

---

# 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.

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  
5

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  
11

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  
16

17           WHEREAS, this special management area use permit was  
18 adopted in 1986 with the support of a 1985 environmental impact  
19 statement; and  
20

21           WHEREAS, the project was to commence immediately after  
22 receiving the special management area use permit; and  
23

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  
28

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  
33



1 WHEREAS, community groups have sought an environmental  
2 review of the project and the City and County of Honolulu  
3 Department of Planning and Permitting has declined to do so; and  
4

5 WHEREAS, the environmental impact statement failed to  
6 address the impacts on customary and traditional practices of  
7 native Hawaiians; and  
8

9 WHEREAS, the development plan calls for the disinterment  
10 of any burial remains inadvertently discovered during the course  
11 of construction activities; and  
12

13 WHEREAS, the environmental impact statement identified  
14 known prehistoric settlements in the development area; and  
15

16 WHEREAS, it is in the public's interest to fully assess the  
17 environmental impacts of the development taking into special  
18 account the impacts on customary and traditional native Hawaiian  
19 practices; and  
20

21 WHEREAS, Kuilima Resort Company, a subsidiary of Oaktree  
22 Capital Management, LLC, current owner of Turtle Bay Resort and  
23 surrounding land, has applied for subdivision permits to move  
24 forward on the twenty-year-old development plan; and  
25

26 WHEREAS, Oaktree Capital Management, LLC has failed to  
27 abide by all conditions of the special management area use  
28 permit, the Land Use Commission order, and the Unilateral  
29 Agreement; and  
30

31 WHEREAS, there have been significant changes in the  
32 surrounding community along the North Shore, including increased  
33 traffic on Kamehameha Highway and increased popularity of surf  
34 meets and beaches along the North Shore by tourists; and  
35

36 WHEREAS, there have been significant changes on the island  
37 of Oahu, including changes to traffic, water demands, schools,  
38 affordable housing needs, and the diminished capacity of  
39 landfills; and  
40

41 WHEREAS, the development of Ko'Olina and Kapolei are  
42 already straining the infrastructure of the island of Oahu,  
43 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

3  
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

8  
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,

13  
14 BE IT RESOLVED by the Senate of the Twenty-third  
15 Legislature of the State of Hawaii, Regular Session of 2006,  
16 that this body recommends that the Administration and the  
17 Council of the City and County of Honolulu examine and evaluate  
18 the special management area use permit, together with the dated  
19 environmental impact statement, and evaluate the record of  
20 compliance with the conditions of the special management area  
21 use permit, the Unilateral Agreement, the Land Use Commission  
22 order, and applicable state law; and

23  
24 BE IT FURTHER RESOLVED that the Department of Planning and  
25 Permitting, in consultation with the state Office of  
26 Environmental Quality Control, is requested to determine whether  
27 a supplemental environmental impact statement should be prepared  
28 and accepted by the Department before further subdivision  
29 permits are issued for the Kuilima Expansion Project; and

30  
31 BE IT FURTHER RESOLVED that certified copies of this  
32 Resolution be transmitted to the Director of Health and Director  
33 of the Office of Environmental Quality Control, and the Mayor,  
34 Council Chair, and the Director of the Office of Planning and  
35 Permitting of the City and County of Honolulu.

36  
37  
38  
OFFERED BY: Cliff He  
William J. Will  
Norman Sakamoto  
Quinn  
John  
Charles  
Ray L. Hoar  
Russell Kohr  
Shanne Chun Oakland