

May 20, 2014

Roy A. Vitousek III
 Direct Line: (808) 329-5811
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 Email: rvitousek@ca des.com

Ms. Rachel Rounds
 Acting Island Team Manager
 Fish and Wildlife Service
 Pacific Islands Fish and Wildlife Office
 United States Department of the Interior
 300 Ala Moana Boulevard, Room 3-122
 Honolulu, Hawaii 96850

MAY 21 11 19 14
 HONOLULU, HI

Re: Special Use Permit Application No. SPP 14-000162
 to Establish New Quarry, South Hilo, Hawaii
 Applicant: Jas. W. Glover, Ltd.
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Ms. Rounds:

Thank you for your comments in your letter dated April 11, 2014, to Ms. Maija Cottle, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. Applicant offers the following in response to your concerns about potential listed species on the project site:

1. Quarrying activities such as proposed have been conducted on the subject parcel since at least the 1960s. Applicant presently holds four active Special Use Permits for quarrying on properties located within the 140 acre+ parcel. Applicant's quarrying activities do not typically include the use of barbed wire fencing and nighttime quarrying work.
2. The subject parcel borders the Kilauea Military Reservation (KMR) to the west and the south, including a rifle range practice site to the South. The subject area was disturbed before Applicant had any involvement in quarrying operations in the area. Attached is a copy of an aerial photograph taken sometime in the 1970s (based on when the airport taxiways were constructed.) The site borders the Hilo airport and an access road to the County wastewater treatment facility to the north. None of these activities are restricted to certain months of the year.
3. Surveys for historical sites and environmental assessments have been conducted within the past 2 years. These surveys included thorough walkthroughs by teams over nearly 100% of the 140+ acre parcel. No indications of listed species was

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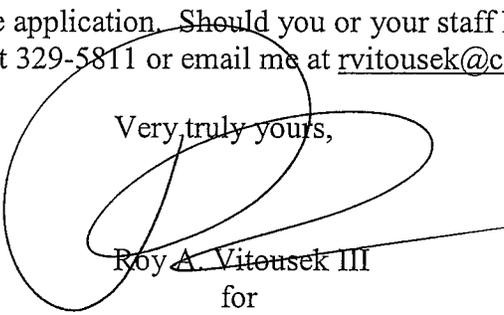
EXHIBIT
31

noticed in the flora and fauna comments in either report of the archaeological surveys.

4. Two of the Special Use permits Applicant holds include statements by the County of Hawaii that "The project site is not a habitat for endangered species of flora or fauna." (See paragraph 2 on page 3 of 7 of attached SP 1221, and paragraph 5 on page 3 of 5 on SP 1008).

Thank you again for reviewing the application. Should you or your staff have any questions, please feel free to contact me at 329-5811 or email me at rvitousek@cades.com.

Very truly yours,



Roy A. Vitousek III

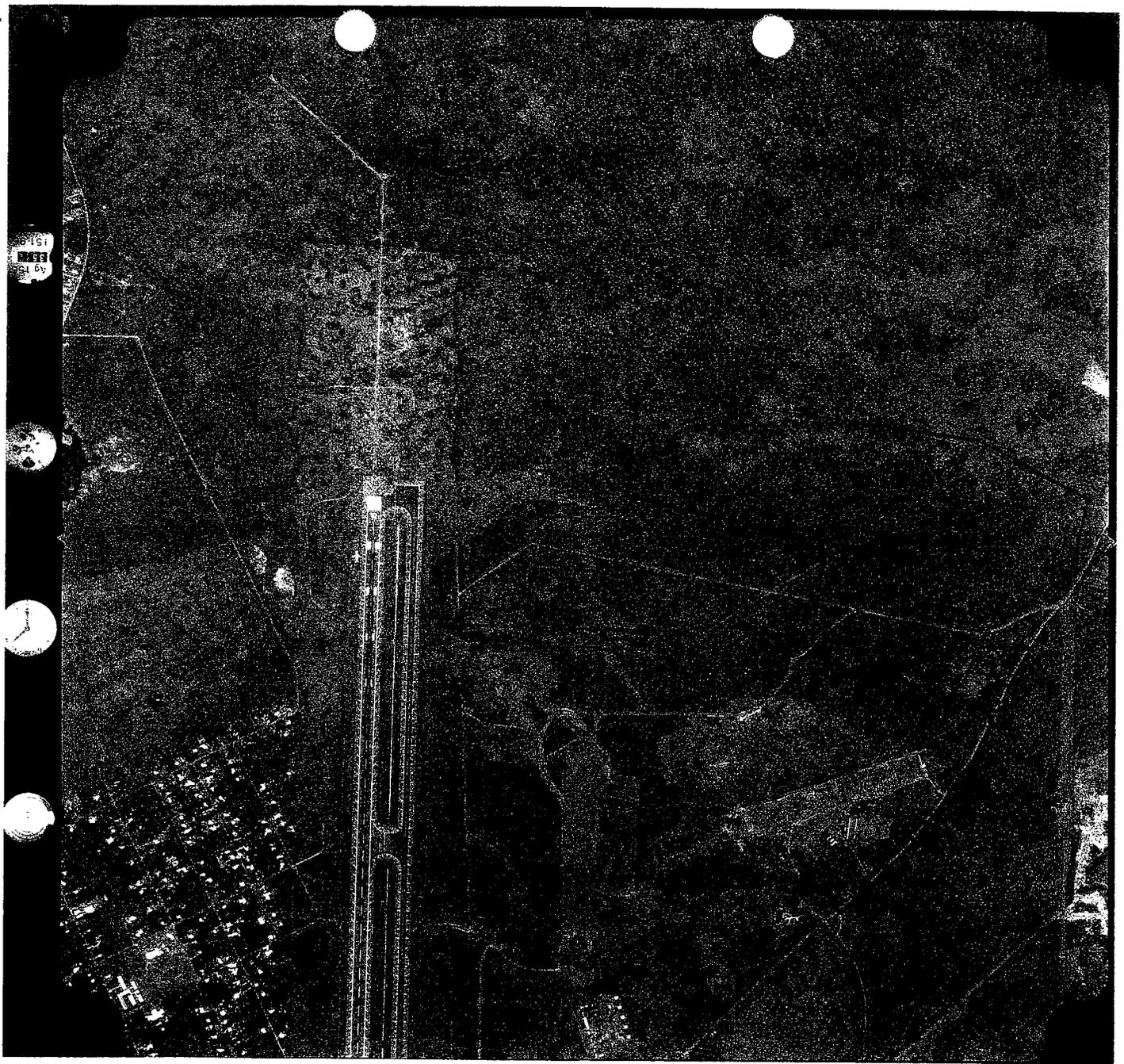
for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV
attach.

cc: Maija Cottle, County of Hawaii Planning Department



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 09 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

Mr. Byron Fujimoto, Vice-President
Jas W. Glover, Ltd.
Page 2

classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and other important ag lands 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 another quarry site, including production facilities on the site, such as crushing plants, concrete plants, asphalt plants, tile plants and other supporting facilities and accessory uses.

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 that 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-5 acres (A-5a) zone district. The quarry operation is situated on a 14.99 acre portion of a 140.3 acre parcel. The 14.9 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. The quarry and related uses 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 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.

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 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.
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.

Page 6

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.
Page 7

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

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 23 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 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. 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.

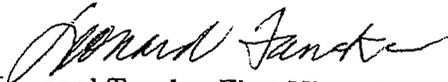
1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to commencing any land clearing operations, archeological clearance shall be secured from the Department of Land and Natural Resources - State Historic Preservation Division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

- 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