
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, section 11-200-26, Hawaii Administrative Rules
25 (Department of Health), requires an environmental impact
26 statement to be supplemented when there are any significant
27 changes to a project; and

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29 WHEREAS, community groups have sought an environmental
30 review of the project and the City and County of Honolulu
31 Department of Planning and Permitting has declined to do so; and
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1 WHEREAS, the environmental impact statement failed to
2 address the impacts on customary and traditional practices of
3 native Hawaiians; and

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

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9 WHEREAS, the environmental impact statement identified
10 known prehistoric settlements in the development area; and

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

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

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22 WHEREAS, Oaktree Capital Management, LLC has failed to
23 abide by all conditions of the special management area use
24 permit, the Land Use Commission order, and the Unilateral
25 Agreement; 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

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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

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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 Senate of the Twenty-third
10 Legislature of the State of Hawaii, Regular Session of 2006, the
11 House of Representatives concurring, that the Legislature
12 recommends that the Administration and the Council of the City
13 and County of Honolulu examine and evaluate the special
14 management area use permit, together with the dated
15 environmental impact statement, and evaluate the record of
16 compliance with the conditions of the special management area
17 use permit, the Unilateral Agreement, the Land Use Commission
18 order, and applicable state law; and
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20 BE IT FURTHER RESOLVED that the City Council of the City
21 and County of Honolulu, in consultation with the Department of
22 Planning and Permitting, is requested to determine whether a
23 supplemental environmental impact statement should be prepared
24 and accepted based on section 11-200-27, Hawaii Administrative
25 Rules, before further subdivision permits are issued for the
26 Kuilima Expansion Project; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the Director of Health
30 and Director of the Office of Environmental Quality Control, and
31 the Mayor, Council Chair, and the Director of the Office of
33 Planning and Permitting of the City and County of Honolulu.

