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# 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  
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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

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

