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February 21, 2013

Honorable Malama Solomon, Chair
Honorable Maile S. L. Shimabukuro, Vice-Chair
Committee on Water and Land
The Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Senate Bill No. 894 relating to land acquisition

Dear Chair Solomon, Vice-Chair Shimabukuro and Committee Members:

This firm represents Turtle Bay Resort, LLC, and we respectfully submit the following testimony in opposition to Senate Bill No. 894 relating to land acquisition.

Senate Bill No. 894 proposes directing the Governor to negotiate to acquire certain lands of the Turtle Bay Resort and in Section 5 authorizes the use of the State's power of eminent domain to acquire such lands if the parties are unable to reach an agreement.

We question whether the use of the State's power of eminent domain in these circumstances would be constitutional. For example, Section 3 contemplates that if the State is unable to acquire all of the properties by itself, the State may work with, among others, private entities to cooperatively acquire the properties. However, the United States Supreme Court has recognized that the federal Constitution forbids public agencies from taking private land for the purpose of conferring a private benefit on a particular private party. Thus, if the power of eminent domain under Section 5 of Senate Bill No. 894 is exercised to benefit these private entities, Senate Bill No. 894 may be authorizing unconstitutional uses of the State's power of eminent domain.

Thank you for your consideration of the foregoing.

Very truly yours,
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Randall F. Sakumoto

My name is O'Felia I. Pita and I strongly oppose SB 894, Relating to Land

Acquisition.

For the following reasons, I respectfully and strongly oppose SB 894.

The proposed bill represents a woeful disregard for all the constituency of this region and its adjacent communities and seeks to impose the government's ownership of lands that most recently have been managed with a view to upholding the responsibilities intrinsically characteristic to this specific piece of property.

The current owners have embraced the inherent ramifications in establishing an open forum for community input and cooperation in the responsible development of the area. While it is apparent that development on the North Shore has been generally haphazard and irresponsible, the current ownership of Turtle Bay has sought to create a scenario that will be advantageous to more than just outside investors. Contrary to past development plans, the current proposed development has not only reduced the number of hotel rooms to be created, but embraces a perspective that embraces the past and looks to create jobs, improve infrastructure and creates an area that will benefit future generations.

The Resort has provided gainful employment to several generations since the demise of the sugar plantations in the surrounding communities and continues to be one of the primary sources of employment in the area. New development of jobs will enable future generations to stay in the area rather than relocating for other sources of educational, housing and employment opportunities.

I find the concept of EMINENT DOMAIN to be offensive and the support thereof constitutes a blatant disregard for the generations of workers who have strived to make Koolauloa their home. Furthermore, the means by which the government intends to pay for the lands they wish to condemn and acquire privately owned land is irresponsible at best and seeks to make the taxpayers liable for the cost of this venture.

It is for these reasons that I must strongly oppose SB894.
Respectfully,

Date: Feb 20, 2013

Print Name: O'Felia Pita

Print email or Address: 55-644 Maniwa lp Laie HI 96762

My name is Janeth Bruno and I strongly oppose SB 894, Relating to Land

Acquisition.

For the following reasons, I respectfully and strongly oppose SB 894.

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It is for these reasons that I must strongly oppose SB894.
Respectfully,

Date: 2/20/13

Print Name: JANETH BRUNO

Print email or Address: P.O. Box 957, KAHUKU, HI 96731

My name is Marites C. Badua and I strongly oppose SB 894, Relating to Land

Acquisition.

For the following reasons, I respectfully and strongly oppose SB 894.

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It is for these reasons that I must strongly oppose SB894.
Respectfully,

Date: February 20, 2013

Print Name: MARITES C. BADUA

Print email or Address: 54-290 Huehue St. Kahauleu HI 96731