

har3-Megan

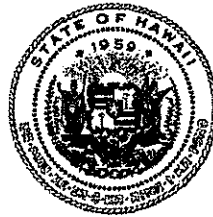
From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 18, 2010 12:35 PM
To: WLOtestimony
Cc: Tracy.S.Oshiro@hawaii.gov
Subject: Testimony for HCR185 on 3/19/2010 10:35:00 AM
Attachments: HCR185_LNR_03-19-10_WLO.pdf

Testimony for WLO 3/19/2010 10:35:00 AM HCR185

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Tracy Oshiro
Organization: DLNR
Address: 1151 Punchbowl Street Honolulu, HI 96813
Phone: 587-1495
E-mail: Tracy.S.Oshiro@hawaii.gov
Submitted on: 3/18/2010

Comments:

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

Department of Land and Natural Resources
Testimony Transmittal Cover Sheet

Date Submitted: March 18, 2010

Testifier's Name/Title: Morris Atta, Land Division Administrator

Committee Name: HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES
(WLO)

Day and Date: Friday, March 19, 2010

Time/Location: 10:35 AM, Conference Room 325

Measure Number: HCR 185 – SUPPORTING THE PROPOSED CORRECTION OF THE LAND EXCHANGE BETWEEN THE STATE AND THE ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA MADE PURSUANT TO ACT 27, SESSION LAWS OF HAWAII 2003, THAT INADVERTENTLY OMITTED THE PARCEL OF LAND IDENTIFIED IN TAX MAP KEY NUMBER (1) 5-9-05-077 FROM THE BUREAU OF CONVEYANCES RECORD CONVEYING THE LAND EXCHANGE

Requested Copies: 1 (including original) to Room 438 in the State Capitol

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**

**Friday, March 19, 2010
10:35 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 185 – SUPPORTING THE PROPOSED
CORRECTION OF THE LAND EXCHANGE BETWEEN THE STATE AND THE
ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA MADE PURSUANT TO
ACT 27, SESSION LAWS OF HAWAII 2003, THAT INADVERTENTLY OMITTED
THE PARCEL OF LAND IDENTIFIED IN TAX MAP KEY NUMBER (1) 5-9-05-077
FROM THE BUREAU OF CONVEYANCES RECORD CONVEYING THE LAND
EXCHANGE**

House Concurrent Resolution (HCR) 185 seeks to affirm the support of the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003. The Department of Land and Natural Resources strongly supports the intent of HCR 185, but respectfully recommends the adoption of the language in HCR 320 – Submitting to the Legislature of the State of Hawaii for Review of Action Taken by the Board of Land and Natural Resources on a Land Exchange.

Section 171-50(c), Hawaii Revised Statutes, requires the identification of: (1) The location and area of the parcels of land involved in the exchange, (2) The value of the lands involved in the exchange, (3) The names of the appraisers; and (4) The date of appraisals, be included in any measure brought before the Legislature. The language of HCR 320 includes all of that information and ensures compliance with those statutory requirements.

**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**

har3-Megan

From: Stephanie H. Tanaka [stanaka@imanakakudo.com]
Sent: Thursday, March 18, 2010 10:09 AM
To: WLOtestimony
Subject: Testimony - HCR 185
Attachments: Testimony.pdf

Testifier's Name: Benjamin A. Kudo on behalf of the Aloha Council, Boy Scouts of America
Committee: WLO

Date and Time of Hearing: Friday, March 19, 2010 at 10:35 a.m.

Measure Number: HCR 185 Relating to Supporting the Proposed Correction of the Land Exchange Between the State and the Aloha Council of the Boy Scouts of America Made Pursuant to Act 27, Session Laws of Hawaii 2003, that Inadvertently Omitted the Parcel of Land Identified in Tax Map Key Number (1) 5-9-05:077 from the Bureau of Conveyances Record Conveying the Land Exchange

Number of Copies Requested: 1

<<Testimony.pdf>>

Should you have any questions regarding this matter, please feel free to contact Benjamin Kudo at 521-9500.

Thank you.

Imanaka Kudo & Fujimoto

Stephanie H. Tanaka
Secretary to Benjamin A. Kudo
Telephone: (808) 521-9500
Facsimile: (808) 541-9050

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**IMANAKA
KUDO &
FUJIMOTO**

A Limited Liability Law Company

March 18, 2010

Mitchell A. Imanaka

Benjamin A. Kudo

Wesley M. Fujimoto

Jon M. H. Pang

Richard T. Asato, Jr.

Naomi U. Kuwaye

Nikki T. Senter

Ryan E. Sanada

Nina L. Takamori

Owen T. Iida

Yuko Funaki

Of Counsel

R. Brian Tsujimura

Perfecto R. Yasay, Jr. *

* admitted to practice only in
New York and Philippines,
Former Chairman
Securities and Exchange
Commission, Republic of the
Philippines

Hon. Mario R. Ramil

Former Associate Justice
Hawaii Supreme Court

The Honorable Ken Ito, Chair and Members of the
House Committee on Water, Land & Ocean Resources
Hawaii State Capitol, Room 420
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HCR 185 – Supporting the Proposed Correction of the Land Exchange Between the State and the Aloha Council of the Boy Scouts of America Made Pursuant to Act 27, Session Laws of Hawaii 2003, that Inadvertently Omitted the Parcel of Land Identified in Tax Map Key Number (1) 5-9-05:077 from the Bureau of Conveyances Record Conveying the Land Exchange.

Dear Chair Ito and members of the Water, Land & Ocean Resources Committee:

My name is Benjamin A. Kudo and I serve on the Advisory Board of the Aloha Council, Boy Scouts of America. I respectfully submit this testimony in support of House Concurrent Resolution (HCR) 185. HCR 185 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii to correct an error made in drafting the deed which facilitated the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 185 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 omitted one of the parcels (Parcel 77 in Pupukea) because the Attorney General's Office did not include the property description for that parcel in the description section of the deed. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

In addition, another resolution, HCR 320 also has been introduced to correct this same error. HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3) the names of the appraisers, and (4) the date of appraisals. These details are required by Section 171-50(c), Hawaii Revised Statutes to be included in the resolution. In

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The Honorable Ken Ito, Chair and Members of the
House Committee on Water, Land & Ocean Resources
March 18, 2010
Page 2

addition, HCR 320 was duly served upon the Office of Hawaiian Affairs and its trustees concurrently with its submission to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes.

Therefore, in an effort to avoid confusion, I would respectfully urge the committee to set HCR 320 for hearing and passage. Thank you in advance for your support.

Very truly yours,

IMANAKA KUDO & FUJIMOTO



Benjamin A. Kudo

BAK:st

[REDACTED]

From:

[REDACTED]

[REDACTED]

Water, Land & Ocean Resources Committee

From: Sullivan, Barry [mailto:sullivan@bsds.com]
Sent: Thursday, March 18, 2010 9:31 AM
To: Rep. Ken Ito
Cc: Rep. Sharon Har; Matt Hill
Subject: Testimony FOR HCR 185 before Water, Land & Ocean Resources Committee

Testimony of Barry A. Sullivan, Esq.
Counsel to Aloha Council, Boy Scouts of America

Before the House Committee on
WATER, LAND, & OCEAN RESOURCES
Friday, March 19, 2010 @ 10:35 AM
State Capitol, Conference Room 325

In consideration of HCR 185 – Supporting the Proposed Correction of the Land Exchange Between the State and the Aloha Council of the Boy Scouts of America Made Pursuant to Act 27, Session Laws of Hawaii 2003, that Inadvertently Omitted the Parcel of Land Identified in Tax Map Key Number (1) 5-9-05:077 from the Bureau of Conveyances Record Conveying the Land Exchange

Dear Chair Ito and Vice-Chair Har:

Please accept this testimony in support of the intent of House Concurrent Resolution (HCR) 185. HCR 185 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 185 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys involved did not include the property description for that parcel in the multi-parcel deed.

As you may know, another resolution, HCR 320 also has been introduced to correct this same error. HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3) the names of the appraisers, and (4) the date of appraisals. These details are required by Section 171-50(c), Hawaii Revised Statutes to be included in the resolution.

In addition, HCR 320 was duly served upon the Office of Hawaiian Affairs and its trustees, by my office via hand delivery, concurrently with its submission to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes. My concern with HCR 185 is that, which may not have been delivered to OHA at the time of its submission, one or more complaining parties (which may not be restricted to OHA) may challenge any deed that is delivered following any favorable disposition of HCR 185, even if amended.

Therefore, in an effort to avoid confusion, I would respectfully urge the committee to set HCR 320 for hearing and passage or to take such other steps as you deem necessary. Thank you in advance for your support.

Barry A. Sullivan, Esq.

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har3-Megan

From: Lori Lee [llee@99imperial.net]
Sent: Wednesday, March 17, 2010 1:24 PM
To: WLOtestimony
Subject: *****SPAM***** HCR 185
Attachments: JW Testimony - HCR185.pdf

Importance: High

Please accept the attached testimony from James W. Y. Wong in support of HCR 185 which is scheduled for hearing on Friday, 03/19/10, at 10:35 a.m., in Conference Room 325.

Thank you.

JAMES W. Y. WONG

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March 17, 2010

Honorable Representative Ken Ito, Chair (Via Facsimile: 586-8474)
Honorable Representative Sharon E. Har, Vice-Chair
Members of the House Committee on Water, Land and Ocean Resources (WLO)

**RE: TESTIMONY IN SUPPORT OF HCR 185 / BOARD OF LAND AND
NATURAL RESOURCES; LAND EXCHANGE; LEGISLATIVE
REVIEW**

Dear Honorable Chair Ken Ito, Honorable Vice-Chair Sharon Har, and Members of the House
Committee on Water, Land and Ocean Resources:

In consideration of HCR 185 – Supporting the Proposed Correction of the Land Exchange
Between the State and the Aloha Council of the Boy Scouts of America Made Pursuant to Act
27, Session Laws of Hawaii 2003, that Inadvertently Omitted the Parcel of Land Identified in
Tax Map Key Number (1) 5-9-05:077 from the Bureau of Conveyances Record Conveying the
Land Exchange.

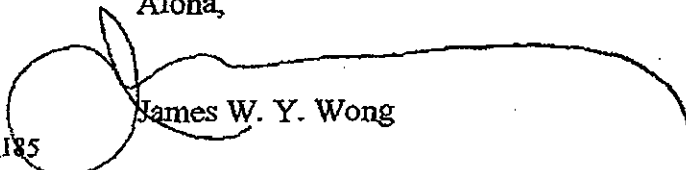
House Concurrent Resolution (HCR) 185 affirms support by the House of Representatives of the
Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange
between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27,
Session Laws of Hawaii 2003.

HCR 185 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to
conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77
in Pupukea) because the attorneys did not include the property description for that parcel in the
multi-parcel deed. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

Thank you for the opportunity to support testimony in support of the intent of this resolution. As
you may know, another resolution, HCR 320 also has been introduced to correct this same error.
HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the
parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3)
the names of the appraisers, and (4) the date of appraisals. These details are required by Section
171-50(c), Hawaii Revised Statutes to be included in the resolution. In addition, HCR 320 was
duly served upon the Office of Hawaiian Affairs and its trustees concurrently with its submission
to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes.

Therefore, in an effort to avoid confusion, I would respectfully urge the committee to set HCR
320 for hearing and passage. Thank you in advance for your support.

Aloha,


James W. Y. Wong