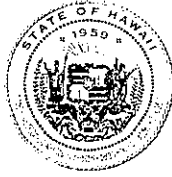


TESTIMONY
SCR 69



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

March 2, 2010

Testimony of Representative Faye P. Hanohano before the Senate Committee on Water, Land Agriculture, and Hawaiian Affairs in **OPPOSITION** to the following Senate Concurrent Resolutions:

~~SCR46 APPROVING THE FEE SIMPLE SALE OF 1503 DADALI STREET, KAPAA, HAWAII.~~
~~SCR47 APPROVING THE FEE SIMPLE SALE OF 1051 DANGLONG STREET, KOLOA, HAWAII.~~
~~SCR48 APPROVING THE FEE SIMPLE SALE OF 1008 ONAHA STREET, MAIHIKI, HAWAII.~~
~~SCR49 APPROVING THE FEE SIMPLE SALE OF 2201 ONAHA STREET, MAIHIKI, HAWAII.~~
~~SCR64 APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEHE, HAWAII.~~
~~SCR66 APPROVING THE FEE SIMPLE SALE OF 2800 HANA HIGHWAY, HANA, HAWAII.~~
SCR69 AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES.
~~SCR70 AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEHE, KOOLAPOKO, OAHU, FOR BEACH ACCESS RIGHT OF WAY PURPOSES.~~
~~SCR71 AUTHORIZING THE SALE OF STATE LANDS AT HANAPERE, MAIMEA, KALIA, FOR RESIDENTIAL PURPOSES.~~

Aloha Chair Hee and the the Senate Committee on Water, Land Agriculture, and Hawaiian Affairs. He pila hewa kēia. (These are wrongful bills.) I urge you to remember the wisdom of our Hawaiian ancestors – He ali`i ka `āina, he kauwa ke kanaka (Land is the chief and man is the servant).

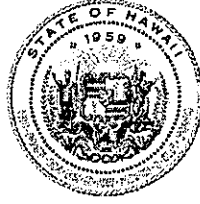
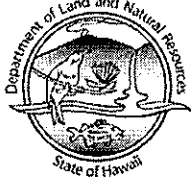
Land is a valuable resource and it is the State's responsibility to hold these lands in trust for all the people of the State. Rather than sell these lands for short term gain we need to find sustainable solutions such as long term leases. Selling the lands will deplete Hawai'i's resources for the future generations. Is this the legacy that the 25th Legislative body wants to leave to our children?

I urge you to please hold these measures

Mahalo,

Faye P. Hanohano
State Representative, District 4

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**

**Wednesday, March 3, 2010
3:15 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE CONCURRENT RESOLUTION 69 – AUTHORIZING THE SALE OF STATE
RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE
PROPERTY PURPOSES**

Senate Concurrent Resolution 69 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.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 02, 2010 2:19 PM
To: WTLTestimony
Cc: joesteph1945@clearwire.net
Subject: Testimony for SCR69 on 3/3/2010 3:15:00 PM

Testimony for WTL 3/3/2010 3:15:00 PM SCR69

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: Joseph J. Phillips Jr. & Stephanie J. Phillips
Organization: Individual
Address: 3418 Kepuhi St. Honolulu, HI 96815
Phone: (808) 737-3463
E-mail: joesteph1945@clearwire.net
Submitted on: 3/2/2010

Comments:

We respectfully ask for the approval of SCR69. The 156 sq. ft. being requested for purchase is deemed an encroachment. It is in our fully fenced property and the public really has no access to it. The existing seawall, which has been in existence since the early 1950's, abuts this 156 sq. ft. We have a lease with the State of Hawaii for our pier and in order to lease the pier, we have a lease for the encroachment of 156 sq. ft. Both leases expire in the year 2055. We are required to maintain a commercial insurance policy for both leases. We would like to eliminate the lease and expense of the commercial insurance policy on this small parcel of 156 sq. ft. We inherited this property in 1997 and would like to pass this property on to our children with the less amount of encumbrances.

Thank you for your consideration to this resolution.

Respectfully,
Joseph and Stephanie Phillips

TESTIMONY
SCR 69
(END)