and where possible, restore the natural resources of the Coastal Zone of Hawaii by establishing special controls on development within the areas along the shoreline. These controls are necessary so as to avoid the permanent loss of valuable resources and the foreclosure of land use and management options, and to further insure that adequate public access is provided to beaches, recreational areas, and natural reserves.

III. APPLICATION CONTENTS

This application contains the following documents.

1. Permit authority, purpose, application contents, and general processing procedures (pg 1-2)
2. *SMA Assessment Application Checklist* (pg 3-4)
3. *Special Management Area (SMA) Assessment Application* (pg 5)
4. *Zoning & Flood Confirmation Form* (pg 6)
5. *Chapter 343, HRS Checklist* (pg 7)
6. *Chapter 205A-2, HRS Assessment Information* (pg 8)
7. *Chapter 205A-2, HRS Coastal Zone Management Program; Objectives and Policies* (pg 9-10)

IV. PROCESSING PROCEDURES

Upon submittal of a completed SMA Assessment Application, the Department of Planning (Department) will review to determine whether the proposed action qualifies as a **“Development.”** Upon review, the Department or applicable Planning Commission shall make a determination and notify the applicant that the proposed action is either: (1) **Exempt**, (2) requires a **SMA Minor Permit**, (3) requires a **SMA Major Permit**, (4) requires a **SMA Emergency Permit**, or (5) **cannot be processed** due to inconsistencies with the countywide policy plan, applicable island plan, community plan, and zoning.

Per Section 205A-22, HRS, a **“Development”** does not include the following and may be exempt from the SMA rules, provided the use, activity, or operation does not have a cumulative impact, or significant environmental or ecological effect on the SMA:

1. Construction of a single family residence that is less than seven thousand five hundred square feet (7,500 Sq. Ft.) of floor area and is not part of a larger development;
2. Repair or maintenance of roads and highways within existing rights-of-ways;
3. Routine maintenance dredging of existing streams, channels and drainage ways;
4. 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;
5. Zoning variances, except for height, density, parking and shoreline setback;
6. Repair, maintenance or interior alterations to existing structures;
7. Demolition or removal of structures, except those structures located on any historic site designated on national or state registers;
8. Use of any land for the purposes of cultivating, planting, growing, and harvesting 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;
9. Transfer of title of land;
10. Creation or termination of easements, covenants, or other rights in structures or land;
11. Subdivision of land into lots greater than twenty acres in size;
12. Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any future subdivision of the resulting parcels thereafter shall not qualify for this exception;
13. Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
14. Structural and nonstructural improvements to existing single-family residences where otherwise permissible;
15. Nonstructural improvements to existing commercial structures; and
16. Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens.

“Development” projects which meet the following criteria may be issued an SMA Minor Permit:

1. The proposed action constitutes a development;
2. Has a valuation not in excess of \$500,000.00;
3. Has no significant adverse environmental or ecological effect, taking into account potential cumulative effects and;
4. Is consistent with the objectives, policies, and SMA guidelines set forth in Hawaii Revised Statutes Chapter 205A and is consistent with the countywide policy plan, applicable island plan, zoning and subdivision codes, and other applicable ordinances.

SMA ASSESSMENT APPLICATION CHECKLIST

Instructions:

- Any misrepresentation regarding this application may result in a permit denial, permit revocation, and other possible violations and/or fines.
- The following checklist items shall be completed and submitted at the time of application submittal.
- **Please submit two (2) hard copy sets of the full application package, including one (1) original, and three (3) sets of plans. Also include an electronic copy in PDF format of the full application package on a compact disk or flash drive. Incomplete applications may result in a delay in processing and may be returned.**

Please number all documents and arrange them in the order they are listed below.

- A **non-refundable** filing fee, payable to County of Maui, Director of Finance. See [Fee Schedule, Table B](#) Special Management Area Assessments (No Public Hearing Required). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews". www.mauicounty.gov.
- YES NO Has any work already been started or completed for this project?
 - If yes, please describe on a separate sheet of paper and be advised that additional fees may apply.
- Completed SMA Assessment Checklist of Required Submittals (THIS CHECKLIST) (pg 3-4)
- Completed SMA Assessment Application (pg 5)
- Zoning & Flood Confirmation Form (pg 6) completed and signed by Planning Department.
- Completed Chapter 343, HRS Checklist (pg 7). If the proposed action triggers Chapter 343, HRS, related to Environmental Impact Statements, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from Chapter 343, HRS, from the proper authority.
- Completed Chapter 205A-2, HRS, Assessment Information (pg 8)
- Evidence that the applicant is the owner or lessee of record of the real property. – OR – If the applicant is not the owner, a notarized letter from the owner authorizing the applicant to act on the owners behalf, AND evidence that the authorization is from the legal owner.
- Plot Plans* of the Subject Property** prepared to scale and based upon an accurate instrument survey. The plan shall define and show the design of the proposed activity or development and the existing physical conditions of the land, including but not limited to, property boundaries, topography, all structures, natural and man-made features, trees, structures, shoreline, and shoreline setback line. Said plans shall be signed, dated, drawn to scale, and measured in feet.
** Please submit three (3) sets, including one (1) original*
- Plans* of the Proposed Activity or Development** designating the location and dimensions of the proposed activity or development on the land. If structures are included, the plan of the activity or development should include a dimensioned floor plan, sections, elevations, and other physical features. Provide existing and proposed finished (interior) square footage and existing and proposed covered lanai square footage. Said plans shall be signed, dated, drawn to scale, and measured in feet.
** Please submit three(3) sets, including one (1) original*
- Photographs** identifying the area where the proposed activity or development is to occur. The photographs should include the (1) site, (2) surrounding properties, and (3) the relationship of the site to the nearest public roadway.
For shoreline properties, also include photographs (1) to, (2) from, and (3) along the shoreline.
(All photographs should be printed on standard sized paper, 8 1/2 by 11.)

Continued on next page...

SMA ASSESSMENT APPLICATION CHECKLIST (CONTINUED)

- 12 YES NO Are there any known taro patches, burial sites, cemeteries, fish ponds, or other historical features (over 50 years old) on this lot or in the immediate vicinity of the proposed project?
- **If YES**, include a scaled map identifying those sites and description of what you may know about them.
- 13 YES NO Will there be any ground alteration, excavation, or digging associated with the proposed project?
- **If YES**, include a scaled map identifying the area of land affected, as well as the width, length, and the depth of the activity.
- 14 YES NO Are there any rare, threatened, or endangered species of animal or plant, or its habitat within the lot of the proposed project or nearby properties?
- **If YES**, include a brief description of the species, animal, and/or the affected habitat, as well as a description of what is being done or proposed to be done to minimize the affect.
- 15 YES NO Are any of the following areas located on this lot or on the properties immediately adjoining the proposed project? These areas include a flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?
- **If YES**, include scaled map identifying the area(s), in relation to the proposed project.
- 16 YES NO Is the subject property abutting the shoreline?
- **If YES**, answer question **16(A)** and submit required information.
 - **If NO**, answer questions **16(B) & 16(C)** and submit required information.
- 16(A).** Is the shoreline fixed by either (a) a natural stabilized geographic features such as cliffs and rock formations, or (b) by a manmade structure which has been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure?
- YES Submit evidence of these conditions and your most recent State Certified Shoreline Survey, or if one does not exist for the subject property, submit the most recent shoreline survey prepared by a land surveyor who is licensed in the State of Hawaii. The survey shall include the date of the field survey and the surveyor's signature.
 - NO Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline, as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(B).** YES NO For any lot not abutting the shoreline, is any part of the proposed action to occur WITHIN 150 feet of the shoreline?
- **If YES**, Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(C).** YES NO Is any part of the subject property lot line, located WITHIN 150 feet of the shoreline?
- **If YES**, be advised that your SMA Assessment Application will be reviewed to determine if a State Certified Shoreline Survey is required.
- 17 Any other information and documentation required by the Planning Department to properly process the application, and/or items you feel will aid the Department in its review of your project.
List all other submitted documents below.
- A) _____ C) _____
- B) _____ D) _____
- 18 If a Flood Development Permit is required, it must be issued prior to an SMA Exemption or Minor Permit approval.

Special Management Area (SMA) ASSESSMENT APPLICATION

County Use Only
Permit Number: SMX -

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION
Name of Project: <i>(If project name is not provided, applicants name will be used)</i> _____
Tax Map Key No: _____ Total Lot Area: _____
Physical Address / Location of Project: _____
Additional Location Information: _____ _____

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT
<i>Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:</i>
Describe the Existing Use: _____ _____
Describe the Proposed Action: <i>Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).</i>
_____ _____ _____
Valuation*: _____ Building Permit Application No: <i>(if applicable)</i> _____
<small>*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.</small>

CONTACT INFORMATION
APPLICANT INFORMATION
Applicant's Name(s): _____ Email: _____
Mailing Address: _____
Phone Number(s): bus _____ hm _____ mobile _____ fax _____
Signature(s): _____ Date: _____
CONSULTANT INFORMATION
Contact Name(s): _____ Email: _____
Mailing Address: _____
Phone Number(s): bus _____ hm _____ mobile _____ fax _____
Signature(s): _____ Date: _____
OWNER INFORMATION
Owner's Name(s): _____ Email: _____
Mailing Address: _____
Phone Number(s): bus _____ hm _____ mobile _____ fax _____
Signature(s): _____ Date: _____



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME _____ TELEPHONE _____
PROJECT NAME _____ E-MAIL _____
PROPERTY ADDRESS _____ TAX MAP KEY _____

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from [Section 18.04.030\(B\), MCC?](#)
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (*ie 1-lot into 2-lots for all land uses allowed by law*):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹	<input type="checkbox"/> (SMA) Special Management Area
STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation	
MAUI ISLAND PLAN Growth Boundary: ² <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries	
Protected Area: ² <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input type="checkbox"/> Outside Protected Areas	
COMMUNITY PLAN: ²	<input type="checkbox"/> (PD) Planned Development
COUNTY ZONING:	<input type="checkbox"/> (PH) Project District
OTHER/COMMENTS:	<input type="checkbox"/> See Additional Comments (Pg.2)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	<input type="checkbox"/> See Attached LUD Map
FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:	
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY	For Flood Zone AO, FLOOD DEPTH:

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
(Signature)

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
 - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
 - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
 - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

(Signature) (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

CHAPTER 343, HRS, COMPLIANCE CHECKLIST

Complete the following worksheet to determine whether the proposed action triggers Chapter 343, HRS, relating to Environmental Impact Statements.

A YES NO Do any of the proposed actions listed below apply to your project? The proposed actions listed below trigger Chapter 343, HRS.

If YES, check any that apply and continue with question B below.

If NO, stop here, an *Environmental Impact Statement* may not be required.

- | | | | | | |
|---|--------------------------|---------------------------------------|---|--------------------------|---|
| 1 | <input type="checkbox"/> | Use of state or county lands or funds | 6 | <input type="checkbox"/> | Reclassification of conservation lands |
| 2 | <input type="checkbox"/> | Use of conservation district lands | 7 | <input type="checkbox"/> | Construction/modification of helicopter facilities |
| 3 | <input type="checkbox"/> | Use of shoreline area | 8 | <input type="checkbox"/> | Propose any: (a) wastewater facility, except an individual wastewater system or a wastewater facility serving fewer than fifty (50) single-family dwellings or the equivalent; (b) Waste-to-energy facility; (c) Landfill; (d) Oil refinery; or (e) Power-generating facilities |
| 4 | <input type="checkbox"/> | Use of historic site or district | | | |
| 5 | <input type="checkbox"/> | Amendment to county general plan | | | |

B Does the proposed action qualify for one or more of the following exemption classes?

- 1 Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
- 2 Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- 3 Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
 - a. Single-family residences less than three thousand five hundred (3,500) square feet not in conjunction with the building of two or more such units;
 - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
 - c. Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
 - d. Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
- 4 Minor alterations in the conditions of land, water, or vegetation;
- 5 Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
- 6 Construction or placement of minor structures accessory to existing facilities;
- 7 Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
- 8 Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §§470, as amended, or chapter 6E, HRS;
- 9 Zoning variances except shoreline set-back variances; and
- 10 Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

If any boxes are checked, submit any letter of exemption you may have received from the proper authority.

If no boxes are checked, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required. Submit the completed EA or EIS document with the application.

CHAPTER 205A-2, HRS, ASSESSMENT INFORMATION

Before answering any of the questions on this page, please first read the attached objectives and policies of Chapter 205A-2, coastal zone management program (pg 9-10).

I have read the attached (pg 9-10) coastal zone management objectives and policies of Chapter 205A-2, HRS and state that the proposed project is not contrary to the objectives and policies of Chapter 205A-2, HRS.

Printed Name: _____ **Signature:** _____ **Date:** _____

Type or legibly print answers to the following and attach additional sheets, as needed.

Be advised that the absence or lack of sufficient information on any of the following items may delay processing.

The environmental setting of the property (description of property): _____

Provide a description of any anticipated impacts, as follows:

- (A) Affects natural or cultural resources (i.e., historic site, excavation on vacant land): _____

- (B) Curtails the range of beneficial uses of the environment: _____

- (C) Conflicts with the county's or the state's long-term environmental policies or goals (i.e. State Plan, County General Plan, and Community Plan): _____

- (D) Affects the economic or social welfare and activities of the community, county, or state: (what are the economic impacts of this project): _____

- (E) Involves secondary impacts, such as population changes (i.e. increase/decrease) and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways (i.e. increased demands and deficiencies): _____

- (F) By itself has no significant adverse effects but cumulatively has considerable effect upon the environment (i.e. increased traffic and deficiencies in services) or involves a commitment for larger actions (i.e. more public infrastructure, such as, roads, waterlines, sewers, etc.): _____

- (G) Affects a rare, threatened, or endangered species of animal or plant, or its habitat (i.e. wetlands, natural area reserve, refuge): _____

- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances: _____

- (I) Affects air or water quality or ambient noise levels (i.e. construction impacts): How might any affects be mitigated? _____

- (J) Located in and does it affect an environmentally sensitive area, such as flood plain, shoreline, dunes, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters: _____

- (K) Alters natural land forms (i.e. cut and fill, retaining walls) and existing public views to and along the shoreline: _____

- (L) Is contrary to the objectives and policies of chapter 205A, HRS. _____

§205A-2 Coastal Zone Management Program; Objectives and Policies.

1 RECREATIONAL RESOURCES;

A Objectives.

- (1) Provide coastal recreational opportunities accessible to the public.

B Policies.

- (1) Improve coordination and funding of coastal recreational planning and management; and
- (2) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - (a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - (b) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - (c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - (d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - (e) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;
 - (f) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
 - (g) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and
 - (h) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

2 HISTORIC RESOURCES;

A Objectives.

- (1) 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.

B Policies.

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

3 SCENIC AND OPEN SPACE RESOURCES;

A Objectives.

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

B Policies.

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

4 COASTAL ECOSYSTEMS;

A Objectives.

- (1) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

B Policies.

- (1) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- (2) Improve the technical basis for natural resource management;
- (3) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
- (4) 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
- (5) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

5 ECONOMIC USES;

A Objectives.

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

B Policies.

- (1) Concentrate coastal dependent development in appropriate areas;
- (2) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

- (3) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - (a) Use of presently designated locations is not feasible;
 - (b) Adverse environmental effects are minimized; and
 - (c) The development is important to the State's economy.

6 COASTAL HAZARDS;

A Objectives.

- (1) Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.

B Policies.

- (1) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
- (2) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;
- (3) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
- (4) Prevent coastal flooding from inland projects.

7 MANAGING DEVELOPMENT;

A Objectives.

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

B Policies.

- (1) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;
- (2) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and
- (3) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

8 PUBLIC PARTICIPATION;

A Objectives.

- (1) Stimulate public awareness, education, and participation in coastal management.

B Policies.

- (1) Promote public involvement in coastal zone management processes;
- (2) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
- (3) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

9 BEACH PROTECTION;

A Objectives.

- (1) Protect beaches for public use and recreation.

B Policies.

- (1) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
- (2) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- (3) Minimize the construction of public erosion-protection structures seaward of the shoreline.

10 MARINE RESOURCES;

A Objectives.

- (1) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

B Policies.

- (1) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- (2) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;
- (3) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;
- (4) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and
- (5) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources. [L 1977, c 188, pt of §3; am L 1993, c 258, §1; am L 1994, c 3, §1; am L 1995, c 104, §5; am L 2001, c 169, §3]