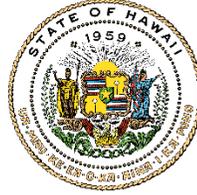


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
JUDICIARY

Thursday, February 23, 2023
9:35 AM

State Capitol, Conference Room 016 & Videoconference

In consideration of
SENATE BILL 82, SENATE DRAFT 1
RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES

Senate Bill 82, Senate Draft 1 proposes to require the Board of Land and Natural Resources (Board) to approve all revoked, limited, condemned, removed, or shortened public land leases or revocable permits. **The Department of Land and Natural Resources (Department) offers the following comments on this measure.**

This measure proposes to require Board approval for any decision relating to the revocation, limitation, condemnation, removal, or modification of land leases and revocable permits. The Department notes that such actions regarding a lease are already subject to Board approval in an open, public meeting. For revocable permits (RP), many of the actions contemplated by this measure already go before the Board in most cases. As an example, any significant modifications to terms and conditions or area of an existing RP are usually accomplished via the cancellation of the existing RP and the issuance of a new RP, which also requires approval from the Board.

Moreover, since RPs are limited month-to-month tenancies, it would be advisable to preserve the Board's authority to delegate approval of certain actions to the Chairperson. An example would be when the holder of a RP requests cancellation of the RP. In many cases the request is due to financial hardship. If cancellation must be delayed until approval by the Board instead of the Chairperson, then the holder may incur additional rent charges. Due to internal review deadlines and public notice requirements in order to place the request on the Board meeting agenda, it would likely take over one month from the date of the request to cancel the permit to obtaining Board approval.

Mahalo for the opportunity to comment on this measure.

SB-82-SD-1

Submitted on: 2/20/2023 10:24:28 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
James McCully	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads and Vice Chair Gabbard and Members of the Judiciary Committee

I write in Support of SB82. Amongst other elements it seeks to clarify HRS171-6 (8) that the board is to control and be responsible for "...any decision relating to the revocation, limitation, condemnation, removal, or modification of land leases and revocable permits..." and that the board is solely responsible and not to delegate these matters to staff.

The land division has utilized *ad hoc* policies and interpretations of law that in some cases have been contrary to lessee / permittee (market) expectations. Agendizing the matter would always allow an opportunity to be heard by the board which is critical to the public interests.

Mahalo,

Jim McCully

SB-82-SD-1

Submitted on: 2/22/2023 1:15:49 PM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David S. De Luz, Jr.	Testifying for David S. De Luz, Sr. Enterprises, Inc.	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads and Vice Chair Gabbard and Fellow Members of the Judiciary Committee:

I write in **STRONG SUPPORT** of SB 82 because this bill seeks to clarify HRS171-6(8) that the DLNR Board is to control and be responsible for "...any decision relating to the revocation, limitation, condemnation, removal, or modification of land leases and revocable permits..." AND that the DLNR Board is **SOLELY** responsible and **NOT** to delegate these matters to staff.

It has been my observation, the Land Division has utilized ad hoc policies and interpretations of law that in some cases have been contrary to leasee/permittee (market) expectations. The need to agendaize these important matters would allow an opportunity to be heard by the Board, which is essential and necessary to the public's interest.

I appreciate your consideration of **PASSING SB 82** and thank you for allowing me the opportunity to submit my written testimony in **STRONG SUPPORT!**

Mahalo,

David S. De Luz, Jr.

David S. De Luz, Sr., Enterprises, Inc.

Hilo, HI 96720