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# HOUSE CONCURRENT 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.

1           WHEREAS, in 1986, the Council of the City and County of  
2 Honolulu approved the Kuilima Expansion Project by issuing a  
3 special management area use permit to Kuilima Development  
4 Company; and  
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6           WHEREAS, this special management area use permit was  
7 adopted after the Land Use Commission issued an order  
8 reclassifying lands in the project area from the agricultural to  
9 the urban district to facilitate the project while imposing  
10 several conditions; and  
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12           WHEREAS, this special management area use permit was  
13 adopted after Kuilima Development Company recorded a Unilateral  
14 Agreement at the Bureau of Conveyances that expressly required  
15 the fulfillment of certain conditions; and  
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17           WHEREAS, this special management area use permit was  
18 adopted in 1986 with the support of a 1985 environmental impact  
19 statement; and  
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21           WHEREAS, the project was to commence immediately after  
22 receiving the special management area use permit; and  
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24           WHEREAS, the significant change in timing and impact of the  
25 project was not contemplated in the 1985 environmental impact  
26 statement and a supplemental environmental impact statement has  
27 not been developed or accepted; and  
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29           WHEREAS, section 11-200-26, Hawaii Administrative Rules  
30 (Department of Health), requires that, when the timing of a  
31 project significantly changes, the environmental impact  
32 statement must be supplemented; and



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2 WHEREAS, community groups have sought an environmental  
3 review of the project and the City and County of Honolulu  
4 Department of Planning and Permitting has declined to do so; and  
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6 WHEREAS, the environmental impact statement failed to  
7 address the impacts on customary and traditional practices of  
8 native Hawaiians; and  
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10 WHEREAS, the development plan calls for the disinterment  
11 of any burial remains inadvertently discovered during the course  
12 of construction activities; and  
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14 WHEREAS, the environmental impact statement identified  
15 known prehistoric settlements in the development area; and  
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17 WHEREAS, it is in the public's interest to fully assess the  
18 environmental impacts of the development taking into special  
19 account the impacts on customary and traditional native Hawaiian  
20 practices; and  
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22 WHEREAS, Kuilima Resort Company, a subsidiary of Oaktree  
23 Capital Management, LLC, current owner of Turtle Bay Resort and  
24 surrounding land, has applied for subdivision permits to move  
25 forward on the twenty-year-old development plan; and  
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27 WHEREAS, there have been significant changes in the  
28 surrounding community along the North Shore, including increased  
29 traffic on Kamehameha Highway and increased popularity of surf  
30 meets and beaches along the North Shore by tourists; and  
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32 WHEREAS, there have been significant changes on the island  
33 of Oahu, including changes to traffic, water demands, schools,  
34 affordable housing needs, and the diminished capacity of  
35 landfills; and  
36

37 WHEREAS, the development of Ko'Olina and Kapolei are  
38 already straining the infrastructure of the island of Oahu,  
39 including healthcare services, landfills, traffic, water, and  
40 affordable housing, and it is questionable as to whether a third  
41 major development can be supported; and  
42

43 WHEREAS, the development will severely impact the work and  
44 lives of people living in the area, as well as on the entire



1 island, including recreational activities, such as beach,  
2 surfing, and fishing access; and  
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4 WHEREAS, the Hawaii Supreme Court affirmed an issuing  
5 agency's right to review, revoke, or modify special management  
6 area use permits in *Morgan v. Planning Department County of*  
7 *Kauai*, 104 Haw. 174, 86 P.3d 982 (2004); now, therefore,  
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9 BE IT RESOLVED by the House of Representatives of the  
10 Twenty-third Legislature of the State of Hawaii, Regular Session  
11 of 2006, the Senate concurring, that the Legislature recommends  
12 that the Administration and the Council of the City and County  
13 of Honolulu examine and evaluate the special management area use  
14 permit, together with the dated environmental impact statement,  
15 and evaluate the record of compliance with the conditions of the  
16 special management area use permit, the Unilateral Agreement,  
17 the Land Use Commission order, and applicable state law; and  
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19 BE IT FURTHER RESOLVED that the Department of Planning and  
20 Permitting, in consultation with the state Office of  
21 Environmental Quality Control, is requested to determine whether  
22 a supplemental environmental impact statement should be prepared  
23 and accepted by the Department before further subdivision  
24 permits are issued for the Kuilima Expansion Project; and  
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26 BE IT FURTHER RESOLVED that certified copies of this  
27 Concurrent Resolution be transmitted to the Director of Health  
28 and Director of the Office of Environmental Quality Control, and  
29 the Mayor, Council Chair, and the Director of the Office of  
30 Planning and Permitting of the City and County of Honolulu.  
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OFFERED BY:

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