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### STORY SUMMARY>>>

An attorney representing Keep the North Shore Country and the Hawaii chapter of the Sierra Club argued before the Hawaii Supreme Court Thursday, telling justices the proposed expansion of Turtle Bay Resort should be required to conduct a supplemental environmental impact statement because of changing traffic patterns.

“The circumstances surrounding this project have so changed in the last 24 years that the original environmental impact statement is no longer valid,” said Rory Wicks.



Because the project’s environmental impact statement was completed in 1985, Wicks argued changing traffic patterns constituted an “increased intensity of environmental impacts.”

“These gridlock traffic conditions will impact the lives of residents of the North Shore in a way that was never predicted,” the attorney said.

Kuilima Resort Company, the owner and developer of Turtle Bay, is close to securing a subdivision permit through a 23-year old unilateral agreement with the city that would allow the construction of five hotels from Kawela Bay to Kahuku Point.

The controversial project would add 3,500 hotel and condo units to an area serviced only by two-lane Kamehameha Highway.

According to data from the original EIS 2,050 car would be added to the roadway every hour on a typical Saturday afternoon if all the hotels were eventually built out.

City attorney Don Kitaoka told justices the city’s Department of Planning and Permitting has been continually monitoring traffic conditions on Kamehameha Highway through traffic impact analysis reports, or TIAR’s, as part of its review process.

“This court should rest assured that those environmental considerations are continuously assessed and that the EIS process has its place and it is a very important place,” he said.

Kitaoka argued the predicted increase in traffic was not enough to trigger another environmental study, adding that Hawaii’s environmental disclosure law only requires a supplemental EIS when there is a drastic change in the size and scope of a project.

“I’m not here to defend the project,” he said, “I’m here to defend the process.”

Kuilima attorney Sharon Lovejoy told justices an incorrect interpretation of the Hawaii Environmental Policy Act could result in significant impacts to land owners across the state

“If the appellants’ interpretation of HEPA were to be adopted,” she said, “than the decision would affect any project in the state that has received its entitlements but has not yet fully developed the project.”

The court took the issue under advisement and it is not known when justices will issue their ruling.