

MAR 15 2006

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; 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, Oaktree Capital Management, LLC has failed to
28 abide by all conditions of the special management area use
29 permit, the Land Use Commission order, and the Unilateral
30 Agreement; and
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32 WHEREAS, there have been significant changes in the
33 surrounding community along the North Shore, including increased
34 traffic on Kamehameha Highway and increased popularity of surf
35 meets and beaches along the North Shore by tourists; and
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37 WHEREAS, there have been significant changes on the island
38 of Oahu, including changes to traffic, water demands, schools,
39 affordable housing needs, and the diminished capacity of
40 landfills; and
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42 WHEREAS, the development of Ko'Olina and Kapolei are
43 already straining the infrastructure of the island of Oahu,
44 including healthcare services, landfills, traffic, water, and



1 affordable housing, and it is questionable as to whether a third
2 major development can be supported; and

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4 WHEREAS, the development will severely impact the work and
5 lives of people living in the area, as well as on the entire
6 island, including recreational activities, such as beach,
7 surfing, and fishing access; and


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9 WHEREAS, the Hawaii Supreme Court affirmed an issuing
10 agency's right to review, revoke, or modify special management
11 area use permits in *Morgan v. Planning Department County of*
12 *Kauai*, 104 Haw. 174, 86 P.3d 982 (2004); now, therefore,

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14 BE IT RESOLVED by the Senate of the Twenty-third
15 Legislature of the State of Hawaii, Regular Session of 2006, the
16 House of Representatives concurring, that the Legislature
17 recommends that the Administration and the Council of the City
18 and County of Honolulu examine and evaluate the special
19 management area use permit, together with the dated
20 environmental impact statement, and evaluate the record of
21 compliance with the conditions of the special management area
22 use permit, the Unilateral Agreement, the Land Use Commission
23 order, and applicable state law; and

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25 BE IT FURTHER RESOLVED that the Department of Planning and
26 Permitting, in consultation with the state Office of
27 Environmental Quality Control, is requested to determine whether
28 a supplemental environmental impact statement should be prepared
29 and accepted by the Department before further subdivision
30 permits are issued for the Kuilima Expansion Project; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Director of Health
34 and Director of the Office of Environmental Quality Control, and
35 the Mayor, Council Chair, and the Director of the Office of
36 Planning and Permitting of the City and County of Honolulu.

37 *Clarence* *Richard* *Joseph* *David* *John*
38 *Robert* *John* *John* *John* *John*
39 *John* *John* *John* *John* *John*

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