

HAWAII

Wetland Definition

Hawaii water quality standards (Hawaii Administrative regulations § 11-54-1 Definitions.) define wetlands as “land that is transitional between terrestrial and aquatic ecosystems where the water table is usually at or near the surface off the land is covered by shallow water. A wetland shall have one or more of the following attributes: (1) at least periodically the land supports predominantly hydrophytic vegetation; (2) the substratum is predominantly undrained hydric soil; or the substratum is nonsoil (gravel or rocks) and is at least periodically saturated with water or covered by shallow water. Wetlands may be fresh, brackish, or saline and generally include swamps, marshes, bogs, and associated ponds and foofs, mud flats, isolated seasonal ponds, littoral zones of standing water bodies, and alluvial floodplains.” State waters are also defined to include wetlands. See § 11-54-1 Definitions.

Wetland Water Quality Standards

Hawaii Administrative Rules (§ 11-54-4 Basic water quality criteria applicable to all waters) contain broad water quality standards for waters. They explicitly include wetlands including “elevated wetlands,” “low wetlands,” “coastal wetlands,” “marine waters,” “marine bottom types,” and “recreational areas.”

Designated Uses

The Hawaii Administrative Code specifies that “basic” water quality standards apply to wetlands. Basic water quality standards include a variety of use classes. See § 11-54-3 Classification of water uses.

Narrative and/or Numeric Criteria

The Hawaii Administrative code sets forth both narrative and numeric criteria for waters in general. These criteria apply in part to wetlands. See, e.g., § 11-54-5.2 Inland water criteria.

Antidegradation Policy

The state has an antidegradation policy and wetlands are apparently covered under this policy as state waters. See § 11-54-1.1 (General policy of water quality antidegradation) which provides in part that “(a) Existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” Exceptions are provided to this general policy. However, high quality waters are also to be protected.