STAND. COM. REP. NO. **3626** 

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

## The Senate Twenty-Third Legislature State of Hawaii

# Record of Votes of the Committee on Water, Land and Agriculture (Bills and Resolutions)

Measure:* Committee Referral: Date: 4/6/06							
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:							
The Recommendation is to:							
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)							
Members	Ayes	Ayes(WR)	Nays	Excused			
KOKUBUN, Russell S. (C)							
HOOSER, Gary L. (VC)							
ENGLISH, J. Kalani							
FUKUNAGA, Carol							
HEMMINGS, Fred							
			Y X				
TOTAL	3			2			
Recommendation:  Adopted Not Adopted							
Chair's or Designee's Signature:  Russells . Koht—							
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy							

<sup>\*</sup>Do not list more than one measure per Record of Votes.

## The Senate Twenty-Third Legislature State of Hawaii

# Record of Votes of the Committee on Tourism (Bills and Resolutions)

Measure:* Committee Ref		Date:	1/4/06				
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is to:							
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)							
Members	Ayes	Ayes(WR)	Nays	Excused			
KIM, Donna Mercado (C)			-				
NISHIHARA, Clarence K. (VC)	<b>Y</b>						
ESPERO, Will				V			
HEE, Clayton	<b>/</b>						
TSUTSUI, Shan S.				<b>√</b>			
SLOM, Sam	<b>/</b>						
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TOTAL	4			2			
Recommendation:							
Adopted Not Adopted							
Chair's or Designee's Signature:							
Clarence & Suskihara							
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy							

<sup>\*</sup>Do not list more than one measure per Record of Votes.

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Intergovernmental Affairs (Bills and Resolutions)

Measure:* SR 131	Committee Referral: WLA/TSM/IGA	Date:					
	. ,	Apri	April 6, 2006				
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:							
The Recommendation is to:							
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)							
Members	Ayes	Ayes(WR)	Nays	Excused			
IGE, David Y. (C)							
KIM, Donna Mercado (VC)							
BAKER, Rosalyn H.			Commission of the second	<u> </u>			
ENGLISH, J. Kalani							
INOUYE, Lorraine R.				<b></b>			
NISHIHARA, Clarence K.							
SLOM, Sam			Tanahasan Marya at Karangan				
				nnas in in a manara a markina a			
TOTAL	5						
Recommendation:	Adopted	N	ot Adopted				
Chair's or Designee's Signature:							
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

<sup>\*</sup>Do not list more than one measure per Record of Votes.