

# Maui County Approvals



Hawaii Renewable Energy Permits and Approvals Guidebooks



### **Cover Images (from top, left to bottom, right):**

1. **Bioenergy:** A Hawaii sugarcane field. Photo Credit: Ben Amstutz
2. **Geothermal:** Puna Geothermal Venture Power Plant, lower Kilauea East Rift Zone, Island of Hawaii. Photo Credit: U.S. Department of Interior, U.S. Geological Survey
3. **Hydroelectric:** Waterfall and nearby location of the Waiau Hydroelectric Plant on the Wailuku River, Island of Hawaii. Photo Credit: J. Stephen Conn
4. **Ocean Thermal Energy Conversion (OTEC):** View of OTEC research facility at the Natural Energy Laboratory Authority, located at Keahole Point on the Island of Hawaii.
5. **Solar:** A portion of the La Ola 1.2 MW ground-mounted photovoltaic array on Lanai. Photo Credit: Abbas Akhil, Sandia National Laboratory
6. **Waste to Energy:** Waste coming into the Keehi Transfer Station in Honolulu; possibly on its way to HPower, the 57 MW WTE facility in Honolulu. Photo Credit: Hawaiian Electric Company
7. **Wave:** View of the 40-kW Experimental wave buoy located on Oahu, manufactured by Ocean Power Technologies, Inc. Photo Credit: Hawaiian Electric Company
8. **Wind:** A 10.5 MW wind farm at Upolu Point (near the northern tip of the Island of Hawaii). Photo Credit: Hawaiian Electric Light Company (HELCO) via NREL Photo Information Exchange.

**NOTICE:** This guide is designed to help people understand the permitting process, and is not a legal document. Further, the guidebook should not be relied on exclusively to determine legal responsibilities. Some permits and licenses that are not included in this guide may be necessary to a particular project. The Department of Business, Economic Development and Tourism (DBEDT) and the State of Hawaii are not responsible for delays or losses caused thereby should the processing of a permit or approval differ from that written in these Guidebooks. Additionally, these guidebooks are not meant to be a substitute for hiring a professional permitting consultant. DBEDT strongly recommends that each renewable energy developer procure its own consultant familiar with these permits and approvals to assist it through the permitting process. DBEDT also recommends contacting the relevant permitting agencies as a first step to beginning all permitting planning and processes.

## **Acknowledgements**

The “Hawaii Renewable Energy Permits and Approvals Guidebooks” were produced as part of the Hawaii Clean Energy Initiative (HCEI), a partnership launched in 2008 between the State of Hawaii and the U.S. Department of Energy (DOE). SENTECH Hawaii created these guidebooks in close collaboration with DBEDT. Support from a number of federal, state, and county agencies made this suite of guidebooks possible.

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# Section 1: Introduction

## Background

The Maui County Approvals Guidebook is one of 11 guidebooks created to provide the first comprehensive overview of the renewable energy permitting process in Hawaii. Seven of these guidebooks provide federal and state approvals that are resource-specific. The four other guidebooks are county-specific, and are intended to be used in conjunction with the appropriate resource-specific federal and state guidebook, as illustrated in Figure 1.

*For renewable energy developers already familiar with permitting in Hawaii, a checklist is available in **Section 4** that will assist in identifying which permits will be required depending on project specifics.*

This suite of guidebooks was created as part of the Hawaii Clean Energy Initiative (HCEI), which has set the goal of transforming Hawaii's energy use to 70% clean energy by 2030. Hawaii's dependence on imported oil creates vulnerability for the state's economy which is greatly affected by the price volatility of this finite energy source. Recognizing the detrimental effects this oil dependency has on Hawaii's environment and local economy, the state signed a Memorandum of Understanding<sup>1</sup> with the U.S. Department of Energy (DOE) in January 2008, which established HCEI as a partnership bringing together local business leaders, policymakers, and industry experts to guide the Hawaii's transition to a clean energy economy.

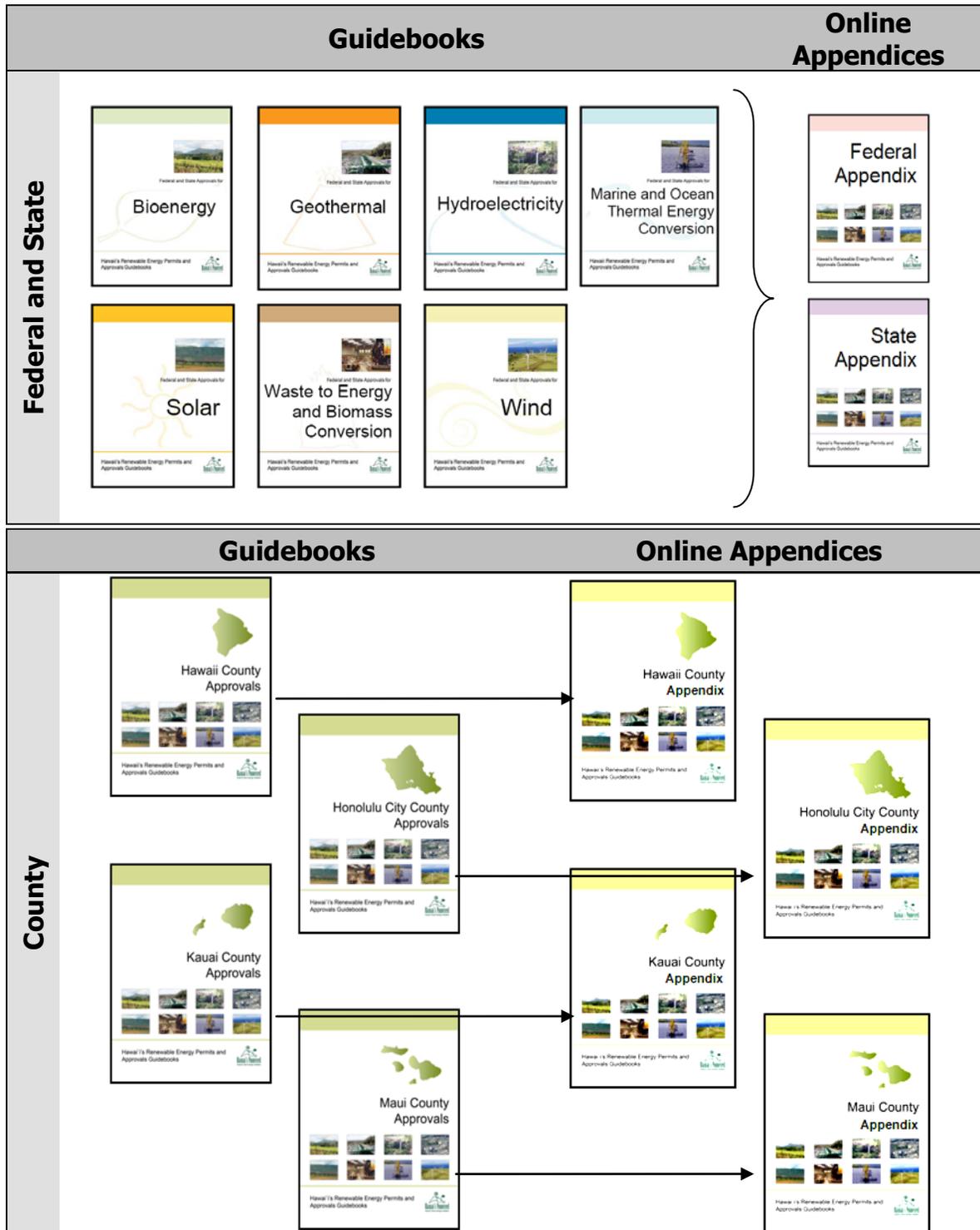
### Hawaii Energy Use in 2008<sup>2</sup>

- Seventy-five percent of the net megawatt-hours of electricity generated in Hawaii were produced from oil.
- Approximately 97% of Hawaii's transportation fuels (as measured in Btu) were produced from oil.
- Hawaii imported roughly 43.1 million barrels of crude oil, costing the State more than \$4.1 billion.
- Although overall energy consumption decreased in 2008, Hawaii consumers spent an estimated \$8.4 billion for energy (about 37% more than in 2007), reflecting record high petroleum prices.

<sup>1</sup> Downloadable from the DBEDT website at <http://hawaii.gov/dbedt/info/energy/hcei/>

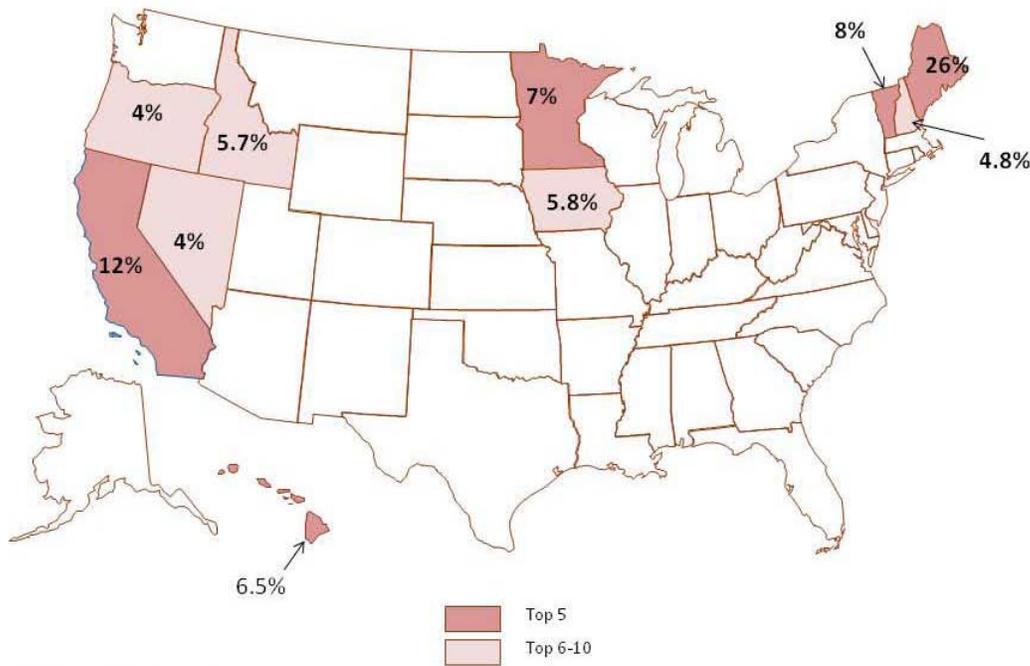
<sup>2</sup> State of Hawaii Department of Business, Economic Development and Tourism (2009). State of Hawaii Energy Resources Coordinator Annual Report 2009. Retrieved on 2/9/10 from <http://hawaii.gov/dbedt/info/energy/publications/erc09.pdf>.

**Figure 1: Overview of the *Hawaii Renewable Energy Permits and Approvals Guidebooks Suite***



Currently, Hawaii ranks 4<sup>th</sup> nationally in the percentage of total state non-hydroelectric renewable energy generated, as shown in Figure 2.<sup>3</sup> This ranking is based on 2007 data, and what was 6.5% renewable energy generation then has now increased in late 2009 to be estimated at 9% of Hawaii's electricity generation. Regardless of which year you consider, in order to reach the 70% goal set by HCEI the state has to foster rapid adoption of renewable energy and energy efficiency.

**Figure 2: National Non-Hydroelectric Renewable Electricity Generation (TWh, 2007 data)**



In order to reach this ambitious goal, Hawaii has identified the permitting process as an area that needs improvement to foster rapid investment and growth in clean energy technologies. Renewable energy stakeholders and developers have identified Hawaii's permitting process as an obstacle to capital investment in the sector.<sup>4</sup> The guidebooks were created out of a need to understand the entire permitting system within Hawaii—which permits are required and the processes for acquiring those permits.

Outside of these guidebooks, other major steps to streamline the permitting process have already begun. Significant legislation was passed in the 2009 Hawaii Legislature that alters the state's permitting process. First, renewable energy facilities greater than

<sup>3</sup> E. Doris, J McLaren, V Healey, and S. Hockett (October 2009). *State of the States 2009: Renewable Energy Development and the Role of Policy*. Retrieved on 11/18/09 from [http://apps1.eere.energy.gov/states/state\\_of\\_the\\_states.cfm](http://apps1.eere.energy.gov/states/state_of_the_states.cfm).

<sup>4</sup> Hawaii Natural Energy Institute (2009). *Bioenergy Master Plan Draft*. Retrieved 10/29/09 from <http://www.hnei.hawaii.edu/bmpp/stakeholders.asp>

5 MW are now able to apply for the Renewable Energy Facility Siting (REFS) process from HB2971 HD1<sup>5</sup>—a permitting and regulatory framework for the construction of renewable energy facilities in the state (this was formerly only offered to renewable energy facilities greater than 200 MW). Additionally, while the decision to award or deny permits is retained by the state or county agencies, new legislation allows the Energy Resource Coordinator in DBEDT to force a decision to either grant or deny permits by no later than 18 months after the approval of a complete permit application. A third step that was taken in the 2009 Legislature was the passage of Act 155, which requires DBEDT to identify Renewable Energy Zones (REZ)—areas that are rich in renewables, cost effective, and environmentally benign—and encourage development of these REZs for transmission of renewable energy. DBEDT is in the process of determining these zones, which will foster much quicker land-use permitting processes.

## Guide-to-the-Guides

The permitting guidebooks were created for and intended to be used by developers planning to develop renewable energy projects in Hawaii. Renewable energy developers can use the guidebooks to understand what permits may be required for their potential project, the general time frame that will be required for permitting, and the specific statutory processes for each permit.

Maui County guidebook is intended to be used in conjunction with the appropriate resource-specific Federal and State guidebook. For example, if your renewable energy project is a solar project in Maui County, you should consult this Maui County guidebook, as well as the Federal and State Approvals for Solar Guidebook. Together, these two guidebooks provide a comprehensive list of federal, state, and county permits that could be required for your renewable energy project.

To begin deciphering which permits will be required for a specific energy project, a checklist is included in Section 4. Based on the required activities and the specific site of the renewable energy project, this checklist will help a developer determine which permits/approvals may be needed.

Within the checklist, the right-hand column references appendices which provide a wealth of permit-specific information. The appendices are the companion to this guidebook, and available electronically at [www.HawaiiCleanEnergyInitiative.org/Permitting](http://www.HawaiiCleanEnergyInitiative.org/Permitting). The appendices provide a “permit packet” with, when available, the following for each permit:

1. **“Process Overview” charts:** created specifically for these guidebooks (not created by the agencies themselves), these two-page summaries provide specific

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<sup>5</sup> Hawaii State Legislature (2010). Retrieved on 3/22/2010 from [http://www.capitol.hawaii.gov/session2010/lists/measure\\_indiv.aspx?billtype=HB&billnumber=2971](http://www.capitol.hawaii.gov/session2010/lists/measure_indiv.aspx?billtype=HB&billnumber=2971).

contact information, a broad overview of the major steps, an estimated time frame, and estimated fees that relate to the permit/ approval.

2. **Application(s) and instructions:** all applications included in the appendices were current as of November 2009, however application forms are subject to change. Instructions are included where available. Contact the permitting agency before completing the application to ensure you are using the correct forms and process.
3. **Administrative Rules/ Ordinances/ Legislation:** for state level permits, legislation is generally available for the majority of permits and serves to define ambiguous terms, provide detailed information regarding the process, and preempt many other questions regarding the permit. Administrative rules define and describe the state level process for executing the legislation that requires the permit. Ordinances are the county local laws and procedures for acquiring a county permit. The rules and ordinances provided herein are not the official version of the law, and could be slightly different from the official version based on state legislative or county council amendments to the law over time. The reader is advised to consult with the most current up to date legislation or ordinances.

It is important to note that the guidebooks and appendices were created at the end of 2009. Laws, legislation, and procedures for executing the permits and approvals are dynamic and ever-changing. All *Process Overviews* were created with the intent that the applicant would contact the permitting agency directly and consult all current materials as provided by the permitting agency. Many of the permitting processes are too complex to detail all steps, but these overviews provide a broad understanding of the process.

**DBEDT and the State of Hawaii are not responsible for delays or losses caused should the processing of a permit or approval differ from that written in these Guidebooks. Additionally, these Guidebooks are not meant to be a substitute for hiring a professional permitting consultant. DBEDT strongly recommends that each renewable energy developer procure its own consultant familiar with these permits and approvals to assist it through the permitting process.**

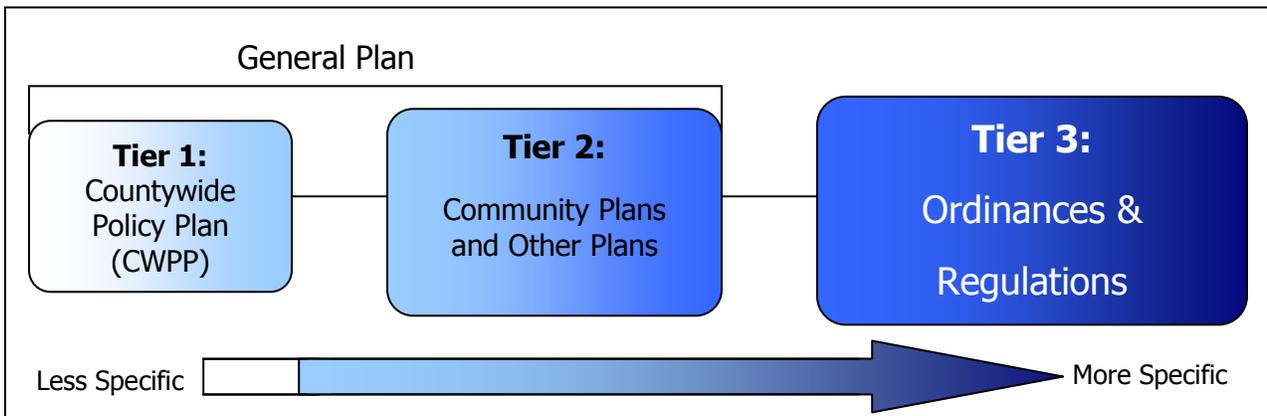
# Section 2: Overview of Maui County’s Regulatory System

## Introduction

Permits are commonly categorized into four main groups: (1) environmental permits and reviews, (2) construction and operation permits, (3) land use permits, and (4) utility permits. There are also two major types of permits in Hawaii: ministerial (those that are quantitative, specific, and measurable) and discretionary (those that require a body of decision makers to use judgment to issue or deny a permit). The Federal and State Resource-Specific Guidebooks describe these different permit types and categories in further detail. This section of the guidebook describes the system in which these permit types and categories are administered at the county level in Maui.

Maui County uses the three tiered system illustrated in Figure 3 to guide the regulatory system. All three tiers are required to be consistent with each other. Each tier is described in further detail below.

**Figure 3: The Maui County Planning System**



## Maui County’s General Plan

The Maui County General Plan is actually a series of planning documents that make up Tier 1 (the Countywide Policy Plan) and Tier 2 (Community Plans) of their planning system. The Maui County General Plan<sup>6</sup> was first adopted in 1980, updated in 1990, and is currently undergoing another round of updates. The County of Maui’s Planning

<sup>6</sup> Downloadable at

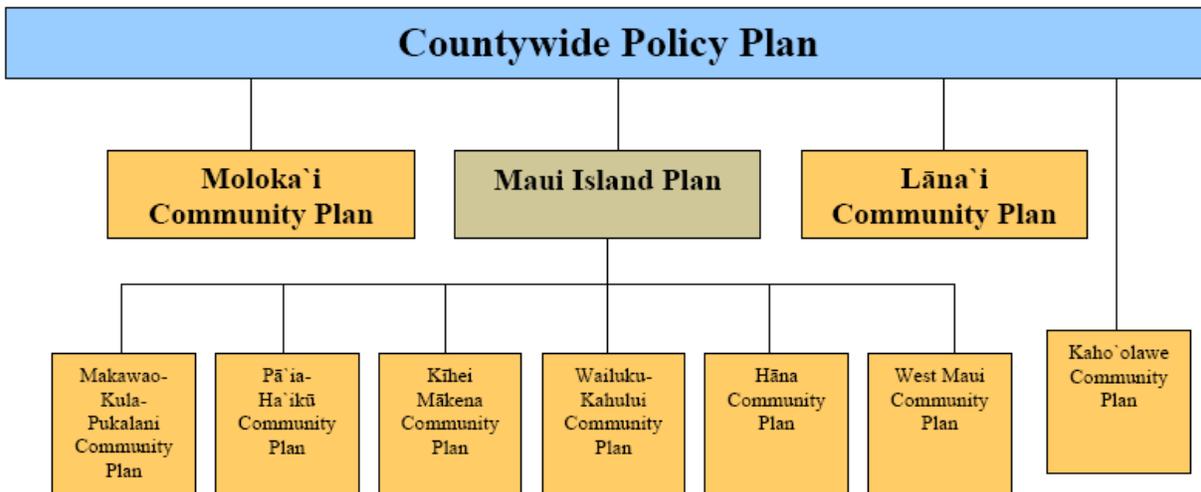
<http://www.mauicounty.gov/documents/Planning/Long%20Range%20Division/General%20Plan%202030/Historical%20Documents/GenPlan1980.PDF>

Department is responsible for writing these documents, while including the input from state and county agencies, the general public, and General Plan Advisory Committees (GPACs) which have been established for each island to comment, advise, and provide recommendations to the Planning Director on the plans. These documents collectively guide government action and decision making.

The Countywide Policy Plan<sup>7</sup> (CWPP) acts as an over-arching values statement, and is the umbrella document that provides direction for the more-specific Community Plans. The CWPP includes (1) a vision statement and core values for the county; (2) an explanation of the plan making process; (3) a description and background regarding the current state of the county; (4) guiding principles for the county; and (5) a list of countywide goals, objectives, and policies related to population, land use, the environment, the economy, housing, and other county priorities.

Each of the four islands in Maui County has its own Community Plan, except for the island of Maui, which has a “Maui Island Plan” which is broken down into six separate community plans. Therefore, Maui County has a total of nine community plans, all of which fall under the general Countywide Policy Plan, as illustrated in Figure 4.<sup>8</sup> All documents are available online (see <http://www.mauicounty.gov/index.aspx?NID=423>), though the official versions are only available from the Department of Planning.

**Figure 4: Maui County General Plan Documents**



<sup>7</sup> Downloadable at <http://www.mauicounty.gov/archives/184/bill9draft1.pdf>

<sup>8</sup> County of Maui, Planning Department Long Range Division (December 2009). *Maui Island Plan: General Plan 2030 DRAFT*. Retrieved on 4/12/10 from <http://www.mauicounty.gov/index.aspx?NID=1503>.

These plans communicate Maui's preferences regarding land use, open space, transportation, natural resources, and other issues pertinent to energy use and renewable energy permitting. The text box on the following page highlights excerpts from both the 1990 General Plan, as well as the Draft CWPP that was released in 2008.

## **Maui's Energy Objectives and Policies**

(From the Maui General Plan, 1990)

**Objective:** To make Maui County more self-sufficient in its need for non-renewable energy and more efficient in its use of energy

- **Policy 1:** Encourage programs to test the feasibility of alternative sources of energy production.
- **Policy 2:** Maintain an ongoing assessment of the County's energy resources, as well as an assessment of alternative sources in the context of a comprehensive integrated resource plan.
- **Policy 3:** Publicize the need to conserve energy.
- **Policy 4:** Create incentive programs to encourage the use of solar heaters and other energy saving building design concepts and devices.
- **Policy 5:** Seek to incorporate energy-saving building design concepts and devices in government buildings.
- **Policy 6:** Encourage the incorporation of energy-saving building design concepts and devices in all new private and public developments by providing energy efficient urban design guidelines and amendments to the Maui County Uniform Building Code.

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(From the DRAFT CWPP, 2008)

**Objective:** Utilize renewable and green technologies to promote energy efficiency and energy self-sufficiency.

**Policies:**

- a. Encourage the use of locally renewable energy sources and reward energy efficiency.
- b. Provide tax incentives and credits for the development of sustainable and renewable energy sources.
- c. Expand education about energy conservation and self-sufficiency.
- d. Encourage small scale energy generation which utilizes wind, sun, water, biowaste, and other renewable sources of energy.
- e. Expand potential renewable energy production capabilities.
- f. Develop public-private partnerships to ensure the use of renewable energy and increase energy efficiency.
- g. Require the incorporation of locally appropriate energy-saving and green building design concepts in all new developments by providing energy efficient urban design guidelines and amendments to the Building Code.
- h. Encourage the use of sustainable energies to power vehicles.
- i. Promote the retrofitting of existing buildings and new development to incorporate energy-saving design concepts and devices.
- j. Encourage "green footprint" practices.
- k. Reduce Maui County's dependence on fossil fuels and energy imports.

## Other Energy Plans and Land Use Maps

The Maui County Energy Alliance (MCEA) was established in 2008 to address the formulation of policies and actions that could move the county away from fossil fuel dependence. Five working groups formed under MCEA in order to gather data, sight opportunities, and make recommendations in the areas of (1) Renewable Resource Development; (2) Green Workforce Development and Education; (3) Energy and Transportation Infrastructure; (4) Energy Efficiency and Conservation in County facilities; and (5) Greenhouse Gases and Carbon Emissions. The recommendations made by these working groups are intended to move Maui toward achieving the goal of 95% renewable energy and a carbon-neutral footprint by the year 2020—a goal set by Mayor Charmaine Tavares in 2007, a more ambitious goal than the 70% clean energy by 2030 goal set by the State of Hawaii. The recommendations made by the working groups span many sectors that could facilitate rapid adoption of clean energy technologies. The working groups cite the opportunity to encourage investment in renewable energy technologies by fast-tracking and reducing fees for clean energy-related permits, procedures, and zoning resolutions.<sup>9</sup> Collectively, the alliance, their recommendations, and the County's Clean Energy Program's efforts show the high priority that Maui places on renewable energy.

Maps that reveal land use zoning, major roads, special management areas, and other important features are available on the Maui County Website. Figure 5<sup>10</sup> below is a screen shot of a section of the map function. These maps may be zoomed in for varying levels of detail. The following labels are available and may be viewed individually or collectively as desired:

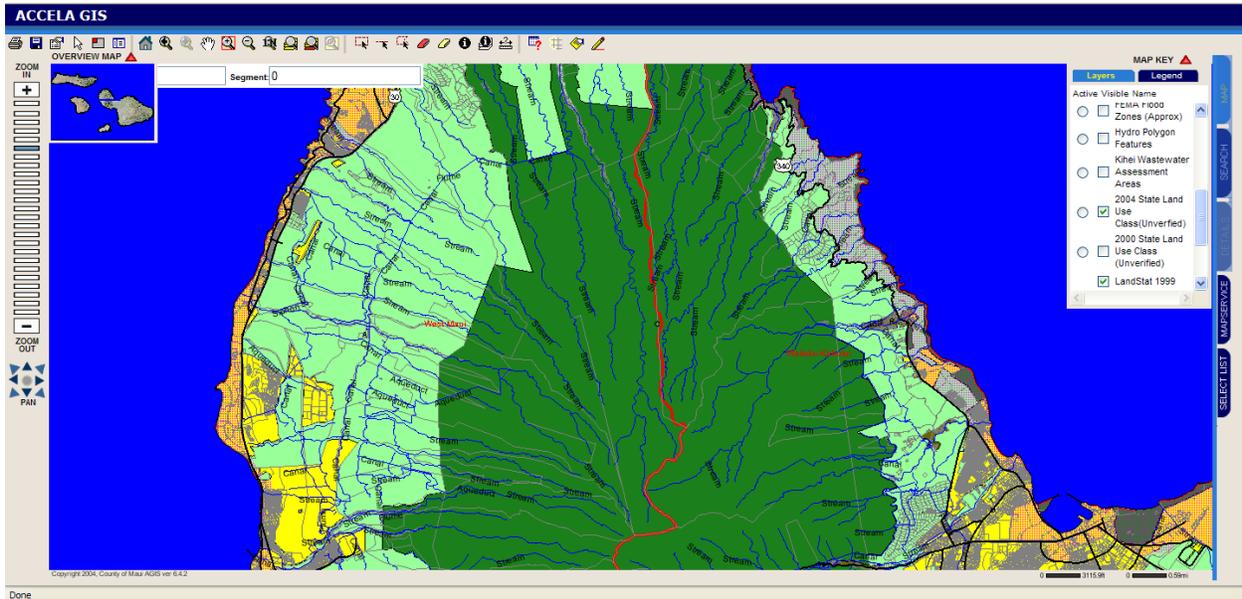
- Major Roads
- Streets
- Unregistered Flood and Hazard Zones
- Unregistered State of Hawaii Special Management Areas
- Tsunami Evacuation Zone Map
- 2000 and/or 2004 Unregistered and Unverified State Land Use Districts
- Kihei Wastewater Assessment District

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<sup>9</sup> Maui County Energy Alliance (September 2009). Sustainable Energy: Strategies for Implementation Recommendations from the Working Groups. Retrieved on 1/8/10 from <http://www.co.maui.hi.us/documents/Mayor%27s%20Office/Office%20of%20Economic%20Development/2009%20Energy%20Expo/MCEA%20Expo%20Long%20Version%20Final%20Sep%2008.PDF>

<sup>10</sup> Available at <http://agis10g.co.maui.hi.us:8080/agis/map/viewer.jsp>

**Figure 5: GIS Maps of Maui County**



## Ordinances and Regulations

The Maui County Code<sup>11</sup> (MCC) establishes the structure and organization of the government of the County of Maui, and also outlines how ordinances are passed. Ordinances are the county local laws and procedures for acquiring a county permit. The MCC was first passed in 1982 and became effective on January 1, 1983. Since then the MCC has been revised by the Charter Commission, County Council, and a majority of the voters in General Elections. The county clerk (or a member of the staff of the office of the county clerk) revises the county laws, and may pass additional rules and regulations in order to enforce the MCC.

The following is a list of the most commonly applicable sections of the MCC for renewable energy projects:

- Title 14 – Public Services
- Title 16 – Buildings and Construction
- Title 19 – Zoning
- Title 20 – Environmental Protection

<sup>11</sup> The MCC is available online at <http://ordlink.com/codes/maui/index.htm>, as well as in the Appendices associated with this guidebook.

## Section 3: Agencies to Know in Maui County

Permitting requires working with a number of agencies at the federal, state, and county levels. In addition to the county agencies described below, coordination is also necessary with the permitting agencies at the state and federal level as described in the Federal and State Resource-Specific Guidebooks. Agencies at all of these levels are required to examine proposed projects to ensure the protection of environmental and social goods and values, while recognizing the benefits that renewable energy projects can bring to Hawaii.

The contact list below provides an overview of the three different agencies that have been cited as administrators of permits that may be required for a renewable energy project in the County of Maui. The list is followed by more detailed information about each agency and their role.

<b>Maui County Renewable Energy Permitting Agencies</b>	
<b>Agency</b>	<b>Contact Information</b>
Planning Department	250 S. High Street Kalana Pakui Bldg, Suite 200 Wailuku, HI 96793 Phone: 808-270-7735
- Current Planning Division	2200 Main Street One Main Plaza Bldg, Suite 619 Wailuku, HI 96793 Phone: 808-270-8205
- Zoning Administration and Enforcement Division (ZAED)	(Located in the general Planning Department Address) Phone: 808-270-7253
Public Works Department	200 S. High Street Kalana O Maui Bldg, 4 <sup>th</sup> Floor Wailuku, HI 96793 Phone: 808-270-7845
- Development Services Administration (DSA)	250 S. High Street Kalana Pakui Bldg Wailuku, HI 96793 Phone: 808-270-7379
Department of Environmental Management	2200 Main Street One Main Plaza Bldg, Suite 100 Wailuku, HI 96793-2155 Phone: 808-270-8230
- Wastewater Reclamation Division	2200 Main Street One Main Plaza Bldg, Suite 610 Wailuku, HI 96793-2155 Phone: 808-270-7417
Department of Fire and Public	200 Dairy Road

Safety	Kahului, HI 96733 Phone: 808-270-7561
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## The Planning Department

Maui County's Planning Department administers many environmental reviews and permits, as well as land use permits. The Planning Department's mission is to manage growth in an efficient and sustainable manner that balances Maui's economy, culture, and environment. The Department of Planning offers technical advice to the Mayor, County Council and commissions; proposes zoning legislation; drafts updates to the General Plan, Maui Island Plan and Community Plans; presents reports & recommendations on development proposals; and oversees programs on cultural resources, census and geographic information, flood plain permits and other special projects and permits.<sup>12</sup>

The Planning Department has three major divisions that carry out its mission: the Current Planning Division, Zoning Administration and Enforcement Division (ZAED), and the Long Range Planning Division. The Long Range Planning Division is responsible for overseeing the development of the General Plan. The Current Planning Division and ZAED administer a number of permits and approvals that a renewable energy developer may be required to acquire.

The Planning Department is supported by three planning commissions—the Maui Planning Commission, the Lanai Planning Commission, and the Molokai Planning Commission. All commissions advise the mayor, County Council, and Planning Director in matters concerning planning programs in their respective areas of Maui County. The commissions are involved in the public hearing process, and transmit their findings and recommendations to the County Council for consideration and action. The Coastal Zone Management laws, and other land use rules, ordinances, and laws also fall under the jurisdiction of these commissions.

The Planning Department recognizes the benefits of a streamlined permitting process. Since January 2007 the Planning Department has made a number of efforts in order to expedite permitting in the county. The following is a list of some of these efforts, all of which may affect renewable energy permitting in the county:

1. Approval was obtained from the state for additional exemptions to HRS 343 (environmental impact statements).
2. Additional staff have been hired, additional training dollars have been budgeted and staff have been reallocated towards problem areas.

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<sup>12</sup> Maui County Planning Department Website. Retrieved 1/5/10 from <http://www.co.maui.hi.us/index.aspx?nid=121>.

3. The SMA assessment process has been refined so that the Zoning Division processes most assessments, unless it involves a Historic District, shoreline property or is in conjunction with an SMA permit.
4. An SMA blanket exemption was issued by the Department for small improvements within County Parks regarding ADA requirements.
5. A rule change was adopted that provides for Department approval of SMA permit time extensions.
6. A rule change was adopted so that demolitions within the shoreline setback no longer require a variance.
7. A dual permit system review was established in the Zoning Division, so that simple permits are not held up by complex permits.
8. The Zoning Division now processes single zoning confirmations ahead of requests that contain many confirmations.
9. The Zoning Division has substantially reduced the backlog of building permit and subdivision review times and in responding to zoning confirmation requests.
10. The Department has implemented a Signature Delegation Policy that allows Division Heads and staff to approve certain actions.
11. The rules for the Board of Variances and Appeals were revised to allow for expedited appeals, similar to how a traffic court operates.
12. Transmittals of applications to agencies are being done via a CD – if the agency doesn't object.
13. The Department website has been updated to include permit applications, checklists, information sheets, proposed legislation, hot topics, etc.
14. Agency transmittals are being eliminated if the agency provides a "blanket response" (i.e. the Fire Department has for B&Bs).
15. The Mission Statement for the Department has been revised to include a reference to Department "efficiencies".
16. Spreadsheets have been created, so that only incremental parking calculations need to be performed for each change to a business.
17. All past approved change in zoning applications have been entered into a spreadsheet to facilitate access.
18. A package of bills has been drafted that would provide for mixed-use business districts allowing residences, transient vacation rentals and small scale energy systems in our business districts.
19. A package of bills has been drafted to delegate approval/amendment/renewal authority from the Council and Planning Commissions down to the Department for planned developments, project districts, conditional permits and off-site parking.

The Planning Department and other county agencies have collectively moved 121 permits online and forms, tracking, and permit information has been organized and made available on the Maui County Website.<sup>13</sup>

## **Public Works Department**

The Public Works Department administers a number of construction and operation permits that, depending on the renewable energy project, may be required. The Public Works Department's three major branches—the Development Services Administration, Engineering Division, and Highways Division—all serve to protect the public health, safety, property, and environment by developing and operating the county's infrastructure and administering its building codes. Building permits, county highway work, electrical permits, grading and grubbing permits, and others are all administered by the Public Works Department's Development Services Administration.

## **Department of Environmental Management**

The Environmental Management Department oversees the Wastewater Reclamation and Solid Waste Management Divisions. The Wastewater Reclamation Division issues the Wastewater Discharge Permit (WWD, See Appendix Maui-6) and Wastewater Hauler Permit (WWH, See Appendix Maui-11)—both of which may be necessary for a geothermal, hydroelectricity, hydrokinetic, waste-to-energy, and/or a bioenergy project.

## **Department of Fire and Public Safety**

The Department of Fire and Public Safety oversees construction and operation permits related to explosives, blasting, fire protection, flammable and combustible materials and tanks, and related permits (see appendices Maui-12 through Maui-18). Waste-to-energy, bioenergy, and geothermal projects are the renewable energy technologies most likely to need permits from this department, though, depending on the activities required, other renewable energy projects may also require permits from this agency.

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<sup>13</sup> Maui County Planning Department Website. Retrieved 1/5/10 from [http://www.co.maui.hi.us/documents/Public%20Data%20Extracts/120209\\_permit\\_listing\\_website.PDF](http://www.co.maui.hi.us/documents/Public%20Data%20Extracts/120209_permit_listing_website.PDF)

## **Section 4: A Checklist of Approvals for Maui County Energy Development**

This section provides a checklist that can be used by an energy developer to begin to understand which permits may be required for a specific project within Maui County. This checklist is designed so that the developer begins by reading the column titled "Possible activity to be performed" which describes a potential activity that may be required. If the proposed project requires the listed activity, the developer can then place a check-mark in the left-hand column, allowing the developer to get an idea of which permits should be further researched. The right-hand column references the Maui County Appendix, available electronically at [www.HawaiiCleanEnergyInitiative.org/Permitting](http://www.HawaiiCleanEnergyInitiative.org/Permitting), which contains a wealth of information about each permit. If a renewable energy developer is unsure whether a permit is required, he/she may refer to the appendix number listed, which should provide enough information to determine if the permit is required (if still unsure, contact the administrating agency listed in the Process Overview in the appendix).

As the appendices are large files, we provide each appendix as a separate file on the website; we suggest printing only the individual appendix numbers that are thought to be required for your project.

## Activity Checklist

	<b>Permit Name; Department</b>	<b>Possible activity to be performed</b>	<b>See Appendix Number</b>
<b>Maui County Environmental Permits and Reviews</b>			
	Environmental Assessment Determination (EA, EIS, EAE); Planning Department - Current Planning Division	To provide information and a determination to the public and decision makers as to whether proposed actions may have a significant environmental effect when they are subject to the H.R.S. Chapter 343 Environmental Impact Statements law.	Maui 1
	Shoreline Setback Variance (SSV); Planning Department - Current Planning Division	To allow for proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area – Maui.	Maui 2
	Amendment to Special Management Area Maps; Planning Department - Current Planning Division	To allow for the amendment to the boundaries of any special management area map.	Maui 3
	Special Management Area Use Permit (SMX, SM1-SM7); Planning Department - Current Planning Division	To regulate any use, activity, or operation that qualifies as "development", and has a total cost fair market value of \$125,000 or more; or has significant adverse environmental or ecological effect within the Special Management Area – Maui.	Maui 4
	Flood Development Permit; Planning Department - Zoning Administration and Enforcement Division	To regulate construction in areas subject to flood hazards.	Maui 5
	Wastewater Discharge Permit (WWD); Department of Environmental Management - Wastewater Division	To discharge wastewater that is processed at the County of Maui's Wastewater Treatment facilities.	Maui 6
	Lanai Shoreline Setback Variance (SSV) rev. 07.10.03; Maui County - Lanai	To allow for proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area – Lanai.	Maui 7
	Lanai SMA Permit (SMX, SM1, SM2, SM4, SM5, SM7) rev. 09.01.03; Maui County - Lanai	To regulate any use, activity, or operation that qualifies as "development", and has a total cost fair market value of \$125,000 or more; or has significant adverse environmental or ecological effect within the Special Management Area – Lanai.	Maui 8
	Molokai Shoreline Setback Variance (SSV) rev. 09.01.03; Maui County - Molokai	To allow for proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area – Molokai.	Maui 9

	Molokai Special Management Area Permit (SMX, SM1, SM2, SM3, SM4, SM5, SM7); Maui County - Molokai	To regulate any use, activity, or operation that qualifies as "development", and has a total cost fair market value of \$125,000 or more; or has significant adverse environmental or ecological effect within the Special Management Area – Molokai.	Maui 10
<b>Maui County Construction and Operation Permits</b>			
	Wastewater Hauler Permit (WWH); Department of Environmental Management - Wastewater Division	To discharge wastewater into the County of Maui's wastewater collection or treatment facilities.	Maui 11
	Explosives & Blasting Agent Permit (FEBA); Department of Fire and Public Safety	To handle explosives and/or blasting agents.	Maui 12
	Fire Protection Permit; Department of Fire and Public Safety	To install fire sprinklers, water mains for fire protection, fire hydrants, and fire alarms.	Maui 13
	Flammable & Combustible Tank Permit (FTNK); Department of Fire and Public Safety	To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.	Maui 14
	Flammable Finish Facility Application (FAFF); Department of Fire and Public Safety	To utilize flammable spray finishes for any facility.	Maui 15
	Hazardous Materials Permit (FHAZ); Department of Fire and Public Safety	To handle hazardous materials.	Maui 16
	Liquefied Petroleum Gases Permit (FLPG); Department of Fire and Public Safety	To store, use, handle, or dispense LP gas, or to install or maintain LP gas tanks.	Maui 17
	Temporary Structure Permit; Department of Fire and Public Safety	To erect any temporary structure larger than 700 square feet in size.	Maui 18
	Building Permit; Public Works Department - Development Services Admin	To construct, alter, move, demolish, repair or use any building or structure.	Maui 19
	Certificate of Occupancy Permit; Public Works Department - Development Services Admin	To use, occupy or change existing occupancy classification of a building, structure or portion thereof.	Maui 20
	Driveway Permit; Public Works Department - Development Services Admin	To construct, reconstruct, remove or repair any driveway on a county roadway.	Maui 21
	Electrical Permit; Public Works Department - Development Services Admin	To regulate the qualifications of installers, check the proposed plans for new electrical installations and to inspect the electrical installations to ensure they are done safely and in compliance with National and local codes.	Maui 22
	Grading & Grubbing Permits;	To temporarily store soil, sand, gravel, rock, or any similar	Maui 23

	Public Works Department - Development Services Admin	material; to uproot and remove from the surface of the ground any vegetation including trees, timber, shrubbery and plants. A grading permit is required for the evacuation of fill.	
	Moving Permit; Public Works Department - Development Services Admin	To allow for vehicles traveling on public roads whose dimensions or weights, including loads, or both exceed the limits set by state statutes.	Maui 24
	Perform Work on County Highway Permit; Public Works Department - Development Services Admin	To perform work on county highways when a county roadway will be dug up, undermined, broken up, or disturbed in any way.	Maui 25
	Plumbing/Gas Permit; Public Works Department - Development Services Admin	To provide minimum requirements and standards for the protection of the public health, safety, and welfare.	Maui 26
<b>Maui County Land Use Permits</b>			
	Change in Zoning Permit (CIZ); Planning Department	To use property in a manner not allowed under the current zoning of that particular parcel of land.	Maui 27
	Special Use Permit (SUP2) - Land Use Commission; Planning Department	To regulate certain "unusual and reasonable" land use within the Agricultural and Rural Districts of Wailuku, Makawao, Lahaina, and Hana, other than permissible agricultural or rural uses within those districts.	Maui 28
	Community Plan Amendment Application; Maui County	To revise or amend an existing Community Plan for the following areas: Hana, Kahoolawe, Kihei-Makena, Lanai, Makawao-Pukalani-Kula, Molokai, Paia-Haiku, Wailuku-Kahului, and West Maui.	Maui 29
	Conditional Use Permit (CP); Maui County	To regulate proposed land uses not specifically permitted, but similar, related, or compatible to those uses permitted within a given use zone and for a limited period of time – Maui & Lanai.	Maui 30
	District Boundary Amendment (DBA) - State Land Use Commission; Planning Department - Current Planning Division	To implement provisions of H.R.S § 205-3.1 pertaining to applications for boundary amendments/reclassification of State Land Use District boundaries involving lands 15 acres or less presently classified in the Agricultural, Rural or Urban Districts.	Maui 31
	Planned Development Approval; Planning Department - Current Planning Division	To receive tentative planned development approval (PD1, or Step 1), tentative sketch plan approval, (PD2, or Step 2), and unified site and building program approval (PD3, or Step 3) for parcels of land greater than 3 acres in the state urban district or parcels of land greater than 10 acres outside the state urban districts.	Maui 32
	Project District Development Approval; Planning Department - Current Planning Division	To develop tracts of land designated as project districts by the adopted community plans – Maui & Lanai.	Maui 33
	Project Master Plan Preview (PMP); Planning Department - Current Planning Division	To establish general planning and development control parameters as required for a few zoning districts of Title 19, Maui County Zoning Ordinance, including regional park and golf course park districts.	Maui 34

Special Accessory Use Permit (ACC); Planning Department - Current Planning Division	To allow specific, similar, or related accessory uses as provided for under Title 19, Maui County Zoning Ordinance, including the Hotel Districts, B-2 Community Business District, and B-R Resort Commercial District.	Maui 35
Development Plan Review; Planning Department - Current Planning Division	To establish general planning and development control to specify the uses of land, and the layout of the project's landscaping, circulation, and buildings for district or uses which also require a Project Master Plan Review.	Maui 36
County Special Use Permit (CUP); Planning Department - Current Planning Division	To regulate certain special uses within the various zoning districts – Maui and Lanai.	Maui 37
Board of Variance & Appeals (BVA); Planning Department - Zoning Administration and Enforcement Division	To obtain variances from the strict application of any zoning, subdivision or building ordinances. To appeal a decision or order of, or alleged error by, any department charged with the enforcement of zoning, subdivision, and building ordinances.	Maui 38
Zoning and Flood Confirmation Form; Planning Department - Zoning Administration and Enforcement Division	To verify the County Zoning, Community Plan, State Land Use District designations, Flood Zone and other special districts for parcels of land located within the County of Maui.	Maui 39
Subdivision Applications; Public Works Department - Development Services Admin	To approve the subdivision or consolidation of land.	Maui 40
Lanai Special Use Permit (SUP1, SUP2) - Land Use Commission; Maui County - Lanai	To regulate certain "unusual and reasonable" land use within the Agricultural and Rural Districts of Lanai, other than permissible agricultural or rural uses within those districts.	Maui 41
Molokai Conditional Use Permit (CP) rev 07.14.03; Maui County - Molokai	To regulate proposed land uses not specifically permitted, but similar, related, or compatible to those uses permitted within a given use zone and for a limited period of time – Molokai.	Maui 42
Molokai County Special Use Permit Application (CUP) rev. 07.29.03; Maui County - Molokai	To regulate certain special uses within the various zoning districts – Molokai.	Maui 43
Molokai Project District Development Approval (PH1, PH2, PH3); Maui County - Molokai	To develop tracts of land designated as project districts by the adopted community plans – Molokai.	Maui 44
Molokai Special Use Permit (SUP1, SUP2) - Land Use Commission; Maui County - Molokai	To regulate certain "unusual and reasonable" land use within the Agricultural and Rural Districts of Molokai, other than permissible agricultural or rural uses within those districts.	Maui 45
Lanai SMA Emergency Permit (SM3) rev. 07.18.03; Maui County - Lanai	To regulate an emergency use, activity, or operation that qualifies as "development" or has significant adverse environmental or ecological effect within the Special Management Area, when there is an imminent	Maui 46

		threat to a legally habitable structure, or when public infrastructure is at risk of failure which would substantially affect public health and safety – Lanai.	
	SMA Assessments; Planning Department	To regulate any use, activity, or operation that qualifies as "development"; establish special controls on development within the area along the shoreline.	Maui 47
	Maui SMA Emergency Permit; Planning Department	To regulate an emergency use, activity, or operation that qualifies as "development" or has significant adverse environmental or ecological effect within the Special Management Area, when there is an imminent threat to a legally habitable structure, or when public infrastructure is at risk of failure which would substantially affect public health and safety – Maui.	Maui 48
	Molokai SMA Emergency Permit; Planning Department	To regulate an emergency use, activity, or operation that qualifies as "development" or has significant adverse environmental or ecological effect within the Special Management Area, when there is an imminent threat to a legally habitable structure, or when public infrastructure is at risk of failure which would substantially affect public health and safety. – Molokai.	Maui 49

## Glossary of Commonly Used Acronyms

The following list includes acronyms found in this Guidebook, as well as the related appendices.

AAA	Airport Airspace Analysis (FAA)
ACOE	U.S. Army Corps of Engineers (old acronym, new acronym is USACE)
AERU	Alternative Energy-Related Use (MMS)
ALP	Alternative Licensing Process (FERC)
APC	Air Pollution Control
AQRV	Air Quality Related Value (CAA)
ARD	Air Resources Division (NPS)
BA	Biological Assessment (ESA)
BACT	Best Available Control Technology (CAA)
BO	Biological Opinion (ESA)
BVA	Board of Variance and Appeals
CAA	Clean Air Act
CDU	Conservation District Use
CE	U.S. Army Corps of Engineers
CEII	Critical Energy Infrastructure Information
CEPOH	Corps of Engineers Pacific Ocean Honolulu (USACE)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CIZ	Change in Zoning
COE	U.S. Army Corps of Engineers
COI	Conflict of Interest
COP	Construction and Operations Plan (MMS)
CP	Conservation Plan (ESA) (same as HCP)
CP	Conditional-Use Permit
CPD	Coastal Programs Division (OCRM)
CSP	Covered Source Permit
CTA	Conservation Technical Assistance (NRCS)
CUP	County Use Permit
CWA	Clean Water Act
CWRM	Commission on Water Resource Management
CX	Categorical Exclusion (NEPA)
CZM	Coastal Zone Management
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act
DA	Department of the Army

DBA	Draft Biological Assessment
DBA	District Boundary Amendment
DBEDT	Department of Business, Economic Development and Tourism
DE	District Engineer (USACE)
DEIS	Draft Environmental Impact Statement
DERP	Defense Environmental Restoration Program (USACE)
DHAC	Division of Hydropower Administration and Compliance (FERC)
DI	Direct Implementation (EPA)
DLA	Draft License Application (FERC)
DLIR	(State of Hawaii) Department of Labor and Industrial Relations
DLNR	(State of Hawaii) Department of Land and Natural Resources
DOE	U.S. Department of Energy
DOFAW	Division of Forestry and Wildlife (within DLNR)
DOH	(State of Hawaii) Department of Health
DOI	U.S. Department of the Interior
DOT	(State of Hawaii) Department of Transportation
DOTS	Dredging Operations and Technical Support (USACE)
DPP	Department of Planning and Permitting (City and County of Honolulu)
EA	Environmental Assessment (NEPA)
EC-R	Engineering Construction - Regulatory (USACE)
EFH	Essential Fish Habitat (NMFS)
EIS	Environmental Impact Statement (NEPA)
EISA	Energy Independence and Security Act
EMD	Environmental Management Division (within DOH)
EPA	U.S. Environmental Protection Agency
EPAct	Energy Policy Act
EPCRA	Emergency Planning and Community-Right-to-Know Act
EQC	Environmental Quality Commission
ESA	Endangered Species Act
ESL	Easement for Use of State Lands
ESP	Environmental Stewardship Program (USACE)
EUP	Experimental Use Permit
FAFF	Flammable Finish Facility
FAQ	Frequently Asked Questions
FEBA	Fire, Explosives and Blasting Agent
FHAZ	Hazardous Materials Permit
FHWA	Federal Highway Administration
FLAG	Federal Land Managers' Air Quality Related Values Work

	Group
FLM	Federal Land Manager (NPS)
FLPG	Liquified Petroleum Gases
FONSI	Findings of No Significant Impact
FPA	Federal Power Act
FUDS	Formerly Used Defense Sites (USACE)
FWCA	Fish and Wildlife Coordination Act
FWO	Fish and Wildlife Office (USFWS)
FWS	U.S. Fish and Wildlife Service
GAP	General Activities Plan (MMS)
GCAP	Groundwater Control Area Permit
GIS	Geographic Information Systems
GP	General Permit (USACE)
HAR	Hawaii Administrative Rules
HCDA	Hawaii Community Development Authority
HCP	Habitat Conservation Plan (ESA) (same as CP)
HDOA	Hawaii Department of Agriculture
HECO	Hawaiian Electric Company
HEER	Hazard Evaluation and Emergency Response Office (within DOH)
HELCO	Hawaii Electric and Light Company
HPR	Historic Preservation Review
HRS	Hawaii Revised Statutes
HSR	Historic Sites Review
IHA	Incidental Harassment Authorization (MMPA)
ILP	Integrated Licensing Process (FERC)
ITA	Incidental Take Authorization
ITL	Incidental Take License
ITP	Incidental Take Permit (ESA)
ITS	Incidental Take Statement (ESA)
IWS	Individual Wastewater System
JD	Jurisdictional Determination (USACE)
KIUC	Kauai Island Utility Cooperative
LAA	Likely to Adversely Affect (ESA)
LNM	Local Notice to Mariners (USCG)
LOA	Letter of Authorization (MMPA) (same as ITA)
LOP	Letter of Permission (USACE)
LUC	Land Use Commission
MBSP	Migratory Birds and State Programs (USFWS)
MCL	Maximum Contaminant Levels (CWA)
MECO	Maui Electric Company
MILCON	Military Construction (USACE)
MMPA	Marine Mammal Protection Act

MMS	Minerals Management Service (DOI)
MMSZ	Marine Mammal Safety Zone (MMPA)
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPA	Marine Protected Area (NOAA)
MPRSA	Marine Protection, Research, and Sanctuaries Act (also known as the Ocean Dumping Act)
NAAQS	National Ambient Air Quality Standards (CAA)
NARS	Natural Area Reserves System
NE	No Effect (ESA)
NEPA	National Environmental Policy Act
NESHAPS	National Emission Standards for Hazardous Pollutants (CAA)
NHPA	National Historic Preservation Act
NLAA	Not Likely to Adversely Affect (ESA)
NMFS	National Marine Fisheries Service (NOAA)
NMSA	National Marine Sanctuaries Act
NOAA	U.S. National Oceanic and Atmospheric Administration
NOI	Notification of Intent (FERC)
NOS	National Ocean Service (NOAA)
NPDES	National Pollutant Discharge and Elimination System
NPR	No Permit Required (USACE)
NPS	U.S. National Park Service
NRCS	U.S. Natural Resources Conservation Service (originally called the Soil Conservation Service)
NSP	Noncovered Source Permit
NSR	New Source Review (CAA)
NW	Nationwide (USACE)
NWP	Nationwide Permit (USACE)
NWR	National Wildlife Refuge (USFWS)
NWRS	National Wildlife Refuge System (USFWS)
OCCL	Office of Conservation and Coastal Lands (within DLNR)
OCI	Organizational Conflict of Interest
OCRM	Ocean and Coastal Resource Management (NOAA)
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
ODA	Ocean Dumping Act (MPRSA)
ODD	Ocean Disposal Database (USACE)
ODMDS	Ocean Dredged Material Disposal Sites
OE	Obstruction Evaluation (FAA)
OEMM	Offshore Energy and Minerals Management (MMS)
OEQC	Office of Environmental Quality Control (within DOH)
OMA	Operations & Maintenance, Army (USACE)
OP	Office of Planning (within DBEDT)

OPR	Office of Protected Resources (NMFS)
OTEC Act	Ocean Thermal Energy Conversion Act
OWCP	Ocean Waters Construction Permit
PAD	Pre-Application Document (FERC)
PCN	Pre-Construction Notification (USACE)
PIRO	Pacific Islands Regional Office (NMFS)
PLP	Preliminary Licensing Proposal (FERC)
PM&E	Proposed Measures and Plans to Protect, Mitigate, or Enhance Environmental Resources (FERC)
PMP	Project Master Plan
POD	Pacific Ocean Division (USACE)
POH	Pacific Ocean - Honolulu (USACE)
PPA	Power Purchase Agreement
PRD	Protected Resources Division (PIRO)
PSD	Prevention of Significant Deterioration (CAA)
PUC	Public Utility Commission
RAB	Restoration Advisory Board (USACE)
RCRA	Resource Conservation and Recovery Act
REA	Ready for Environmental Analysis (FERC)
REAU	Renewable Energy and Alternative Uses
REFSP	Renewable Energy Facility Siting Process
RFI	Request for Interest
RFP	Request for Proposals
RFQ	Request for Quotes
RHA	Rivers and Harbors Act
ROD	Record of Decision (USACE)
ROW	Right-of-Way
RPA	Reasonable and Prudent Alternatives (NMFS)
RUE	Right-of-Use and Easement
SAP	Site Assessment Plan (MMS)
SCAP	Stream Channel Alteration Permit
SD	Scoping Document (FERC)
SDWA	Safe Drinking Water Act
SHPD	State Historic Preservation Division (within DLNR)
SMA	Special Management Area
SOF	Statement of Findings (USACE)
SPGP	State Programmatic General Permit (USACE)
SSV	Shoreline Setback Variance
SUP	Special Use Permit
TDML	Total Maximum Daily Loads (CWA)
TLP	Traditional Licensing Process (FERC)
TSD	Transmission, Distribution, and Storage
UIC	Underground Injection Control

USACE	U.S. Army Corps of Engineers
USC	United States Code
USCG	U.S. Coast Guard
USDW	Underground Sources of Drinking Water (CWA)
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
WCPI	Well Construction - Pump Installation
WQC	Water Quality Certification (CWA)



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