

# Keep the North Shore Country

## House Committee on Water and Land

April 18, 2013, 2:00 p.m., Room 224

Rep Cindy Evans, Chair

Rep Nicole Lowen, Vice-Chair

Rep Denny Coffman

Rep Ty Cullen

Rep Faye Hanohano

Rep Derek Kawakami

Rep Chris Lee

Rep Richard Lee Fale

Rep Cynthia Thielen

### Testimony in SUPPORT of SCR 164

The plan to dramatically expand the Turtle Bay Resort has remained controversial for decades because the size and scope of the proposed expansion is inappropriate for the region. The North Shore - Koolauloa region is world renowned for its beautiful coastline, rural countryside, unparalleled surf and relaxed atmosphere.

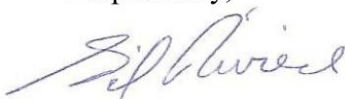
The undeveloped shoreline and wetlands provide important habitat for the endangered Hawaiian Monk seal and other endangered and threatened species. Proximity to the James Campbell National Wildlife Refuge presents an exciting opportunity to make an even greater contribution to wildlife protection through land conservation.

SCR 164 asks the Governor to establish a working group to develop an action plan to explore and identify conservation alternatives for the undeveloped portions of the Turtle Bay Resort and surrounding lands with conservation or historic value.

This region is a global treasure that is attractive to visitors and cherished by nearly all of Oahu's residents. The opportunity to seek a solution to the decades-long controversy must not be lost.

Please pass SCR 164.

Respectfully,



On behalf of the Directors of Keep the North Shore Country

Gil Riviere                      President

Kathleen Pahinui            Vice President

Lucky Cole                     Treasurer

Sally Cole                        Secretary

April 17, 2013

Testimony of Scott McCormack

Before the House Committee on

**WATER AND LAND**

Date of Hearing: Thursday, April 18, 2013

Time: 2:00 p.m.

Location: Conference Room 224

**Representative Cindy Evans, Chair**

**Representative Nicole Lowen, Vice Chair**

In consideration of

SCR 164

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

The Honorable **Representative Cindy Evans**, Chair, **Representative Nicole Lowen**, Vice Chair, and **Committee Members**:

My name is Scott McCormack and I am the Vice-President of Development for Turtle Bay Resort, LLC (“TBR”). I respectfully submit this testimony in support of SCR 164 subject to TBR’s understanding that (i) the working group will serve in an advisory capacity, (ii) negotiations between the Governor’s office and TBR for potential conservation easements over undeveloped lands within the Turtle Bay Resort will be limited to no more than three people (as expressed in SSCR1417 from the Senate Committees on Water and Land and Judiciary and Labor), and (iii) negotiations conclude no later than November 30, 2013.

While TBR feels confident that SB 894, the measure preceding SCR 164, would have been defeated based on opposition to the bill from community members and lawmakers, TBR volunteered to enter into good faith negotiations with the Governor’s office, based on fair market valuation, to determine if an alternative could be found to the acquisition of such lands that made sense for both the State and TBR. TBR remains committed to seeking a resolution, if possible, with the Governor’s office, no later than November 30, 2013, at which time a report will be made to the Legislature as to the outcome of the negotiations. If a resolution is not reached at or prior to the deadline, TBR would hope to have the support of both the Senate and House for its development plan, which has been massively scaled back from that proposed by the previous owner with the input and support of the community.

Thank you for your consideration.

# THE TRUST *for* PUBLIC LAND

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CONSERVING LAND FOR PEOPLE

**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF  
SCR 164 RELATING TO TURTLE BAY  
House Committee on Water & Land  
Thursday, April 18, 2013, 2:00 p.m., Room 224**

Aloha Chair Evans and Members of the Committees:

The Trust for Public Land (TPL) strongly supports SCR 164 relating to Turtle Bay, which requests that the Governor form a working group to identify voluntary conservation alternatives to proposed resort development and explore those alternatives with the landowner before the next legislative session.

The Trust for Public Land is a national non-profit land conservation organization that conserves land for people to enjoy as parks, gardens and other natural places, ensuring livable communities for generations to come. In Hawai'i, the Trust for Public Land has worked with public and private partners to voluntarily conserve over 42,000 acres of land in the State. On O'ahu's North Shore, the Trust for Public Land has helped to conserve Pūpūkea-Paumalū, Waimea Valley, Sunset Ranch, and most recently, the Galbraith Estate. These success stories were made possible by federal, state, and county agencies, local communities, non-profits, and landowners working together to achieve common conservation goals. The Trust for Public Land believes that a similar collaboration can yield very positive voluntary conservation results and strongly supports the resolution.

The Trust for Public Land suggests, however, some minor non-substantive amendments. After consultation with the Department of Land and Natural Resources and the State Office of Planning, the Trust for Public Land recommends that the working group consist of a smaller group of agencies and organizations to eliminate duplication of effort and stream-line the process. The Trust for Public Land was part of former Governor Lingle's Turtle Bay Advisory Working Group, which included many organizations and entities (meetings sometimes included well over two dozen individuals). Although well-intentioned, the process was cumbersome and slow. Given that the landowner has requested progress by November 2013, we recommend a smaller, more agile group consisting of the Governor or his designee, the Chair of BLNR or his designee, a representative from The Trust for Public Land, a representative from the North Shore Community Land Trust, and other entities or organizations as the Governor deems appropriate.

We also recommend that the Legislature allocate resources to support the working group's efforts, including funding for an appraisal or other planning assistance (because of the complexity of the valuation of conservation easements, we recommend at least \$100,000 be set aside). In addition, a small sum (relative to the

size of what could be a very large transaction) such as \$5 million should be set aside now for the purchase of a possible conservation easement over Turtle Bay Resort's makai land for two reasons: (1) it signals the State's commitment to this process to the public and the landowner, and (2) it gives the State and its non-profit partners like the Trust for Public Land an opportunity to seek matching funding from other private and public funding sources.

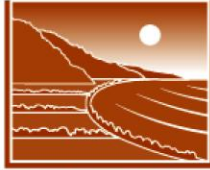
For example, the Trust for Public Land recently purchased the Galbraith Estate land for \$25 million (over 1,200 acres are now with the State Agribusiness Development Corporation, and over 500 acres with the Office of Hawaiian Affairs). Representative Marcus Oshiro was able to set aside \$13 million of general obligation bond authority for the purchase very early in the process in the 2007 legislative session. That \$13 million allowed the Trust for Public Land to raise \$12 million more in matching funding from the City and County of Honolulu (\$4 million), the U.S. Army (\$4.5 million), the Office of Hawaiian Affairs (\$3 million), and a private donor (\$500,000). Without the State's initial commitment of funds, it would have been impossible to raise the remainder. (Of course, the \$5 million is likely to be only a small fraction of what is needed, and if negotiations are successful, further funding will be necessary).

We also want to acknowledge and thank Senator Hee for his leadership and efforts to frame and develop voluntary conservation alternatives to the proposed development. Mahalo for hearing this resolution. Unfortunately, I am on a neighbor island and will be unable to testify in person.

Mahalo for this opportunity to testify.

A handwritten signature in cursive script that reads "Lea Hong". The signature is written in black ink and is positioned above the printed name and title.

Lea Hong  
Hawaiian Islands State Director



NORTH SHORE  
COMMUNITY  
LAND TRUST

**NORTH SHORE COMMUNITY LAND TRUST IN SUPPORT OF  
SCR 164 RELATING TO TURTLE BAY  
House Committee on Water & Land  
Thursday, April 18, 2013, 2:00 p.m., Conference Room 224**

Aloha Chair Evans, Vice Chair Lowen, and Members of the Committee:

North Shore Community Land Trust strongly supports SCR 164 relating to Turtle Bay, which requests that the Governor form a working group to identify voluntary conservation alternatives to proposed resort development and explore those alternatives with the landowner before the next legislative session. Conserving the priceless coastline from Kawela to Kahuku is an important investment in the well-being and happiness of future generations of Hawai'i residents.

Mahalo for this opportunity to testify.

Doug Cole

NSCLT, Executive Director  
P.O. Box 1179, Haleiwa, HI 96712  
808.497.0036  
dougcole@hawaii.rr.com  
www.northshoreland.org

P.O. Box 1179, Hale'iwa, HI 96712 – [www.northshoreland.org](http://www.northshoreland.org)

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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 16, 2013 3:22 PM  
**To:** waltestimony  
**Cc:** mz@conservehi.org  
**Subject:** \*Submitted testimony for SCR164 on Apr 18, 2013 14:00PM\*

**SCR164**

Submitted on: 4/16/2013

Testimony for WAL on Apr 18, 2013 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments:

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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
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**Subject:** Submitted testimony for SCR164 on Apr 18, 2013 14:00PM

**SCR164**

Submitted on: 4/17/2013

Testimony for WAL on Apr 18, 2013 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Blake McElheny	Individual	Support	No

Comments: Aloha. Thank you for the opportunity to provide testimony. I am respectfully requesting that you please support SCR164. Many people from around the world support this important effort to protect the North Shore and sustain our visitor economy. This is an important step toward a cooperative approach to a long-standing issue. Thank you very much for your consideration. Sincerely, Blake McElheny Pupukeya

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