

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
WATER & LAND**

**Wednesday, February 12, 2014  
8:00 A.M.  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1897  
RELATING TO PUBLIC LANDS**

House Bill 1897 proposes to require the Board of Land and Natural Resources (“BLNR”) to hold at least two public hearings on the issuance, amendment, renewal or termination of the leases to the existing lessees in the Banyan Drive area of Hilo under Act 55, Session Laws of Hawaii (SLH), 2000. **The Department of Land and Natural Resources (“Department”) opposes this bill.**

Act 55, SLH 2000 was found to be unconstitutional special legislation under Article XI, Section 5, of the Hawaii State Constitution, as explained in the preamble of subsequent legislation, Act 219, SLH 2011. Moreover, Act 55 was repealed by its own terms on July 1, 2005. As a result, the BLNR will not be holding hearings under Act 55 in the future. Even prior to the repeal, the Department did not invoke Act 55 for any of its leases. However, the Department was able to accomplish much of what Act 55 authorized with one of its leases (former Naniloa Volcanoes Resort) based on the BLNR’s existing authority.

In any event, the Department is concerned about the expense House Bill 1897 would impose on the Department in terms of travel expenses for up to seven board members of the BLNR and additional Departmental personnel to attend public hearings in Hilo. The Department has a limited budget and there are logistical problems in flying neighbor island volunteer (unpaid) board members to Hilo. There are no regular direct flights from Kauai to Hilo, and few direct flights from Maui to Hilo. The Department believes that the current procedures allowing for concerned parties to submit written or oral testimony at public board meetings in Honolulu is sufficient to address concerns about the Banyan Drive area. The Department therefore opposes the bill.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA’AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
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

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**HB1897**

Submitted on: 2/7/2014

Testimony for WAL on Feb 12, 2014 09:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tony Sylvester	Individual	Support	No

Comments:

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