



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL OCEAN SERVICE  
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
 Silver Spring, Maryland 20910

APR 23 2013

Mr. Leo Asuncion, Manager  
 Hawaii Coastal Zone Management Program  
 Department of Business, Economic Development and Tourism  
 235 S. Beretania St., 6th Floor  
 P.O. Box 2359  
 Honolulu, HI 96804

Dear Mr. Asuncion: *Leo*

Thank you for the Hawaii Department of Business, Economic Development & Tourism's March 22, 2013, request that the Federal Consistency General Concurrence for Minor Federal Permit Activities for Hawaiian Fishpond Restoration, Repair, Maintenance and Reconstruction be incorporated into the Hawaii Coastal Management Program (CMP). You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on March 27, 2013, and OCRM's decision deadline is April 24, 2013.

Based on our review of your submission, we concur that the changes are RPCs and we approve the incorporation of the changes into the Hawaii CMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

**CHANGES APPROVED**

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED: Federal Consistency General Concurrence for Minor Federal Permit Activities for Hawaiian Fishpond Restoration, Repair, Maintenance and Reconstruction	Hawaii List of Federal Licenses and Permits Subject to Federal Consistency Review	Date on which the public notice of OCRM approval is published	Date on which the public notice of OCRM approval is published

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received the following comments:

- State of Hawaii Office of Civil Defense: The office states that mitigation measures to manage the effects of erosion, including the potential impacts of sea level rise, are important. OCRM notes that the general concurrence requires fishpond restoration



activities to satisfy several conditions related to erosion, special management areas, and shoreline setbacks.

- Graydon “Buddy” Keala, Loko I’a Consulting: Mr. Keala does not support the general concurrence without the streamlining of state permit requirements for fishponds. OCRM notes that the general concurrence will contribute to streamlining efforts by reducing the number of fishpond restoration activities that are subject to federal consistency review. OCRM cannot use the program change review process to require the State to streamline state permits.
- Hawaiian Islands Humpback Whale National Marine Sanctuary: The sanctuary supports the general concurrence, which will encourage fishpond restoration.

Thank you for your cooperation in this review. Please contact Steve Frano at (808) 525-5373, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Joelle", with a long horizontal line extending to the right.

Joelle Gore, Acting Chief  
Coastal Programs Division