

SCR 20

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.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Tuesday, March 12, 2013
1:25 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 20
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**

Senate Concurrent Resolution 20 submits to the Legislature for review the Board of Land and Natural Resources' approval in principle of a proposed land exchange between the State of Hawaii and Hawaii Baptist Academy. **The Department of Land and Natural Resources (Department) supports this concurrent resolution and provides the following comments.**

As the manager of the public land trust, the Department is responsible for managing approximately 1.3 million acres of public lands. Our responsibilities include managing and maintaining the State's coastal lands and waters, water resources, conservation and forestry lands, historical sites, small boat harbors, parks, and recreational facilities; performing public safety duties (e.g., flood and rock fall prevention); issuing and managing leases of public lands; maintaining unencumbered public lands; and enforcing the Department's rules and regulations. To support the Department's fiduciary duties, the Department utilizes a portion of the public lands under its jurisdiction for revenue generation. These revenues help fund many of the Department's operations and programs that are critical to protection and preservation of the State's historic, cultural and natural resources.

The proposed land exchange is expected to increase revenues and help support the Department fulfill its fiduciary obligations to protect and preserve Hawaii's historic, cultural and natural resources.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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



SCR20

**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**

Senate Committee on Water & Land

March 12, 2013

1:25 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) offers the following comments on SCR20, which approves the exchange of the leased fee interest in certain lands. **This parcel does not appear to be “ceded” lands and accordingly OHA does not oppose the exchange of this parcel.**

This resolution was offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai‘i 2009, as amended. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (including, but not limited to, ceded lands).

In the 1993 “Apology Resolution,” the United States Congress, referring to Native Hawaiians’ loss of control of their lands, stated:

[t]The Republic of Hawaii . . . ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.

Sales or exchanges of ceded lands raise significant concerns for OHA and its beneficiaries, because the Native Hawaiian people’s claim to ceded lands has yet to be resolved. OHA urges your committee to consider these unresolved claims carefully as it deliberates regarding each specific sale or exchange. However, HCR25 does not appear to involve the sale of ceded lands. Accordingly, OHA does not oppose this exchange.

Mahalo for the opportunity to testify on these important measures.

SENATE COMMITTEE ON WATER AND LAND

Tuesday, March 12, 2013, at 1:25 p.m.

SCR 20

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

Chair Malama Solomon, Vice Chair Maile Shimabukuro, and Members of the Committee:

I am Rick Tsujimura, representing Hawaii Baptist Academy. Hawaii Baptist Academy strongly supports SCR 20, which asks the Hawaii State Legislature to approve the proposed land exchange between Hawaii Baptist Academy and the State of Hawai'i, by its Board of Land and Natural Resources.

Hawaii Baptist Academy has been leasing the land under its middle school campus pursuant to a long-term lease with the State. In 2008, the Board of Land and Natural Resources approved in principle a proposed land exchange involving the State land currently leased to Hawaii Baptist Academy for its middle school campus in exchange for land to be determined in the future.

Since 2008, Hawaii Baptist Academy has been working with the State to secure land that met the State's stringent exchange criteria. In late 2010, a property in Waipahu Industrial Park was identified and the owner agreed to be part of this land exchange process.

After conducting due diligence, both Hawaii Baptist Academy and the Board of Land and Natural Resources agreed that this Waipahu Industrial Park property met all of the State's criteria. The Board of Land and Natural Resources subsequently approved the proposed land exchange and submitted it for the Legislature's review and consideration.

Hawaii Baptist Academy would like to express its appreciation to the Board of Land and Natural Resources and its staff at the Department of Land and Natural Resources for all of their work and efforts in supporting this proposed land exchange and respectfully requests this Committee's support and endorsement of SCR 20.

Thank you for the opportunity to provide testimony in favor of this land exchange.

From: Nanette Grambusch [<mailto:nanette.grambusch@gmail.com>]
Sent: Saturday, March 02, 2013 10:23 AM
To: Rep. Joseph Souki; Sen. Donna Mercado Kim; Sen. Malama Solomon; sengaluteria@capitol.gov; Sen. J. Kalani English; Sen. Clayton Hee; Sen. Gilbert Keith-Agaran; Rep. Mele Carroll; Rep. Justin Woodson
Cc: Nanette Grambusch
Subject: Fwd: Written Testimony - SCR 21 & HCR 26

Aloha Legislators,

We are resending our testimony for submittal. Email us to let us know that you received this email and with your mana'o.

Mahalo,

William and Nanette Grambusch

----- Forwarded message -----

From: **Nanette Grambusch** <nanette.grambusch@gmail.com>
Date: Tue, Jan 29, 2013 at 4:08 PM
Subject: Written Testimony - SCR 21 & HCR 26
To: Senators 27th Session <sens@capitol.hawaii.gov>, House Representatives 27th Session <reps@capitol.hawaii.gov>

William and Nanette Grambusch
POB 614, Kaunakakai, HI 96748
2901 Kamehameha V Hwy, Kawela, Molokai, HI 96748
Email: nanette.grambusch@gmail.com

January 29, 2013

Aloha no Legislators of The Twenty-Seventh Session,

Our names are **William Henry Grambusch** and **Nanette Lehua Napoleon Grambusch**, husband and wife, heirs to **Wilma K. Grambusch**, deceased, who was heir to **William Nakeleawe**

Kamakana, deceased; residents of 2901 Kamehameha V Hwy, Kawela, Molokai, Hawaii 96748;

mailing address: POB 614, Kaunakakai, HI 96748.

We are writing this letter/testimony today in opposition and protest to **SCR 21 & HCR 26-** resolutions for the land exchange and sale pursuant to Stipulated Judgment on Partition

Napoleon, et. al vs. State of Hawaii, et. al, Civ No. 92-0786. We request that you oppose the

approval of this action in part on **TMK (2) 5-6-06: 14 and (2) 5-6-06: 15** situated in the Ahupuaa of Kahananui, Ualapue, Molokai, Hawaii due to:

- 1) Clouded Title of Ownership;
- 2) Questionable Financial and Fiscal Liability-tax and otherwise;

On March 31st, 2005, our mother, Wilma Kamakana Grambusch fell ill, and since that time assisted with the payment of the real property taxes for **TMK (2) 5-6-06: 14 and (2) 5-6-06: 15**.

Prior to her illness, we were unclear about our mother's interest in real property holdings, however, thereafter; we were involved with every aspect of her life-having POA-to act on her behalf if necessary from medical decisions to financial transactions. In the process, we learned that William, her father, and Wilma paid the taxes on these properties since 1963.

Consequently, we saw the names of others that appeared on the tax bill and its location, as we visited the area and the cemetery frequently. In addition, I, Nanette, the daughter of Sherman UM Napoleon Sr., who is party to this case, was not privy to the dealings of my father and his brothers, my uncles.

In November, a friend emailed the notice about a meeting/hearing scheduled at Kilohana Recreation Center on November 13, 2012. We attended a meeting and hearing in regards to this Stipulated Judgment and found that we were excluded, and we testified and said that we were in opposition to the action. On November 26th, 2012, we submitted the same in writing clarifying that we were in opposition as heirs of Wilma K. Grambusch, deceased, and William Nakeleawe Kamakana, deceased, to Department of Land and Natural Resources. In December, we received a response from the Department of Land and Natural Resources stating that their

office forwarded our letter to the attorneys representing the respective parties. On January 18th, 2013 we received a copy of a letter from Tom Leuteneker of Carlsmith and Ball to Linda Chow from the Department of The Attorney General stating that **we had no standing, however, we disagree**. Our interest as real property owners and taxpayers are as follows:

1. By David Kailiwai, grandson of Kailiwai, Awardee of Mahele Award 48, to Lily Kailiwai, Liber 1915, Pge 263, 10/18/45;
2. By Lily Kailiwai to Henry Himeo Haitsuka and wife Dorothy Ayako Haitsuka and Buzzy Tadao and wife May Hatsue Okazaki; Liber4063, Pge 367, 5/29/61;
3. By Henry Himeo Haitsuka and wife Dorothy Ayako Haitsuka and Buzzy Tadao Okazaki and wife May Hatsue Okazaki to William Nakeleawe Kamakana; Liber 4483, Pge 132, 3/22/63;
4. By William Nakeleawe Kamakana to Wilma K. Grambusch; Probate No 5756;
5. By Wilma K. Grambusch to William and Nanette Grambusch, Probate No 08-1-01592 (pending renewal);
6. And – by Real Property Tax Liability- from 1963 to 2011.

As such, we see this exclusion as a demonstration of negligence and a travesty of justice. We are seeking relief as resolution as a result. We ask and need your help and support.

Finally, in closing, again we urge you to **oppose** the approval of the land exchange and sale pursuant to Stipulated Judgement on Partition Napoleon, et. al vs. State of Hawaii, et. al, Civ

No. 92-0786 and to request an investigation into: Title of Ownership and Financial and Fiscal Records-tax and otherwise for TMK (2) 5-6-06: 14 and (2) 5-6-06: 15, Island of Molokai.

Mahalo a nui loa in advance for you attention and your support.

William Henry Grambusch and Nanette LN Grambusch