

STAND. COM. REP. NO.

3628

Honolulu, Hawaii

APR 11 2006

RE: S.R. No. 131
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Tourism and Intergovernmental Affairs, to which was referred S.R. No. 131 entitled:

"SENATE RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU,"

beg leave to report as follows:

The purpose of this measure is to reexamine the development expansion plan at the Turtle Bay Resort, given the changing circumstances since it was adopted twenty years ago, to see if a supplemental environmental impact statement is required.

Testimony in support of this measure was submitted by Faith Action for Community Equity, Interfaith Alliance Hawaii, Life of the Land, Local 5, the Surfrider Foundation Oahu Chapter, and ten individuals. Testimony in opposition to this measure was submitted by the City and County of Honolulu's Department of Planning and Permitting, the Carpenters Union, and Kusao & Kurahashi, Inc. Comments were also submitted by the Pacific Resource Partnership.

In 1986, the Council of the City and County of Honolulu approved the Kuilima Expansion Project by issuing a special management area use permit to Kuilima Development Company. At the time the permit was issued, an environmental impact statement was prepared. Since then and for many different reasons, the Kuilima

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Expansion Project has not been completed, and now the current owners have applied for subdivision permits to move forward on the twenty-year-old development plan.

Many individuals in the North Shore community and even the hotel workers' union object to further development and feel that the more than twenty-year-old environmental impact statement does not accurately assess the subsequent changes in the surrounding community. Your Committees noted testimony from members of the community that expressed strong concerns regarding the need to address socio-economic studies, as well as to assess the traffic impacts of the development.

Under the Department of Health's administrative rules, supplemental environmental impact statements "are not required, to the extent that the action has not changed substantively in size, scope, intensity, use, location or timing, among other things." Hawaii Administrative Rules (H.A.R.) §11-200-26. Further, the "accepting authority or approving agency in coordination with the original accepting authority shall be responsible for determining whether a supplemental statement is required." H.A.R. §11-200-27. Your Committees find that based on the applicable administrative rules, the City and County of Honolulu's Council, in consultation with the City and County of Honolulu Department of Planning and Permitting, is the appropriate entity to determine whether a supplemental statement is necessary.

Accordingly, your Committees have amended this measure by:

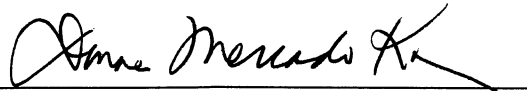
- (1) Deleting the whereas clause that concludes that there has been a significant change in timing and impact of the project;
- (2) Clarifying the circumstances of when a supplemental statement is necessary; and
- (3) Clarifying that the City and County of Honolulu Council, in consultation with the Department of Planning and Permitting, is the appropriate entity to determine if a supplemental statement is necessary.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Tourism and Intergovernmental Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 131, as

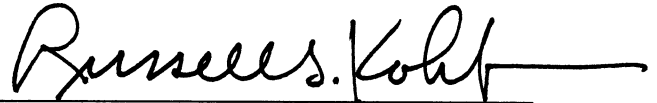


amended herein, and recommend its adoption in the form attached hereto as S.R. No. 131, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Water, Land, and Agriculture and Tourism and Intergovernmental Affairs,



DONNA MERCADO KIM, Chair



RUSSELL S. KOKUBUN, Chair



DAVID Y. IGE, Chair



