
SENATE 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 (EIS); 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, section 11-200-26, Hawaii Administrative Rules
25 (Department of Health), requires an EIS to be supplemented when
26 there are any significant changes to a project; and
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28 WHEREAS, community groups have sought an environmental
29 review of the project and the City and County of Honolulu
30 Department of Planning and Permitting has declined to do so; and
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1 WHEREAS, the EIS failed to address the impacts on customary
2 and traditional practices of native Hawaiians; and

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4 WHEREAS, the development plan calls for the disinternment
5 of any burial remains inadvertently discovered during the course
6 of construction activities; and

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8 WHEREAS, the EIS identified known prehistoric settlements
9 in the development area; and

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11 WHEREAS, it is in the public's interest to fully assess the
12 environmental impacts of the development taking into special
13 account the impacts on customary and traditional native Hawaiian
14 practices; and

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16 WHEREAS, Kuilima Resort Company, a subsidiary of Oaktree
17 Capital Management, LLC, current owner of Turtle Bay Resort and
18 surrounding land, has applied for subdivision permits to move
19 forward on the 20-year-old development plan; and

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21 WHEREAS, there have been significant changes in the
22 surrounding community along the North Shore, including increased
23 traffic on Kamehameha Highway and increased popularity of surf
24 meets and beaches along the North Shore by tourists; and

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26 WHEREAS, there have been significant changes on the island
27 of Oahu, including changes to traffic, water demands, schools,
28 affordable housing needs, and the diminished capacity of
29 landfills; and

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31 WHEREAS, the development of Ko'Olina and Kapolei are
32 already straining the infrastructure of the island of Oahu,
33 including healthcare services, landfills, traffic, water, and
34 affordable housing, and it is questionable as to whether a third
35 major development can be supported; and

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37 WHEREAS, the development will severely impact the work and
38 lives of people living in the area, as well as on the entire
39 island, including recreational activities, such as beach,
40 surfing, and fishing access; and



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

