

Honolulu, Hawaii

FEB 06 2007

RE: S.B. No. 1531
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1531 entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

begs leave to report as follows:

The purpose of this measure is to ensure Native Hawaiian cultural representation on matters relating to marine and coastal zone managements by requiring the Director of the Office of Planning to appoint one member on the Marine and Coastal Zone Advocacy Council from a list of three nominees submitted by the Office of Hawaiian Affairs.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation, and three private individuals. Testimony in opposition to this measure was submitted by the Office of Planning.

The coastal zone management program under section 205A-2, Hawaii Revised Statutes, was established to manage, promote, preserve, and protect the State's marine, coastal, and surrounding recreational areas. The program focuses on Hawaii's ecosystem as a whole rather than on the individual species, resources, or uses, thus, the objectives and policies of the program have broad implications. The Marine and Coastal Zone Advocacy Council provides the Office of Planning advice regarding marine and coastal zone management, planning, coordination, and facilitation of the functions of the coastal zone management program. The Council balances the various interests involving coastal zone



management to ensure that its advice to the Office of Planning is systemic in content. However, the Office's decisions concerning the management of coastal zone resources can have a direct effect on traditional Native Hawaiian cultural traditions, practices, and beliefs. Your Committee finds that traditional Native Hawaiian coastal and ocean usage and practices need to be taken into consideration and represented on the Marine and Coastal Zone Advocacy Council.

Your Committee notes that the Office of Planning indicated in its written testimony that the Office has strongly supported Native Hawaiian interests in the coastal zone management program initiatives. The Office commits staff and fiscal resources to projects; invites and assures the participation of Native Hawaiian organizations in meetings and workshops on coastal zone management and ocean resources management plan matters; and co-sponsors with the Office of Hawaiian Affairs workshops to promote dialogues with kupuna on the subject of a moku management framework for planning and managing ocean and coastal resources. Furthermore, the Office points out that, in addition to Native Hawaiian interests, the coastal zone management program is required to recognize, observe, protect, and balance other interests such as business, the environment, terrestrial and marine commerce, recreation, research, and tourism. Thus, the Office of Planning is concerned that allowing the Office of Hawaiian Affairs to designate a member on the Marine and Coastal Zone Advocacy Council may have an unintended effect and inference of providing a preference to one interest over the other interests that the Council must balance for efficient operation.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that requires the Director of the Office of Planning to appoint one member of the Marine and Coastal Zone Advocacy Council from a list of three nominees submitted by the Office of Hawaiian Affairs, and replacing it with specific language that requires at least one member on the Marine and Coastal Zone Advocacy Council to have substantial experience and expertise in traditional Native Hawaiian coastal and ocean usage and practices; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee believes that the amended measure fulfills the intent of the measure to provide and ensure the observation and consideration of Native Hawaiian traditional and cultural coastal and ocean uses and practices on the Marine and Coastal Zone Advocacy Council.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1531, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1531, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,


RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* SB 1531	Committee Referral: WAH	Date: FEB. 2, 2007		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes