

JAS W. GLOVER, LTD.

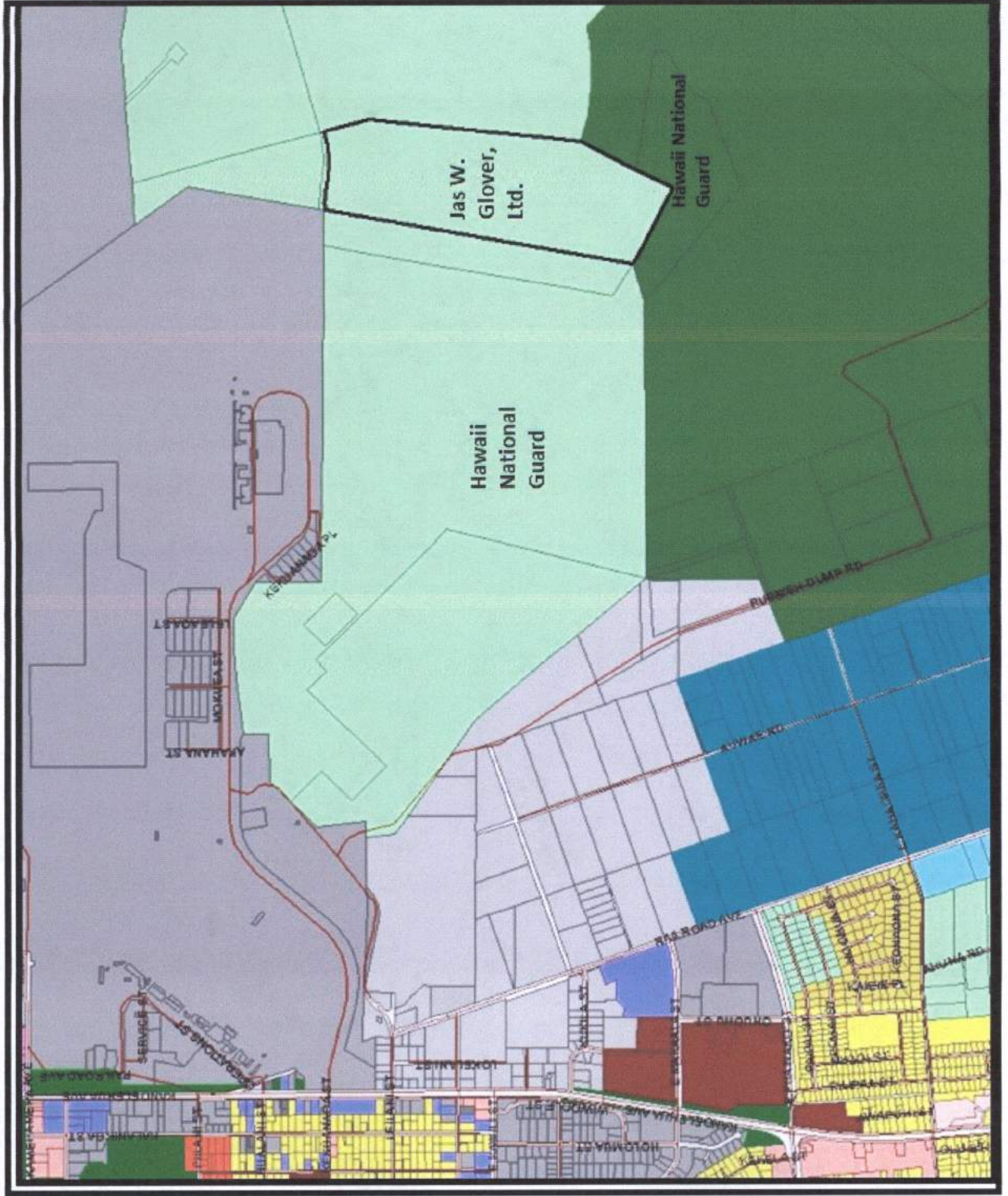
SPECIAL PERMIT NO. 14-000162

REMAND FROM STATE LAND USE COMMISSION

EXHIBIT

63

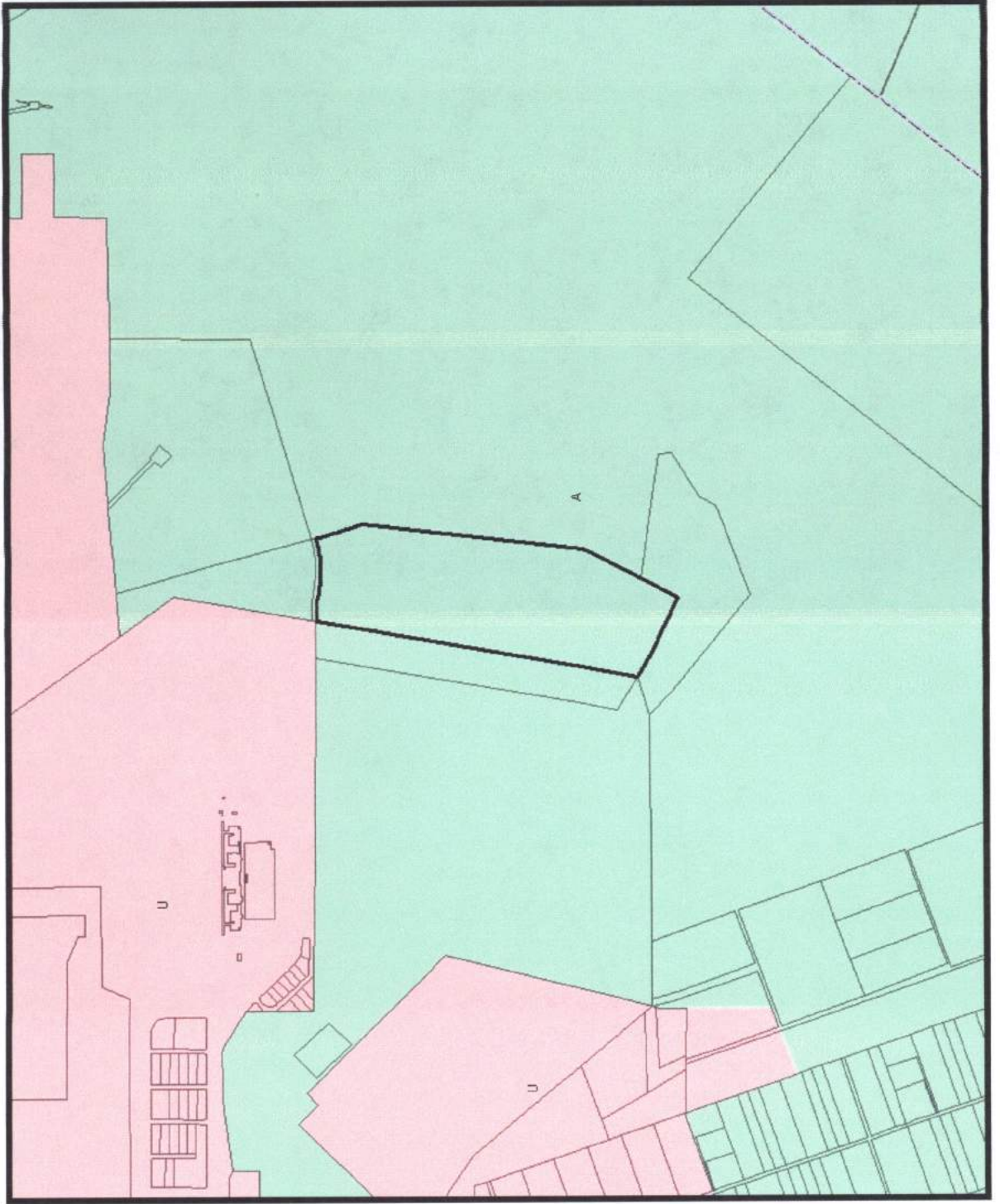
Location Map



County Zoning Map

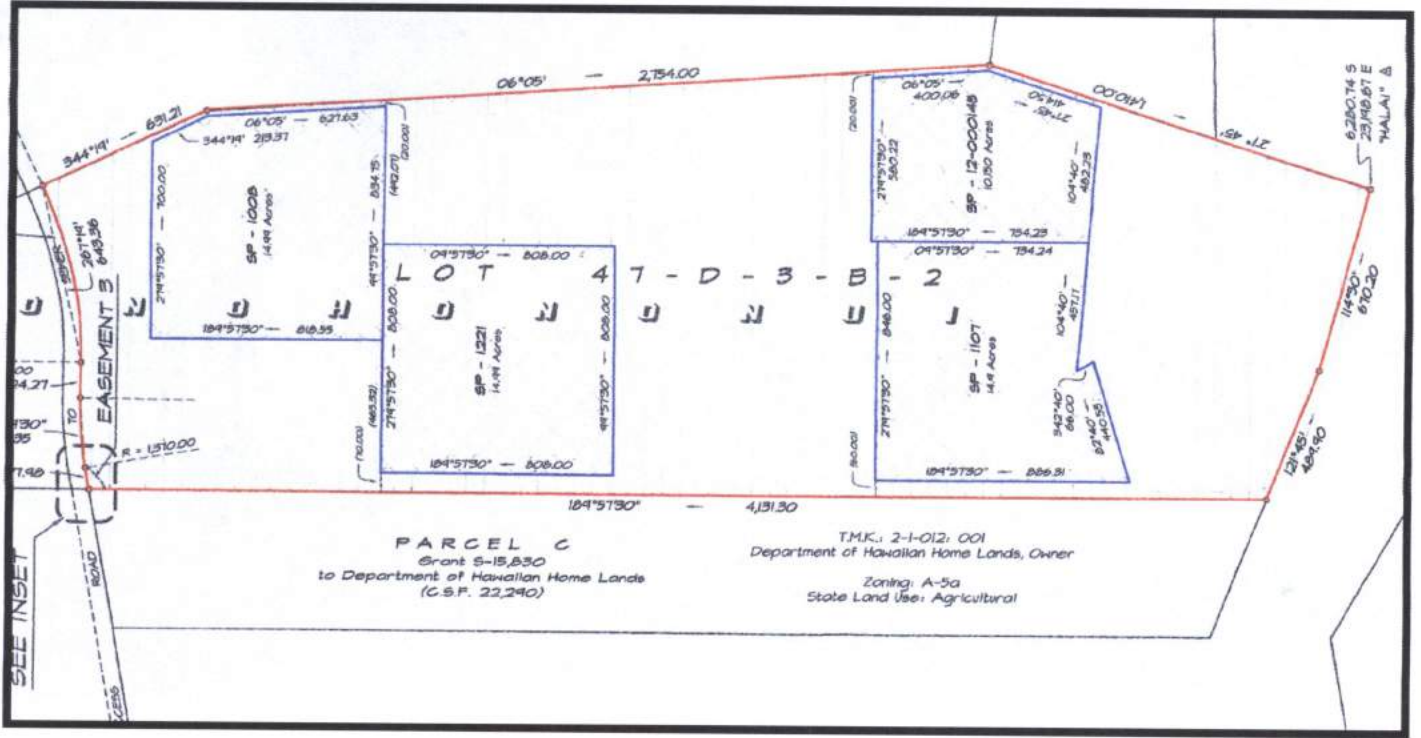


State Land Use Boundary Map



General Plan Designation Map





Applicant's Site Plan

Aerial Photo of Property and Surrounding Area



Special Permit 14-000162:

- On July 3, 2014, the Windward Planning Commission approved Special Permit No.14-000162 and forwarded its approval to the State Land Use Commission (LUC) for final determination. Special Permits for areas greater than 15 acres require approval of both the County Planning Commission and the LUC.
- The Special Permit was to allow the establishment of a new quarry site on approximately 85.338 acres within a 140.368-acre property situated within the State Land Use Agricultural District.

Land Use Commission Hearing & Action:

- On November 20, 2014, the State Land Use Commission held a hearing to consider approving the Special Permit. Additional information was received at that hearing from the Hawai'i Army National Guard and the applicant requested to amend conditions of the permit.
- On January 23, 2015, the LUC issued an Order remanding the Special Permit back to the Windward Planning Commission for the expressed purpose of considering information received from the Hawai'i Army National Guard regarding new historic site findings and a boundary discrepancy with the permit area and modifying the Special Permit as appropriate.

New Information for Consideration:

- Applicant's request to modify conditions related to endangered species protection and add a condition requiring an annual report to the Planning Department and LUC.
- Condition Nos. 7-9 of the original permit were recommendations made by the US Fish and Wildlife (USFWS) service to protect endangered and threatened species in the area.
- The USFWS concurred with the proposed amendments to conditions related to the Hawaiian hawk, Hawaiian Hoary Bat, and flora but recommended a new condition to protect the Hawaiian goose.
- USFWS stated that a one-time survey would not protect the geese since they move around often. Instead they recommend project personnel avoid any Hawaiian goose on the property until they leave on their own accord.
- Conditions have been amended or added. See new Condition 8-11, 16.

New Information for Consideration:

- Request by Hawai'i Army National Guard (HIARNG) to consider the impact of the proposed quarry operation on archaeological sites on the adjacent HIARNG properties, which were identified in a new archaeological report.
- Two identified sites, a remnant of the Puna Trail and a complex of possible trail markers, require preservation through avoidance according to the report.
- Since these sites are on Army National Guard property and over 300 feet from the property boundary, no adverse impacts to these historic sites is anticipated as a result of the quarry activities.
- No changes to conditions are recommend.

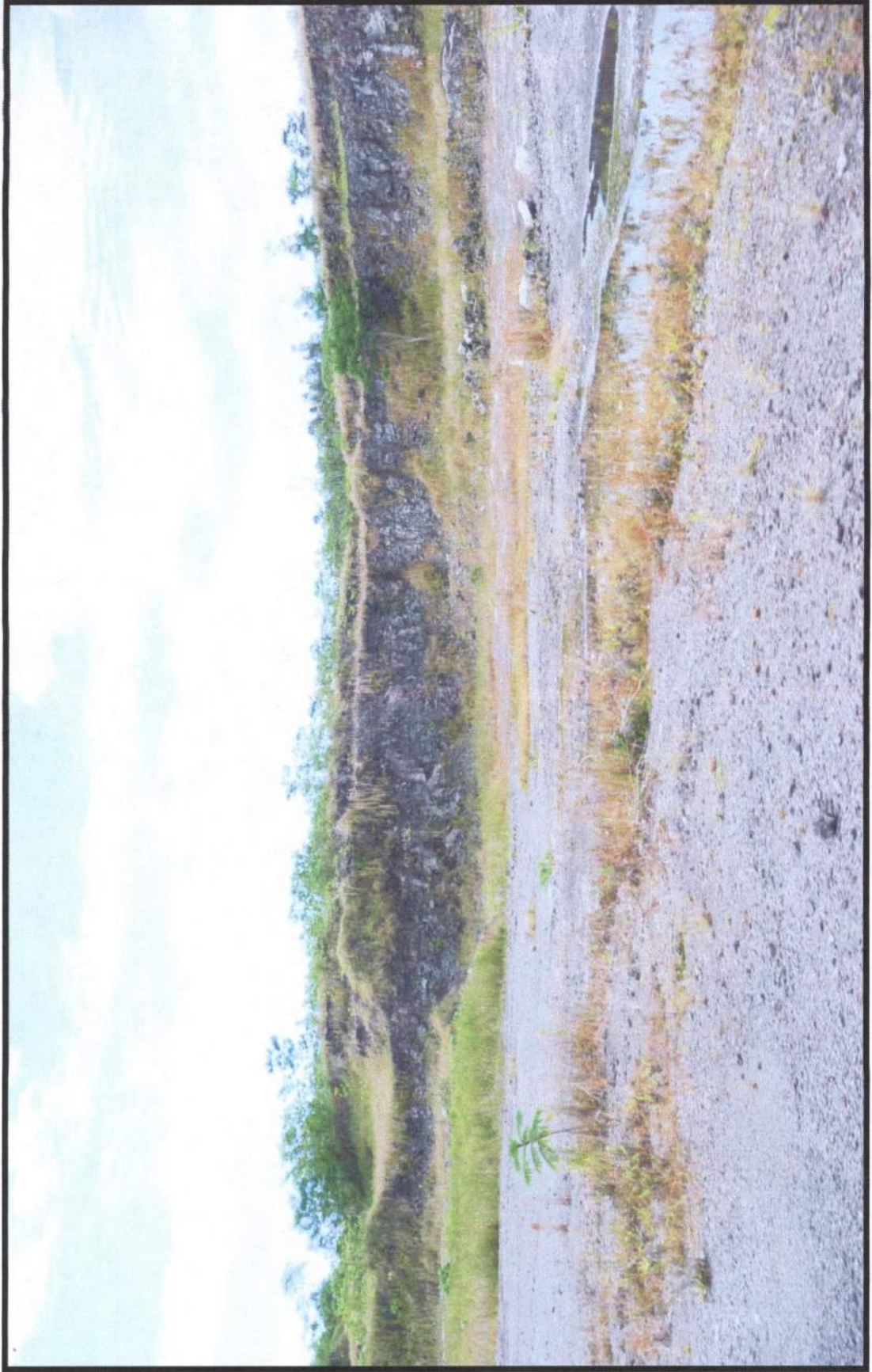
New Information for Consideration:

- Request by HIARNG for the Applicant to avoid quarry operations in an area of a boundary discrepancy identified by a survey, between TMK (3) 2-1-013:010 and the subject property. The boundary discrepancy is approximately 10 feet.
- The Applicant has indicated they routinely use buffer zones on the perimeter of the quarry sites and they will maintain that practice on future quarry activities under SPP 14-0000162. The Applicant did not indicate how wide of a buffer zone they typically use, but according to aerial imagery the existing quarry sites on the property are no less than 80 feet from the property boundary.
- Therefore, it is unlikely that quarry activities would adversely affect the area of the 10-foot wide boundary discrepancy.
- A new condition has been added. See new Condition 5.

New Information for Consideration:

- Request by HIARNG for the Applicant to provide information related to how the quarry operations will comply with laws related to environmental management and hazardous materials.
- The Applicant has indicated they comply with all Federal, State and County laws and regulations and public reports are available for HIARNG to review.
- Condition No. 13 of the original permit addresses compliance with these laws.

**View of southeast portion of property
(former SPP 936 quarry)**



**View of SPP 1107 quarry looking northeast towards
subject permit area**



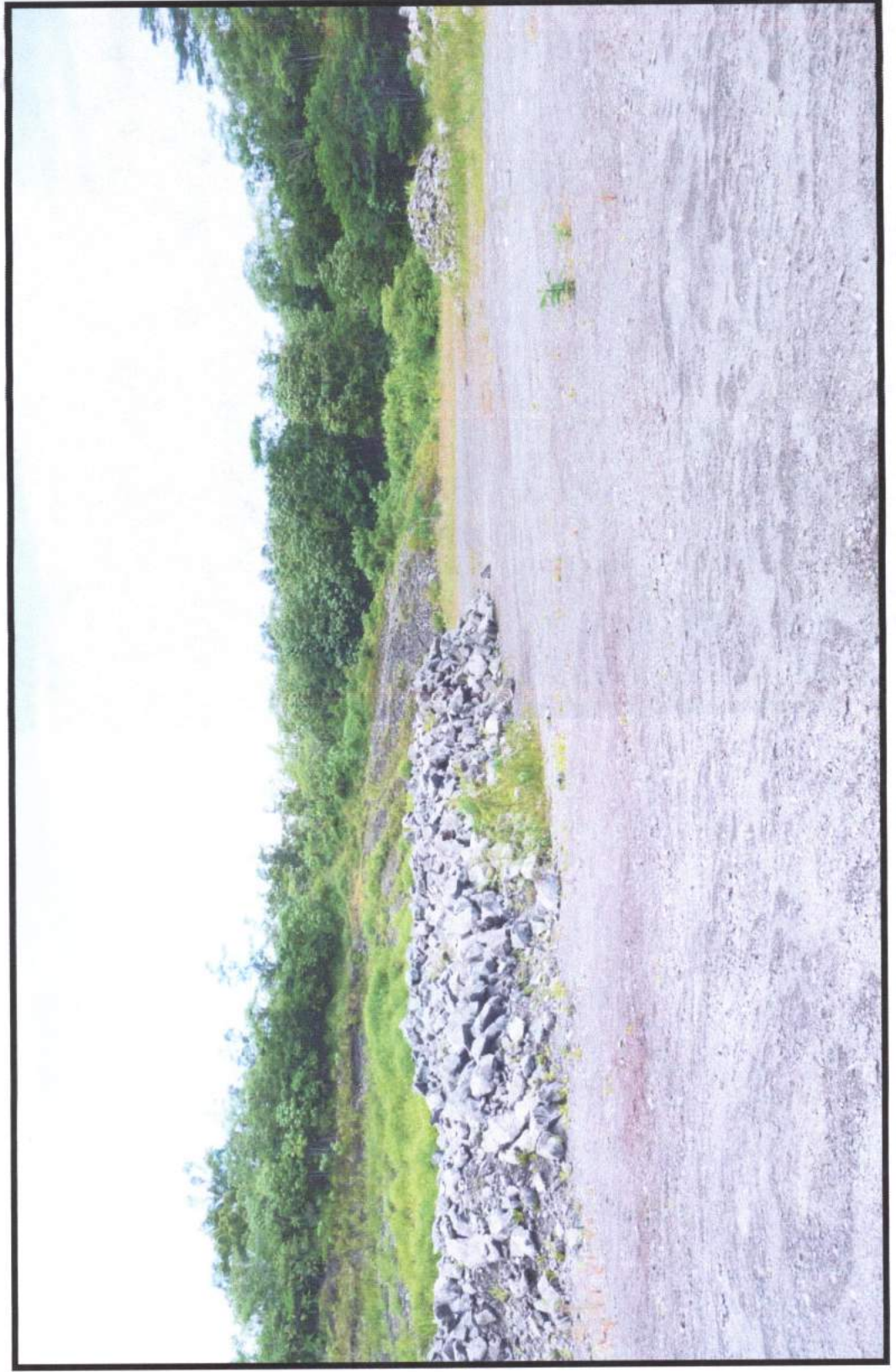
**View of SPP 1107 quarry looking northwest towards
subject permit area**



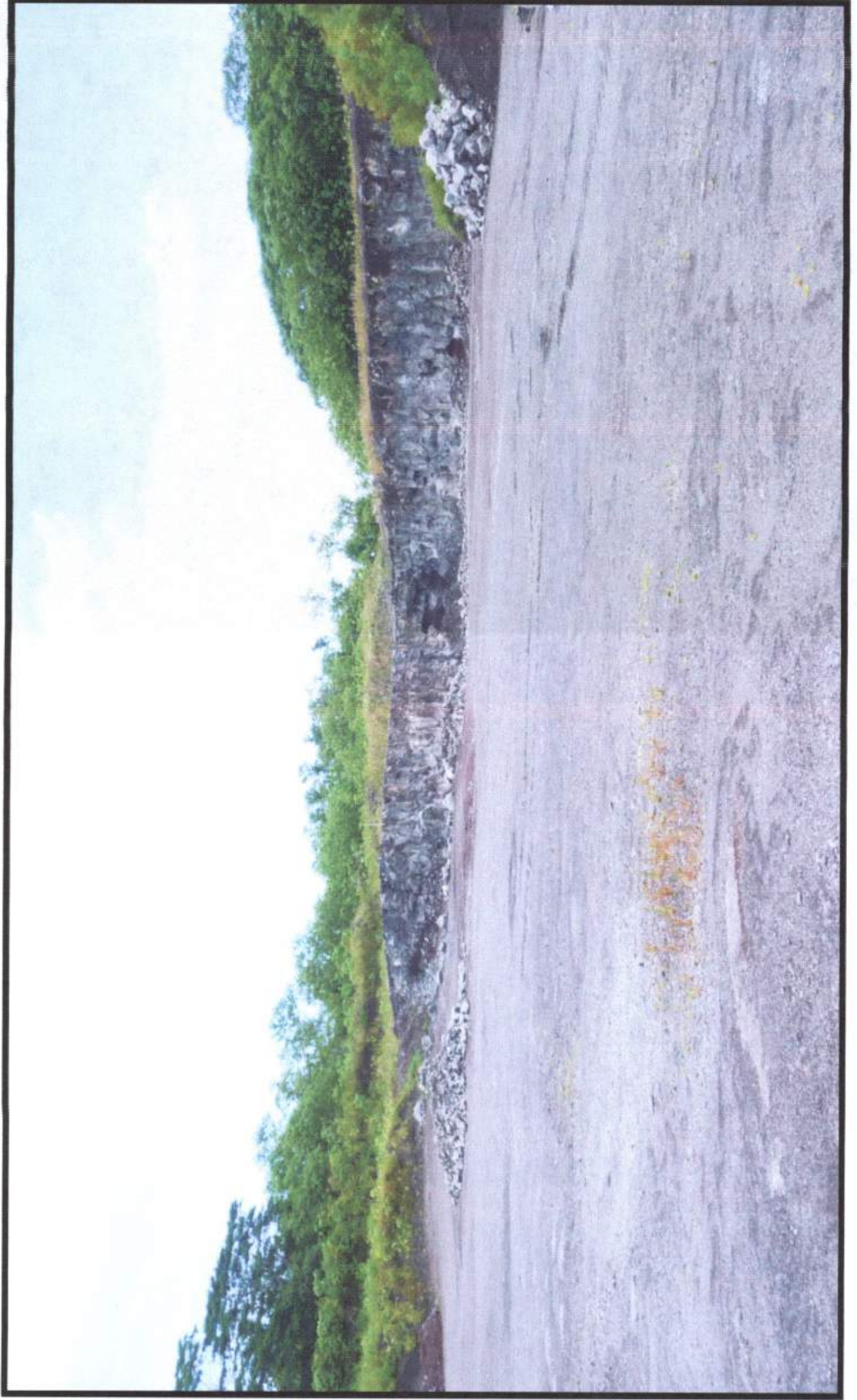
**View of SPP 1221 quarry looking southeast
towards subject permit area**



**View of SPP 1221 quarry looking northwest
towards subject permit area**



**View of SPP 1221 quarry looking northeast
towards SPP 1008 quarry**



Planning Director's Supplemental Recommendation

The Planning Director recommends the conditions of SPP 14-000162 be modified to address protection of endangered species on the property and surrounding area, to address a boundary discrepancy, and to ensure quarry operations comply with laws and regulations related to environmental management and hazardous materials.

Upon approval of this request, the Planning Commission's decision will be forwarded to the State Land Use Commission for final determination.