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PLANNING DEPARTMENT
COUNTY OF HAWAII

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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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June 17, 2014

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

Dear Mr. Kanuha:

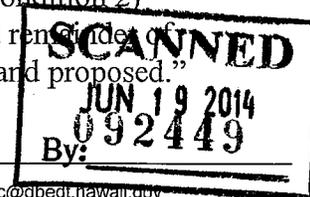
Subject: Special Permit Application No. SPP 14-000162
Applicant: Jas. W. Glover, Ltd.
South Hilo, Hawai'i
Tax Map Key: (3) 2-1-013:004 (portion) *covering 85 acres

On March 7, 2013, the County of Hawai'i, Windward Planning Commission (WPC) approved Special Permit to allow establishment of a new quarry site on approximately 10.15 acres within a 140.368 acre property to applicant Jas. W. Glover, Ltd. The Land Use Commission (LUC) had previously provided comments to the County regarding concerns that quarrying activities on the property were being "parceled" into a series of less than 15-acre applications.

At the time the WPC and applicant took notice of the LUC concerns. This prompted a meeting between LUC staff and the applicant's representatives. In their approval of the 10.15 acre quarry Special Permit, the Windward Planning Commission reported the applicant's counsel, Mr. Roy Vitousek, "...represented that the LUC was amenable 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." (March 21, 2013 WPC letter of approval to Mr. Bryon Fujimoto, pg. 2, paragraph 4) The WPC also indicated that a condition of approval would require submittal of "...a properly completed Special Permit for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit."

However, the actual condition required under the 10.15-acre Special Permit (Condition 2) only required the applicant to request a new Special Permit for the "unquarried remainder of the 140.368-acre property" rather than for "...all quarrying activities, existing and proposed." This is not what the LUC had intended when we met with the applicant.

**EXHIBIT
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The current Special Permit application before the WPC is for the approximately 85 acres of the existing property that has either not been quarried or subject to an existing Special Permit. As the proposed use is greater than 15 acres, the County of Hawai'i will hear the application, either deny it or make a recommendation for approval with appropriate conditions to the LUC. The record for this decision will be developed at the County level and it is important to be comprehensive and cover any issues that the WPC and LUC might wish to consider in rendering their decisions. Therefore, we recommend the County Planning Department and the WPC make sure that the following issues are addressed by the applicant prior to any decision-making:

- 1) Verify the status of compliance with conditions for each of the existing Special Permits within the Project site (140-acre parcel);
- 2) Identify the termination dates for each of the Special Permits and the license agreement with Kamehameha Schools;
- 3) Discussion of Erosion Control and Site Restoration Plan(s) and how the individual plans required under each existing Special Permit would be coordinated with any new plan required for the 85-acre unquarried areas. Clarify the use and application of the terms Erosion Control and Site Restoration Plan (Condition 6 of SPP 12-000145) and Site Restoration and Revegetation Plan (Condition 11 of SPP 12-000145);
- 4) Status of Archaeological Monitoring Plan for SPP 12-000145. A letter dated April 15, 2014 from the State Historic Preservation Division (SHPD) indicates they look forward to the opportunity to review and approve a monitoring plan; and,
- 5) A discussion of any perceived legal or logistical problems that would preclude having a single State Special Permit covering the existing and proposed quarrying activities on the entire 140+-acre property rather than six (6) separate Special Permits.

We appreciate your consideration of our concerns. Should you have any questions please contact Scott A.K. Derrickson, AICP, or myself at 587-3822.

Sincerely,



Daniel Orodener
Executive Officer

cc: Dean Au, Windward Planning Commission
Leo Asuncion, OP
Bryan Yee, AG
Roy A. Vitousek, III, Esq.
Byron Fujimoto, Jas. W. Glover, Ltd.