

MAR 05 2014  
 RECEIVED  
 COUNTY OF HAWAII  
 PLANNING  
 DEPT.

**Transmittal Memorandum**

**TO** : Planning Department **By Hand Delivery**  
 County of Hawaii  
 West Hawaii Office

**FROM** : Roy A. Vitousek III

**DATE** : March 5, 2014

**RE** : TMK (3) 2-1-013 (004)  
 Jas. W. Glover, Ltd.

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1	20	3/5/14	Special Permit Application; Exhibits 1 – 10; Plot Plan; List of Owners Within 500'
	1		Full-size site plan
1		3/5/14	County of Hawaii Director of Finance Certificate of Tax Clearance
		2/27/14	Jas W. Glover Ltd. Check No. 14175 in the amount of \$500.00 payable to County Director of Finance for filing fee

- |  |  |
|--|--|
| <input type="checkbox"/> For your information            | <input type="checkbox"/> For signature and return                              |
| <input type="checkbox"/> For your files                  | <input type="checkbox"/> For signature, forwarding,<br>as noted below & return |
| <input type="checkbox"/> Per your request                | <input type="checkbox"/> For review & comment                                  |
| <input type="checkbox"/> Per our conversation            | <input type="checkbox"/> For distribution                                      |
| <input checked="" type="checkbox"/> For necessary action | <input type="checkbox"/> For recording/filing                                  |
| <input type="checkbox"/> Are returned herewith           |  |

SCANNED  
 MAR - 5 2014  
 By: 090338 ✓

REMARKS: Please call us at 329-5811 if you have questions.

C S

Cades Schutte Building  
 1000 Bishop Street, Suite 1200  
 Honolulu, Hawaii 96813  
 Tel: 808.521-9200  
 Fax: 808.521-9210  
 www.cades.com

Kona Office  
 75-170 Hualalai Road, Suite B-303  
 Kailua Kona, Hawaii 96740  
 Tel: 808.329-5811  
 Fax: 808.326-1175

Maui Office  
 444 Hana Highway, Suite 100  
 Kahului, Hawaii 96732  
 Tel: 808.871.6016  
 Fax: 808.871.6017

**EXHIBIT**  
**3**

h

DA/mas

MAR 07 2014

PLANNING DEPARTMENT

County of Hawaii

101 Panahi St., Ste. 3

Hilo, Hawaii 96720

RECEIPT

DATE

MAR 06 2014

No.

379270

RECEIVED FROM

Jas W Glover Ltd

\$500

DOLLARS

890 Leilani St. Hilo HI 96720

FOR RENT

SPP F I F: Jas W. Glover Ltd

FOR

ACCOUNT

500

BAL. DUE

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM

75 2-1-013.624

BY

MJ Myers

**RECEIPT** DATE **MAR 06 2014** No. **379270**

RECEIVED FROM **Jas W Glover Ltd** \$**500.00**

**890 Leilani St. Hilo HI 96720** DOLLARS

FOR RENT **SPP F I F: Jas W. Glover Ltd**

ACCOUNT **500.00**

PAYMENT **500.00**

BAL. DUE

CASH  CHECK  MONEY ORDER  CREDIT CARD

FROM **2-1-013,004** BY **[Signature]**

PLANNING DEPARTMENT  
County of Hawaii  
101 Pauahi St., Ste. 3

**JAS W GLOVER LTD**  
890 LEILANI ST.  
HILO, HI 96720

**14175**  
59-102/1213  
55

2/27/2014

PAY TO THE ORDER OF **COUNTY DIRECTOR OF FINANCE**

Five Hundred Only **\*\*500.00** \$

DOLLARS

MEMO 5170/0100-4200 (MPG)

14175 12130281 0055048657

**[Signature]**  
AUTHORIZED SIGNATURE

Security Features Included

Details on Back

SPECIAL PERMIT APPLICATION  
COUNTY OF HAWAII  
PLANNING DEPARTMENT

MAR 05 2014  
RECEIVED  
COUNTY OF HAWAII  
PLANNING  
DEPT.

(Type or Print the requested information)

APPLICANT Jas. W. Glover, Ltd.

APPLICANT'S SIGNATURE: *Byron Fujimoto*

DATE: March 5, 2014

ADDRESS: 890 Leilani Street

Hilo, HI 96720-4529

LIST APPLICANT'S INTEREST IF NOT OWNER: Licensee (Quarry Operator)

TELEPHONE: (Bus.) 808-935-0871 (Home) n/a (Fax) 808-961-9237

REQUEST: New Quarry Site

TAX MAP KEY: (3) 2-1-013: 004

ZONING: A-5a

AREA OF PROPERTY/AREA OF REQUESTED USE 140.368 Ac. / 85.338 Ac.

LANDOWNER: Kamehameha Schools

LANDOWNER'S SIGNATURE: See Exhibit 2 hereto.

DATE: 2/26/14

(May be by letter)

LANDOWNER'S ADDRESS: c/o Marissa Harman, Land Asset Manager

P. O. Box 495

Paauilo HI 96776

Applicant's

AGENT: Roy A. Vitousek III, Cades Schutte LLP (see attached authorization)

ADDRESS: 75-170 Hualalai Rd., Ste. B-303

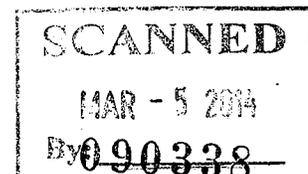
Kailua-Kona HI 96740

email: rvitousek@cades.com

TELEPHONE: (Bus.) 808-329-5811 (Home) n/a (Fax) 808-326-1175

Please indicate to whom original correspondence and copies should be sent to:

ORIGINAL Byron Fujimoto, Jas. W. Glover COPIES: Roy A. Vitousek III



William P. Kenoi  
Mayor



Nancy E. Crawford  
Finance Director

Deanna S. Sako  
Deputy Director

## County of Hawai'i

### DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center, 101 Pauahi Street, Suite No. 4 • Hilo, Hawai'i 96720-4224 • Fax (808) 961-8415  
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282  
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740  
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880  
Website: [www.hawaiipropertytax.com](http://www.hawaiipropertytax.com)

### REAL PROPERTY TAX CLEARANCE

Date: March 5, 2014

TMK(s): (3) 2 - 1 - 013 - 004 - 0000

This is to certify that the real property taxes due to the County of Hawai'i on the parcel(s) listed above have been paid for the tax year 2013 - 2014 up to and including June 30, 2014.

The County's real property taxes are levied on July 1<sup>st</sup> each year. The taxes become a lien on the property assessed as of the levy date.

This clearance was requested on behalf of B P BISHOP TRUST ESTATE for the County Planning Department and is issued for this/these parcel(s) only.

  
\_\_\_\_\_  
REAL PROPERTY TAX DIVISION

**Paid up to and including June 30, 2014**

Tax Clearance for Planning Department (rev. 12/09)

DATE: February 27, 2014  
TO: Planning Department, County of Hawaii  
FROM: Jas. W. Glover, Ltd.  
RE: Authorization to Representation in Special Permit Application for Quarry  
Operations Relative to TMK No. (3) 2-1-013: 004 (por.) (85.338 acres)

We hereby authorize the Planning Department to communicate with and authorize Roy A. Vitousek III and Cades Schutte, LLP, to represent our interests, as Licensee under an agreement with Kamehameha Schools relative to the property identified above, in an application to the County of Hawaii for a Special Permit for quarry operations on an 85.338-acre portion of the identified property.

JAS. W. GLOVER, LTD.

By   
Byron Fujimoto

APPLICANT

**SPECIAL PERMIT APPLICATION**  
**BACKGROUND REPORT**

**JAS. W. GLOVER, LTD.**  
**SPECIAL PERMIT APPLICATION**

Jas. W. Glover, Ltd., is applying for a Special Permit for quarry and other support services and accessory uses on the 140-acre parcel of land identified as TMK (3) 2-1-013:004 (see **Exhibit 1** attached hereto). This parcel is owned by Kamehameha Schools and is situated within the State Land Use “Agricultural” District. The parcel is located east of the Hawaii National Guard Site and Hilo International Airport and is approximately 3,000 feet west of the County’s Sewer Treatment Plant Site at Honohonou, South Hilo, Hawaii (TMK: (3) 2-1-013: portion of 4). These lands are subject to a quarry license between Kamehameha Schools and Jas. W. Glover, Ltd. (see attached letter dated February 26, 2014, from Kamehameha Schools to Planning Department, **Exhibit 2** attached hereto). Access to TMK (3) 2-1-013:004 was granted by Final Order of Condemnation and Stipulated Judgment filed by the Third Circuit Court in April 1964 to the Estate of Bernice Pauahi Bishop, now known as Kamehameha Schools (see **Exhibit 3** attached hereto). The entire 140 acres of TMK (3) 2-1-013:004 will be referred to from here on as the “Licensed Area.”

The County of Hawaii Planning Commission has previously issued five separate special permits authorizing quarry operations on project sites within the Licensed Area. One of these permits has expired and four are still active and comprise a total of 55.03 acres. Before January 2012, Kamehameha Schools had leased a 49.9982 portion of the Licensed Area to Yamada & Sons, Inc. as a quarry site. Special Permit 936 issued to Applicant Yamada & Sons on July 25, 1996 has expired. Special Permit 1107 was issued to Applicant Yamada & Sons on March 29, 2001. Permit SP 1107 is attached hereto as **Exhibit 4**. On July 28, 1998, the Planning Commission issued SP 1008 to Jas. W. Glover, Ltd., for a 14.99-acre quarry site on TMK (3) 2-1-013: por. 004. See **Exhibit 5** hereto. On October 3, 2003, the Planning Commission issued SP 1221 to Jas. W. Glover, Ltd., for a 14.99-acre quarry site on TMK (3) 2-1-013: (por. 004). See **Exhibit 6** attached hereto. On March 7, 2013, the Planning Commission issued SP 12-000145 to Jas. W. Glover, Ltd., for a 10.15-acre quarry site on TMK (3) 2-1-013: (por. 004). See **Exhibit 7** attached hereto. Quarrying operations have been or are being conducted on the areas covered by Special Permits Nos. 1107, 1008, 1221 & 12-000145.

Consequently, of the 140-acre Licensed Area 55.03 acres are already covered by special permits issued by the County of Hawaii Planning Commission and Windward Planning Commission. Jas. W. Glover, Ltd., is applying for a Special Permit to conduct quarrying operations on the portions of the Licensed Area not currently covered by existing special permits. This area consists of 85.34 acres of land as shown on **Exhibit 8** attached hereto. This area will be referred to as the “Project Site.”

Applicant believes that an application to the Windward Planning Commission for consideration by the State Land Use Commission pursuant to HRS § 205-6 is the appropriate permitting track for the Project Site. The Project Site area is greater than 15 acres, this is a special and unusual use of lands in the agricultural district, and there is a history of special permits for quarry operations in this very specific geographic area in Hawaii County.

## GENERAL INFORMATION

1. **Landowner of Property:** The Project Site is owned by Kamehameha Schools. A quarry license was granted to Jas. W. Glover, Ltd., on June 1, 1997, for approximately 80 acres of the Licensed Area for a period of 30 years. A quarry license was granted to Jas. W. Glover, Ltd., on January 15, 2012, for 49.9982 acres, comprising the balance of the Licensed Area, for a period of 15 years. (See **Exhibit 2** attached hereto.)
2. **Landowner of Access:** The State of Hawaii owns the access road. Kamehameha Schools and its lessees have temporary right of access via this road until such time as more formal access is developed by the State. The Final Order of Condemnation and Stipulated Judgment dated April 29, 1964, entered by the Circuit Court of the Third Circuit in State of Hawaii v. Midkiff, et al., Civil No. 611, condemned Kamehameha Schools' lands for extension of the airport runway and left the subject parcel landlocked but granted that a right of way from and to a public road shall be provided by the State of Hawaii to Kamehameha Schools. See **Exhibit 3**. The State has yet to finalize the permanent right of way.

## APPLICANT'S REQUEST

3. **Request:** The Applicant is requesting a Special Permit to establish a quarry on the Project Site. The material to be quarried is aggregate and rock for commercial operations. The material is largely basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards will be removed and either processed on site or transported to Jas. W. Glover Ltd.'s Hilo operations site on Leilani Street.
4. **Hours of Operation:** Normal quarry production hours would be from 6:00 a.m. to 6:00 p.m., Monday through Friday. Work may occur at other times and days, depending upon demand.
5. **Operations:** During normal production, the traffic impact on the access road will be between 15 and 50 truckloads of material per day. Dust mitigation measures, such as watering trucks, will be used and all activities will conform to State Department of Health regulations.
6. **Employees:** Approximately 2-8 employees will be on site for quarrying purposes. Additional employees may be required as production facilities are added.

## DESCRIPTION OF STATE AND COUNTY PLANS

7. **State Land Use District:** Agricultural.
8. **General Plan Land Use Pattern Allocation Guide (LUPAG) Map:** Industrial; Important Agricultural Land; Extensive Agricultural Land.
9. **County Zoning:** Agricultural (A-5a).
10. **Hilo Community Development Plan:** A-40a.

11. **SMA:** The subject property is not located within the Special Management Area.

**DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA:**

12. **Subject Property:** The subject project is located near the County of Hawaii Landfill in Waiakea, South Hilo. The subject property is a 140-acre parcel designated as TMK (3) 2-1-013:004. The County of Hawaii has approved special permits authorizing quarrying operations on 55 of the 140 acres. The Applicant now proposes to use the remaining 85.34 acres of property for a quarry. The parcel is the remaining unpermitted portion of the Licensed Area. Establishing quarry permits for the entire Licensed Area is the rationale for the present Application.
13. **Land Study Bureau's Overall Productivity Rating:** "E" or Very Poor.
14. **USDA Soil Survey Report:** Soils at the Project Site are classified as Paipai series (rPae) and Lava Flows Pahoe-hoe (rLW). Paipai series consists of well-drained, thin, extremely stony organic soils over fragmental A`A lava. Permeability is rapid, runoff is slow, and the erosion hazard is slight. Lava Flows Pahoe-hoe have no soil covering and are typically bare of vegetation.
15. **Flood Insurance Rate Map (FIRM):** Zone X, outside the 500-year flood area.
16. **ALISH:** Unclassified.
17. **Flora/Fauna/Archaeological Resources:** See attached archaeological survey, **Exhibit 9** attached hereto.
18. **Valued Cultural Resources:** No traditional and customary native Hawaiian rights are exercised in the area.

A review of the September 2013 Archaeological Survey by Glenn G. Escott, M.A., attached hereto as **Exhibit 9**, discloses that there are no significant valued cultural, historical, or natural resources on the property and that there are no traditional and customary native Hawaiian rights exercised on the Project Site. The Project Site is located in the ahupua`a of Waiakea. Waiakea has played a significant role in the cultural history of Hawaii and there are significant valued cultural, historical, and natural resources in Waiakea, but not on the Project Site.

The Project Site is inland from the coast and is a rugged, rocky area unsuitable for agricultural use. The flora at the Project Site consists of a forest of mixed native and introduced species. There is no evidence of any archaeological sites on the Project Site.

"The studies suggest that the lack of sites in the region is the result of the rugged and inhospitable landscape, having little fertile soil or arable land, being thickly forested and subject to high rates of rainfall." (See **Exhibit 9** at p. 21.)

The probable uses of the area prehistorically were for "trapping birds and collecting plants, including plentiful pandanus or hala" (Kelly, et al., 1981:20). Trapping birds is no

longer a permitted activity and, as stated, hala is plentiful in this and other areas in East Hawaii.

There were no Land Commission Awards within or near the Project Site. The lands of Waiakea became Crown Lands in the Mahele of 1848. The Project Site was part of the lands awarded to the Bishop Estate by Land Court Appeal (#443). Kamehameha Schools is the fee owner of the Project Site and has issued a quarry license to Applicant.

There is an old overgrown dirt road that traverses the central portion of the Licensed Area. This dirt road traverses the areas covered by SP 12-000145 (2013). The Applicant's archaeologist consulted with the Department of Land and Natural Resources, State Historic Preservation Division, the County, and Na Ala Hele in 2013 and it was determined that, while the dirt road is likely more than 50 years old, it was not a public road or trail and that no further archaeological work would be required. See copy of email communication from Applicant's archaeology consultant attached hereto as **Exhibit 10**.

Based on the foregoing,

(1) It does not appear that there are valued cultural, historical, or natural resources on the Project Site and it does not appear that traditional and customary native Hawaiian rights are exercised on the Project Site.

(2) It does not appear that any resources or rights will be adversely affected or impaired by the proposed action.

(3) The Planning Commission could require the Applicant to avoid damage to the Puna Trail, to comply with a restoration plan required by Kamehameha Schools, and to impose standard conditions relative to the appropriate legal protocol if archaeological resources or burials are discovered.

19. **Surrounding Land Use Designation/Uses:** Adjacent lands to and in the immediate vicinity are zoned Agricultural (A-5a and A-20a) and Light Industrial (ML-20). Surrounding uses include the Hawaii County transfer station and landfill sites, existing quarry operations, a skeet range, and vacant State-owned lands. The Hilo International Airport runway is located to the North; and the Hawaii National Guard Military Reservation is located to the southwest.

## **PUBLIC SERVICES AND FACILITIES**

20. **Access:** Access to the quarry site is via Leilani Street onto the County landfill access road that is paved. From the landfill access road, the Applicant uses an existing 20-foot-wide right of way over State land that consists of hard packed gravel. There is a security gate approximately midway with limited access to the quarry area. This section of the road is approximately 25-30 feet wide and partially paved to a width of approximately 16 feet. The quarry site is approximately 1.5 miles from the intersection of the landfill access road and the State easement. Once on the subject property, the Applicant has paved approximately 0.5 mile for an access driveway on the western edge of the actual quarry site.
21. **Traffic Impacts:** Existing traffic is limited to the mobilization of quarry crews and equipment to and from the nearby quarry, the haul trucks removing material from the quarry to Glover's crushing facilities, and the intermittent traffic from supervisory and

support vehicles for the operation. This pattern of traffic will remain with the proposed quarry permit.

22. **Utilities:** Water, sewer, and electricity are not available at the subject property. Portable restrooms will be brought to the property. As needed, tanker trucks will be brought in for dust mitigation measures along the access road. The Applicant proposes to conform to State Department of Health regulations.

**ITEMS INCLUDED WITH APPLICATION:**

- Exhibit 1.** Map showing location of proposed quarry, showing metes and bounds for legal description and cross-checked with new plat map. (Inaba Engineering).
- Exhibit 2.** February 26, 2014, letter from Kamehameha Schools (quarry agreement with Jas. W. Glover)
- Exhibit 3.** 4/29/64 Final Order of Condemnation and Stipulated Judgment giving access to TMK (3) 2-1-013: 004
- Exhibit 4.** Special Permit No. 1107 to Yamada & Sons, Inc.
- Exhibit 5.** Special Permit No. 1008 to Jas. W. Glover, Ltd.
- Exhibit 6.** Special Permit No. 1221 to Jas. W. Glover, Ltd.
- Exhibit 7.** Special Permit No. 12-000145 to Jas. W. Glover, Ltd.
- Exhibit 8.** Map showing Project Site, Remainder of Lot 47-D-3-B-2
- Exhibit 9.** September 2013 Draft Archaeological Assessment report for Project Site and February 24, 2014, submittal letter to SHPD
- Exhibit 10.** February 6, 2013, Glenn Escott email communication

### **Applicant's Reasons for Requesting a Special Permit:**

- A. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The subject property does not exist in or impact any coastal zone management area or program. There are no current existing public access, no scenic or open space resources, and no coastal view planes and coastal ecosystems that will be impacted by the quarrying operation.
- B. The quarrying of aggregate and rock from the subject property is not contrary to the objectives of the State land use law and regulations. The site has not been used for any agricultural purposes. The area has soils such as "A'A" and "Blue Rock" which are conducive to quarrying activities.
- C. The desired use shall not adversely affect the surrounding properties. There are no dwellings or urban developments within 300 feet of the perimeter of the boundary of the Project Site. The surrounding properties are owned by the State of Hawaii.
- D. The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Existing roads to the property already exist, which are suitable for the use of the Applicant. Roads within the property are not used by the general public. Utilities such as water, sewer, etc. are not required for the quarrying activities.
- E. No unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.
- F. The land is suited for quarrying purposes. It has both prior quarried sites and an ongoing active quarry site nearby.
- G. The proposed use will not substantially alter or change the essential character of the land and the present use. The existing topography will be lowered due to the removal of aggregates and rock from the site.
- H. The proposed use is not contrary to the goals, policies, and standards of the General Plan and other applicable documents such as community development plans and design plans.
- I. The proposed use is an unusual and reasonable use of land, which would not be contrary to the objectives to be sought by land use law and regulations. The proposed quarry site is located in an isolated area. Public access to the site is restricted.

**Exhibit 1**



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**Exhibit 2**



## KAMEHAMEHA SCHOOLS

February 26, 2014

County of Hawaii  
Planning Department  
Mr. Duane Kanuha, Director  
Aupuni Center, 101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

Dear Mr. Kanuha:

Special Permit Application, Jas W. Glover, Ltd.  
TMK No. (3) 2-1-013-004 (Portion), Honohonou, Waiākea, South Hilo, Hawaii

---

Kamehameha Schools (KS) has an agreement with Jas W. Glover for the subject Tax Map Key for the purpose of mining rock and cinders from the property. Locating this operation on the property makes good economic sense based on the available resource.

If you would like to discuss this matter in greater detail, please do not hesitate to call me at 776-7527.

Sincerely,

Marissa Harman, Land Asset Manager  
Land Assets Division – Hawaii Island

**Exhibit 3**

CIVIL NO. 611

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Kashiwa, its Attorney General,

Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,

Defendants.

FINAL ORDER OF CONDEMNATION

3RD CIRCUIT COURT  
STATE OF HAWAII  
HILG. HALL  
1984 Nov 29 AM 8 57  
TERRY KAEDZ  
CLERK

BERT T. KOBAYASHI  
Attorney General  
State of Hawaii  
Iolani Palace Grounds

JOHNSON H. WONG  
Deputy Attorney General  
869 Punchbowl Street  
Honolulu, Hawaii  
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Kashiwa, its Attorney General,  
Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,  
Defendants.

FINAL ORDER OF CONDEMNATION

Pursuant to the Stipulated Judgment entered and  
filed herein, which Stipulated Judgment has been fully  
satisfied,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Parcels 3 and 3-2, together with all  
improvements and appurtenances thereunto belonging, as  
described in the Complaint and the Order Ascending Complaint  
filed herein, are for the construction of the extension to  
Runway 8-26 of the General Lyman Field at Honohehenui,  
South Hill, Island of Hawaii, State of Hawaii, and title  
thereto is hereby vested in the STATE OF HAWAII, in fee  
simple absolute, free and clear of all liens and en-  
cumbrances;
2. That said parcels of land are more particularly  
described as follows:

PARCEL 3

Being a portion of Lot 47-D, as shown on  
Map 11 of Land Court Application 433,  
covered by Owner's Certificate of Title  
No. 28,676, filed in the Office of the  
Assistant Registrar of the Land Court

Land situated at Manohonouui, South Hilo, Island of Hawaii, Hawaii

Beginning at the Northwest corner of this piece of land, on the boundary between Hawaiian Homes Land (Keaukaha Tract 1) and Land Court Application 433, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halei" being 2,469.31 feet North and 21,425.86 feet East, thence running by azimuths measured clockwise from true South:

1. 270° 00' 309.37 feet along the remainder of Lot 47-D, Map 11 of Land Court Application 433;
2. 180° 00' 50.00 feet along same;
3. 270° 00' 1046.73 feet along same;
4. 344° 19' 1762.21 feet along Hawaiian Homes Land (Keaukaha Tract 2) and along Government Land of Volakua;
5. 06° 19' 643.79 feet along the remainder of Lot 47-D, Map 11 of Land Court Application 433;
6. 154° 49' 2065.26 feet along Hawaiian Homes Land (Keaukaha Tract 1) to the point of beginning and containing an area of 46.119 Acres.

PARCEL 3-B

Being a portion of Lot 47-D, as shown on Map 11 of Land Court Application 433, covered by Owner's Certificate of Title No. 28,672, filed in the Office of the Assistant Registrar of the Land Court

Land situated at Manohonouui, South Hilo, Island of Hawaii, Hawaii

Beginning at the Southeast corner of this piece of land, on the boundary between Hawaiian Homes Land (Keaukaha Tract 2) and Land Court Application 433, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halei" being 2,519.31 feet North and 22,781.96 feet East, thence running by azimuths measured clockwise from true South:

1. 90° 00' 1046.73 feet along the remainder of Lot 47-D, Map 11 of Land Court Application 433;

- 2. 0° 00' 50.00 feet along same;
- 3. 90° 00' 50.00 feet along same;
- 4. 180° 00' 75.00 feet along same;
- 5. 270° 00' 1009.71 feet along same;
- 6. 344° 19' 25.97 feet along Hawaiian Homes Land (Kaunakaha Tract 2) to the point of beginning and containing an area of 0.685 Acre.

DATED: Hilo, Hawaii, APR 29 1964

*A. M. Tolson*  
 Judge of the Above-entitled Court



Description Corrected  
*A. K. Yabuta*  
 Civil Engineer  
 Date 3/31/64

-3-

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in the office of the Clerk of the Third Circuit Court of the State of Hawaii, at Hilo, APR 29 1964  
*[Signature]*  
 Clerk, Third Circuit Court, State of Hawaii

CIVIL NO. 611

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Kashiwa, its Attorney General,  
Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,  
Defendants.

STIPULATED JUDGMENT

3RD CIRCUIT COURT  
STATE OF HAWAII  
1964 APR 29 AM 8 55  
TERRY KAIDE  
CLERK

HERT T. KOBAYASHI  
Attorney General  
State of Hawaii  
Iolani Palace Grounds

JOHNSON H. WONG  
Deputy Attorney General  
869 Punchbowl Street  
Honolulu, Hawaii

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Rashiwa, its Attorney General,

Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,

Defendants.

STIPULATED JUDGMENT

Pursuant to the consent of the State of Hawaii,  
Plaintiff, and the Defendants, through their attorneys, and  
the record on file herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the public use to be served by the con-  
demnation of Parcels 3 and 3-B, as described in the Complaint  
and the Order Amending Complaint filed herein, are for the  
construction of the extension to Runway 8-26 of the General  
Lyman Field at Honoheonui, South Hilo, Island of Hawaii,  
State of Hawaii.
2. That the aforesaid public use requires the  
taking by the Plaintiff of said parcels of land in fee simple  
absolute, free and clear of all liens and encumbrances, with  
all improvements and appurtenances thereunto belonging.
3. That the just compensation and damages for the  
taking of Parcels 3 and 3-B, together with all improvements  
and appurtenances thereunto belonging, in fee simple absolute,  
including any and all damages of whatsoever nature, is the  
total sum of \$14,000.00.

4. That the Defendants, Trustees of the Estate of Bernice Pauahi Bishop, deceased, are the owners of Parcels 3 and 3-B, and that Defendants Robert Mitsugi Yamada and Emma Keliimoewai Yamada are the Lessees of said parcels of land.

5. That the Chief Clerk of this Court shall pay the just compensation and damages in the amount of \$14,000.00 to the following persons as follows:

Trustees of the Estate of Bernice Pauahi Bishop, deceased . . . . .	\$13,000.00
Robert Mitsugi Yamada and Emma Yamada . . . . .	1,000.00

SUBJECT, HOWEVER, to Sections 8-34 and 8-35, Revised Laws of Hawaii 1955.

6. That the Plaintiff having already deposited with the Chief Clerk of this Court the sum of \$12,241.20, it shall deposit the additional sum of \$1,758.80.

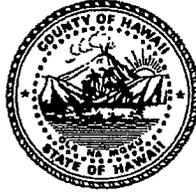
7. That a right of way from and to a public road shall be provided by the State of Hawaii to and from Parcel 3-A, which parcel is shown on Exhibit A attached to the Complaint filed herein, to be used by the owners of said parcel or their successors and assigns until such time as some other mode of access shall be made available to and from said Parcel 3-A.

8. That the temporary easement over and across Parcel 3 is herewith terminated and that final order of condemnation vesting title to Parcels 3 and 3-B in fee simple absolute, free and clear of all liens and encumbrances may be entered herein.



**Exhibit 4**

Harry Kim  
Mayor



Geraldine M. Giffin  
Chairperson

## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL  
7000 0600 0024 2904 2404

March 29, 2001

Robert E. Bethea, Esq.  
688 Kinoole Street, Suite 105  
Hilo, HI 96720

Dear Mr. Bethea:

Special Permit Application (SPP 01-02)  
Applicant: Yamada & Sons, Inc.  
Request: Establish a Quarry and Related Uses  
Tax Map Key: 2-1-13:portion of 4

The Planning Commission at its duly held public hearing on March 16, 2001, voted to approve the above-referenced application. Special Permit No. 1107 is hereby issued to establish a quarry and related uses on approximately 14.906 acres of land in the State Land Use Agricultural District. The project site is located adjacent to existing quarry sites, to the east of the Hawaii National Guard Site, and northeast of the County's Sanitary Landfill, Honohonouui, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant, Yamada & Sons, Inc. is requesting a Special Permit in order to expand their existing quarry uses. Original quarry uses were established on the subject property on approximately 10 acres of land with approval by the Traffic and Planning Commission in 1962. Subsequently in 1996, the Planning Commission approved Special Permit No. 936, to allow the applicant to expand on an approximately 14.9 acres adjacent to the existing pit in order to quarry basaltic "blue rock" which is good for asphalt/concrete mixing, concrete and landscaping purposes. Yamada and Sons, Inc. is presently requesting that they be allowed to further expand the existing quarry on additional 14.9 acres of land adjacent to the existing pit. The license agreement with Bernice Pauahi Bishop Estate is for approximately 50 acres of land.

The proposed use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would promote the

002747

MAR 29 2001  
Exhibit 4

effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map. In addition, approval of a Special Permit for this quarry, will not introduce a new use that would be detrimental to the County's inventory of Agricultural lands as the project site has previously been quarried and has not been actively used for agricultural activities.

Lands within agricultural districts might not always be best suited for agricultural activities and yet classified as such. Recognizably, there are certain types of uses which may not be strictly agricultural in nature, yet reasonable in such districts. As such, the legislature has provided for the Special Permit process to allow for certain unusual and reasonable uses within the Agricultural district. The subject property is situated within the County's Agricultural-20 acres (A-20a) zone district. The proposed quarry operation would be situated on a 14.9-acre portion of a 137.3-acre parcel. The applicant has quarried in this location since 1962, when it first secured a variance from the Planning and Traffic Commission, with expansion of the area in 1996 for another 14.9 acres. The additional 14.9 acres of land proposed to be used will allow the applicant to continue ongoing quarry activities in the area by further obtaining "blue rock" material. Although the State Land Use Commission expressed some concerns regarding a new permit rather than an amendment to the existing permit, the Planning Director had no objections to a separate permit being secured for the additional quarry area. Expansion of the quarry use, is unlike a development, where there is full build-out at some point in time. Rather, in a quarry operation, as the quarry expands, the applicant is actually looking for new areas, leaving behind areas that have been excavated and where the desired materials may no longer be available.

Finally, the additional 14.9 acres taken out of the agricultural inventory for this area will not significantly affect the agricultural resources or potential of the area nor displace any active agricultural activity since this parcel has not been in agricultural use. There is also another quarry operation on the same subject property for Jas W. Glover on a northeastern portion of the parcel. Allowing continuous use of a quarry on an expanded area by the applicant would be an unusual and reasonable use of the land. Therefore, based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management program.

Based on a previous archaeological study submitted by the applicant for an earlier request (SPP 936) for the wastewater treatment plant, and according to the applicant, the parcel has been previously cleared; therefore, it is unlikely that any archaeological features and threatened species of plants or animals are present on the property. There is no designated public access to the mountain areas over the property. The subject property is located over one mile from the nearest shoreline and is adjacent to existing quarry and industrial uses. The proposed development will not impact any recreational, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Finally, due to its location, it is not anticipated that the proposed activities would significantly obstruct any ocean (makai) views or significantly affect view planes. Therefore, the approval of the subject request shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan Land Use Pattern Allocation Guide Map (LUPAG) Map, which designates the property for Industrial and Orchard uses. The project would complement the following goals and policies of the General Plan:

*Land Use:*

- \* Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- \* Industrial activities may be located close to raw material or key resources. The ability of the subject property to provide the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.
- \* Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

*Economic:*

- \* The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.
- \* Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.

- \* The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

*Natural Resources and Shoreline Elements:*

- \* Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- \* The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.

In order to provide for raw construction materials that is vital to our construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to our construction industry. The establishment of the proposed quarry in this particular location will not adversely impact our agricultural resources, as many of the uses are industrial in nature.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, the airport, skeet range, other quarry operations, the Hawaii National Guard training facility and vacant State-owned lands. There are no dwellings or urban developments within this immediate vicinity. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health. Further, the property is of sufficient size, 137+ acres, to minimize any physical, social or other impacts that the activity may have on the surrounding area. From a visual and public safety standpoint, a condition will be included to require the applicant to restore the area to a state which would blend with the surrounding topography of the area. All required measures to minimize traffic, dust and noise will be adhered to by the applicant. Finally, as a condition of approval, hours of operation shall be limited to the hours between 6:00 a.m. to 6:00 p.m. daily.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is presently being quarried and the request is to continue quarry activities in an expanded area. Surrounding parcels are also in quarry use and industrial-related activities.

The use will not substantially alter or change the essential character of the land and the present use. The physical character of the area has already been altered due to previous and ongoing quarry activities. The applicant originally secured a variance from the Planning and Traffic Commission in 1962 to conduct quarry activities in this vicinity. There is a separate quarry permit for Jas W. Glover (SPP No. 1008) further north on the same subject parcel. Special Permits were also secured for quarry activities in 1996 on TMK: 2-1-13:2, southwest of the area, by Jas W. Glover, Yamada and Sons, Inc. and Kiyosaki Tractor Works. Further, the applicant would be required to submit an Erosion Control and Site Restoration Plan as a requirement of the permit. This condition of approval will ensure that the restoration, visual and public safety concerns will be mitigated to the best extent possible.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying operations are resource-based, sites are locationally restricted. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site. Although quarry operations, due to its noisy, dusty and hazardous conditions, are typically permitted on Industrial-zoned lands, raw material may not always be available on industrial-zoned sites. With a vast amount of Agricultural-designated lands within the County of Hawaii, it can be anticipated that many of these resource sites will be discovered on these Agricultural-designated lands. Through the special permit process, however, appropriate review of criteria is conducted for considering the granting such requests. In this particular situation, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing this activity on the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. Access to the proposed quarry will be from the existing paved landfill access road onto State land, of which the applicant has been granted permission to use. The quarry is approximately one mile from the landfill access road. The beginning section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to approximately 40 feet wide and is paved. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Agencies reviewing the request had no objections to the quarry.

The subject parcel was originally cleared by the applicant. Previous archaeological surveys in the area determined that there are no significant sites or resources that are endangered. Further, it was determined that the area is not listed on the Hawaii or National Register of Historic Sites. However, due to concern by the Department of Land and Natural Resources regarding the Puna Trail, a condition is included to require a letter of clearance.

Based on the above considerations, the proposed expansion of an existing quarry operation within the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

We should note that the prior Special Permits approved by the Planning Commission included a condition that limited the life of the permit to a specific time period or which ran co-terminous with the terms of the license agreement between the landowner to the applicant. Upon re-evaluation, due to the nature of a quarry with its limited life based on availability of material, there will not be a condition to limit the life of the Special Permit for this quarry. In this particular case, there is no concern regarding the impact to surrounding properties or communities, no adverse impact to traffic or public services, and no adverse impact to the environment. However, a condition will be included to require the applicant to notify the Planning Department upon termination/abandonment of the quarry operation.

Approval of this request is subject to the following conditions. However, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Quarry operations shall commence within two (2) years from the effective date of this permit with a written notification to be submitted to the Planning Department. Photographs of the area and a description of the topography of the project site and its related surrounding areas, reflecting the area prior to commencing operations, shall also be submitted with the notification.
3. Prior to any land clearing activities or commencing operation of the quarry, the applicant shall submit to the Planning Department a written letter of clearance regarding the Puna Trail from the Department of Land and Natural Resources -- Na Ala Hele Program.

4. Prior to commencing construction of any structures, Final Plan Approval for those structure(s) shall be secured from the Planning Department in accordance with Chapter 25-2-70 (Zoning Code). Plans shall identify any proposed structures and parking associated with the proposed quarry operation.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. An Erosion Control and Site Restoration Plan shall be submitted for review and approval by the Planning Director, in consultation with the Department of Public Works, one year prior to the termination of quarry activities.
7. Upon termination of the quarry operation or abandonment of the quarry activities, the land shall be graded to blend with the surrounding area and rehabilitated as approved in the Erosion Control and Site Restoration Plan. The affected site shall be left in a non-hazardous condition. Appropriate documentation, including photographs, which demonstrates compliance with this condition shall be submitted to the Planning Department and the Department of Public Works for review and approval within 90 days after termination and/or abandonment of the quarry operations.
8. Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, walls, or lava tubes be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources – Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. Comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the expanded use.
10. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

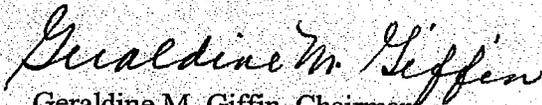
Robert E. Bethea, Esq.  
Page 8

- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

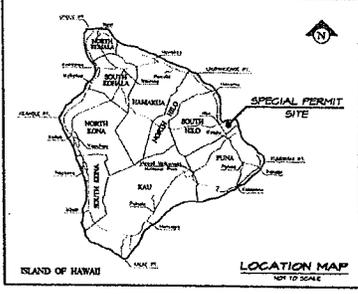
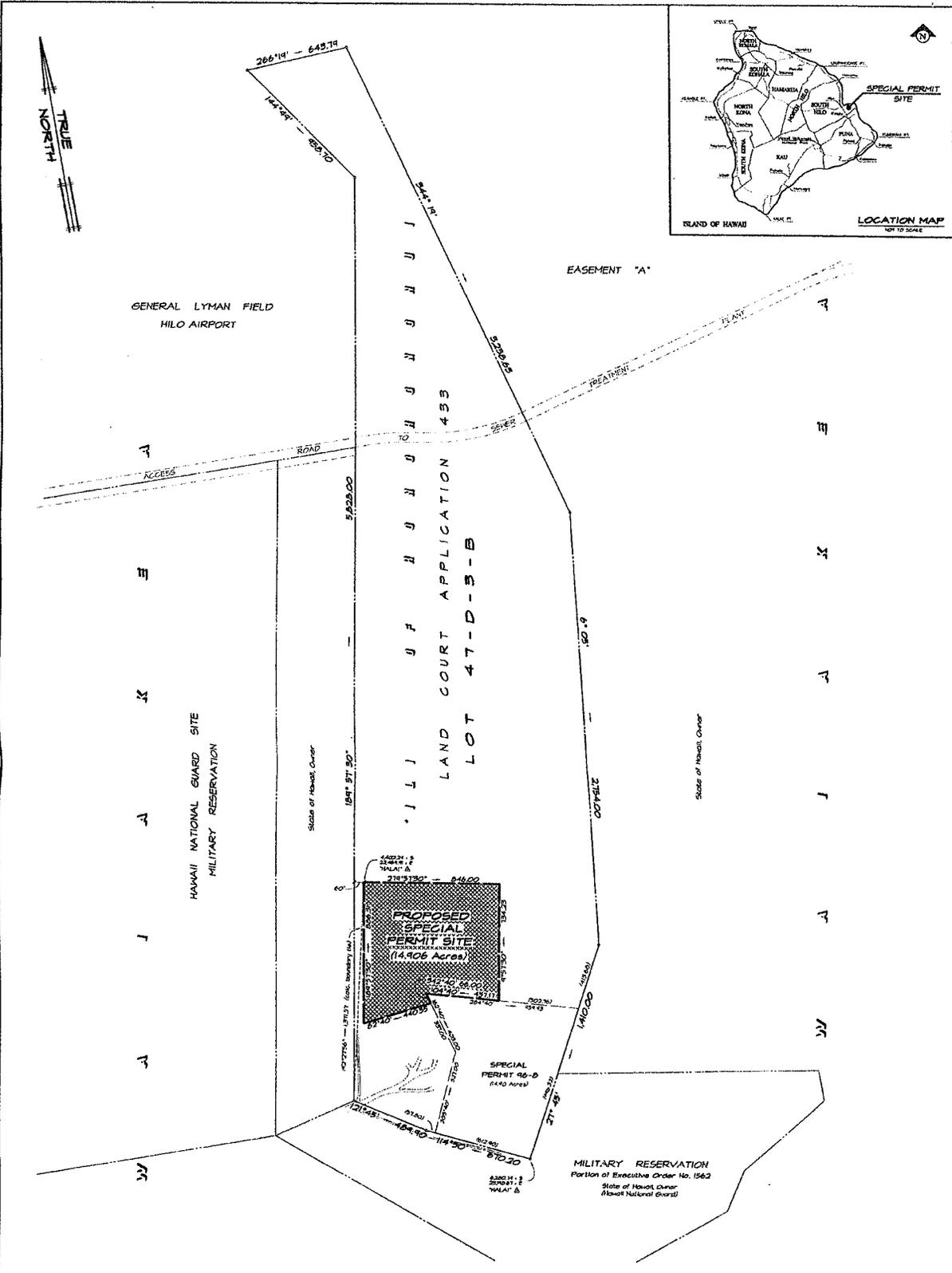
Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lyamada&sonsspp01-002PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources  
Brian Minaai, Director/DOT-Highways, Honolulu  
Yamada & Sons, Inc.



**SPECIAL PERMIT MAP**

**PROPOSED SPECIAL USE SITE  
 PORTION OF LOT 47-D-3-B  
 OF LAND COURT APPLICATION 433  
 AS SHOWN ON MAP 13  
 IN THE 'ILI OF HONOHONUI  
 SOUTH HILO, ISLAND OF HAWAII, HAWAII**

**APPLICANT:**  
 YAMADA & SONS, INC.  
 dba YS ROCK  
 733 Kaneoheua Ave.  
 Hilo, Hawaii 96720

**OWNERS:**  
 TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
 BERNICE PAUANI BISHOP, DECEASED



**INABA ENGINEERING, INC.**  
 273 Halaehua Ave  
 Hilo, Hawaii 96720  
 October 17, 2000 \* IEL #20045  
 HAYAMADA1SPEC-USE



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 324 033

JUL 28 1998

Mr. Byron Fujimoto  
Jas. W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720

Dear Mr. Fujimoto:

Special Permit Application (SPP 98-10)  
Applicant: Jas. W. Glover, Ltd.  
Request: Establish a Quarry  
Tax Map Key: 2-1-13:Portion of 4

The Planning Commission at its duly held public hearing on July 17, 1998, voted to approve the above-referenced application. Special Permit No. 1008 is hereby issued to establish a quarry on approximately 14.99 acres of land within the State Land Use Agricultural District. The project site is located east of the Hawaii National Guard Site and Hilo International Airport and approximately 2,500 feet west of the County's Sewer Treatment Plant Site at Honohononui, South Hilo, Hawaii.

Approval of this request is based on the following:

The proposed use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map. As this portion of the subject property has not been previously quarried and has not been used for agricultural activities, it is recommended that an archeological survey be conducted prior to start of any land clearing activities.

Lands within agricultural districts might not always be best suited for agricultural activities and yet classified as such. Also, there are certain types of uses which may not be agricultural in nature, yet reasonable in such districts. As such, the legislature has provided for the Special Permit process to allow for certain unusual and reasonable uses within the Agricultural district. The subject property is situated within the County's Agricultural-20 acres (A-20a) zone district. The proposed quarry operation would be situated on a 14.99 acre portion of a 137.3 acre parcel. The proposed 14.9 acres of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resources or potential of the area nor displace any active agricultural activity since this parcel has not been in agricultural use. The establishment of a quarry on the subject property would be an unusual and reasonable use of the land. Therefore, based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the area mainly Industrial with some Orchards. The project would complement the following goals and policies of the General Plan:

Land Use - Industrial Element:

- \* Industrial activities may be located close to raw material or key resources. The ability of the subject property to provide the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

Economic:

- \* The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.

Natural Resources and Shoreline Elements:

- \* Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- \* The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, other quarrying operations and vacant State-owned lands. There are no dwellings or urban developments within the area. Existing uses surrounding the property include other quarry activities, wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawaii National Guard training facility. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health.

From a visual and public safety standpoint, a condition will be included to require the applicant to restore the area to a state which would blend with the surrounding topography of the area. All required measures to minimize traffic, dust and noise will be adhered to by the applicant.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is presently being quarried and the request is to continue quarry activities in an expanded area. Surrounding parcels are also in quarry use and industrial-related activities.

The use will not substantially alter or change the essential character of the land and the present use. The proposed quarry will change the character of the land, as this portion of the property has not been previously quarried. However, the applicant will be required to submit photographs of existing conditions and submit restoration plans, including landscaping of the land to be altered. This condition of approval will ensure that the restoration, visual and public safety concerns will be mitigated to the best extent possible. Also, as requested by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), prior to any land altering activities, the applicant will be required to secure archaeological clearance from the DLNR-SHPD.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying is resource-based, sites are locationally restricted. Other previous and existing quarrying activities have occurred on portions of the subject property and in the near vicinity of the project site which makes this an appropriate site. Through the special permit process, appropriate review of criteria is conducted for considering the granting of this request. As such, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing this activity on the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. Access to the proposed quarry will be from the existing paved landfill access road through State land, of which the applicant has been granted permission to use. The existing section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to 25-30 feet wide and partially paved. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Portable restrooms will be brought to the property. Agencies reviewing the request had no objections to the quarry.

The project site is not a habitat for endangered species of flora or fauna nor is the site listed on the Hawaii or National Registers of Historic Places.

Based on the above considerations, the proposed quarry operation within the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to commencing any land clearing operations, archeological clearance shall be secured from the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) and submitted to the Planning Director.
3. A metes and bounds description, in map and written form, of the 14.99 acre area for the quarry shall be filed with the Planning Director within one year from the effective date of this Special Permit.
4. Prior to the commencement of quarry activity, a Site Restoration and Revegetation Plan, which assures the site will be left in a nonhazardous condition, shall be submitted to the Planning Director. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. This Plan shall be reviewed by Bernice Pauahi Bishop Estate, the Natural Resources Conservation Service and the Department of Public Works and their comments submitted to the Planning Director for review and approval.
5. Prior to the commencement of quarry activity, a written notification shall be submitted to inform the Planning Director of the start date.
6. The life of this Special Permit shall be co-terminus with the Bernice Pauahi Bishop Estate License Agreement.
7. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.
8. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. Comply with all applicable laws, rules, regulations and requirements of affected agencies.
10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.

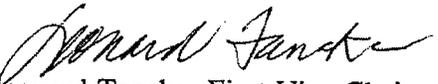
Mr. Byron Fujimoto  
Page 5

- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

  
Leonard Tanaka, First Vice-Chairman  
Planning Commission

LGlove01.PC

cc: Mr. Peter D. Simons  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources  
Kazu Hayashida, Director/DOT-Highways, Honolulu



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 324 886

FEB 04 2000

Byron Fujimoto, Vice President, C.O.O.  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720

Dear Mr. Fujimoto:

Special Permit No. 1008

Applicant: Jas W. Glover

Request: Amend Request to Include Production Facilities; Such As Concrete Plants,  
Asphalt Plants, Tile Plants and Other Support Facilities and Accessory Uses

Tax Map Key: 2-1-13:Portion of 4

The Planning Commission at its duly held public hearing on January 21, 2000, voted to approve the above-referenced request. Special Permit No. 1008 allowed the establishment of a quarry on approximately 14.99 acres of land within the State Land Use Agricultural District. The amendment is to include production facilities (such as concrete plants, asphalt plants, tile plants) and other support facilities and accessory uses. The project site is located east of the Hawaii National Guard Site and Hilo International Airport and approximately 2,500 feet west of the County's Sewer Treatment Plant Site at Honohonouui, South Hilo, Hawaii.

Approval of this request is based on the following:

The proposed use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is located within an area whose soils are

classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map. The applicant secured a special permit for quarrying aggregate and rock on a portion of the subject property in July 1998. Based on the original request, the applicant proposed to haul the aggregate and rock to their Hilo operations site for further processing. Approval of this request would allow the applicant to establish production facilities on the site, such as concrete plants, asphalt plants, tile plants and other supporting facilities, as the need arises.

Lands within agricultural districts might not always be best suited for agricultural activities and yet classified as such. Also, there are certain types of uses which may not be agricultural in nature, yet reasonable in such districts. As such, the legislature has provided for the Special Permit process to allow for certain unusual and reasonable uses within the Agricultural district. The subject property is situated within the County's Agricultural-20 acres (A-20a) zone district. The quarry operation is situated on a 14.99 acre portion of a 137.3 acre parcel. The 14.9 acres of land is already approved for quarry use and would not significantly affect the agricultural resources or potential of the area nor displace any active agricultural activity since this parcel has not been in agricultural use. The expansion of the quarry uses on the subject property would be an unusual and reasonable use of the land and in keeping with uses that are quarry related. Therefore, based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the area as Industrial with some Orchards. The project would complement the following goals and policies of the General Plan:

*Land Use - Industrial Element:*

- \* Industrial activities may be located close to raw material or key resources. The ability of the subject property to provide the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

*Economic:*

- \* The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.

*Natural Resources and Shoreline Elements:*

- \* Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, salutation, or failure in the event of earthquake.
- \* The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, other quarrying operations and vacant State-owned lands. There are no dwellings or urban developments within the area. Existing uses surrounding the property include other quarry activities, wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawaii National Guard training facility. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health. Existing conditions will remain a part of the permit, including the condition that the applicant restore the area to a state which would blend with the surrounding topography of the area. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is already being quarried and the request is to continue related quarry activities such as concrete, asphalt and tile plants. Surrounding parcels are also in quarry use and industrial-related activities.

The use will not substantially alter or change the essential character of the land and the present use. The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying is resource-based, sites are locationally restricted. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The

additional quarry activities will be in keeping with surrounding uses. Through the special permit process, appropriate review of criteria is conducted for considering the granting of this request. As such, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing these activities on the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. Access to the proposed quarry will be from the existing paved landfill access road through State land, of which the applicant has been granted permission to use by the Board of Land and Natural Resources. As the easement is good for only five years, until 2002, a new condition is included to require the applicant to submit additional evidence, upon approval by the BLNR, for the continued use of the road easement. The existing section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to 25-30 feet wide and partially paved. In addition, the applicant has paved the driveway access on the subject property, which leads to the actual quarry site. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Portable restrooms will be brought to the property. Water will be made available to the subject property by either tanker trucks, a new water line or a well. Agencies reviewing the request had no objections to the quarry.

The project site is not a habitat for endangered species of flora or fauna nor is the site listed on the Hawaii or National Registers of Historic Places. The applicant received a written clearance from the Department of Land and Natural Resources before clearing the property.

Based on the above considerations, the expanded quarry operations within the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions, with amendment to Condition No. 5 and a new Condition No.7 (underlined material is added and bracketed material is deleted). Subsequent conditions are renumbered. Should any of the conditions, however, not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to commencing any land clearing operations, archaeological clearance shall be secured from the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) and submitted to the Planning Director.

3. A metes and bounds description, in map and written form, of the 14.99 acre area for the quarry shall be filed with the Planning Director within one year from the effective date of this Special Permit.
4. Prior to the commencement of quarry activity, a Site Restoration and Revegetation Plan, which assures the site will be left in a nonhazardous condition, shall be submitted to the Planning Director. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. This Plan shall be reviewed by Bernice Pauahi Bishop Estate, the Natural Resources Conservation Service and the Department of Public Works and their comments submitted to the Planning Director for review and approval.
5. Prior to the commencement of the expanded quarry [activity] activities, a written notification and map showing the location of activities shall be submitted to inform the Planning Director of the start date.
6. The life of this Special Permit shall be co-terminus with the Bernice Pauahi Bishop Estate License Agreement.
7. Additional documentation to allow continued use of the easement for access purposes, beyond August 8, 2002, shall be submitted to the Planning Director upon approval by the Board of Land and Natural Resources.
- [7.]8. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.
- [8.]9. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- [9.]10. Comply with all applicable laws, rules, regulations and requirements of affected agencies.

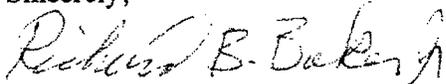
Byron Fujimoto, Vice President, C.O.O.  
Jas W. Glover, Ltd.  
Page 6

- [10.]11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
- A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Susan Gagorik or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

Lgloverspp1008PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Mr. Peter D. Simmons

Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING COMMISSION**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

OCT 08 2003

Mr. Byron Fujimoto, Vice-President  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720

Dear Mr. Glover:

Special Permit Application (SPP 03-014)  
Applicant: Jas. W. Glover, Ltd.  
Request: Establishment of a Quarry Operation and Related Activities  
Tax Map Key: 2-1-13:Portion of 4

The Planning Commission at its duly held public hearing on September 22, 2003, voted to approve the above-referenced application. Special Permit No. 1221 is hereby issued to allow the establishment of a quarry operation and related activities on 14.99 acres of land situated within the State Land Use Agricultural District. The area is located adjacent to and southwest of an existing quarry site. The Hawaii National Guard site and the Hilo International Airport are located west of the proposed quarry at Honohonouui, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant, Jas W. Glover, Inc. is requesting a Special Permit to allow the establishment of a quarry, including production facilities (such as crushing plants, concrete plants, asphalt plants, tile plants) and other support facilities and accessory uses situated on approximately 14.99 acres of land.

The proposed use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is located within an area whose soils are

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OCT 10 2003

Mr. Byron Fujimoto, Vice-President

Jas W. Glover, Ltd.

Page 3

*Natural Resources and Shoreline Elements:*

- \* Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, salutation, or failure in the event of earthquake.
- \* The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, other quarrying operations and vacant State-owned lands. There are no dwellings or urban developments within the area. Existing uses surrounding the property include other quarry activities, wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawaii National Guard training facility. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is already being quarried and the request is to continue related quarry activities such as crushing, concrete, asphalt and tile plants. Surrounding parcels are also in quarry use and industrial-related activities.

The use will not substantially alter or change the essential character of the land and the present use. The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying is resource-based, sites are locationally restricted. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The

Mr. Byron Fujimoto, Vice-President  
Jas W. Glover, Ltd.  
Page 4

additional quarry activities will be in keeping with surrounding uses. As such, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing these activities on the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. According to the applicant, they have temporary rights of access until such time as a more formal access is developed by the State. The existing section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to 25-30 feet wide and partially paved. In addition, the applicant has paved the driveway access on the subject property, which leads to the actual quarry site. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Portable restrooms will be brought to the property. Water will be made available to the subject property by tanker trucks, a new water line or a well. Agencies reviewing the request had no objections to the quarry.

The project site is not a habitat for endangered species of flora or fauna nor is the site listed on the Hawaii or National Registers of Historic Places. There is no record of known archaeological features on the site. In addition, an Archaeological Assessment Survey of the 14.99-acre proposed quarry site was conducted by Paul H. Rosendahl, Ph.D. who concluded that it is considered unlikely that any significant historic properties are present and that no further archaeological survey work of any kind needs to be conducted prior to any land modification work associated with the development and use of the property as a rock quarry. Comments received from DLNR-SHPD stated that they support the conclusion that it is unlikely that any historic properties are present within the 14.99-acre proposed quarry site. They are recommending that a condition be attached requiring the development and implementation of an archaeological monitoring plan to ensure that no historic sites are inadvertently damaged or destroyed. A condition will be added to reflect this request.

Based on the above considerations, the quarry operation, including production facilities and other support facilities and accessory uses within the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions, however, not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.

Mr. Byron Fujimoto, Vice-President  
Jas W. Glover, Ltd.  
Page 5

2. Quarry operations shall commence within two (2) years from the effective date of this permit with a written notification to be submitted to the Planning Department. Photographs of the area and a description of the topography of the project site and its related surrounding areas, reflecting the area prior to commencing operations, shall also be submitted with the notification.
3. Prior to commencing construction of any structures, Final Plan Approval for those structure(s) shall be secured from the Planning Department in accordance with Chapter 25-2-70 (Zoning Code). Plans shall identify any proposed structures and parking associated with the proposed quarry operation.
4. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
5. An Erosion Control and Site Restoration Plan, which assures the site will be left in a nonhazardous condition, shall be submitted for review and approval by the Planing Director, one year prior to the termination of quarry activities. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. This Plan shall be reviewed by Kamehameha Schools, the Natural Resources Conservation Service and the Department of Public Works and their comments submitted to the Planning Director for review and approval.
6. Adequate dust control mitigation measures shall be implemented for the duration of the operation in accordance with Department of Health requirements. An adequate supply of water shall be made available for dust control.
7. Prior to commencing any land alteration activity, the applicant shall submit an Archaeological Monitoring Plan for review to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) to ensure that no historic sites are inadvertently damaged or destroyed. This plan will call for "on-call monitoring" in conjunction with DLNR-SHPD.
8. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement.

Mr. Byron Fujimoto, Vice-President

Jas W. Glover, Ltd.

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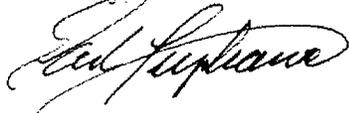
10. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.
11. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works, Department of Health and Army Corps of Engineers.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - C. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
13. No retail sale of quarrying materials is allowed from the project site. Removal of the materials shall be limited to licensed commercial haulers or by licensed contractors.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Byron Fujimoto, Vice-President  
Jas W. Glover, Ltd.  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

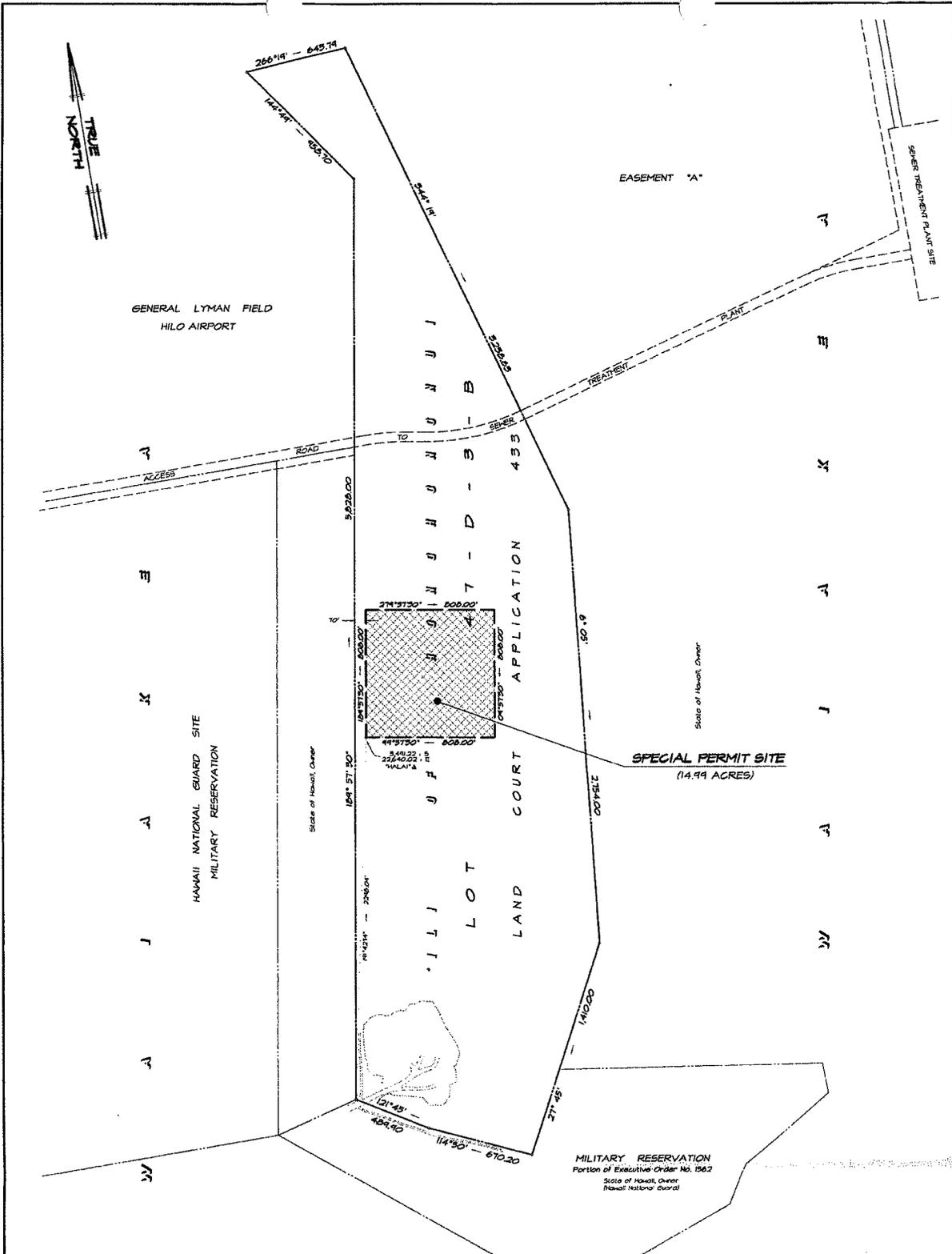
Sincerely,

 VICE Chairman

Fred Galdones, Chairman  
Planning Commission

Lgloverspp03-014PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD/Kona  
Rodney Haraga, Director/DOT-Highways, Honolulu



**SPECIAL PERMIT MAP**

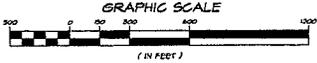
PROPOSED SPECIAL USE SITE  
 BEING A PORTION OF LOT 47-D-3-B  
 OF LAND COURT APPLICATION 433  
 AS SHOWN ON MAP 13  
 IN THE 'ILI OF HONOHONOU  
 SOUTH HILO, ISLAND OF HAWAII, HAWAII

PREPARED FOR:  
 JAS. W. GLOVER, LTD.  
 General Contractors  
 890 Liliuokalani Street  
 Hilo, Hawaii 96720

OWNERS:  
 TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
 BERNICE PAUAAHI BISHOP, DECEASED



*Alan Z. Inaba*  
 INABA ENGINEERING, INC.  
 275 KOLEKOLE AVENUE  
 HILO, HAWAII 96720  
 May 27, 2002  
 1E1 402224 \* FB #274  
 H:\GLOVER\SPEC-USE02



**Exhibit 7**

CADES SCHUTTE

MAR 22 2013

Time \_\_\_\_\_ m. Init. \_\_\_\_\_



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

MAR 21 2013

Mr. Bryon Fujimoto  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720-4529

Dear Mr. Fujimoto:

Special Permit Application (SPP 12-000145)

Applicant: Jas W. Glover, Ltd.

Request: To Allow a New Quarry Site on a 10.15-Acre Portion of a  
140.368 Acre Property

Tax Map Key: 2-1-013:004

The Windward Planning Commission, at its duly held public hearing on March 7, 2013, voted to approve the above-referenced request for a Special Permit to allow the establishment of a new quarry site on approximately 10.15 acres within a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located east of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,800 feet west of the County's Sewer Treatment Plan Site at Honohono-nui, South Hilo, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting a Special Permit to establish a new quarry site on approximately 10.15 acres of land within a portion of a larger 140-acre property. The material to be quarried is aggregate and rock for commercial applications. The material to be quarried consists largely of basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards of material will be excavated and either processed on site or transported to Glover's Hilo operations site on Leilani Street over the term of its 15-year quarry lease.

*Hawai'i County is an Equal Opportunity Provider and Employer*

**Exhibit 7**

The 140.368-acre property is owned by the Kamehameha Schools. Kamehameha Schools had previously leased a 49.9982-acre portion of the 140.368-acre property to Yamada & Sons, Inc. as a quarry site. A quarry license was granted to Jas. W. Glover, Ltd. on January 15, 2012 for the same 49.9982-acre quarry site for a period of 15 years. There have been two (2) other Special Permits (SPP 936 and SPP 1107) approved for quarry operations in this 49.9982-acre lease area. This permit request is for the remaining 10.15-acre portion of the 49.9982-acre quarry license site within the 140.368-acre property. The applicant also has a lease for the remainder of the property, which also has two (2) Special Permits (SPP 1008 and SPP 1221) for quarry operations.

At the Windward Planning Commission's February 7, 2013 meeting, the Planning Director recommended that this Special Permit request be denied as its approval would be the fifth (5<sup>th</sup>) Special Permit to be issued for sub-15-acre quarrying operations within the larger 140-acre property, raising concerns about the "parceling" of the Special Permit process in an attempt to avoid the proper process that would take this matter before the State Land Use Commission.

The State Land Use Commission (LUC), in its memorandum regarding the subject application dated February 4, 2013, stated that "The continued application for special permits on acreage below 15 acres for the same use in a relatively short period of time could be seen as an attempt on the part of the landowners or petitioners to avoid the LUC process by 'parceling' the Special Permit activities. The LUC concluded its comments by recommending that this Special Permit application and any future similar applications be referred to the LUC for action and approval/disapproval.

The applicant met recently with the staff and the Executive Director of the LUC to discuss its concerns regarding the applicant's Special Permit request. In summary, the applicant represented that the LUC was amendable towards supporting the issuance of this 10.15-acre Special Permit application with a stipulation that a Special Permit application be submitted for all quarrying activities, existing and proposed, within the 140-acre property. We support this proposal as it represents a reasonable compromise that addresses concerns about proper permit processing while also recognizing the past support by this office over the years for other quarry operations within this particular section of Hilo. As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit. Failure to promptly file this Special Permit application for consideration by the LUC will cause this department to initiate revocation proceedings for the 10.15-acre quarry that is the subject of this Special Permit.

This Special Permit request is prompted by the awareness that that the currently permitted quarries within portions of the 140-acre property are running out of material.

Mr. Byron Fujimoto

Page 3

The proposed 10.15-acre quarry will provide the applicant with an estimated 1-½ to 2 years worth of material, during which the applicant will prepare and hope to secure a Special Permit from the LUC for quarrying activities within the remainder of the 140-acre property yet to be quarried.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules of Practice and Procedure. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the Agricultural District.** In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

Although the property is designated for Agricultural uses by both the State Land Use Commission and the County Zoning Code, its soils are considered very poor and not optimal to support agricultural activities. The request is considered unusual and reasonable in that the proposed quarry area has no direct relationship to any potential agricultural activities that could be conducted upon the property given its proximity to existing quarries and the Hilo landfill.

**The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.** The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The property is situated within an area where soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. The proposed use will be located on a 10.15-acre portion of a 140.368-acre property.

The 10.15 acres of land for quarry use and would not significantly affect the agricultural resources or potential of the area nor displace any active agricultural activity since this parcel has not been in agricultural use. Therefore, based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** As mentioned previously, approval of this request will not be contrary to the objectives of the State Land Use Law and is considered an unusual and reasonable use of the agricultural land due to the poor soil quality that are not conducive towards agricultural activities. Therefore, the proposed request will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

**(B) The desired use would not adversely affect surrounding properties.** The surrounding properties include the County of Hawai'i landfill sites, other quarrying operations and vacant lands owned by the State and Kamehameha Schools. There are no dwellings or urban developments within the immediate area. Other existing uses within the general vicinity include the County's wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawai'i National Guard training facility. Dust generated during quarry operations will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.** According to the applicant, they have temporary rights of access until such time as a more formal access is developed by the State. The existing section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to between 25 and 30 feet wide and partially paved. In addition, the applicant has paved the driveway access on the subject property, which leads to the actual quarry site. This access road is adequate for its intended purpose, which is to accommodate traffic associated with the quarry operations and which does not support general vehicular access. For dust mitigation, the applicant will bring in tanker trucks to water down the

roadway. Portable restrooms will be brought to the property. Water will be made available to the subject property by tanker trucks for dust mitigation. Agencies reviewing the request had no objections to the quarry.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying is resource-based, sites are locationally restricted. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The additional quarry activities will be in keeping with surrounding uses. As such, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing these activities on the property.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. Surrounding parcels are also in quarry use and industrial-related activities.

**(F) The use will not substantially alter or change the essential character of the land and the present use.** The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The subject request is not contrary to the General Plan LUPAG Map, which designates the property as Extensive Agriculture,

Important Agricultural Land and Industrial. The project site is located in an area designated as Extensive Agriculture. The project would complement the following goals and policies of the General Plan:

Land Use - Industrial Element:

- Industrial activities may be located close to raw material or key resources. The ability of the subject property to provide the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

Economic:

- The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i

Natural Resources and Shoreline Elements:

- The County of Hawai'i should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.
- Ensure that alteration to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

In order to provide for raw construction materials that are vital to the construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to the construction industry. The establishment of the proposed quarry in this particular location will not adversely impact agricultural resources, as many of the uses are industrial in nature. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying operations are resource-based, sites are restricted in location by the availability of raw

materials. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site to establish a quarry.

**The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to the coastal zone management program.** The subject property is located over one mile to the nearest shoreline and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal recreational opportunities. Nor will the property be affected by coastal hazards. Additionally, there is no designated public access to the mountain areas over the property.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa 'akai O Ka 'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: The Department of Land and Natural Resources-State Historic Preservation Division issued a letter dated December 3, 2012 stating that they have completed review of the draft report (Escott, March 2012) and they requested further clarification of the possible presence of a trail alignment that may be present in the northeast corner of the proposed project area.

An archaeological assessment (final) of the project site was conducted by Glenn G. Escott dated September 2012 that conclude that no archaeological sites or features and no cultural resources or modern structures were located within the project site. The final report addressed the presence of the trail alignment stating that "A single site, the Historic Puna Trail (Site 50-10-99-18869), also referred to by the Old Government Road's State Number 50-10-36-21272) is located just outside the southern boundary of the current project area."

The valuable cultural, historical, and natural resources found in the permit area: As mentioned, no valuable cultural, historic, or natural resources related to traditional and customary practices were identified on the site.

Possible adverse effect or impairment of valued resources: Native plants may be destroyed by quarry operations. There is no evidence that the flora in the area are particularly desired or used for cultural practices. The site is not adjacent and/or proximate to the shoreline. As such, gathering of marine life, fishing and coastal access is not an issue.

Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights and no action is necessary to protect these rights. A condition of approval will be included to require the applicant to notify the DLNR-SHPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-SHPD.

There is no record of traditional Hawaiian rights being practiced on the property. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

Based on the above considerations, the quarry operation and accessory uses within the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, within one (1) year from the effective date of this permit, shall submit a properly filed Special Permit application to the Planning Department for consideration by the State Land Use Commission, requesting the establishment of quarry activities for the un-quarried remainder of the 140.368-acre property identified as TMK: 2-1-013: 004. Failure to comply with this condition shall result in proceedings to revoke this Special Permit.
3. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement issued to Jas W. Glover, Ltd. for quarrying activities within the project site.
4. Prior to commencing construction of any structures, Final Plan Approval for those structure(s) shall be secured from the Planning Department in accordance with Chapter 25-2-70 (Zoning Code). Plans shall identify any proposed structures and parking associated with the proposed quarry operation.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. An Erosion Control and Site Restoration Plan, which assures the site will be left in a nonhazardous condition, shall be submitted for review and approval by the Planning Director, one year prior to the termination of quarry activities. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. This Plan shall be reviewed by Kamehameha Schools,

the Natural Resources Conservation Service and the Department of Public Works and their comments submitted to the Planning Director for review and approval.

7. Adequate dust control mitigation measures shall be implemented for the duration of the quarry operation in accordance with Department of Health requirements. An adequate supply of water shall be made available for dust control.
8. Prior to commencing any land alteration activity, the applicant shall submit an Archaeological Monitoring Plan for review to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) to ensure that no historic sites are inadvertently damaged or destroyed. This plan will call for "on-call monitoring" in conjunction with DLNR-SHPD.
9. No retail sale of quarrying materials is allowed from the project site. Removal of the materials shall be limited to licensed commercial haulers or by licensed contractors.
10. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
11. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.
12. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
13. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 2, may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

Mr. Byron Fujimoto  
Page 10

- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
14. Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Dean Au, Chairman  
Windward Planning Commission

Lgloverspp12-145wpc

cc: Roy A. Vitousek, III, Esq. ✓  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
Mr. Gilbert Bailado



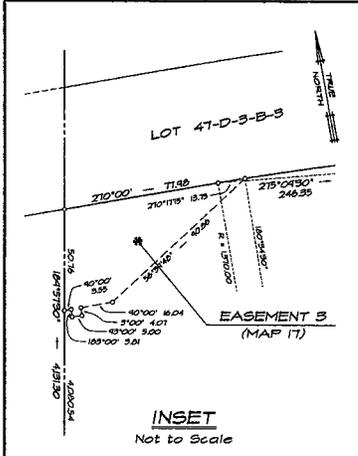
**GENERAL LYMAN FIELD**  
 Governor's Executive Order 2653  
 (C.S.F. 16740)

TMK: 2-1-012: 004  
 State of Hawaii (DOT AD), Owner  
 Zoning: M-20  
 State Land Use: Urban

SEE INSET

**CLEAR ZONE EASEMENT**  
 (C.S.F. 15829)  
 TMK: 2-1-013: 110  
 State of Hawaii, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**LOT 47-D-3-B-3**  
 TMK: 2-1-013: 166  
 B.P. Bishop Estate, Owner  
 Zoning: A-50  
 State Land Use: Agricultural



**INSET**  
 Not to Scale

**HAWAII NATIONAL GUARD SITE**  
 Governor's Executive Order 1562  
 (C.S.F. 11608)

TMK: 2-1-013: 005  
 State of Hawaii, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**PARCEL C**  
 Department of Hawaiian Home Lands  
 (C.S.F. 22290)

**PARCEL D**  
 Department of Hawaiian Home Lands, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**PARCEL A**  
 TMK: 2-1-013: 002  
 State of Hawaii, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**PARCEL A**  
 TMK: 2-1-013: 002  
 State of Hawaii, Owner  
 Zoning: A-20a  
 State Land Use: Agricultural

**HAWAII NATIONAL GUARD SITE**  
 Governor's Executive Order 1562  
 (C.S.F. 11608)

TMK: 2-1-013: 010  
 State of Hawaii, Owner  
 Zoning: A20a  
 State Land Use: Agricultural

**NOTES:**

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (Ial).
4. Site is with in Zone X areas determined to be outside of the 0.2% annual chance floodplain. No beneficial elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community-Panel Number 15166 0205 G, Map Revised: September 16, 1988.

AREA SUMMARY	
Lot 47-D-3-B-2	140,368 Acres
SP - 1008	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85,336 Acres

**PROJECT SITE**

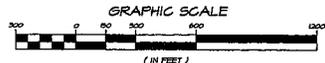
**REMAINDER OF LOT 47-D-3-B-2  
 OF LAND COURT APPLICATION 433  
 AS SHOWN ON MAP 16  
 IN THE 'ILI OF HONOHONOU  
 SOUTH HILO, ISLAND OF HAWAII, HAWAII  
 Tax Map Key: 3rd DIV. 2-1-013: 004**

**PREPARED FOR:**

Jos. W. Glover, Ltd.  
 890 Leilani Street  
 Hilo, Hawaii 96720

**OWNER:**

B. P. Bishop Estate  
 567 South King Street, Suite 200  
 Honolulu, Hawaii 96813



**INABA ENGINEERING, INC.**  
 273 Waiawa Ave.  
 Hilo, Hawaii 96720



This work was prepared by me or under my supervision.  
 Alan Z. Inaba  
 Licensed Professional Land Surveyor  
 Certificate Number 15626  
 License Expires: April 30, 2014  
 Land Court Surveyor Number: 244  
 February 21, 2013  
 Revised: February 20, 2014

**Exhibit 8**



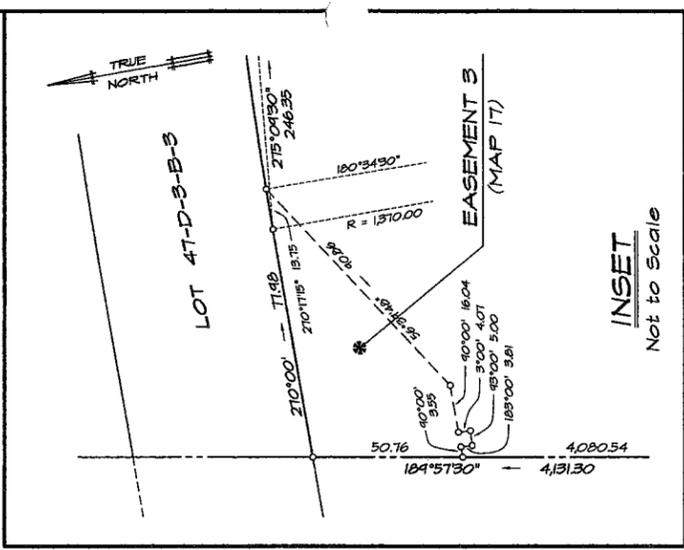
SEE INSET  
 CLEAR ZONE EASEMENT  
 (C.S.F. 16740)  
 TMK: 2-1-012: 009  
 State of Hawaii (DOT AD), Owner  
 Zoning: ML-20  
 State Land Use: Urban

GENERAL LYMAN FIELD  
 Governor's Executive Order 2653  
 (C.S.F. 16740)  
 TMK: 2-1-012: 009  
 State of Hawaii (DOT AD), Owner  
 Zoning: ML-20  
 State Land Use: Urban

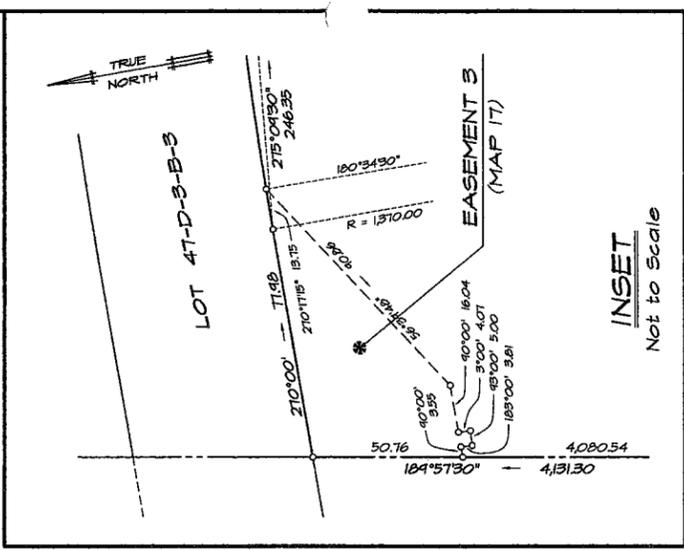
LOT 47-D-3-B-1  
 TMK: 2-1-013: 165  
 B.P. Bishop Estate, Owner  
 Zoning: A-5a  
 State Land Use: Agricultural

SEE INSET  
 ROAD ACCESS

EASEMENT 3  
 R = 1430.00  
 280°19' 124.27  
 275°09'30" 246.35  
 270°00' 71.98



INSET  
 Not to Scale



PARCEL A  
 TMK: 2-1-013: 002  
 State of Hawaii, Owner  
 Zoning: A-5a  
 State Land Use: Agricultural

PARCEL B  
 TMK: 2-1-012: 003  
 State of Hawaii, Owner  
 Zoning: A-5a  
 State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
 Governor's Executive Order 1562  
 (C.S.F. 11602)

PARCEL C  
 Grant 9-13,230  
 to Department of Hawaiian Home Lands  
 (C.S.F. 22,240)

PARCEL A  
 TMK: 2-1-013: 010  
 State of Hawaii, Owner  
 Zoning: A-20a  
 State Land Use: Agricultural

PARCEL A  
 TMK: 2-1-013: 002  
 State of Hawaii, Owner  
 Zoning: A-20a  
 State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
 Governor's Executive Order 1562  
 (C.S.F. 11602)

PARCEL A  
 TMK: 2-1-013: 010  
 State of Hawaii, Owner  
 Zoning: A-20a  
 State Land Use: Agricultural

AREA SUMMARY	
Lot 47-D-3-B-2	140.368 Acres
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NOTES:

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- Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
- Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (Ia).
- Site is within Zone X, areas determined to be outside of the 0.2% annual chance floodplain. No baseflood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community-Panel Number 155166 0985 C, Map Revised: September 16, 1988.

PREPARED FOR:

Joe W. Glover, Ltd.  
 590 Leilani Street  
 Hilo, Hawaii 96720

OWNER:

B. F. Bishop Estate  
 567 South King Street, Suite 200  
 Honolulu, Hawaii 96813

PROJECT SITE  
 REMAINDER OF LOT 47-D-3-B-2  
 OF LAND COURT APPLICATION 433  
 AS SHOWN ON MAP 16  
 IN THE 'ILI OF HONOHONOUI  
 SOUTH HILO, ISLAND OF HAWAII, HAWAII  
 Tax Map Key: 3rd DIV. 2-1-013: 004



INABA ENGINEERING, INC.  
 275 Malanue Ave.  
 Hilo, Hawaii 96720



This work was prepared by me or under my supervision.

Alan Z. Inaba  
 No. 2826

Licensed Professional Land Surveyor  
 Central State Number 2826  
 License No. 2014  
 Land Court Survey Number 244  
 February 21, 2013  
 Revised: February 20, 2014  
 IEI #18005



SCIENTIFIC CONSULTANT SERVICES Inc.



Hawai'i Island Office: PO Box 155 Kea'au, HI 96749

February 24, 2014

Theresa Donham  
Archaeology Branch Chief  
State Historic Preservation Division  
40 Po'okela Street  
Hilo, HI 96720

**Submittal of Draft Report: An Archaeological Assessment of of A Proposed 90-Acre Quarry Site in Waiākea Ahupua'a, South Hilo District, Island of Hawai'i, Hawai'i [TMK: (3) 2-1-013:004 (por.)].**

Dear Ms. Donham:

Thank you in advance for your review of the above referenced draft report. The report is attached with this letter. The review fee for the draft report has been sent to the SHPD Kapolei office. Please feel free to contact me if you have questions or concerns.

Sincerely,

Glenn G. Escott, MA  
Senior Archaeologist  
SCS Hawai'i Island Ops Mgr  
PO Box 155 Kea'au, HI 96749  
808-938-0968 (cell)  
808-959-5956 (office)

Enclosure A: Draft Report

**AN ARCHAEOLOGICAL ASSESSMENT OF A PROPOSED 90-ACRE  
QUARRY SITE IN WAIĀKEA AHUPUA‘A, SOUTH HILO DISTRICT,  
HAWAI‘I ISLAND, HAWAI‘I [TMK: (3) 2-1-013:004 (POR.)]**

Prepared By:  
**Glenn G. Escott, M.A.**  
September 2013  
DRAFT

Prepared for:  
**Jas. W. Glover, Ltd.**  
890 Leilani Street  
Hilo, Hawai‘i 96720

SCIENTIFIC CONSULTANT SERVICES Inc.



1347 Kapi‘olani Boulevard, Suite 408 Honolulu, HI 96814

Hawai‘i Island Office: PO Box 155 Kea‘au, HI 96749

## ABSTRACT

At the request of Jas. W. Glover, Ltd., Scientific Consultant Services, Inc. (SCS) conducted an archaeological assessment of 90.0 acres of land [TMK: (3)-2-1-013:004 (por.)] located in the *ahupua'a* of Waiākea, Hilo, South Hilo District, Island of Hawai'i, Hawai'i. The project area is situated approximately one kilometer southeast of the main terminal at Hilo International Airport and is bounded by a quarry to the south, and by undeveloped land on the three remaining sides. The project area is the northern portion of a 140.368-acre parcel leased to Jas. W. Glover, Ltd. by Kamehameha Schools. The project area location is being proposed for the expansion of an existing quarry.

Prior to fieldwork, a search of geological maps, aerial photos, historical maps, historical documents, and archaeological reports was conducted. The project area is located within the Pana'ewa forest. A pedestrian survey was carried out in July 2013 by Glenn Escott, M.A, Suzan Keris, B.A., and Andrew Bastier, B.A.. A series of north/south traverses spaced ten meters apart area were walked across the entire project area. Ground visibility was limited in some areas by dense vegetation. Intervals were reduced to as much as five meters in areas of thick ground cover.

No archaeological sites or features were located on the current project area. Roughly one quarter of the 90-acre project area has been quarried in the past. The entire 90.0 acres were surveyed during the current study. At present, there are no cultural resources or modern structures on the study parcel.

This report contains background information outlining the project area environmental and cultural contexts, a presentation of previous archaeological work within the study area and in the immediate vicinity, an assessment of expected archaeological patterns, an explanation of project methods, and a finding of no historic properties, cultural resources, or artifacts within the project area.

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## INTRODUCTION

### **PROJECT AREA DESCRIPTION**

At the request of Jas. W. Glover, Ltd., Scientific Consultant Services, Inc. (SCS) conducted an archaeological assessment of 90.0 acres of land [TMK: (3)-2-1-013:004 (por.)] located in the *ahupua'a* of Waiākea, Hilo, South Hilo District, Island of Hawai'i, Hawai'i (Figures 1, 2, 3, and 4). The project area is situated approximately one kilometer southeast of the main terminal at Hilo International Airport and is bounded by a quarry to the south, and by undeveloped land on the three remaining sides. The project area is the northern portion of a 140.368-acre parcel leased to Jas. W. Glover, Ltd. by Kamehameha Schools. The 90.0 acre section of land is being proposed for the expansion of an existing quarry. The entire 90.0 acres depicted in Figure 2, 3, 4, and 5 were surveyed, including the previously disturbed quarry area.

### **METHODS**

The archaeological inventory survey was undertaken in accordance with Hawai'i Administrative Rules 13§13-284 and was performed in compliance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports contained in Hawai'i Administrative Rules 13§13-276. The investigation included the following procedures:

1. SCS conducted extensive historical and archaeological archival research including a search of historic maps, aerial photos, written records, Land Commission Award documents, and State and County Planning Division documents.
2. SCS carried out a 100% pedestrian survey of the project area.

Prior to fieldwork, a search of geological maps, aerial photos, historical maps, historical documents, and archaeological reports was conducted. A pedestrian survey was carried out in of July, 2013 (65 person hours total) by Glenn Escott, M.A, Suzan Keris, B.A., and Andrew Bastier, B.A.. A series of north/south transects spaced ten meters apart area were walked across the entire project area. Ground visibility was limited in some areas by dense vegetation. Intervals were reduced to as much as five meters in areas of thick ground cover. Glenn Escott was the principal investigator and project director for the current study.

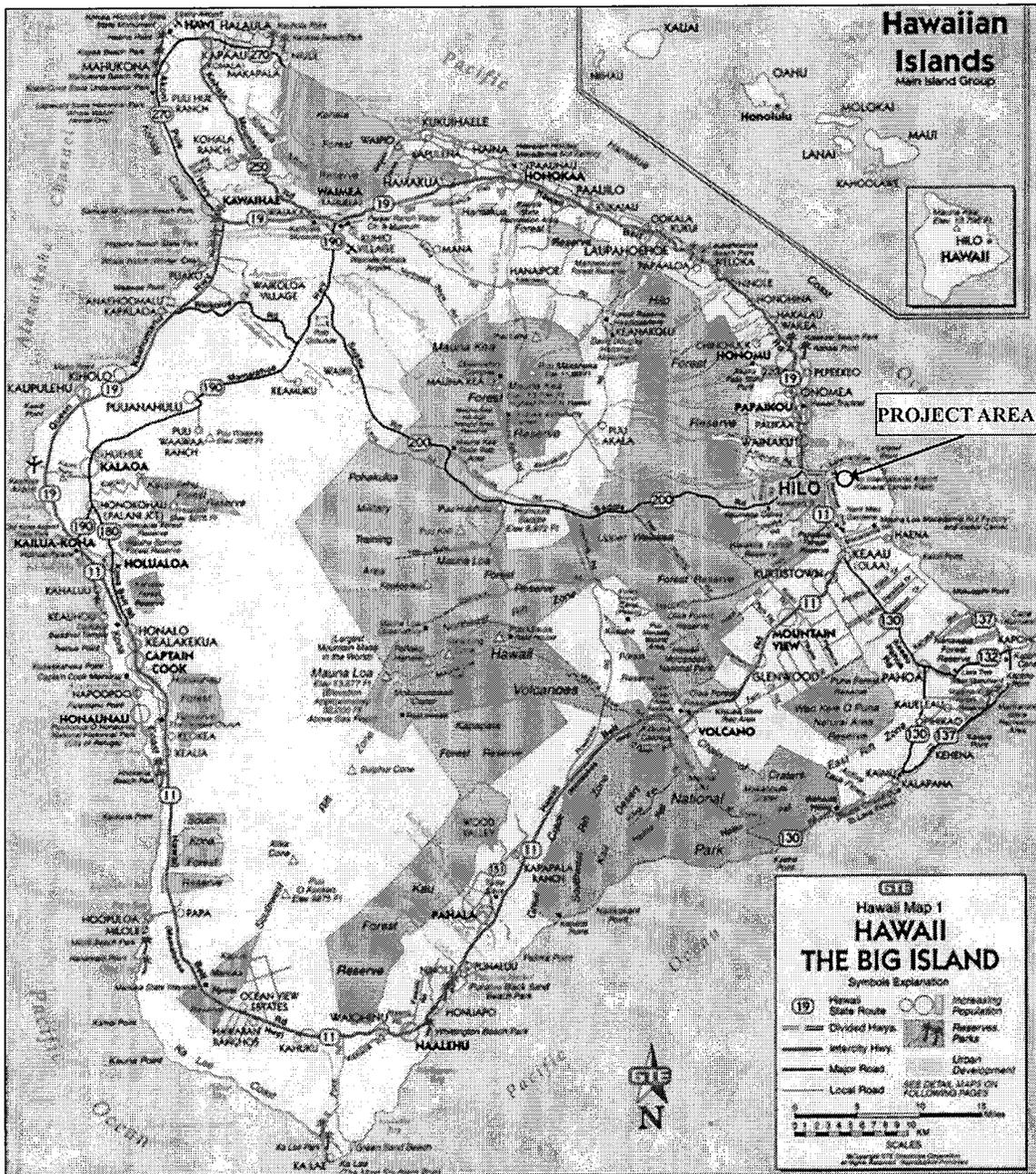


Figure 1: Location of Project Area on Hawai'i Island Map.



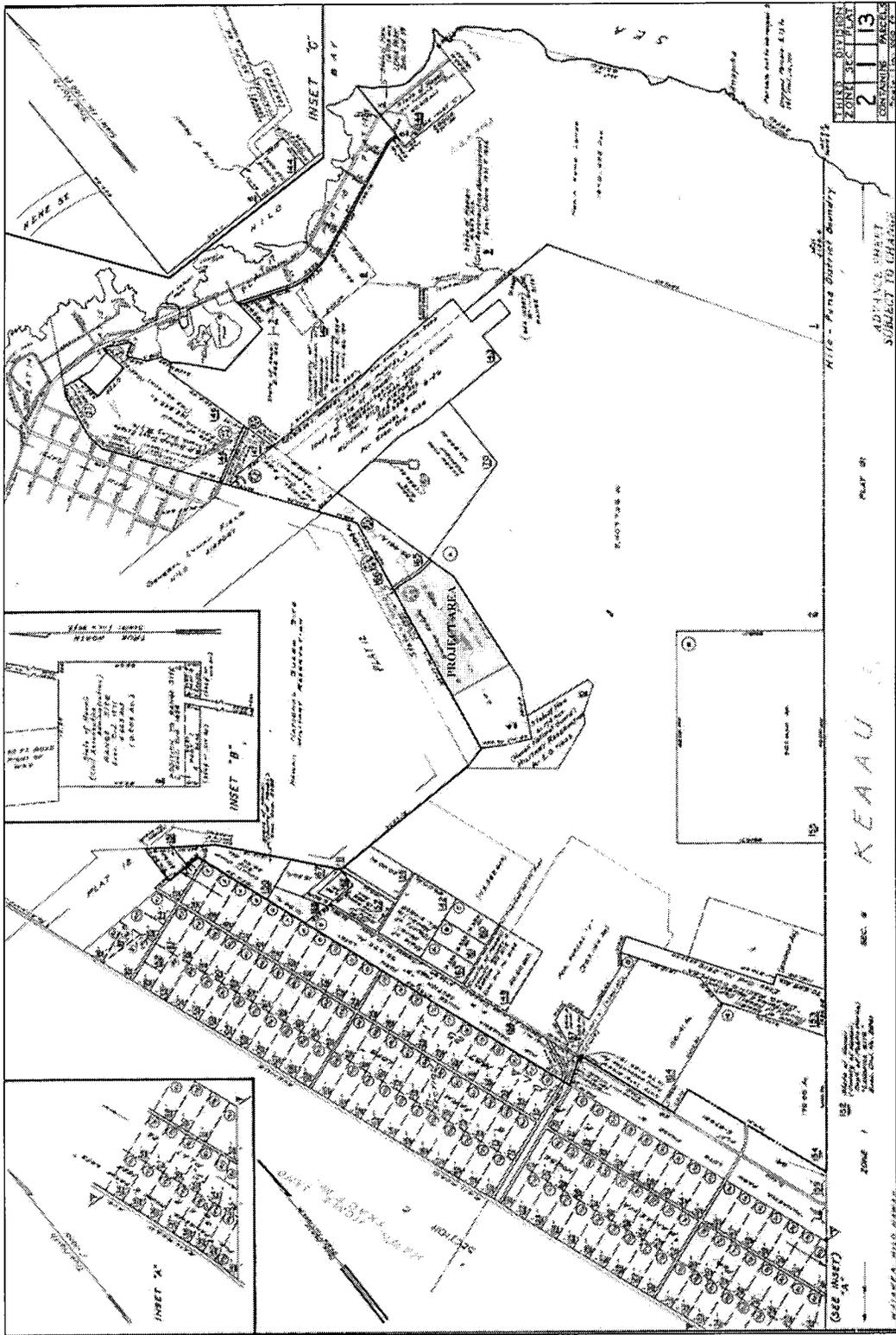


Figure 3: Location of Project Area on TMK (3) 2-1-013 Map.

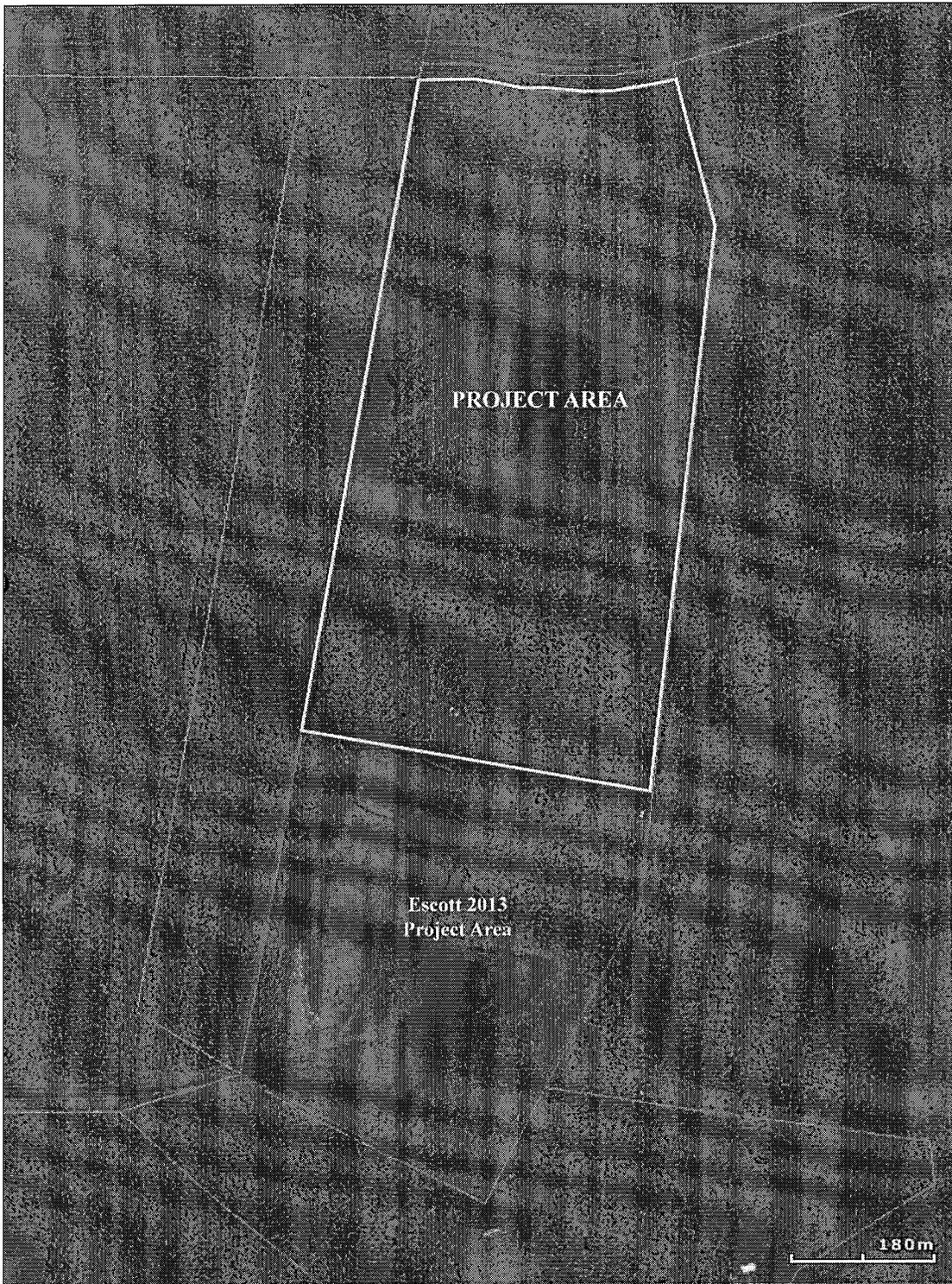


Figure 4: Aerial Photograph of Project Area (North is at Top of Page).

This report contains background information outlining the project area environmental and cultural contexts, a presentation of previous archaeological work within the study area and in the immediate vicinity, and current survey expectations based on that previous work, as well as an explanation of project methods.

### ENVIRONMENTAL SETTING

The project area is situated on gently sloping to level land between 40 feet (12 m) and 60 feet (18 m) above mean sea level (amsl). The project area substrate is a Mauna Loa flow dated between 750 and 1,500 years ago (Wolfe and Morris 1996). The project area ground surface is hummocky and uneven. There are areas of with large mounded piles of broken boulder bedrock outcrop. The piles are either conical, or linear ridges that reach four to five meters above the surrounding ground surface. The ground surface between the outcrops is wet, rocky muck.

Soil in the project area is Papai series (rPAE) thin, extremely stony muck (Sato 1973:46) and is characterized as poorly suited or unsuited to mechanized-farming (Soil Survey of the Territory of Hawaii 1955). Rainfall in the project area is high, ranging between 200 and 300 inches per year (Kelly *et al.* 1981). Natural drainage in the area runs from southwest to northeast.

Plant communities in the project are dominated by native plants such as ‘ōhi‘a (*Metrosideros polymorpha*), uluhe (*Dicranopteris linearis*), and hala (*Pandanus odoratissimus*), as well as invasive species including waivi (*Psidium cattleianum*), common guava (*Psidium guajava*), Asian Melastoma (*Melastoma septemnerium*), octopus tree (*Schefflera actinophylla*), melochia (*Melochia umbellata*), and bingabing (*Macaranga mappa*). Vegetation within the project ranges from open forest to extremely dense thickets under forest canopy.

Roughly one quarter of the project area is previously quarried ground surface. The remainder of the project area has north-south bulldozer cuts through it, or has been completely bulldozed in the past (see vegetation contrast in Figure 4). The undisturbed areas between the bulldozed locations are mixed native and invasive species, and the disturbed areas contain primarily invasive plants. The entire 90-acre project area was surveyed, including the previously quarried area, the previously disturbed land, and the undisturbed forest.

## HISTORICAL AND CULTURAL CONTEXTS

Hilo was, by most estimates, one of the first settlements on the Island of Hawai‘i and was settled between AD 300 and 600. The rich marine resources of Hilo Bay and the gently sloping forests of Mauna Loa and Mauna Kea provided abundant resources. Fresh water was available from the Wailoa and Wailuku rivers and smaller streams such as Waiākea, Waiolama, Pukihāe, and ‘Alenaio. The current project area is located in the area known as the Pana‘ewa Forest in the *ahupua‘a* of Waiākea, Hilo Hanakāhi ‘okana, in the *moku-o-loko* (district) of Hilo (Maly 1996:4-5) (Figure 5). Waiākea Stream flows some distance west of the present study area. The *ahupua‘a* of Waiākea is large – approximately 95,000 acres from the coastline to the slopes of Mauna Kea – and was regarded as a region of abundant natural resources and numerous fishponds.

### **PRE-CONTACT ACCOUNTS OF HILO**

The earliest account of Hilo appears in ‘Umi-a-Liloa’s (1600–1620) conquest of the Island of Hawai‘i, which establishes Hilo as a royal center by the sixteenth century. In the account, ‘Umi-a-Liloa began his conquest of the Island of Hawai‘i by defeating chief Kulukulu‘ā, who lived in Waiākea, and the other chiefs of Hilo (Kamakau 1992:16–17). ‘Umi-a-Liloa’s second son, Keawe-nui-a-‘Umi, ruled Hamākua, Hilo, and Puna from his residence at Hilo (*ibid*: 34). It was from Hilo that he waged war on the Kona chiefs and unified the island. Keawe-nui-a-‘Umi’s descendants single handedly continued rule for many generations from Hilo. After the death of Keawe-nui-a-‘Umi the kingdom was divided into three parts and was established under warring chiefs; Hilo was ruled by Kumalae-nui-pu‘awa-lau and his son Makua (*ibid*: 45). It was during the period of time that Kamehameha I was born. Kalani‘ōpu‘u’s grandson, Keoua Kuahu‘ula and nephew Kamehameha vied for control over the six chiefdoms constituting the island kingdom and Keoua conquered Hilo chief Keawe-mau-hili and harvested the benefits for a short time only to be killed by Kamehameha late in 1791. Kamehameha’s son Liholiho was born in Hilo in November 1797 (Kamakau 1992:22). Waiākea was inherited by Liholiho after Kamehameha’s death. The *‘ili kūpono* of Pi‘opi‘o and its royal fishpond were given to his favorite wife, Ka‘ahumanu (Figure 6).

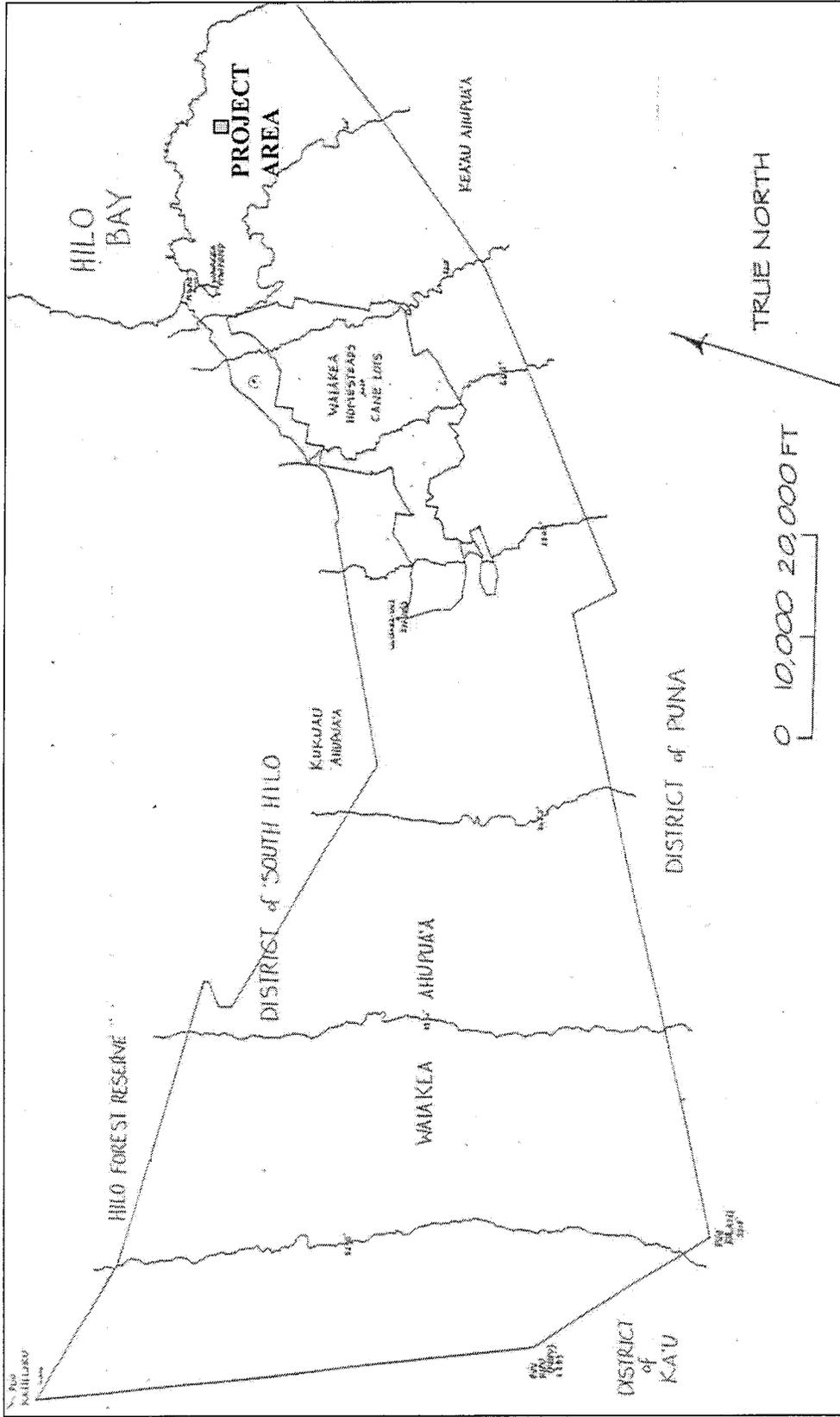
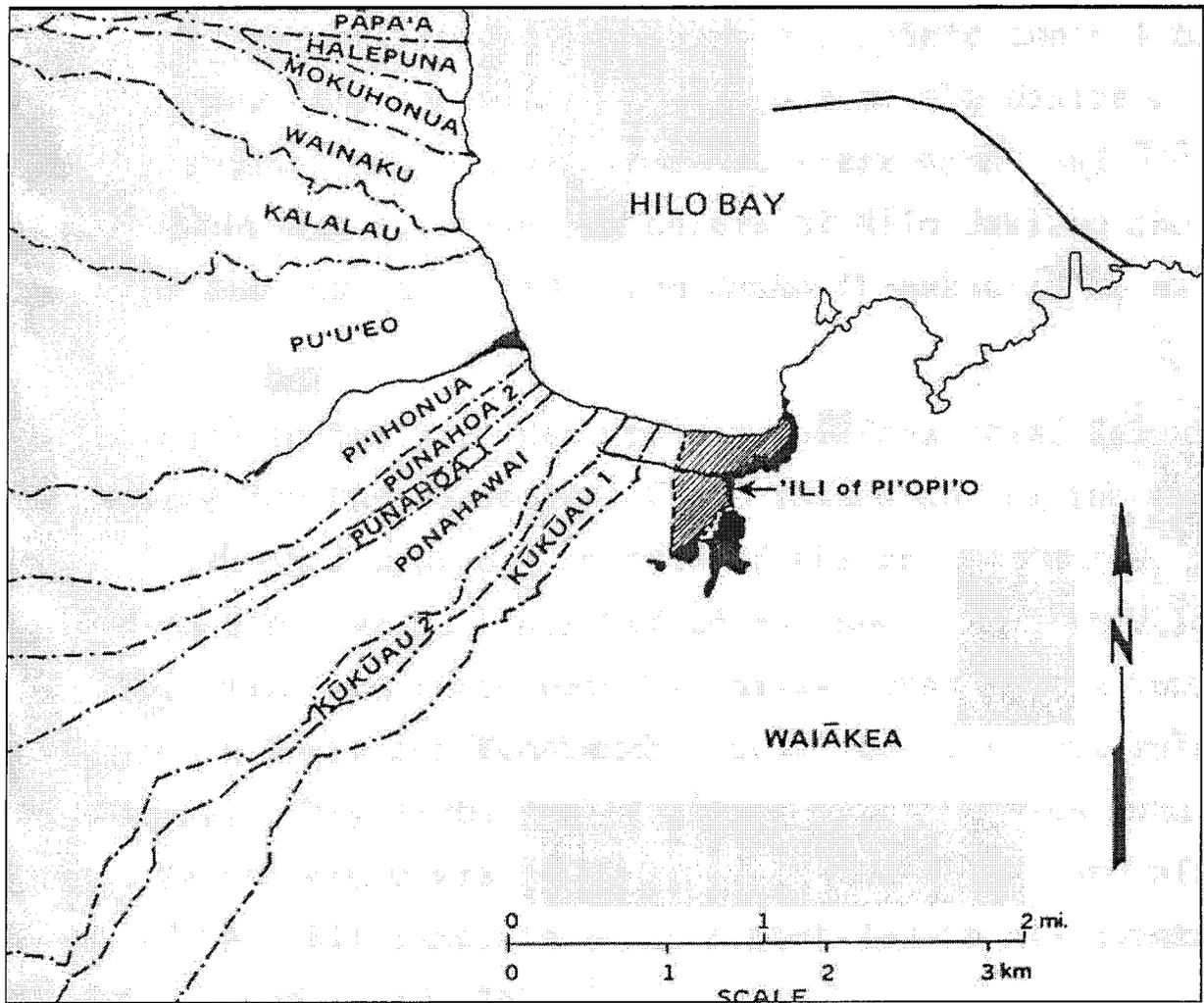


Figure 5: Waiākea Ahupuaʻa (Bush *et al.* 2000).



**Figure 6:** Kamehameha,s *'Ili Kūpono* Lands of Pi'opi'o in the *Ahupua'a* of Waiākea (Kelly *et al.* 1981).

### TRADITIONAL SETTLEMENT PATTERNS, SUBSISTENCE, AND LAND-USE

Historical accounts and archaeological/cultural studies pertaining to the *ahupua'a* of Waiākea (Bingham 1969; Bird 1974; Ellis 1963; Handy and Handy 1972; Kelly *et al.* 1981; Maly 1996; McEldowney 1979) provide a wealth of information on traditional residence patterns, land-use, and subsistence horticulture of the area. It is widely held that these historical accounts of residence patterns, land-use, and subsistence horticulture indicative of traditional practices developed long before contact with Europeans (McEldowney 1979). These are synthesized below in order to explain the types of cultural resources possibly located within the current project area.

Early accounts of Waiākea portray it as divided into several distinct environmental regions. From the coast to a distance of five or six miles scattered subsistence agriculture was evident, followed by a region of tall fern and bracken, flanked at higher elevations by a forest region between 10 and 20 miles wide, beyond which was an expanse of grass and lava (Ellis 1963:403). The American Missionary C.S. Stewart wrote, “the first four miles of the country is open and uneven, and beautifully sprinkled with clumps, groves, and single trees of the bread-fruit, pandanus, and candle tree (Stewart 1970:361-363). The majority of Waiākea’s estimated 2,000 inhabitants (in 1825) lived within this coastal region (Ellis 1963: 253). Taro, plantains, bananas, coconuts, sweet potatoes, and breadfruit were grown individually or in small garden plots. Fish, pig, dog, and birds were also raised and captured for consumption.

The present study area is situated along the coastal region, in the Pana‘ewa Forest. The legendary origin of the Pana‘ewa Forest is associated with Pele’s search for a suitable home in the island chain of Hawai‘i.

When a suitable place was finally discovered on Hawaii, the Paoa staff was planted in Panaewa and became a living tree, multiplying itself until it was a forest. The writer’s informant says that it is a tree known to the present generation of men. “I have seen sticks cut from it,” said he, “but not the living tree itself” [Emerson 2005:xi].

When Pele sent her sister Hi‘iaka to travel to Kaua‘i to contact Lohi‘au, Hi‘iaka passed through the Pana‘ewa Forest. Hi‘iaka could have passed around the forest, taking the pathway along the shoreline from Hā‘ena (southeast of the project area) to Waiākea and Hilo, but she instead chose to cut through the forest taking a more direct, and shorter route.

Two routes offered themselves for Hiiaka’s choice, a makai road, circuitous but safe, the one ordinarily pursued by travelers; the other direct but bristling with danger, because it traversed the territory of the redoubtable witch-mo‘o, Pana-ewa. ... When Hiiaka announced her determination to take the short road, the one of danger that struck through the heart of Pana-ewa, Pa-pulehu drew back in dismay and expostulated: “That is not a fit road for us, or for any but a band of warriors. If we go that way we shall be killed” [Emerson 1:2005:30].

Pana‘ewa did not let her pass without a fight.

The battle that ensued when Panaewa sent to the attack his nondescript pack of mo‘o, dragonlike anthropoids, the spawn of witchcraft, inflamed with the spite of demons, was hideous and uncanny. Tooth and claw ran amuck. Flesh was torn, limbs rent apart, blood ran like water. If it had been only a battle with enemies in the open Hiiaka would have made short work of the job. Her forces lay ambushed in every wood and brake and assumed every imaginable disguise. A withered bush, a bunch of grass, a moss-grown stone, any, the most innocent object in nature, might prove to be an assailant ready to spit venom or tear with hook and talon [Emerson 2005:35].

The mo‘o Pana‘ewa and all of his minions were defeated by Hi‘iaka and her assistants. “Hawaii for once, and for all time, was rid of that pestilential, man-eating, mo‘o band headed by Pana-ewa who, from the time of Pele’s coming, had remained entrenched in the beautiful forest-land that still bears the name – Pana-ewa” (Emerson 2005:46).

The forest is heavily wooded and dense with thickets. Travel through it is made more difficult by the broken and undulating ground surface. There is an historic trail that leads from the modern day Lili‘uokalani Gardens area to the Puna coast. The trail is often called the Puna Trail and/or the Old Government Road (Escott and Tolleson 2003). Remains of the trail cross the Hawaii Army Reserve National Guard (HIARNG) Keaukaha Military Reserve (KMR) property, and it has the current appearance of a gravel-covered dirt road. While there may have been some scattered home sites and gardens in this area, most of the known habitation was along the coast. The probable use of the area prehistorically was for trapping birds and collecting plants, including the plentiful *pandanus* or *hala* (Kelly *et al.* 1981:20).

#### **THE MĀHELE OF 1848 AND LAND COMMISSION AWARDS**

Prior to the Māhele, Waiākea Ahupua‘a belonged to King Kamehameha, then Lihiliho, and was later held by the chiefess Ka-unu-o-hua, granddaughter of Keawe-mauhili (ibid:40). Waiākea became Crown Lands during the Māhele of 1848 and in the following years twenty-five Land Claims were awarded within the *ahupua‘a* of Waiākea (Table 1). The awards were small in area, 24 of which went to native claimants. No Land Commission awards were made within or near the current project area. The project area is located on the southern portion of lands awarded to the Bishop Estate by Land Court Appeal (#443).

**Table 1. Land Commission Awards in Waiākea Ahupua‘a.**

Grantee	LCA	Acreage
Barenaba	2327	12.25
Halai, L.K.	1279	0.60
Hale	40004	4.25
Kahue	2663	3.75
Kaiana, J.B.	2281	10.25
Kaihenui	11050-B	5.19
Kalolo	1333	2.25
Kalua	8854	3.40
Kaluhikaua	1738	2.98
Kamamalu, V.	7713	<i>'ili 'aina</i>
Kamanuhaka	8803	1.02
Kapu	1-F	1.60
Kealiko	11174	1.00
Keaniho	2402	5.00
Keawe	5018	0.24
-	10505	-
Kuaio	4344	1.22
Leoi	9982	0.80
Lolo	4738-B	1.27
Mahoe	1-E	4.46
Moealoha	4737	1.03
Nakai	4785	1.05
Napeahi	2603	1.30
Wahine	4737-B	1.01
Wahinealua	11173	2.50
Wahinenoiihilo	10004	1.69

**CHANGING RESIDENTIAL AND LAND-USE PATTERNS (1845-1865)**

Between 1845 and 1865 traditional land-use and residential patterns underwent a change. In particular, the regular use of Hilo Bay by foreign vessels, the whaling industry, the establishment of missions in the Hilo area, the introduction of the sandalwood trade, the legalization of private land ownership, the introduction of cattle ranching, and the introduction of sugar cane cultivation all brought about changes in settlement patterns and long-established land-use patterns (Kelly *et al.* 1981).

Hilo became the center of population and settlements in outlying regions declined or disappeared. While food was still grown for consumption, greater areas of land were continually given over to the specialized cultivation and processing of commercial foodstuffs for export. Sugar cane plantations, and industrial, transportation, and military facilities were established in areas that were once upland agricultural areas and coastal

settlements, respectively. In particular, the land immediately north of the current project area was used as the location of a jail, an airfield, and the Keaukaha Military Reserve (KMR).

## **HISTORIC OVERVIEW OF KMR**

KMR comprises 503.6 acres located between General Lyman Field (Hilo International Airport) to the north, and the current project area to the south. The area lies in rugged, broken, undulating lava flows, and where unmodified by bulldozing, a dense forest of mixed and native flora abounds. Rainfall in this portion of Hilo keeps the jungle wet, and the ground surface slippery.

In 1914, the Territory of Hawaii, via Executive Order Number (EO) 26 set aside 213.43 acres of government lands in Waiakea, north of the current project area, for a National Guard rifle range. In 1925, the Territory withdrew 33 acres for the building of Lyman Airfield by the Army Corp of Engineers.

In August of 1938, a territorial prison camp was constructed on 13.55 acres in Waiakea, north of the current project area. The complex included a Jailer's and acting Jailer's cottage, and a large fenced area with two dormitories, a mess/laundry building, and a recreation/workshop. The prison camp was moved in 1946 and all buildings were removed.

The Army Corp of Engineers constructed a coral runway at KMR beginning in 1925. Hawaiian Airlines used the airport at the outbreak of World War II. The Navy expanded the airfield to three runways, built storage for 450,000 gallons of gasoline, and 24 airplane revetments. KMR became a Naval Station in August 1943 under the 14th Naval District Command Servicing Carrier Aircraft Service Unit (CASU) No. 31 and Air Group One. Extensive building took place including officer and enlisted men's quarters, a swimming pool, two clubs, a three-tank tank farm, water systems, cesspools, tennis courts, and other infrastructure. Personnel at KMR hit a wartime peak of 4,500 upon completion of construction in 1945.

Naval Air Station Hilo officially closed on August 31, 1947. On May 10, 1943, Hilo Airport was officially renamed General Lyman Field. In May 1946, while the Naval Station at KMR was being reduced to caretaker status, the Army Air Force announced that the 7th Army Air Corps (AAC) would begin 24-hour operations at Lyman Field.

In 1947, reactivation of the Hawai'i Army Reserve and National Guard (HIARNG) resulted in the HIARNG using several Navy buildings. During this time, many buildings were demolished, or sold to the public as war surplus. KMR is the headquarters for the island of Hawaii National Guard units of the 2nd Battalion, 299th Infantry Company D and 2nd Battalion 299th Infantry, as well as Army Air Guard units 451Bt Aviation Detachment, and the 452nd Aviation Attachment. KMR has firing ranges, training areas, barracks, support facilities, an armory and offices. During annual or special training operations, several hundred to thousands of Guardsmen are housed in cabins and tents pitched in the encampment area.

### **PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS**

Several archaeological investigations in Waiākea have been conducted in the lowlands around Hilo town and Pana'ewa (Figure 7). In addition, there are numerous small projects that have been conducted at various elevations of the large *ahupua'a* of Waiākea (Table 2). Despite these projects, not much is known about the distribution of archaeological resources in Waiākea. The best model for settlement distribution is that created by McElDowney (1979) based on historical documentation and discussed above.

The project is situated within the Coastal Settlement Zone of the east Hawai'i settlement model. As reflected in the name of that zone, prehistoric habitation is focused along the coastline. Fishponds for *ali'i* and *maka'āinana* were created, maintained, and used all along the coast. The basic cultivated crops such as irrigated and dry taro, bananas, breadfruit, *kukui* nuts, pandanus and *ti* were grown in these lower elevations. They did not grow uniformly over the coastal zone, however. The heavily weathered soils on the Mauna Kea flows along the western portion of Hilo Bay were particularly well suited for agriculture. This bias towards the western area is evident in the distribution of fields portrayed in an early depiction of the Hilo Bay. The eastern half Hilo Bay and further south and east are covered by younger Mauna Loa flows that lack soil the level of soil development present in the Mauna Kea flows.

Few archaeological sites have been recorded as a result of the projects conducted in the lower elevations of Waiākea. It is likely that the extent of disturbance by the 200 years of development in Hilo town is partially to blame for the lack of recorded lowland sites. In the case of archaeological projects conducted very close to the current project area, it is more likely that the lack of habitation in this inland, rugged, forest area,

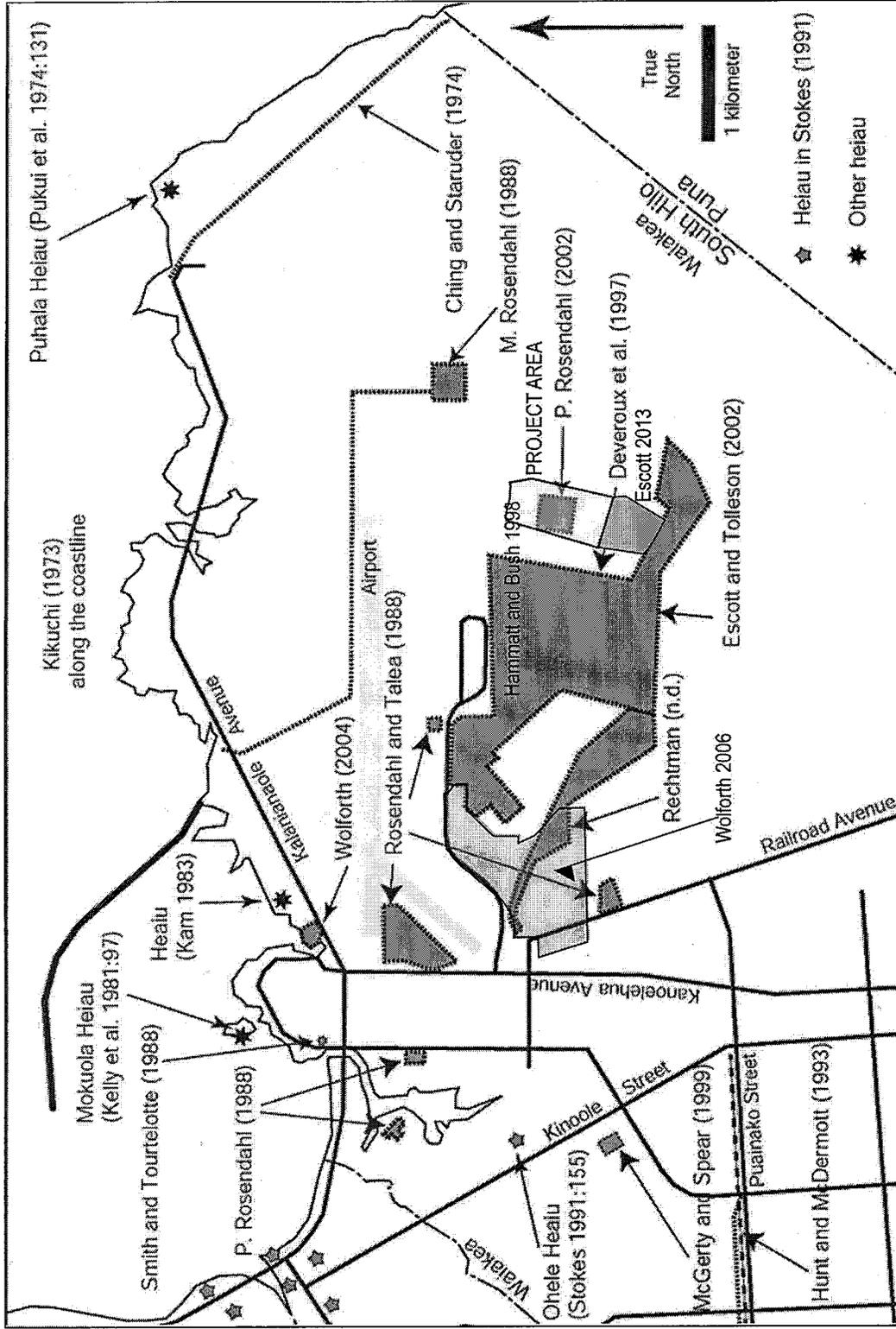


Figure 7: Previous Archaeological Studies Near the Project Area.

combined with disturbance from historic and modern uses, are responsible for the lack of recorded sites.

Paul H. Rosendahl Inc. (PHRI) (Rosendahl and Talea 1988) conducted research on five 5-acre lots dispersed through the South Hilo area, recording no cultural deposits due to extensive landform changes caused by the development of Hilo Town. A reconnaissance survey by PHRI (M. Rosendahl 1988) conducted at the eastern end of General Lyman Field again resulted in no extant archaeological remains due to previous land disturbance.

**Table 2:** Inventory of Previous Archaeological Investigations in Waiākea.

Reference	Activity	Results
Ching and Staruder (1974)	Reconnaissance	4 sites
Bonk (1979)	Survey	No sites (no map)
McEldowney (1979)	Historical research	Settlement pattern
Kelly, Nakamura and Barrère (1981)	Historical research	Chronology
Kam (1983)	Site inspection	1 site
Smith and Tourtellotte (1988)	Burial removal	One individual encountered
Rosendahl, M. (1988)	Reconnaissance	No sites
Rosendahl, M. and L. Talea (1988)	Reconnaissance	No sites
Rosendahl, P. (1988)	Reconnaissance	No sites
Pietrusewsky (1989)	Skeletal analysis	1 Individual
Stokes (1991)	Intermittent survey	Heiau locations
Hunt and McDermott (1993)	Inventory Survey	11 sites
Borthwick <i>et al.</i> (1993)	Inventory Survey	Sugar cane remains in uplands
Maly (1996)	Cultural History	Sugar cane history
Robbins and Spear (1996)	Inventory Survey	Sugar cane sites in the uplands
Eblé <i>et al.</i> (1997)	Supplemental Testing	Sugar cane sites in the uplands
Deveroux, <i>et al.</i> (1997)	Reconnaissance	2 sites
Spear (1988)	Reconnaissance	Sites present
Carson (1999)	Inventory Survey	No sites
McGerty and Spear (1999)	Inventory Survey	1 site
Dega and Benson (1999)	Reconnaissance	Possible prehistoric auwai
Dega (2000)	Inventory Survey	Auwai equals historical

Reference	Activity	Results
		ditch
Bush <i>et al.</i> (2000)	Inventory Survey	Burial in cave in uplands
Rechtman Consulting (n.d.)	Survey and CIA	No sites
Rechtman (2001)	Inventory Survey	No sites
McDermott and Hammatt (2001)	Inventory Survey	2 historical sites in uplands
Rosendahl, P. (2002)	Assessment Survey	No sites
Escott and Tolleson (2002)	Inventory Survey	Trail
Escott (2004)	Inventory Survey	WWII sites in the uplands
Wolforth (2004)	Inventory Survey	Fishponds, railroad
Escott (2013)	Archaeological Assessment	No sites

Devereux *et al.* (1997) conducted a reconnaissance level survey for HIARNG on selected portions of KMR along a corridor parallel to the Puna Trail. Two sites (assigned temporary site numbers CSH 1 and CSH 2) were recorded: as a prehistoric C-shaped enclosure and a coral mound, the team also addressed 10 historic structures over 50 years of age. CSH2 was later interpreted as a modern bulldozer push.

Hammatt and Bush (1998) conducted an inventory level survey of KMR adjacent to the portion of the Puna Trail that extends through the facility. In this report, they discussed the history of the Puna Trail that continues down to south Puna where it meets with the Old Gov't Road (also called the Puna trail). They noted extensive mechanical grading of the ground surface at KMR during military occupation that has effectively removed all surface traces of historic/prehistoric occupation. However, the entire facility was not completely surveyed. Hammatt and Bush recorded three archaeological sites, a C-shaped enclosure, thought to be military in origin, a group of five *ahu*, possibly markers to denote the trail set parallel to the Puna Trail and a modified natural lava blister interpreted as a traditional Hawaiian agricultural planting feature.

Tolleson (n.d.) conducted archaeological data recovery at Site 21771 located adjacent to the paved portion of the Puna Trail the traverses KMR. This site consists of a complex comprised of a low platform, an enclosure, a possible *imu*, fruit trees, and a meadow. Artifacts, such as horse/mule shoes, sharpening implements, a sharpening wheel, and hoof files suggest the site is related to historical road construction along the Puna Trail.

PHRI (P. Rosendahl 2002) conducted an archaeological assessment survey of 14.99-acres of the quarry site within the current project area. No archaeological sites were identified during the study.

Escott and Tolleson (2003) conducted an archaeological inventory survey just east of the current project area. A single site (Site 23273) consisting of a remnant trail segment and two planting features were recorded along the south west boundary of the project area.

Wolforth (2006) conducted an archaeological inventory survey of 147 acres south of the Hilo International Airport. Four sites (SIHP 50-10-35-25538, 25539, 25540, and 25541) associated with a Naval Air Station facilities and quarry were recorded. No pre-Contact or early post-Contact era sites were documented on the project area.

Scientific Consultant Services, Inc. (Escott 2013) conducted an archaeological assessment of 50 acres just south of the current project area. No archaeological sites or historic properties were identified during the study.

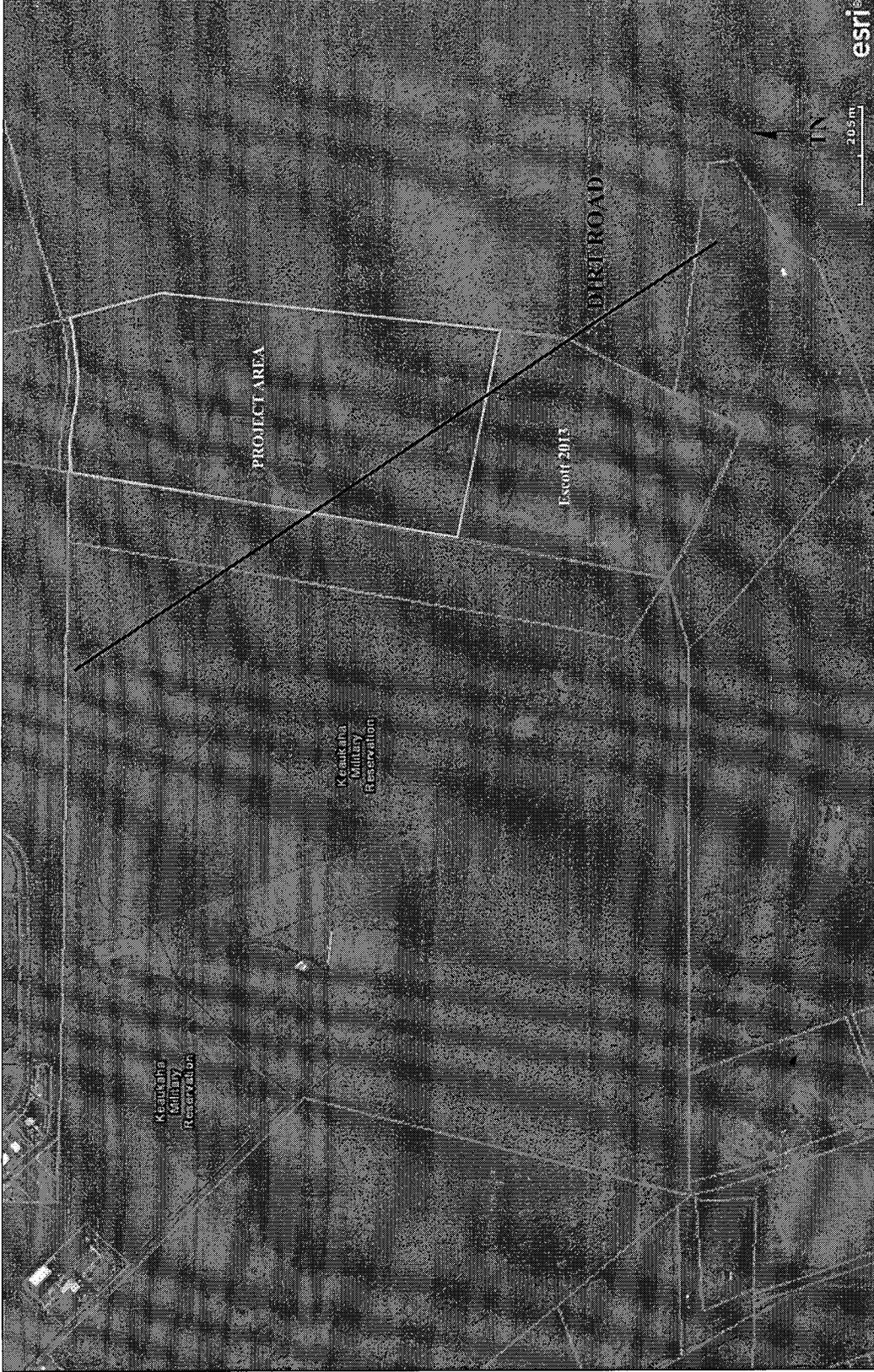
The study did document a modern dirt road in the northeast corner of the project area (Figure 8). The dirt road crossed the project area in an area of open shallow soil and bare pahoehoe with only *'uluhe* fern and small shrub ground cover. The dirt road was not marked by dirt berms or rock piles along the edges where it crossed the project area.

The dirt road was straight and was oriented northwest/southeast. It was constructed by bulldozer and connected the upper and lower portions of the Keaukaha Military Reservation (Figure 9). Bulldozer track scars associated with road construction were evident on the pahoehoe ground surface at the southern end of the dirt road.

A search was made of Hawai'i County Planning documents, historic maps, and archival documents to ensure the dirt road was not constructed over a pre-existing trail or government road. In addition, SCS consulted with Ala Kahakai and Na Ala Hele. There were no documents showing a traditional trail or government road in the location of the dirt road identified during the current study.



**Figure 8:** Aerial Photograph of Escott 2013 Project Area Showing Dirt Road Alignment (Google, 2012 Image).



**Figure 9:** Aerial Photograph Showing Dirt Road Alignment Across Project Area (ESRI, 2012 Image).

An aerial photograph of the area taken in 1965 clearly showed the project area lands and the absence of the dirt road. While numerous other dirt roads were clearly evident in the aerial photograph, the dirt road identified in the project area was not visible. The dirt road located during the study was not constructed in 1965, was not 50 years old or older, and was considered not eligible for listing as a state site.

All previous archaeological and archival investigations indicate a low site density within the project area environs. The studies suggest that the lack of sites in this region is the result of the rugged and inhospitable landscape, having little fertile soil or arable land, being thickly forested, and subject to high rates of rainfall.

### **EXPECTED ARCHAEOLOGICAL PATTERNS**

Based on previous archaeological studies, geological studies, historical research, and previous archaeological studies it is expected very few archaeological sites will be located on the current project area. Possible pre-Contact era site types in the region will likely consist of trail segments, temporary habitation features associated with travel, and less likely, scattered temporary habitation features adjacent to planting features. It is also possible that more modern features associated with WWII training activity and quarrying in the area might be present on the project area.

### **RESULTS OF FIELDWORK**

No archaeological sites and no remains of historic properties were identified during the pedestrian survey conducted at the project area. A portion of the modern dirt road located during the Scientific Consultant Services, Inc. study (Escott 2013) was also identified in the southern portion of the current study area (see Figure 9). In addition, it was noted that a bulldozer had cut north-south tracks across the entire project area at some point in the distant past. Other portions of the project area, most notably the entire eastern-central and northeast corner of the project area, were completely grubbed in the distant past.

## **CONCLUSION AND RECOMMENDATIONS**

It is not entirely unexpected that no cultural resources were located during the current study. The lands of the project area are not near to any areas of traditional pre-Contact habitation or agriculture. Documented, pre-Contact era land-use is limited to travel between the villages in coastal Waiakea Ahupua'a and the Puna coast. Post-Contact era land-use increased in the area, but was limited to government and military enterprises.

Though no cultural resources were identified within the project area, it is possible that some archaeological features might be hidden under the undisturbed, thick vegetation. Because of this fact, and at the request of the SHPD, it is recommended that initial ground clearing and grubbing be conducted in the presence of a qualified archaeological monitor.

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## Randy Vitousek

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**From:** Glenn Escott <ggescott@yahoo.com>  
**Sent:** Wednesday, February 06, 2013 8:19 AM  
**To:** Randy Vitousek; Mike Pearring; Bob Spear  
**Cc:** Byron Fujimoto  
**Subject:** DPW and DLNR-Land Division Comments

Mike,

I met with two of the SHPD archaeologists yesterday at the quarry project. We reviewed historic maps, aerial photos, and county TMK maps for the area. We agreed it looks as though, from at least two aerial photographs, that there was a bulldozed dirt road between upper KMR and the shooting ranges on Lower KMR. The remains of the road are not visible on the quarry expansion project area because it crosses pahoehoe and is overgrown with uluhe fern. I brought the archaeologists down to the southeast end of the bulldozed road alignment near the KMR ranges (off project). It is still very overgrown there, but you can see where the alignment is by looking at the gap in the old growth ohia trees.

We noted and photographed lots of bulldozer track scarring on the pahoehoe in this area. The consensus is, the alignment is a dirt road constructed by the folks at KMR. Because the road is likely more than 50 years old, SHPD will assign a site number to it. I will document the alignment and the measures we took to ensure it is not an historic trail, but a dirt road. The information will go into the arch report. I will recommend no further work for the dirt road as it is not significant for listing on either the Hawaii or National Register of Historic Places.

Mike, you asked if I am available to attend the hearing on Thursday to answer any archaeological questions. I am available and can answer questions pertinent to archaeology. Thank you for agreeing to pay for my time at the hearing. Please feel free to call or email if you have additional questions.

Thanks,  
Glenn G. Escott, MA  
Scientific Consultant Services, Inc.  
Office: 808/959-5956  
Cell: 808/938-0968





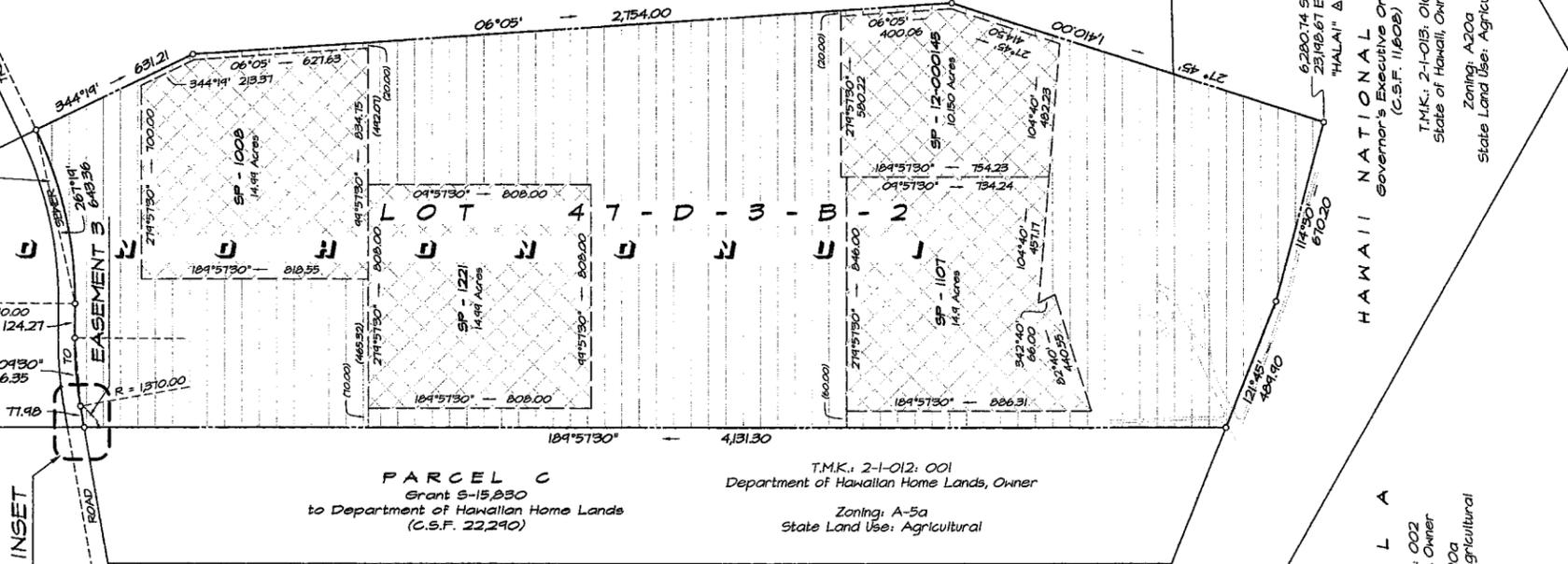
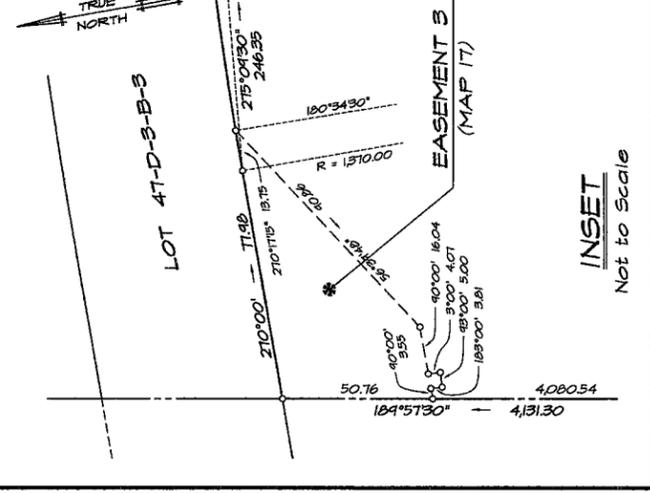
CEMENT  
ZONING  
OWNER  
T.M.K.: 2-1-013: 002  
State of Hawaii, Owner  
Zoning: A-5a  
State Land Use: Agricultural

GENERAL LYMAN FIELD  
Governor's Executive Order 2653  
(C.S.F. 16,740)  
T.M.K.: 2-1-012: 001  
State of Hawaii (DOT AD), Owner  
Zoning: ML-20  
State Land Use: Urban

LOT 47-D-3-B-1  
T.M.K.: 2-1-013: 165  
B.P. Bishop Estate, Owner  
Zoning: A-5a  
State Land Use: Agricultural

LOT 47-D-3-B-2  
T.M.K.: 2-1-013: 166  
B.P. Bishop Estate, Owner  
Zoning: A-5a  
State Land Use: Agricultural

SEE INSET



PARCEL A  
T.M.K.: 2-1-013: 002  
State of Hawaii, Owner  
Zoning: A-5a  
State Land Use: Agricultural

PARCEL B  
T.M.K.: 2-1-013: 010  
State of Hawaii, Owner  
Zoning: A-20a  
State Land Use: Agricultural

PARCEL C  
Grant S-15,830  
to Department of Hawaiian Home Lands  
(C.S.F. 22,240)  
T.M.K.: 2-1-012: 001  
Department of Hawaiian Home Lands, Owner  
Zoning: A-5a  
State Land Use: Agricultural

**AREA SUMMARY**

Lot 47-D-3-B-2	140.368 Acres
SP - 100B	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85.338 Acres

**NOTES:**

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (Ia).
4. Site is within Zone X areas determined to be outside of the 0.2% annual chance Floodplain. No baseflood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community-Panel Number 155166 0205 C, Map Revised: September 16, 1988.

PREPARED FOR:  
Jas. W. Glover, Ltd.  
890 Leilani Street  
Hilo, Hawaii 96720

OWNER:  
B. P. Bishop Estate  
567 South King Street, Suite 200  
Honolulu, Hawaii 96813

**PROJECT SITE**  
**REMAINDER OF LOT 47-D-3-B-2**  
**OF LAND COURT APPLICATION 433**  
**AS SHOWN ON MAP 16**  
IN THE 'ILI OF HONOHONUI  
SOUTH HILO, ISLAND OF HAWAII, HAWAII  
Tax Map Key: 3rd DIV. 2-1-013: 004



INABA ENGINEERING INC.  
278 Makanihue Ave.  
Hilo, Hawaii 96720



This work was prepared by me or under my supervision.  
*Alan Z. Inaba*  
Alan Z. Inaba  
Licensed Professional Land Surveyor  
Certificate Number 5626  
License Expires: April 30, 2014  
Land Court Surveyor Number: 244  
February 21, 2015  
Revised: February 20, 2014  
IEI #18005

**List of Owners  
Within 500'**





**GENERAL LYMAN FIELD**  
 Governor's Executive Order 2655  
 (C.S.P. 16,740)

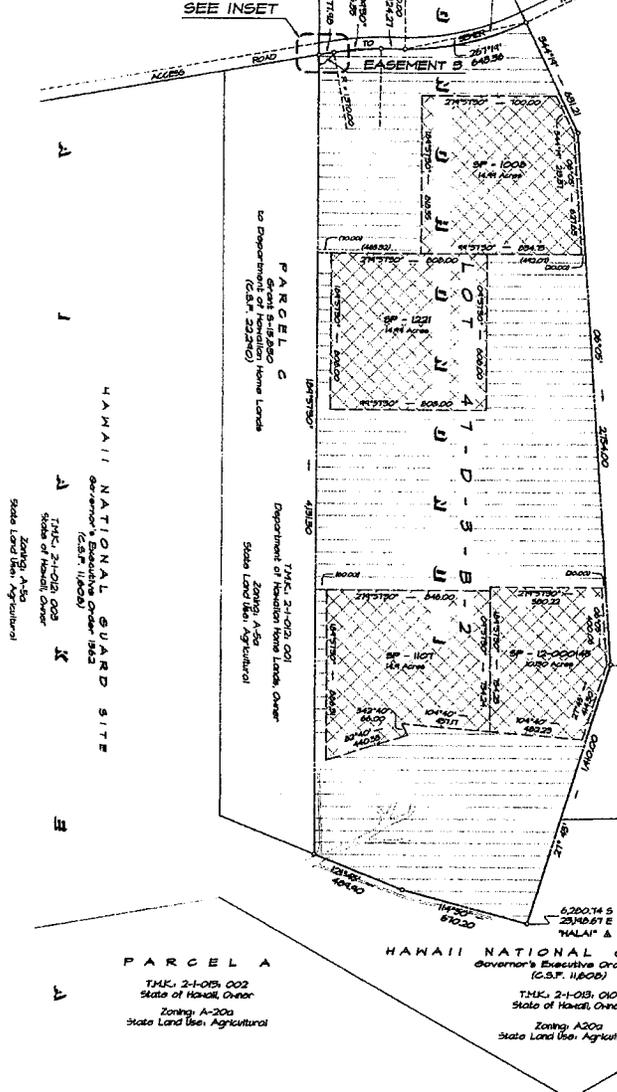
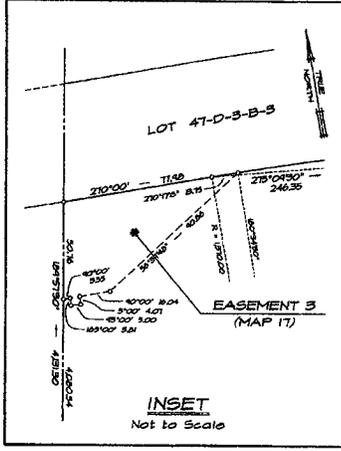
TMK: 2-1-012, 004  
 State of Hawaii (DOT AD), Owner  
 Zoning: HL-20  
 State Land Use: Urban

**CLEAR ZONE EASEMENT**  
 (C.S.P. 19,825)

TMK: 2-1-013, 110  
 State of Hawaii, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**LOT 47-D-3-B-3**  
 TMK: 2-1-013, 166  
 B.P. Bishop Estate, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

SEE INSET



**PARCELA X**  
 TMK: 2-1-013, 002  
 State of Hawaii, Owner  
 Zoning: A-50  
 State Land Use: Agricultural

**PARCELA A**  
 TMK: 2-1-013, 002  
 State of Hawaii, Owner  
 Zoning: A-200  
 State Land Use: Agricultural

**HAWAII NATIONAL GUARD SITE**  
 Governor's Executive Order 1562  
 (C.S.P. 11,608)

TMK: 2-1-013, 010  
 State of Hawaii, Owner  
 Zoning: A200  
 State Land Use: Agricultural

Zoning: A-50  
 Zoning: A-200

**NOTES:**

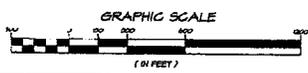
1. Adjacent property ownership shown is from County of Hawaii Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (ia).
4. Site is within Zone X; areas determined to be outside of the 0.2% annual chance floodplain. No floodplain elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community Panel Number 15106-0803-C. Map Revised: September 16, 1988.

AREA SUMMARY	
Lot 47-D-3-B-2	140.368 Acres
SP - 100B	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-00014S	10.150 Acres
Remainder Lot 47-D-3-B-2	85.338 Acres

**PROJECT SITE**  
 REMAINDER OF LOT 47-D-3-B-2  
 OF LAND COURT APPLICATION 455  
 AS SHOWN ON MAP 16  
 IN THE 'ILI OF HONOHONUI  
 SOUTH HILO, ISLAND OF HAWAII, HAWAII  
 Tax Map Key: 3rd DIV. 2-1-013: 004

**PREPARED FOR:**  
 Jas. W. Glover, Ltd.  
 570 Liliuokalani Street  
 Hilo, Hawaii 96720

**OWNER:**  
 B. P. Bishop Estate  
 567 South King Street, Suite 200  
 Honolulu, Hawaii 96813



**INABA ENGINEERING, INC.**  
 275 Kilauea Ave.  
 Hilo, Hawaii 96720



This work was prepared by  
 Alan Z. Inaba  
 April 2, 2014  
 Licensed Professional Land Surveyor  
 Certificate Number 5626  
 License Expires April 30, 2014  
 and Court Surveyor Number 249  
 February 21, 2015  
 Revised: February 23, 2014