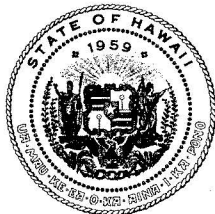
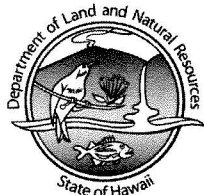


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, & OCEAN RESOURCES**

**Monday, February 2, 2009
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 47
RELATING TO PUBLIC LANDS**

House Bill 47 proposes to require the Department of Land and Natural Resources (Department) to notify existing lessees of public lands of its intent to dispose of the lands in a subsequent transaction not less than 120 days prior to the expiration of the existing lease term. **The Department opposes this bill.**

Section 171-33(9), Hawaii Revised Statutes, requires the Department to notify the lessee two (2) years prior to the expiration of the existing lease term regarding the Department's intentions concerning the future use of the demised premises. The two (2) year notification period was originally established to provide the Department sufficient time to inspect the premises to ensure that the lessee is in full compliance with the terms of the lease and to address any existing conditions that may require construction, demolition, remediation or repairs to prepare the property for the future intended use. Such inspection, evaluation and preparation work often requires significant time, resources and expense. The two (2) year notification period also provided the lessee with sufficient opportunity to consider relocation alternatives or participation in the planned auction process. Reducing this requirement from two (2) years to 120 days would not preclude the department from pursuing its planning activities for the property at an earlier date, however, it would place unnecessary anxiety and tension on the current lessee to find a suitable replacement property on short notice. As prudent land managers, it behooves us to provide as much notification as possible to our lessees.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2009 12:38 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB47 on 2/2/2009 9:00:00 AM

Testimony for WLO 2/2/2009 9:00:00 AM HB47

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: James Coon
Organization: Trilogy Excursions
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/30/2009

Comments:

I support the intent of this bill but do not think 120 days is adequate time for the tenant.
It should be at least 180 days.
Please amend and pass this bill.