

**Cottle, Maija**

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**From:** Randy Vitousek [rvitousek@cales.com]  
**Sent:** Wednesday, July 02, 2014 4:02 PM  
**To:** 'Daryn Arai'  
**Cc:** 'Mike Pearring'; Cottle, Maija  
**Subject:** RE: Jas W. Glover Special Permit application 14-000162  
**Attachments:** Scan.pdf

Daryn:

In reviewing the Recommendations and proposed conditions of approval we noticed some differences between the language in the Recommendations and the content of the proposed conditions.

Specifically on Page 1 of the Recommendations where the Department lays out its findings it is stated that :  
"Normal production hours would be form 6:00am to 6:00pm., Monday through Friday. Work may occur at other times and days, depending on demand."

Condition 3 state: "Quarrying activities shall be limited to the hours of 6:00am to 6:00pm daily"

We propose adding the sentence "Work may occur at other times and days, depending on demand." to Condition 3.

On page 8 the Recommendations note that:

"One of the recommendations is for a qualified biologist to conduct Nene nest surveys and Hawaiian Hawk nest surveys prior to VEGETATION CLEARING AND BEGINNING QUARRY ACTIVITIES IN UN-QUARRIED AREAS OF THE PROPERTY"

Condition 8 says "To protect any Hawaiian Hawk and Hawaiian goose in the vicinity of the property, QUARRY ACTIVITIES shall not occur..."

We propose to amend Condition 8 to state, in relevant part:

"To protect any Hawaiian Hawk and Hawaiian goose in the vicinity of the property, VEGETATION CLEARING AND BEGINNING QUARRY ACTIVITIES SHALL NOT OCCUR IN THE UN-QUARRIED AREAS OF THE PERMIT AREA during ..

I am attaching hand written proposed amended conditions 3 and 8.

Thanks and aloha randy

**From:** Daryn Arai [mailto:darai@co.hawaii.hi.us]  
**Sent:** Wednesday, July 02, 2014 2:02 PM  
**To:** Randy Vitousek  
**Cc:** 'Mike Pearring'; Cottle, Maija  
**Subject:** RE: Jas W. Glover Special Permit application 14-000162

Randy,

Thank you for this info that we will provide to the Commission.

Sorry if we misrepresented and will correct record if necessary. I haven't had the time to look into this matter, but will do so by the hearing.

<b>SCANNED</b> JUL 15 2014 By: _____	Re'd at 7/3 mtg by _____
	Dist'd <u>WJD</u> Read _____
<b>FILE COPY</b>	

**EXHIBIT**  
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Noticed we were copied, and maybe it just didn't make its way into the file. We will verify.

Thanks  
Daryn

Daryn S. Arai  
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*"Hawai'i County is an equal opportunity provider and employer"*

**From:** Randy Vitousek [<mailto:rvitousek@cales.com>]  
**Sent:** Wednesday, July 02, 2014 12:26 PM  
**To:** 'Daryn Arai'  
**Cc:** 'Mike Pearring'  
**Subject:** RE: Jas W. Glover Special Permit application 14-000162

Daryn:

We will look for the hard copy today. Thanks.

We note that on Page 4 of the Background Report at numerical paragraph 13, it is stated that:

Special Permit No. 1221: Issued on October 3, 2003 to Jas W. Glover, Ltd to establish a quarry and related uses on approximately 14.99 acres of land in the middle and west portion of the subject property. The applicant has not complied with Condition 7, which required submittal of an Archeological Monitoring Plan to SHPD prior to starting quarry operations on the site. According to the applicant, about 90% of the rock on this site has been quarried. The life of this permit is co-terminus with the Jas W. Glover, Ltd. license agreement with Kamehameha Schools, which will expire on May 31, 2027.

We believe that the statement to the effect that "The applicant has not complied with Condition 7..." is not correct. Attached hereto are the Archeological Monitoring Plan prepared by PHRI for this 14.99 acre parcel together with a copy of the February 4, 2004 letter from SHPD approving the monitoring plan.

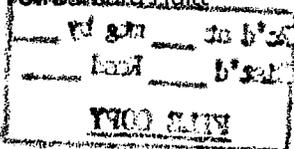
Can you please include this information in the material provided to the Windward Planning Commission members.

Call me if you have any questions. I am at 329-5811 and my cell is 808-938-0388.

See you tomorrow,

Aloha randy

**From:** Daryn Arai [<mailto:darai@co.hawaii.hi.us>]  
**Sent:** Wednesday, July 02, 2014 10:26 AM  
**To:** Barbara Huitt



**Cc:** Randy Vitousek  
**Subject:** RE: Jas W. Glover Special Permit application 14-000162

Thank you very much!

We were able to make the mailout yesterday, so we hope that the Applicant is able to secure their hardcopy by today. We will have a hardcopy at the meeting just in case.

Please do not hesitate to contact me should there be any questions.

Daryn

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**From:** Barbara Huitt [<mailto:bhuitt@cades.com>]  
**Sent:** Tuesday, July 01, 2014 5:11 PM  
**To:** 'Arai, Daryn'  
**Cc:** Randy Vitousek  
**Subject:** RE: Jas W. Glover Special Permit application 14-000162

Thank you, Daryn. We have provided our client with a copy of your email and attachments.

Barbara A. Huitt  
Legal Secretary to Roy A. Vitousek III  
Cades Schutte LLP  
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**From:** Arai, Daryn [<mailto:DARAI@co.hawaii.hi.us>]  
**Sent:** Tuesday, July 01, 2014 4:39 PM  
**To:** Randy Vitousek  
**Subject:** Jas W. Glover Special Permit application 14-000162

Mr. Vitousek,

Our apologies for the delay in getting these reports to you and your client. I hope you don't mind my asking you to forward this to your client since I don't have Mr. Fujimoto's email.

Should you have any questions, please feel free to contact me.

Otherwise, we look forward to seeing you on Thursday before the Windward Planning Commission.

Daryn

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A condition of the permit will require floral and faunal surveys (including nest surveys) prior to vegetation removal of any un-quarried areas of the property. Conducting these surveys just prior to starting quarry activity of a forested area will ensure that the surveys accurately reflect any endangered or threatened species present in the area at the time.

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. 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.
3. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
4. **WORK MAY OCCUR AT OTHER TIMES DEPENDING ON DEMAND.** Prior to commencement of quarry activity on any previously un-quarried land, a Site Restoration and Revegetation Plan, which assures the site will be left in a nonhazardous condition, shall be submitted for review and approval by 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 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.
5. 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.
6. Prior to commencing any land alteration activity on any un-quarried portions of the property, the applicant shall secure approval by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) of an Archaeological Monitoring Plan to ensure that no historic sites are inadvertently

damaged or destroyed. This plan will call for "on-call monitoring" in conjunction with DLNR-SHPD. A copy of the approved plan shall be provided to the Planning Department.

7. To protect any Hawaiian hoary bats in the vicinity of the property, barbed wire fencing shall not be used in the permit area and woody vegetation over 15 feet in height shall not be removed during bat breeding season of June 1<sup>st</sup> to September 15<sup>th</sup> without first conducting surveys for bat nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.
8. To protect any Hawaiian hawk and Hawaiian goose in the vicinity of the property, <sup>VEGETATION CLEARING AND BEGINNING</sup> quarry activities shall not occur in the <sup>UNQUARRIED AREAS OF THE PERMIT AREA</sup> permit area during hawk breeding season of March to September and goose breeding season of October to March without first conducting surveys for hawk and goose nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.
9. Prior to removing vegetation on any un-quarried portions of the property, the applicant shall conduct a flora study and submit to the U.S. Fish and Wildlife Service (USFWS) for review and approval. The applicant shall implement any mitigation measures required by USFWS and provide a copy of the approved study and mitigation plan to the Planning Department.
10. 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.
11. 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-SHPD when it finds that sufficient mitigative measures have been taken.
12. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance