HB 1955 would establish conditions under which leases may be granted for the development of certain ocean resources within ocean waters under State jurisdiction. This statement on the bill does not reflect and institutional position of the University of Hawaii and in fact, does not represent the opinions of the University faculty from whom we hoped to have comments but who were unavailable during our review period.

We note that an "administrative lease" is defined as one that applies to an area of not more than one acre but from which the lessee expects gross revenue of no more than $150,000 a year. However, the term "administrative lease" does not seem to be used elsewhere in the bill. Hence, it is not clear whether it is intended that the only leases that may be granted are those that will affect such small areas or produce such slight profits, or that leases so limited are in some measure exempt from some of the bill's provisions.

We note also that "Marine Activities" are defined to include "the production of ocean thermal energy conversion (OTEC) or other energy or water, research, scientific, and educational activities in, on, or under state marine waters or submerged lands," but it is not clear whether it is intended that such activities as research will require leases even if they will not constitute development of marine resources. There is no mention of the inclusion of mineral or mining activities in the lease provisions although minerals are mentioned in the findings and purpose statement.

We note that leases would be prohibited on "lands inland of the mean lower low tide." The implication of the provision with respect to developments in which water from offshore is brought across the shoreline to be used for power generation or for aquaculture onshore is not clear.
The bill would quite appropriately apply the provisions of the State Environmental Impact Statement (EIS) law (HRS 343) to the consideration of marine leases. However, passage of the bill does not seem necessary to accomplish this, because areas seaward of the limit of wavewash are in the Conservation District, and special use permits for this District are already subject to the EIS law.

Considerable revision of the bill to clarify its intended effects seems necessary.