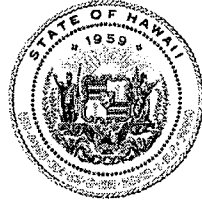
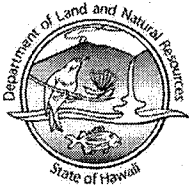


TESTIMONY
HCR 44

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 44 –
AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA,
KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES**

House Concurrent Resolution 44 authorizes the Department of Land and Natural Resources (Department) to sell state reclaimed land to Joseph J. Phillips Jr., Trustee of the Joseph J. Phillips Jr. Living Trust under an unrecorded trust instrument dated October 5, 1987, and Stephanie J. Phillips, Trustee of the Stephanie J. Phillips Living Trust under an unrecorded trust instrument dated October 5, 1987, for private property purposes pursuant to Section 171-64.7, Hawaii Revised Statutes (HRS). The Department urges adoption of this Administration measure.

Mr. Joseph J. Phillips Jr. and Ms. Stephanie J. Phillips are the owners of the private property abutting the subject state reclaimed lands.

During the implementation of the Kaneohe Bay Piers Amnesty Program in 2001, the Phillips obtained a pier lease from the Department. A field survey discovered about 156 square feet of state reclaimed lands abutting the Phillips private property. Subsequently, the Phillips obtained from the Board of Land and Natural Resources (Board) a 55-year term non-exclusive easement for the use of the state reclaimed land. Grant of Non-Exclusive Easement S-5715 was issued effective July 13, 2001. The one-time payment was \$4,700. Around 2007, the Phillips requested the opportunity to purchase the fee title of the state reclaimed lands.

On June 8, 2007, under agenda Item D-4, the Board approved the sale of reclaimed lands to Joseph J. Phillips Jr., Trustee of the Joseph J. Phillips Jr. Living Trust under an unrecorded Trust Instrument dated October 5, 1987, and Stephanie J. Phillips, Trustee of the Stephanie J. Phillips Living Trust under an unrecorded Trust Instrument dated October 5, 1987.

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

The appraised value is \$11,550. The appraised report was prepared by Yamaguchi & Yamaguchi, Inc. The date of valuation was June 8, 2007.

The proposed sale will facilitate the Phillips to be responsible for the maintenance of the state reclaimed lands in perpetuity. The Phillips do not have plans to develop the state reclaimed lands other than keeping it well maintained as an extension of their backyard.

An information briefing on the proposed sale was conducted on November 30, 2009 at Windward Community College in Kaneohe, Oahu.

This concurrent resolution is requested to allow the Department to sell state reclaimed land as required under Section 171-64.7, HRS.

TESTIMONY
HCR 44
(END)