

Turtle Bay traffic at core of appeal

By [Eloise Aguiar](#)
Advertiser Staff Writer

A planned expansion of the Turtle Bay resort would bring an additional 2,050 vehicles per hour on Kamehameha Highway, according to a study cited yesterday by people seeking to force a new environmental study on the project.

The Hawai'i Supreme Court yesterday heard arguments for and against the request for a supplemental Environmental Impact Study.

In 1986, a 236-acre parcel at the resort was rezoned from agricultural to urban use and a plan was proposed to build five new hotels with 3,500 rooms and condominium units and four public parks on a total of 880 acres at Turtle Bay.

Resort owner Kuilima Resort Co. is now moving to act on those plans, but opponents say so much time has passed that an updated environmental study should be done.

Yesterday, representatives of the city and the developer of the project disagreed, with the city claiming the original environmental study completed 24 years ago and subsequent updates are enough to initiate any necessary environmental safeguards.

The attorney for Kuilima argued that the law does not require a supplemental study, which if ordered would set a precedent affecting other ongoing projects that completed EISes in the 1980s.

However, Rory Wicks, attorney for Keep the North Shore Country and the Sierra Club Hawai'i Chapter, which petitioned the Supreme Court hearing, said, "This is the classic case for a supplemental Environment Impact Statement because circumstances surrounding this project have so changed in the last 24 years that the original Environmental Impact Statement is no longer valid."

The projected increase in the volume of cars reflects peak Saturday afternoon traffic in front of the hotel and comes from a 2005 traffic impact study done for Kuilima Resort Co. that was requested by the city when the company sought a subdivision permit for the project.

Wicks also argued that the growing number of visits to the resort's beaches by green sea turtle and monk seals, both protected species, require a supplemental EIS under Hawai'i Environmental Policy Act.

Community groups asked the city to require a supplemental EIS when the developer applied for a subdivision permit after deciding to restart construction at the resort after the project had sat dormant for two decades.

Kuilima attorney Sharon Lovejoy argued that the environmental law and rules left no room for a supplemental EIS. After the hearing Lovejoy said she felt the justices understood that.

"Our strongest argument is the law says what the law says," she said. "The (city Department of Planning and Permitting) agreed and the trial court agreed and the appellate court agreed."

Gil Riviere, president of Keep the North Shore Country, said the Hawai'i Environmental Policy Act clearly calls for the supplemental EIS. "I think (the city) should have ordered a supplemental EIS report up front," Riviere said.

About 80 people packed the Supreme Court, leaving standing room only. People from the North Shore and Windward attended.

Reach Eloise Aguiar at eauiar@honoluluadvertiser.com