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HB 3442
RELATING TO OCEAN RESOURCES

House Committees on
Ocean and Marine Resources
Judiciary

Public Hearing - February 7, 1992
8:30 am, Room 1310 SOT

By
John T. Harrison, Environmental Center
Keith Chave, Oceanography
Salvatore Comitini, Economics
Ray Tabata, Sea Grant

HB 3442 would add a new chapter to the Hawaii Revised Statutes creating an Office of Ocean Resources to be placed administratively within the office of the Governor. The new office would serve to manage Hawaii's ocean resources through development of a comprehensive ocean zoning plan, active monitoring of ocean uses within zones, development of informational data bases through research, and public education programs regarding ocean resources and impacts caused by various uses.

Our statement on this bill does not constitute an institutional position of the University of Hawaii.

The proposed office of ocean resources expands upon the recommendations of the ocean and marine resources council as presented in their ocean management plan prepared pursuant to Act 235 of the 1988 Legislature. We generally concur with the management concept which this measure embodies, in that oversight of the diverse aspects of ocean management requires the top-down authority provided by placement in the Governor's office. However, we offer the following suggestions for improvement of the proposed measure.

Our reviewers had considerable difficulty with the accomplished fact of ocean zoning implied by the bill. It is not apparent that the real property concepts of terrestrial management are readily transferrable to the ocean. Attempts to establish ocean recreation zones in the nearshore area have not

met with resounding success, and use conflicts remain problematic despite the considerable efforts of the DOT and DINR to regulate these areas. Rather than zoning, we would prefer a system of resource allocation and determination of priority use. The task of the council should not be zoning, but rather they should focus on setting priorities of regional activities. Zoning in high use areas would rapidly degenerate to an argumentative process of micromanagement, and regulations promulgated to enforce zoning boundaries would be difficult to enforce, given the spatial and temporal overlap in marine resource uses.

Outside of the nearshore area, it is not clear, other than in the case of marine mining lease tracts, what purpose is served by zoning. Most management needs of offshore areas already are met by existing federal or state agencies.

We also note that some of the duties of the office may duplicate existing activities in other organizations. For instance, Item 9 on page 5 is a function regularly undertaken by Sea Grant. Item 10 seems to be the responsibility of the university, and conflicts in appropriations are likely unless the role of the office is more clearly defined.

Finally, the role of the CZM program traditionally has been more terrestrially oriented, to the extent that issues of land/sea interaction have constituted the primary focus of the CZM office. There needs to be somewhat more specificity in the definition of the respective regulatory responsibilities of the office, other state agencies, and the counties in management of the coastal zone.