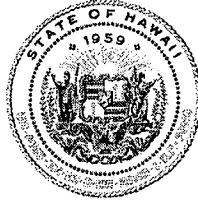
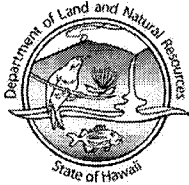


TESTIMONY
HCR 320

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 Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Thursday, April 15, 2010
3:40 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE CONCURRENT RESOLUTION 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.**

House Concurrent Resolution (HCR) 320 requests authorization to correct an inadvertent oversight in previously recorded conveyance documents for the land exchange authorized by Act 27, Session Laws of Hawaii 2003. The Department of Land and Natural Resources strongly supports HCR 320, and will continue to work with Aloha Council Boy Scouts of America to resolve this outstanding issue.

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



BOY SCOUTS TESTIMONY

HCR 320

Senator Clayton Hee

We strongly urge passage of HCR 320 which supports the righting of a great wrong. Seven years ago a land exchange between the Aloha Council of the Boy Scouts of America and the State of Hawaii took place and was approved by the relevant bodies including the Hawaii State Legislature. All the necessary public announcements were published. Everything was properly vetted and approved by all the legal entities involved. A fair deal was struck, one which met all the standards of state and federal law, and which would also meet the high standards of the Boy Scout Oath and the Boy Scout Law.

However, an inadvertent error was made in 2004 which omitted the relevant tax map key number, tax map key number (1) 5-9-05-077 from the recorded conveyance documents. And because of that, questions are now raised because much later, in 2009, Act 176, section 171-50 was passed, which now requires that any exchange of public land for private land be subject to disapproval by 2/3rds vote of either House or simple majority of both Houses of the Legislature. The argument being put forward in opposition to the clear and fair understanding of the facts and the law, is that the inadvertent technical error has voided the entire complicated and otherwise entirely legal exchange, and so the Boy Scouts are just out of luck in being able to keep and to operate Camp Pupukea, the only facility that they have on Oahu.

House Concurrent Resolution 320 has it just right. The land exchange in question was properly done. The parties told and acted the truth, and did their best, and reached an honorable and complete agreement which is a benefit to all concerned.

We urge the passage of HCR 320.

Thank you,

John Henry Felix
Eagle Scout, Class of 1944

Testimony in Support of HCR 320 before Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Testimony of **Steven Matthew Hill**

Before the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Thursday, April 15, 2010 @ 3:40 PM
State Capitol, Conference Room 224

In consideration of 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

House Concurrent Resolution (HCR) 320 affirms support by 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 320 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. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

Thank you for the opportunity to submit testimony in support of this resolution. I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:34 PM
To: WTLTestimony
Cc: danzettle@officemax.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Daniel E. Zettle
Organization: Individual
Address:
Phone:
E-mail: danzettle@officemax.com
Submitted on: 4/14/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:37 PM
To: WTLTestimony
Cc: arnold.martines@centralpacificbank.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Arnold Martines
Organization: Individual
Address:
Phone:
E-mail: arnold.martines@centralpacificbank.com
Submitted on: 4/14/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:45 PM
To: WTLTestimony
Cc: gkagawa@askoxy.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Gordon Kagawa
Organization: Individual
Address:
Phone:
E-mail: gkagawa@askoxy.com
Submitted on: 4/14/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:47 PM
To: WTLTestimony
Cc: watwater@fhb.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: William E Atwater
Organization: Individual
Address: 999 Bishop Street Honolulu HI
Phone: 525-7738
E-mail: watwater@fhb.com
Submitted on: 4/14/2010

Comments:
Testimony of William E Atwater

Before the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs Thursday, April 15, 2010 @ 3:40 PM State Capitol, Conference Room 224

In consideration of 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

House Concurrent Resolution (HCR) 320 affirms support by 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 320 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. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

Thank you for the opportunity to submit testimony in support of this resolution. I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:49 PM
To: WTLTestimony
Cc: tshigemoto@abprop.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Tom H. Shigemoto
Organization: BSA, Aloha Council
Address: 4353 Waialo Road Eleeele, HI
Phone: 808 335-2836
E-mail: tshigemoto@abprop.com
Submitted on: 4/14/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 2:57 PM
To: WTLTestimony
Cc: channes@aol.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Charles O. Swanson
Organization: Individual
Address:
Phone:
E-mail: channes@aol.com
Submitted on: 4/14/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 3:05 PM
To: WTLTestimony
Cc: gkorun@yahoo.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Gary K. Ostrander
Organization: Individual
Address:
Phone:
E-mail: gkorun@yahoo.com
Submitted on: 4/14/2010

Comments:

Testimony of Steven C. Wheelwright

Before the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Thursday, April 15, 2010 @ 3:40 PM
State Capitol, Conference Room 224

In consideration of 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

House Concurrent Resolution (HCR) 320 affirms support by 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 320 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. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

Thank you for the opportunity to submit testimony in support of this resolution. I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

Sincerely,
Steven C. Wheelwright
Laie, Hi 96762

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 14, 2010 3:24 PM
To: WTLTestimony
Cc: mlau@moriharagroup.com
Subject: Testimony for HCR320 on 4/15/2010 3:40:00 PM

Testimony for WTL 4/15/2010 3:40:00 PM HCR320

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Michael Lau
Organization: Individual
Address: 1537 Alewa Drive Honolulu, HI 96817
Phone: (808) 539-0610
E-mail: mlau@moriharagroup.com
Submitted on: 4/14/2010

Comments:

I support the cleaning up of the title issues for the lands that were intended to be conveyed to the Aloha Council, Boy Scouts of America at Camp Pupukea. Thank you.

Testimony in Support of HCR 320 before Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Testimony of **Barry Sullivan**
Legal counsel to Aloha Council, Boy Scouts of America

Before the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Thursday, April 15, 2010 @ 3:40 PM
State Capitol, Conference Room 224

In consideration of 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

House Concurrent Resolution (HCR) 320 affirms support by the Twenty-fifth Legislature of the State of Hawaii, for the proposed correction of the land exchange between the State and the Aloha Council, Boy Scouts of America, made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange 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. Parcel 77 is part of Camp Pupukea, an important Boy Scouts camp on Oahu.

The Senate Committee on Water, Land, Agriculture and Hawaiian Affairs previously recommended adoption of SCR 228, S.D. 1, a concurrent resolution that is substantively identical to HCR 320. In Standing Committee Report No. 3064, this committee noted that section 171-50, Hawaii Revised Statutes, requires the introduction of a concurrent resolution for legislative disapproval such that, if the resolution is not adopted by the Legislature, the land exchange may occur. Like SCR 228, S.D. 1, HCR 320 seeks legislative approval to convey Parcel 77 in Pupukea to the Aloha Council, Boy Scouts of America in order to correct the inadvertent omission of the parcel from the 2004 recorded conveyance documents. I respectfully submit that HCR 320 complies with section 171-50, Hawaii Revised Statutes, and simply provides additional legislative oversight to this exchange of public land for private land.

Thank you for the opportunity to submit testimony in support of this resolution. I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

TESTIMONY
HCR 320
(END)