



Sierra Club Hawai'i Chapter

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HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

February 3, 2012, 9:00 A.M.
(Testimony is 2 pages long)

TESTIMONY IN OPPOSITION TO HB 2384 (HD1)

Aloha Chair Oshiro and Members of the Committee:

The Sierra Club, Hawaii Chapter, with 10,000 dues paying members and supporters statewide, **opposes** HB 2384 (HD1). This bill is a reactionary measure to a recent Land Use Commission decision.¹ It requires the LUC to extend a district boundary amendment deadline by two years if the petitioner has substantially commenced development of the property.

This proposal is misdirected. In anything, we should require the LUC to strictly enforce its conditions in a timely fashion because all too frequently the LUC fails to do so.

The LUC's failure to enforce conditions imposed on the proposed development at Turtle Bay is a fairly clear example of a body ignoring the law in order to further development interests and to the detriment of the public at large.²

In 1986, the Land Use Commission reclassified 236 acres in Kahuku based on a fifteen year market analysis and representations by Kuilima Development Company that the project would be completed by 2000.³ Kuilima repeatedly promised that thousands of new jobs would be created "over the next 20 years." Dozens of residents testified in support of the project based largely on the promise of new jobs and affordable homes.

¹ We strongly suggest this Committee ask the LUC about the facts of this case.

² In the spirit of complete disclosure, Robert Harris previously represented Defend O'ahu Coalition, a petitioner that requested the Land Use Commission consider this matter. He has no current relationship with Defend O'ahu Coalition.

The Sierra Club, Hawai'i Chapter is also a plaintiff in a lawsuit pending before the Supreme Court of Hawai'i as to whether Kuilima Development Company's environmental impact statement is legally sufficient.

³ The Environmental Impact Statement indicated the project would be completed by 1994-1995.

Unfortunately, Kuilima misled the Commission. Upon receiving this reclassification, ownership interest in the property exchanged hands several times. Little or no development on the property occurred. No new jobs. No new affordable housing.

Over twenty years elapsed. Few of the conditions imposed by the Land Use Commission were followed. For example, it is relatively uncontested that:

- A 4.8 acre park at Kawela Bay was never dedicated to the County;
- A 2-acre privately owned park was never opened to the public;
- Full-service hotels were never finished;
- Low and moderate income housing was never built;
- Improvements to Kamehameha Highway were never finished; and
- Continuous pedestrian access along the shoreline was never provided.

As a result of the LUC's failure to enforce its conditions, critical services were not provided to the community. This has a real and measurable impact on long term planning. How can others determine if the project will ever proceed forward? What if additional development projects offer the same services?

In short, not only is this bill unnecessary, but it addresses the wrong problem.

Mahalo for the opportunity to testify.