HB 1721 amends Chapter 205A, HRS to provide for public participation and beach protection in the CZM program policies and further provides for other substantive and housekeeping changes.

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

This measure appears to be derived from comprehensive efforts dating back several years and involving elements of the university community and the Office of State Planning in the study and refinement of Chapter 205A. Most of the measures herein are needed housekeeping changes, and others are additions which may not require legislation, such as the new section on public participation, which OSP could implement if funds and initiative were available. However, by adding such items to the law, the ensuing legislative mandate may serve to accomplish heretofore unattained goals of the program, or at least provide sufficient rationale for some funding to pursue these goals.

All of the mandates directed towards the lead agency under Section 2 of the measure are well intentioned. However, item 8 appears unlikely to be implemented, at least with regard to state executive agencies. Our reviewers can't envision a scenario under which one executive agency would bring litigation against another, and we don't recall instances in which one state agency has even testified forcefully in opposition to another.

The amended definition of shoreline area in Section 5 will probably be viewed with reservation by landowners adjoining such structures. However, the effect of this redefinition will be to facilitate state remedies to problems of unauthorized shoreline structures which may be responsible for unwanted shoreline impacts. Whether such a definition will stand in a court of law remains to be tested. Other provisions for shoreline management as stated in Section 6 are long overdue.