



University of Hawaii at Manoa

Environmental Center

A Unit of Water Resources Research Center
Crawford 317 • 2550 Campus Road • Honolulu, Hawaii 96822
Telephone: (808) 956-7361

RL:01159

HB 1721 RELATING TO COASTAL ZONE MANAGEMENT

Senate Committee on
Planning, Land and Water Use Management

Public Hearing - March 25, 1993
3:00 P.M., Room 405 SOT

By

John T. Harrison, Environmental Coordinator
Kem Lowry, Urban and Regional Planning

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.

While establishment of a state policy to respond promptly to oil spills in the coastal zone management area is appropriate (lines 11-13, P. 8), the responsibility for ocean oil spill response resides with the federal government. Clarification of the appropriate state role in ocean oil spill response would be achieved through adding the phrase, "in coordination with the U. S. Coast Guard" to line 11 following the word, "effectively".

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.