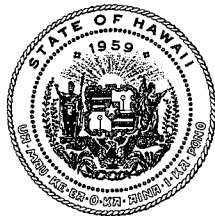
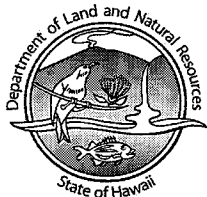


TESTIMONY
HB 2966

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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Bureau of Conveyances
Commission on Water Resource Management
Conservation and Coastal Lands
Conservation and Resources Enforcement
Engineering
Forestry and Wildlife
Historic Preservation
Kahooolawe Island Reserve Commission
Land
State Parks

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 2966 – Relating To Public Lands

**BEFORE THE SENATE COMMITTEE ON
WATER AND LAND**

March 14, 2008

House Bill 2966 permits certain lessees of sites on public lands to sublet the whole or part of the demised premises without approval of the Board of Land and Natural Resources (Board), provided that the sublease term shall not exceed one week, the rent charged to the sublessee shall not exceed an amount necessary for the lessee to cover the lessee's operational costs, and the demised premises shall be used substantially for the purposes for which it was originally intended. The Department of Land and Natural Resources (Department) opposes this measure.

The Department believes that the proposed use of state property should be limited only to the purposes designated in the original lease and not be expanded by allowing mere substantial compliance. Use of a substantial compliance standard to determine appropriate use invites abuse by allowing questionable uses to occur without proper oversight. Such a subjective standard could be used by commercial ecotourism operations to circumvent the Department's authority and responsibility to regulate commercial activity on state lands.

This measure contains no mechanism for ascertaining and ensuring that the leased premises will, in fact, be used under the sublease for the purposes designated in the lease. Moreover, there appears to be no limitation on the number of consecutive instances that a particular lessee and sublessee could invoke the provisions of this bill, thereby allowing a string of subleases that could be set end-to-end, and effectively circumvent the Board's purview over longer term use of the premises.

It is the Department's understanding that this measure was introduced to provide certain accommodations to the Girls Scouts of America ("GSA") on property in Kilohana on the Island of Hawaii initially believed to be leased from the State. It has subsequently been confirmed that the GSA owns the subject property and that this measure is therefore unnecessary. As such, the Department urges that this measure be held.

TESTIMONY

HB 2966

(END)