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HB 56 RELATING TO OCEAN RESOURCES

House Committee on
Ocean and Marine Resources

Public Hearing - January 28, 1993
8:30 A.M., Room 1310 SOT

By
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Sherwood Maynard, SOEST
Peter Rappa, Sea Grant
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HB 56 would add a new chapter to the Hawaii Revised Statutes establishing a marine and coastal affairs program in the Office of State Planning. The intent of this program is to implement the Hawaii ocean resources management plan, specifically with regard to:

- 1) Overall ocean resources planning and policy development;
- 2) Interagency coordination;
- 3) Communication facilitation; and
- 4) Conflict resolution.

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

While the new program is given a broad spectrum of tasks by this bill, few powers of implementation accompany its wide mandate. For example, on P. 7, lines 16 - 18, the program is tasked with ensuring that state agency work plans are closely coordinated with related federal and county initiatives. However, no compliance mechanisms are provided, other than recourse to judicial and nonjudicial dispute resolution, to facilitate such coordination. It is unlikely, in the absence of a more specific enforcement authority, that agency agendas which conflict may be reconciled other than in line with conventional government hierarchies of jurisdictional priority. Without direct authority to impose the plan, the program will have all the earmarks of yet another well intentioned, yet ineffective bureaucracy.

Although it is not likely that any legislation conveying extensive authority for policy enforcement in these contexts will be passed, the present bill could be improved by more explicitly invoking the power of the governor's office in execution of the ocean management plan. For instance, a provision could be added such that when agencies have conflicting agendas, the office is empowered to convene an objective fact-finding group to develop recommendations for delivery to the governor's office. In addition, it should be the duty of the office to advise the governor of issues and conflicts which executive authority may serve to dissipate.

We note that a number of agencies with relevant responsibilities are not represented on the advisory council. Given the intent to facilitate coordination, it would seem advisable to expand the size of the council sufficiently to include appropriate agency representation.

Our reviewers also suggest that in addition to the one-shot expansion and integration of existing marine and coastal data bases (pp. 5 & 6, lines 22, 1-5), there is a need for ongoing effort to update and refine marine and coastal databases.

Finally, we suggest that the University of Hawaii should be added to list of agencies with responsibilities relating to marine and coastal affairs.