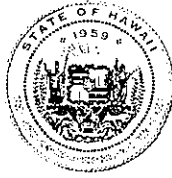


TESTIMONY
SCR 71



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 AUTHORIZING THE FEE SIMPLE SALE OF 1598 PAPUA STREET, KAPAA, HAWAII.~~
~~SCR47 APPROVING THE FEE SIMPLE SALE OF 1952 FANGHOE STREET, KOLOA, HAWAII.~~
~~SCR48 APPROVING THE FEE SIMPLE SALE OF 1950 SAMPSON STREET, WAILUKU, HAWAII.~~
~~SCR49 APPROVING THE FEE SIMPLE SALE OF 1951 ONIWA STREET, WAILUKU, HAWAII.~~
~~SCR50 APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HONOLULU, HAWAII.~~
~~SCR51 APPROVING THE FEE SIMPLE SALE OF 1950 HANALEI DRIVE, HANALEI, HAWAII.~~
~~SCR52 AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KALALEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES.~~
~~SCR53 AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEONE, KOOLAUPOKO, OAHU, FOR DECK ACCESS RIGHT-OF-WAY PURPOSES.~~
SCR71 AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, 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).

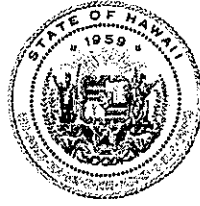
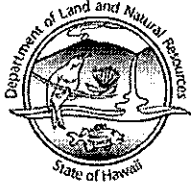
Land is a valuable resource and it is the State's responsibility to hold these lands in trust for all the people of the State. Rather than sell these lands for short term gain we need to find sustainable solutions such as long term leases. Selling the lands will deplete Hawai'i's resources for the future 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 71 – AUTHORIZING THE SALE OF STATE
LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES**

Senate Concurrent Resolution 71 authorizes the Department of Land and Natural Resources (Department) to sell state land to Robert E. Farlander, for residential purposes pursuant to Section 171-64.7, Hawaii Revised Statutes (HRS). The Department urges adoption of this Administration measure.

On June 24, 1993, the Department held a public auction for the sale of a 28,173 square foot residential property and the successful bidder was Mr. Robert E. Farlander for \$107,000. On June 3, 1994, Mr. Farlander entered into an installment agreement with the Department. The agreement required a down payment of \$10,700, with the balance of \$96,300 to be paid in twenty (20) quarterly installments at 8% interest. The purchase amount was paid in full on June 30, 1998 by Mr. Farlander.

The Department's issuance of a deed, or land patent grant conveying fee simple title to Mr. Farlander is the final act required to complete the transaction.

Mr. Farlander has built his residence on the residential property and has no plans to develop it beyond that.

An information briefing on the proposed sale was conducted on December 10, 2009 at Hanapepe Community Center in Hanapepe, Kauai.

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

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

2/26/10

P 2/6

Dear Committee Members,

My Name is Robert Farlander and I'm humbly requesting that we resolve the issue of title transfer. Seventeen years has elapsed since I entered into a special sales agreement with the state & I'm now 66 years old and in a very poor state of health, thus making it a priority to get my affairs in order and establish a trust. Your approval of SCR 71 would allay my fears and enable this process to take place. I might add that there was a public hearing held in Hanapepe, Kauai on 12/10/09 discussing this issue with no objections voiced and also passed the house committee without objection.

Sincerely

Robert Farlander

Elaine Dunbar
P.O.Box 861
Lihue, Hawaii 96766
Tel: 808-635-7006

March 1, 2010

To: **COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS**

Sen. Clayton Hee, Chair and Members
Sen. Jill N. Tokuda, Vice Chair

Sen. Robert Bunda
Sen. Carol Fukunaga
Sen. Russel S. Kokubun

Sen. Dwight Y. Takamine
Sen. Fred Hemmings

DATE: Wednesday, 3-3-10
TIME: 3:15 PM

REGARDING TESTIMONY IN OPPOSITION TO:

SCR71 Authorizing The Sale Of State Lands At Hanapepe, Waimea, Kauai
For Residential Purposes

Aloha Chair Hee and Members,

In 1993 Robert E. Farlander purchased a parcel of state land (Tax Map Key: (4) 1-9-10:50, Hanapepe, Waimea, Kauai) through auction. An informational meeting was held in December 2009 but there are no minutes/information resulting from that meeting. The 1993 sale should be considered an illegal transaction; the new law establishing the sale of state land by two thirds vote had not even been enacted until approximately sixteen years later.

The questions many people are raising now are:

1. How did this sale come to be in 1993 when it was strictly forbidden to sell state lands?
2. By what authorization was Robert Farlander permitted to buy state land and build a residence on that land?
3. Why wasn't the land leased instead?
4. Who is Robert E. Farlander?
5. Does he/did he actually exist or is he a fictitious person?

6. Is this land former Kingdom land?
7. Why hasn't there been an audit of the state lands?
8. There has been no resolution of Hawaiian land claims so how can this be slipped through in a manner such as this?
9. Is this an indication of future indiscriminate handling of attempted state land sales?

This is a serious matter. The new law establishing a two thirds vote for the consideration to sell state lands was in no way intended to allow a free-for-all or unfettered dispensing of Hawaii land. At present, the concurrent resolution apparently *reauthorizing* this illegal sale and at this late date with no other supporting documents for background, discussion or research purposes is highly suspicious. Clarification is needed as well as an audit of ceded lands in Hawaii. It is premature to be selling off state lands when those lands are yet to be properly inventoried and especially since the Hawaiian land claims are still unresolved. The move invites serious abuse. Besides the procedural issues, there are problems with Hawaiians who may still have claims and/or questions arising regarding legal title *after the land is sold*. In addition there has been no formal political recognition of the inherent sovereignty, even by the Akaka bill, to allow this injudicious attempt to sell state land.

Please kill this measure.

Sincerely,

Elaine Dunbar

TESTIMONY
SCR 71
(END)