
A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Federal Aviation Administration permits and
2 licenses are identified on the National Oceanic and Atmospheric
3 Administration approved list of "Federal Licenses and Permits
4 Subject to Federal Consistency Certification", in accordance
5 with 15 Code of Federal Regulations 930.53. The Federal
6 Aviation Administration "permits and licenses for construction
7 and operation of airports" are subject to Hawaii Coastal Zone
8 Management Program federal consistency review.

9 The requirements of the National Environmental Policy Act
10 and Hawaii's environmental impact statement law are applicable
11 to structures and improvements relating to airports. The office
12 of planning as the lead agency of the Hawaii coastal zone
13 management program will continue to review and comment on the
14 National Environmental Policy Act and environmental impact
15 statement documents in that regard.

16 The purpose of this Act is to provide the department of
17 transportation with sufficient authority to plan, design, and
18 construct airports, subject to the Hawaii coastal zone



1 management program federal consistency review, without
2 sacrificing special controls on developments within an area
3 along the shoreline to avoid permanent loss of valuable coastal
4 and ocean resources.

5 SECTION 2. Section 261-4, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) Structures and improvements. ~~[All]~~ Notwithstanding
8 any law or provision to the contrary, all structures and
9 improvements to land, to be used for airport purposes~~[, may]~~:

10 (1) May be planned, designed, and constructed by the
11 department~~[-]~~; and

12 (2) Shall be exempt from having to obtain a special
13 management area minor permit or special management
14 area use permit; provided that the structures and
15 improvements relating to airports are necessary to
16 comply with Federal Aviation Administration
17 regulations."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval,
21 and shall be repealed on June 30, 2013; provided that section
22 261-4(c), Hawaii Revised Statutes, shall be reenacted in the



- 1 form in which it read on the day before the effective date of
- 2 this Act.



Report Title:

Special Management Area; Federal Aviation Administration
Exception

Description:

Adds a provisional exception to the Special Management Area Use Permit requirement for development by excluding airports when necessary to comply with Federal Aviation Administration regulations. (HB2154 HD1)

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