

WINDWARD PLANNING COMMISSION  
COUNTY OF HAWAI'I

HEARING TRANSCRIPT  
JUNE 2, 2016

A regularly advertised hearing on the application of **JAS W. GLOVER (SPP 14-162)** was called to order at 11:01 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Charles Heaukulani presiding.

COMMISSIONERS PRESENT: Charles Heaukulani, Joseph Clarkson, Donn Dela Cruz, Gregory Henkel, Donald Ikeda, and Raylene Moses.

ABSENT & EXCUSED: Myles Miyasato.

ALSO PRESENT: Duane Kanuha (Planning Director), J Yoshimoto (Deputy Corporation Counsel for the Windward Planning Commission), Jeff Darrow (Staff Planner), Christian Kay (Staff Planner), and Sarah Hata-Finley (Commission Secretary).

And 8 members from the public in attendance.

**APPLICANT: JAS W. GLOVER, LTD. (SPP 14-162)**

On remand from the State Land Use Commission to consider additional information from the Hawai'i Army National Guard regarding new historic sites findings and boundary discrepancies affecting the permit area and modifying the Special Permit as appropriate. The Special Permit was approved by the Windward Planning Commission on July 3, 2014, to allow the establishment of a new quarry site on approximately 85.338 acres of a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located southeast of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,000 feet southwest of the County's Sewer Treatment Plant Site at Honohononui, South Hilo, Hawai'i, TMK: 2-1-013: Portion of 004.

HEAUKULANI: Moving to Unfinished Business, it's Number 4 on our agenda. Applicant is Glover, Ltd., SPP 14-162.

KAY: *[Secretary's Note: Mr. Kay stated that there was a slight delay due to technical reasons and that he was filling in for Maija Jackson.]*

Okay, so the next application is a remand for Special Permit 14-162 from the State Land Use Commission for Glover, Ltd.

The subject parcel is located in the South Hilo District of Hawai'i Island; more specifically, in the Waiākea area. The subject parcel is outlined in black and indicated with the name of the Applicants. Surrounding—just for reference, we've got the Hilo International Airport to the north and Hawai'i National Guard lands to the west and the south of the property.

Zooming in a little bit again, the subject parcel is outlined in black. The zoning is Agricultural – 5 acres for the subject parcel and much of the surrounding area. We’ve got some Agricultural – 20 acre zoning to the south of the subject parcel and some Light Industrial zoning to the north of the parcel, and that’s indicated in the gray color.

The State Land Use Boundary designation for the subject parcel is Agricultural, indicated in green. To the north and west, there’s some State Land Use Urban designations as well.

The General Plan Land Use Pattern Allocation Guide Map designates the subject parcel a mix of three different designations—Industrial indicated in gray; Important Agricultural Lands indicated in the light green color; and Extensive Agriculture indicated in the white color.

Here is the Applicant’s submitted site plan. On the subject parcel, which is roughly 148 [sic] acres, there are five existing Special Permits, four of which are indicated here, for quarry activities. The area that is being proposed for, for this Special Permit is the, essentially the area that is outside of these, these blue outlined areas.

So, I forgot to mention before that the access to the subject parcel is along roughly a mile and a half, road access easement across State land from Rubbish Dump Road.

Here’s an aerial photograph of the area. Again, you can see the subject parcel outlined, in this case in orange. There are existing quarrying activities among those five Special Permits, existing Special Permit areas, and again the areas that are being proposed for this Special Permit are the, the vegetated areas that you see here around the existing quarries.

Again, for reference, Hilo International Airport to the north, and then this Hawai’i National Guard land to the south and to the west, again, with that access easement coming in from Rubbish Dump Road across State land.

So, Special Permit 14-162 was originally approved July 3<sup>rd</sup> by the Windward Planning Commission and forwarded to, for its approval, to the State Land Use Commission for final determination. Special Permits for areas greater than 15 acres require approval for both the County, from both the County Planning Commission and the Land Use Commission. I should have mentioned that the permit area that’s being requested is roughly 83 acres, so that’s why it needed to go up to the Land Use Commission for approval. Pardon me, 85 acres. The Special Permit will allow the establishment of a new quarry site on approximately 85.338 acres within the 140.368-acre property situated in the State Land Use Agricultural District.

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<sup>rd</sup>, 2015, the Land Use Commission issued an order remanding the Special Permit back to the Windward Planning Commission for the expressed purpose of considering information received from Hawai’i Army National Guard regarding new historic site findings

and the boundary discrepancy with the permit area and modifying the Special Permit, as appropriate.

The Applicant requested to modify conditions related to endangered species' protection and add a condition requiring an annual report to the Planning Department and Land Use Commission. Condition No. 7 through 9 of the original permit were recommendations made by the U.S. Fish and Wildlife Service to protect endangered and threatened species in the area. The Fish & Wildlife Service concurred with the proposed amendments to the conditions related to the Hawaiian hawk, Hawaiian hoary bat, and flora, but recommended a new condition to protect the Hawaiian goose. U.S. Fish & Wildlife stated that a one-time survey would not protect the geese since they move around often. Instead, they recommended to project personnel, avoid any Hawaiian goose on the property until they leave on their own accord. Conditions have been amended or added, and in your Recommendation Report, see new Conditions 8 through 11 and 16.

Request by Hawai'i Army National Guard to consider the impact of the proposed quarry operation on archaeological sites on the adjacent National Guard 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 National Guard property and over 300 feet from the property boundary, no adverse impacts to these historic sites is anticipated as a result of quarry activities, and no changes to conditions are recommended in the final Recommendation Report.

There was an additional request by the Army National Guard 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 ten 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 the Special Permit. The Applicant did not indicate how wide 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 the quarry activities would adversely affect the area of the 10-foot wide boundary discrepancy. A new condition has been added—Number 5 in the Recommendation Report addressing this.

An additional request from Army National Guard 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 that they comply with all Federal, State, and County laws and regulations, and public reports are available for the Army National Guard to review. Condition No. 13 of the original permit addresses compliance with these laws. If you look at your report, that's been shifted down to Condition 15 now because of all the additional conditions that have been added.

Here's some pictures of the site. Here's a view of the southeast portion of the property. As you can see, kind of an existing quarried area and an unquarried area. Here's a view from Special Permit 1107 quarry looking northeast toward the subject permit area. So, again, this is the area being requested under this subject Special Permit.

A view looking northwest toward the subject permit area from SPP 1107. A view from SPP 1221 quarry looking southeast toward the subject permit area and, again, looking northwest toward the subject permit area from the same space.

Looking northeast toward SPP 1008 quarry. So, again, just showing from the existing quarry areas, the area that is being requested for quarrying under this Special Permit.

The Planning Director recommends that conditions of SPP 14-162 be modified to address protection of endangered species on the property and surrounding area to address a boundary discrepancy, 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 then be forwarded back to the State Land Use Commission for final determination.

There is one additional correspondence that came in this morning, and I'd just like to read it into the record. This is from Dawn T. Hegger-Nordblom. She is the National Environmental Policy Act Coordinator for Hawai'i Army National Guard, and it reads, Aloha Daryn, I request [regret] that we will not be sending a letter today for the hearing. I appreciate Ms. Jackson's timely and formal professionalism in getting us this information—getting us information regarding the hearing info and dates. I have reviewed the information and, that was sent regarding the proposed changes, and they address the concerns that were addressed in your, our previous correspondences. Mahalo, Dawn. So, it looks like Army National Guard is satisfied with the conditions as, as proposed.

With that, the presentation is done. I'm happy to answer any questions that the Commission may have.

HEAUKULANI: Thank you, Christian. Very well. Commissioners, any questions for staff? Thank you, sir. Will the Applicant or the Applicant's representative please come forward? Good morning, sir.

VITOUSEK: Good morning, Members of the Commission. Randy Vitousek, I represent Glover. I'm a resident of Kamuela, Hawai'i. With me are Mike Pearring and Byron Fujimoto of Glover. They're sitting in the back.

HEAUKULANI: Good morning, gentlemen. Sir, could I get you to raise your right hand? Do you swear or affirm to tell the truth on this matter now before the Planning Commission?

VITOUSEK: Yes.

HEAUKULANI: Thank you. You're very familiar with the process. Let us know what's on your mind.

VITOUSEK: Nothing really. You know, this is, this is coming back to the Commission from the Land Use Commission because of concerns raised by the Army that they submitted two days before the Land Use Commission hearing. And, so, you know, we did some additional work. We submitted additional materials. Basically, the Land Use Commission doesn't take additional facts, and so that's why they remanded it back to the Planning Commission for taking additional factual material. So, we have presented the additional facts. Apparently, we satisfied the Army. They've submitted an indication from Dawn Hegger saying that they're okay with conditions. Glover is okay with the proposed conditions. We thank you for your time and ask for favorable consideration.

HEAUKULANI: Thank you. Commissioners, any questions? I do not have anyone signed up to testify. Is there anyone that wants to be heard on this matter on the agenda? Seeing none, Commissioners, could I get a motion to close public testimony, please?

MOSES: I make a motion to close public testimony.

HEAUKULANI: Thank you, Commissioner Moses.

HENKEL: Second.

HEAUKULANI: And second by Commissioner Henkel. Any discussion? Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

HEAUKULANI: Any opposition? Okay, public testimony is closed. Commissioners, motion for action, please.

MOSES: I move that the application for Special Permit Docket No. SPP 14-162 be approved and forward to the State Land Use Commission for final determination based on the Planning Director's recommendations, findings, and proposed conditions which shall be adopted.

HENKEL: Second.

HEAUKULANI: I've got a motion by Commissioner Moses. Second by Commissioner Henkel. Commissioners, is there any discussion? Hearing none, Christian, if you could roll call the vote, please.

KAY: Thank you, Mr. Chair, and, again, thank you for your service for the time you've been here. Commissioner Moses?

MOSES: Aye.

KAY: Commissioner Henkel?

HENKEL: Aye.

KAY: Commissioner Clarkson?

CLARKSON: Aye.

KAY: Commissioner Dela Cruz?

DELA CRUZ: Aye.

KAY: And Commissioner Ikeda?

IKEDA: Aye.

KAY: And, finally, Chair Heaukulani.

HEAUKULANI: Aye.

KAY: Thank you. Motion carries six, nothing.

HEAUKULANI: Randy, you'll get it in writing.

VITOUSEK: Thank you. Yeah, and thank you very much to the staff and Maija also. Aloha.

The discussion ended at 11:14 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sarah Y. Hata-Finley". The signature is written in a cursive, flowing style.

Sarah Y. Hata-Finley, Secretary  
Windward Planning Commission