

STAND. COM. REP. NO.

1417

Honolulu, Hawaii

APR 09 2013

RE: S.C.R. No. 164

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Water and Land and Judiciary and Labor, to which was referred S.C.R. No. 164 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A WORKING GROUP TO DEVELOP A CONSERVATION ACTION PLAN TO EXPLORE AND IDENTIFY CONSERVATION ALTERNATIVES FOR THE UNDEVELOPED PORTIONS OF THE TURTLE BAY HOTEL AND RESORT PROPERTY AND SURROUNDING LANDS WITH CONSERVATION OR HISTORIC VALUE,"

beg leave to report as follows:

The purpose and intent of this measure is request the Governor to establish a working group to develop a conservation action plan to explore and identify conservation alternatives for the undeveloped portions of the Turtle Bay Hotel and Resort property and surrounding lands (Property) with conservation or historic value.

Your Committees received testimony in support of this measure from the Governor, Department of Land and Natural Resources, North Shore Community Land Trust, Keep the North Shore Country, Defend Oahu Coalition, Trust for Public Lands, and numerous individuals. Your Committees received comments on this measure from Turtle Bay Resort, LLC, and one individual.

The Property under negotiation includes the unimproved and undeveloped lands adjacent to the Turtle Bay Hotel and Resort. The subject matter of this measure dates back to the latter years of the previous administration as part of an effort to purchase and protect precious natural resource lands from development.

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Despite two separate attempts to acquire the land, nothing has been successfully completed, and the purchase is still pending.

Your Committees believe that it remains in the public's best interest to continue efforts to conserve the undeveloped portions of the Property. During the Regular Session of 2013, the Legislature introduced S.B. No. 894, S.D. 2, to appropriate funds and authorizes the Governor, or the Governor's designee, to continue efforts to acquire certain unimproved lands surrounding the Property. If the Governor finds that it is not feasible for the State to acquire sole interest of the Property, S.B. No. 894, S.D. 2, also authorizes the Governor to enter into a cooperative agreement or agreements, such as a conservation easement, with private or other public entities interested in conserving the undeveloped portions of the Property.

Community involvement and input on this issue reveals competing interests to the Property. On the one hand, a cogent argument can be made that the Turtle Bay Hotel and Resort is the only major economic stimulus for the area in the form of employment and future affordable housing. On the other hand, the slogan "Keep the country country" has merit, particularly when considering the potentially disruptive impact of the expansion on rural lifestyles, particularly impacts of traffic congestion and the undeniable demands on infrastructure improvements such as roads and sewers.

Your Committees remain cognizant that residents of the North Shore prefer to live in a rural environment and live there by choice rather than by circumstance. However, the North Shore represents perhaps the last bastion of developable land, which makes the North Shore the symbolic lightning rod on the issue of development and tourism, particularly considering the State's limited industrial potential and its disproportionate reliance on tax revenues. At this point in time, it is important to explore alternatives to protect the undeveloped lands surrounding Turtle Bay and for the community to work together toward that end.

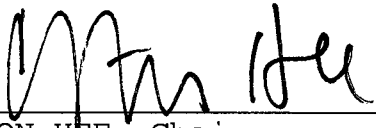
Your Committees believe that the likely parties to the negotiations will be not more than three people - one to represent the Governor, one to represent the developer, and one to represent land conservation groups. Your Committees note that the measure requests that "meetings to foster community engagement and gather community input", rather than hearings, be held to foster community engagement and gather input. Your Committees note that



since several such meetings have already been held, this is a familiar process that can engage the community for input on conservation alternatives for the Property.

As affirmed by the records of votes of the members of your Committees on Water and Land and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 164 and recommend its adoption.

Respectfully submitted on behalf of the members of the Committees on Water and Land and Judiciary and Labor,



CLAYTON HEE, Chair



MALAMA SOLOMON, Chair





The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SCR 164</b>	Committee Referral: <b>WTL/JDL</b>	Date: <b>4/2/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes