

**APPENDIX C**  
**REGULATORY REVIEW, PERMITS, AND APPROVALS**



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### **REGULATORY REVIEW, PERMITS, AND APPROVALS**

Based on the assumed cable routes, identified landing site areas, and location and configuration of the required converter stations, a wide range of permits and approvals will be necessary for implementation of any project-level activity. Subject to final routing, siting, and facility design, the following list identifies the range of permits, reviews, and approvals potentially required for implementing an undersea power cable to transmit energy between islands.

#### **Federal Laws and Regulations**

- Archaeological Resources Protection Act
- Archeological and Historic Preservation Act, as amended
- Asbestos Hazardous Emergency Response Act of 1986
- Clean Air Act, as amended
- Clean Water Act (CWA or Federal Water Pollution Control Act), as amended
- Coastal Zone Management Act of 1972, as amended
- Comprehensive Environmental Responsibility, Compensation and Liability Act
- Endangered Species Act of 1973, as amended
- Emergency Planning and Community Right-to-Know Act
- Energy Independence and Security Act of 2007
- Energy Policy Act of 2005 (EPAAct)
- Estuary Protection Act of 1986, as amended
- Federal Facilities Compliance Act
- Federal Insecticide, Fungicide, and Rodenticide Act
- Federal Water Project Recreation Act, as amended
- Fish and Wildlife Conservation Act
- Marine Mammal Protection Act
- Migratory Bird Treaty Act
- Military Lands Withdrawal Act
- National Environmental Policy Act (NEPA), as amended
- National Historic Preservation Act of 1966, as amended
- National Marine Sanctuaries Act
- Native American Graves Protection and Repatriation Act
- Noise Control Act of 1972, as amended
- Occupational Safety and Health Act (OSHA)
- Ocean Dumping Act
- Oil Pollution Act
- Outer Continental Shelf Lands Act (OCSLA)
- Resource Conservation and Recovery Act
- Rivers and Harbors Act of 1899, as amended
- Safe Drinking Water Act
- Solid Waste Disposal Act
- Superfund Amendments and Reauthorization Act

- Toxic Substances Control Act
- Watershed Protection and Flood Prevention Act, as amended
- Wetlands Conservation Act
- Wilderness Act

### **Hawaii State Statutes and Administrative Rules**

- Administrative Procedure Act, HRS Chapter 91
- Air Pollution, HRS Chapter 342B
- Burial and Historical Sites, HRS Chapter 6E
- CFCs, HRS Chapter 342C
- Clean Air, HRS Chapter 342B
- Coastal Zone Management, HRS Chapter 205A
- Conservation District, HRS Chapter 183C
- County Organization and Administration, HRS Chapter 46:161–165
- Dams, HRS Chapter 179D
- Environmental Response Law, HRS Chapter 128D
- Exceptional Trees, HRS Chapter 58
- Farming, HRS Chapters 141–168
- Fishing, HRS Chapters 187A, 188, 189, 190
- Government Publications, HRS Chapter 93
- Hawaii State Constitution, Article XI, Section 9
- Hawaii's Endangered Species Act, HRS Chapter 195D
- Hazardous Waste, Oil, Toxic Substances, HRS Chapters 342J, 128D, 128E
- HEPA, HRS Chapter 343
- Hunting, HRS Chapter 183
- Natural Area Reserve Systems, HRS Chapter 195
- Noise, HRS Chapter 342F
- Occupational Health, HRS Chapter 396
- Pesticides, HRS Chapter 149A
- Public Access to Coastal/Inland Recreational Areas, HRS Chapter 115
- Public Water Systems, HRS Chapter 340E
- Solid Waste Disposal, HRS Chapters 342G, 342H, 342I, 349
- State Land Use Law, HRS Chapter 205
- State Parks, HRS Chapter 184
- State Water Code, HRS Chapter 174C
- Sunshine Law, HRS Chapter 92
- Tree Farms, HRS Chapter 186
- Underground Injection, HRS Chapter 340E
- Underground Storage Tanks, HRS Chapter 342L
- Uniform Information Practices Act, HRS Chapter 92F
- Water Pollution, HRS Chapters 342D and 342E

## **Revised Ordinances of Honolulu**

- Chapter 1 General Provisions 1-1
- Chapter 3 Additional Boards, Commissions and Committees 3-1
- Chapter 14 Public Works Infrastructure Requirements Including Fees and Services 14-1
- Chapter 15 Traffic Code 15-1
- Chapter 16 Building Code 16-1
- Chapter 17 Electrical Code 17-1
- Chapter 18 Fees and Permits for Building, Electrical, Plumbing and Sidewalk Codes 18-1
- Chapter 19 Plumbing Code 19-1
- Chapter 20 Fire Code of the City and County of Honolulu 20-1
- Chapter 21 Land Use Ordinance 21-1
- Chapter 22 Subdivision of Land 22-1
- Chapter 23 Shoreline Setbacks 23-1
- Chapter 24 Development Plans (Articles 1–3) 24-1
- Chapter 24 Development Plans (Articles 4–10) 24- 37
- Chapter 25 Special Management Area 25-1
- Chapter 26 State Land Use Classification 26-1
- Chapter 28 Lease and Rental of City Real Property, Including Fees 28-1
- Chapter 30 Water Management 30-1
- Chapter 31 Community Economic Development 31-1
- Chapter 32 Building Energy Efficiency Standards 32-1
- Chapter 33 Development Agreements 33-1
- Chapter 34 Community Facilities Districts 34-1
- Chapter 35 Incentives for Businesses to Create New Jobs 35-1
- Chapter 36 Special Improvement Districts 36-1
- Chapter 37 Real Property Transactions Involving the City and County of Honolulu 37-1

## **Maui County Code**

- Title 1. General Provisions
- Title 2. Administration and Personnel
- Title 5. Business Licenses and Regulations
- Title 8. Health and Safety
- Title 10. Vehicles and Traffic
- Title 14. Public Services
- Title 16. Buildings and Construction
- Title 18. Subdivisions
- Title 19. Zoning
- Title 20. Environmental Protection

## **Federal, State, and County Permits**

### Advisory Council on Historic Preservation

- Section 106 Consultation

### Bureau of Ocean Energy Management

- OCS Right-of-Way Leases

### Council on Environmental Quality

- NEPA EA or EIS

### Department of Labor and Industrial Relations

- Boiler/Pressure Vessel Permit
- OSHA Compliance

### Environmental Protection Agency

- Hazardous Waste Generator Permit
- Hazardous Waste TSD Permit
- Ocean Dumping Permit
- Underground Injection Control (UIC) Review
- Groundwater & Drinking Water Permit

### Federal Aviation Administration

- Determination of No Hazard to Navigation

### National Park Service

- Visibility Analysis
- Section 106 Consultation
- Land & Water Conservation Fund Projects

### Natural Area Reserves Permit

- Special Use Permit

### NOAA – National Marine Fisheries

- Humpback Whale Sanctuary Review
- Clean Water Act Permits
- Marine Mammal Permit
- Incidental Take Permit/Statement

### Hawaii Community Development Authority

- Kakaako or Kalaeloa Development Permit

### Hawaii Department of Health

- NPDES (Individual Permits and NGPC)
- SEC 401 Water Quality
- Underground Injection Control
- Biosolids Treatment
- Individual Waste Water
- Zone of Mixing Permit
- Hazardous Waste TSD
- Hazardous Waste Gen
- Health Risk Assessment
- Variance from Pollution Control
- Superfund Amendment & Reauthorization Act (SARA) Reporting
- Noise Permit and Noise Variance

### Hawaii Department of Land and Natural Resources

- Ocean Waters Construction
- Conservation District Use Permit
- Easement for use of State Land
- Lease of State Land
- Well Drilling/modification
- Groundwater Control Area
- Stream Channel Alteration
- Incidental Take License/Habitat Conservation Plan Approval
- Right of Entry

### Hawaii Department of Transportation

- Oversize/Overweight approval
- Harbors Div – ocean permits
- Highway Div – construct in State Hwy
- Use and Occupancy Agreement
- Plan Review and Approval

### Hawaii Land Use Commission

- Special Use Permit – over 15 acres
- District Boundary amendment

### Hawaii Public Utilities Commission

- Certificate of Public Convenience and Necessity
- Transmission Line Approval

### Hawaii State Office of Planning

- Coastal Zone Management Act Consistency

## Honolulu County/Maui County Permitting

- Building Permit
- Building, Electrical, Plumbing
- Community Plan Amendment
- Conditional Use Permit
- Demolition Permit
- Development Plan Amendment
- Driveway Construction
- Flammable Materials Storage Permit
- Flood Hazard District Permit
- Flood Zone Hazard
- General Plan Amendment
- Grading Grubbing, Excavating permits
- Historic District Application
- Minor Modification
- Minor Shoreline Structure
- Plan Review Use
- Road Use/Modification Permit
- Sewer Connection Permit
- Sewer Permit
- Shoreline Setback Variance
- Special District Permit
- Special Management Area
- Special Use Permit
- Stockpiling Permit
- Subdivision Approval
- Subdivision Permit
- Urban Land Use Classification
- Zoning Variance

## US Army Corps of Engineers

- Section 404 Permit
- Section 9, 10 Permits
- Section 103 Permit

## US Coast Guard

- Notice – Submerged Cable
- Notice – Cable Laying

## US Fish and Wildlife Service

- Incidental Take Permit/Statement