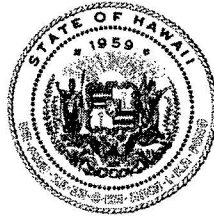
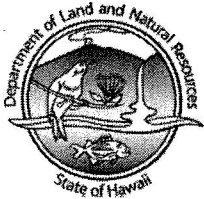


LINDA LINGLE
GOVERNOR OF HAWAII



LATE
Testimony

**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
AGRICULTURE**

**Wednesday, February 3, 2010
8:30 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 2779
RELATING TO STATE LEASES**

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

House Bill 2779 would allow agricultural or aquacultural lessees on state land to erect or use temporary structures, without state or county approval or a county building permit, if they were built according to the Uniform Building code and the lessees sign a waiver. The Department of Land and Natural Resources (Department) strongly opposes this measure.

The Department believes that landowners should never be completely deprived of the right to approve the erection or use of any type of structures their lands. Prudent property management practices require reasonable oversight over any erection or use of structures to ensure that the lands are being use in an appropriate manner. As currently required under the Department's standard lease provisions, the state lessee should at a minimum be required to submit to the Department for approval, plans and specifications covering any improvements on its lands, whether permanent or temporary. Plans and specifications must comply with the purpose of the lease. Without this ability to ensure compliance by the lessee, this measure increases the potential for abuse by non-agricultural or non-aquacultural users occupying valuable agricultural lands and depriving legitimate agricultural operators of the opportunity to use those lands.

Further, this bill does not clearly define what "temporary" means. Temporary could mean anything from two days to 15 years. This needs to be addressed. Otherwise, there will be temporary structures that are in reality permanent structures trying to circumvent the law.