

## **COUNTY OF HAWAI'I PLANNING DEPARTMENT** **BACKGROUND REPORT**

**JAS W. GLOVER, LTD.**

**SPECIAL PERMIT APPLICATION NO. 14-000162 (SPP 14-000162)**

**JAS W. GLOVER, LTD.** is requesting a Special Permit 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. 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: (3) 2-1-013: Portion of 004.

### **APPLICANT'S REQUEST**

1. **Request:** The applicant is requesting a Special Permit to establish a new quarry site on approximately 85.338 acres of land on a portion of a larger, 140.368-acre property "subject property". The material to be quarried is aggregate and rock for commercial applications and consists largely of basaltic "blue rock" with very little cinder. The material will be removed and either processed on site or transported to the applicant's Hilo operations site on Leilani Street. This subject application has been submitted to comply with Condition No. 2 of Special Permit No. 2012-000145, which required that the applicant submit a properly filed Special Permit application for the establishment of quarry activities for the un-quarried remainder (approximately 85.338 acres) of the 140.368-acre property to the Planning Department for consideration by the State Land Use Commission within one year (by March 7, 2014). **(Planning Department Exhibit 1 – Special Permit Application)**
2. **Hours of Operation:** Normal quarry production hours would be from 6:00 a.m. to 6:00 p.m., Monday through Friday. Work may occur at other times and days, depending upon demand.
3. **Employees:** Approximately 2-8 employees will be on site for quarry uses. Additional employees may be required as production facilities are added.
4. **Traffic:** During normal production, the traffic impact on the access road will be between 15 and 50 truckloads of material per day. Dust mitigation measures, such as watering

trucks, will be used to minimize dust generated by the operation. All activities will conform to the State Department of Health regulations.

5. **Landowner of Road Access:** The State of Hawai'i owns the access road that leads from the County-maintained Leilani Street to the quarry site. Kamehameha Schools and its lessees have temporary rights of access via this road until such time as a more formal access is developed by the State.
6. **Landowner:** Kamehameha Schools (BP Bishop Trust Estate) owns all 140.368-acres and has been licensing portions of the property to quarry operators over the last 18 years. According to the applicant, a quarry license was granted to Jas. W. Glover, Ltd., on June 1, 1997, for approximately 80 acres of the 140.368-acre property for a period of 30 years. A quarry license was granted to Jas. W. Glover, Ltd., on January 15, 2012, for 49.9982 acres, comprising the balance of the 140.368-acre property, for a period of 15 years. Both license agreements will end on May 31, 2027, with an option for a 10-year extension on the license for the 80-acre portion. Previously, Kamehameha Schools had leased the 49.9982-acre portion to Yamada & Sons, Inc. as a quarry site.

#### **BACKGROUND INFORMATION**

7. **State Land Use Law and Parceling:** State Land Use law (HRS 205-6) requires an applicant to secure a Special Permit from either the County Planning Commission or State Land Use Commission (LUC) in order to use land in the Agricultural or Rural districts for uses that are not permitted outright and that are considered unusual and reasonable. The County Planning Commission issues Special Permits to establish land uses on land under 15 acres. For Special Permits covering 15 or more acres of land, permits that are approved by the County Planning Commission are forwarded to the State Land Use Commission for final approval or denial. Several quarries have been established on the subject property over the years for increments of less than 15 acres, which has raised concerns of the Planning Department and State Land Use Commission that the landowner is parceling out license areas to various operators in an effort to avoid securing a Special Permit for the whole property from the LUC, which can be a costly and time consuming process. In 2012, with submittal of another Special Permit application for quarry activities on less than 15 acres of land and confirmation that Jas W.

Glover, Ltd. holds a license for the entire 140-acre property, it became clear to the Planning Department that the landowner intends to establish a quarry on the entire property and a Special Permit should be secured to allow quarry uses on the remaining portions of the subject property that are not already covered by an existing, valid Special Permit.

**PREVIOUS SPECIAL PERMITS/APPROVALS ISSUED ON SUBJECT PROPERTY**

8. **Grandfathered Quarry:** See Project Site Plan (Applicant's Exhibit 8) of Special Permit Application (P.D. Exhibit 1). The first quarry on the subject property was established in the southwestern-most corner by Robert M. Yamada in 1962 when the County Planning and Traffic Commission granted a variance for a 10-acre quarry. This quarry was established prior to State land use law related to the use of land in the State Land Use Agricultural district. The rock faces of this quarry have been restored to one-foot vertical to one-foot horizontal slopes that have been naturally revegetated.
9. **Special Permit No. 936:** Issued on July 25, 1996 to Yamada & Sons, Inc. to allow the establishment of a quarry and related uses on approximately 14.90 acres of land in the southeastern-most portion of the subject property. The life of this permit was co-terminus with the Yamada & Sons, Inc. license agreement with Kamehameha Schools, which expired in 2007. In June 1997, Yamada & Sons, Inc. submitted a Site Restoration and Revegetation Plan to the Planning Department. This quarry has not been restored or revegetated to date; however, since this site is included in the subject permit request to establish a quarry on 85.338-acres, it is quite likely that the current licensee, Jas. W. Glover, Ltd. will continue to quarry the site.
10. **Special Permit No. 1008:** Issued on July 28, 1998 to Jas W. Glover to establish a quarry on approximately 14.99 acres of land in the northeastern portion of the subject property. The permit was amended on January 21, 2000 to include production facilities (such as concrete plants, asphalt plants, and tile plants) and other support facilities and accessory uses. The applicant submitted a Site Restoration and Revegetation Plan to the Planning Department for this site in September 1999. According to the applicant, only 5% of the rock on this site has been quarried because the quality of rock is poorer than other quarry

sites. 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.

11. **Special Permit No. 1107:** Issued on March 29, 2001 to Yamada & Sons to establish a quarry and related uses on approximately 14.906 acres of land in the southwest portion of the subject property. Yamada & Sons submitted a Site Restoration and Revegetation Plan to the Planning Department for the site in November 2009. According to the applicant, approximately 5-20% of the rock on this site has been quarried. This permit has no expiration date.
12. **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.
13. **Special Permit No. 2012-000145:** Issued on March 21, 2013 to Jas W. Glover, Ltd to establish a quarry and related uses on approximately 10.15 acres of land in the southeastern portion of the subject property. According to the applicant, about 10% 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.
14. **Current Land Area and Special Permit Request:** The subject permit area will include the remaining land area that is not covered under the above listed Special Permits, except for Special Permit No. 936, which was issued to Yamada & Sons, Inc. Condition No. 8 of Special Permit No. 936 stated that the life of the Special Permit was co-terminus with the Kamehameha Schools license agreement, which expired in 2007. The total land area not covered under existing valid special permits is 85.338 acres.

## **DESCRIPTION OF STATE & COUNTY PLANS**

15. **State Land Use District:** Agricultural.
16. **General Plan Land Use Pattern Allocation Guide (LUPAG) Map:** Important Agricultural Land, Extensive Agriculture and Industrial.
17. **County Zoning:** Agricultural (A-5a).
18. **Hilo Community Development Plan:** A-40a.
19. **Special Management Area (SMA):** The permit area is not located within the SMA.
20. **Coastal Zone Management:** The entire State of Hawai'i lies within the Coastal Zone Management area.

## **DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA**

21. **Subject Property:** The subject property is approximately 140.368 acres in size and located near the County of Hawai'i landfill in Waiākea, South Hilo. The permit area of this proposed quarry would occupy approximately 85.338 acres. There have been five (5) previous Special Permits to establish quarries on the subject property approved by the County of Hawai'i Planning Commission. Currently, approximately 55 acres of the subject property is covered by previously approved Special Permits. Areas of the property that have not been quarried are forested with both native and invasive nonnative species.
22. **Surrounding Land Uses:** Adjacent lands are zoned Agricultural (A-5a and A-20a) and Light Industrial (ML-20). Surrounding uses include the Hawai'i County transfer station and landfill sites, existing quarry operations, a skeet range and vacant State-owned lands. The Hilo Airport runway is located to the North; and the Hawai'i National Guard Military Reservation is located to the southeast.
23. **USDA Soil Survey Report:** Soils in this area are classified as Paipai series (rPae) and Lava Flows, Pahoeohoe (rLW). Paipai series consists of well-drained, thin, extremely stony organic soils over fragmental AA lava. Permeability is rapid, runoff is slow and the erosion hazard is slight. Lava Flows, Pahoeohoe have no soil covering and is typically bare of vegetation.
24. **Flood Insurance Rate Map (FIRM):** Zone X, outside the 500-year flood area.
25. **Land Study Bureau's Overall Productivity Rating:** "E" or Very Poor.

26. **Agricultural Lands of Importance to the State of Hawai'i (ALISH):** Unclassified and Other Important Agricultural Land.
27. **Flora and Fauna Resources:** A floral and faunal study of the 85-acre permit area has not been conducted. Except for the southernmost portion of the permit area, which has been quarried in the past, the permit area is forested with native and non-native invasive species.
28. **Archaeological Resources:** An Archaeological Assessment Survey of the 90-acre quarry site dated September 2013 was prepared by Glenn G. Escott, M.A. and submitted with the application. The results of the field work concluded that "No archaeological sites and no remains of historic properties were identified during the pedestrian survey conducted at the project area." The survey report concluded "It is not entirely unexpected that no cultural resources were located during the current study. The lands of the project area are not near to any areas of traditional pre-Contact habitation or agriculture. Documented, pre-Contact era land-use is limited to travel between the villages in coastal Waiākea Ahupua'a and the Puna coast. Post-Contact era land-use increased in the area, but was limited to government and military enterprises. Though no cultural resources were identified within the project area, it is possible that some archaeological features might be hidden under the undisturbed, thick vegetation. Because of this fact, and at the request of the SHPD, it is recommended that initial ground clearing and grubbing be conducted in the presence of a qualified archaeological monitor." The Department of Land and Natural Resources-State Historic Preservation Division submitted a letter dated April 15, 2014 stating that they concurred with the recommendation in the survey reports that a qualified archaeological monitor be present during the initial ground clearing and grubbing and an archaeological monitoring plan prepared pursuant to HAR §13-279 for the initial ground clearing and grubbing activities associated with the quarry be submitted to SHPD for approval. With the monitoring plan in place, SHPD believes that no historic properties will be affected by the proposed permit.
29. **Valued Cultural Resources:** According to the applicant, there are no traditional and customary native Hawaiian rights exercised in the area.

30. **Public Access:** There is no public access to the mountains or the shoreline that runs through the property.

#### **PUBLIC SERVICES AND FACILITIES**

31. **Access:** Access to the quarry site is from Leilani Street onto the County landfill access road which is paved. From the landfill access road, the applicant uses an existing 20-foot wide right-of-way over State land which consists of hard-packed gravel. There is a security gate approximately midway with limited access to the quarry area. This section of the road is approximately 25-30 foot wide and partially paved to a width of 6 feet. According to the applicant, they have temporary rights of access until such time as a more formal access is developed by the State. The quarry site is approximately 1.5 miles from the intersection of the landfill access road and the State easement. Once on the subject property, the applicant has paved approximately 0.5 mile on the western edge of the actual quarry site.
32. **Utilities:** Water, sewer and electricity are not available at the subject property. According to the applicant, portable restrooms will be brought to the property. As needed, tanker trucks will be brought in for dust mitigation measures along the access road. The applicant proposes to conform to State Department of Health regulations.

#### **AGENCIES COMMENTS AND APPLICANT'S RESPONSES**

33. **P.D. Exhibit 2: Department of Public Works (DPW) memo dated April 9, 2014**
34. **P.D. Exhibit 3: Response letter to DPW from Roy A. Vitousek III dated May 20, 2014**
35. **P.D. Exhibit 4: Department of Water Supply (DWS) letters dated April 11, 2014 and May 7, 2014**
36. **P.D. Exhibit 5: Response letter to DWS from Roy A. Vitousek III dated May 20, 2014**
37. **P.D. Exhibit 6: Department of Environmental Management (DEM)- Wastewater Division memo dated March 27, 2014 and Solid Waste Division memo dated March 20, 2014**
38. **P.D. Exhibit 7: Response letter to DEM from Roy A. Vitousek III dated May 20, 2014**

39. **P.D. Exhibit 8: Police Department memo dated March 27, 2014**
40. **P.D. Exhibit 9: Response letter to Police Dept from Roy A. Vitousek III dated May 20, 2014**
41. **P.D. Exhibit 10: Fire Department memo dated March 27, 2014**
42. **P.D. Exhibit 11: Response letter to Fire Dept from Roy A. Vitousek III dated May 20, 2014**
43. **P.D. Exhibit 12: State Department of Land and Natural Resources (DLNR) -State Historic Preservation Division (SHPD) letter dated April 15, 2014**
44. **P.D. Exhibit 13: Response letter to DLNR-SHPD from Roy A. Vitousek III dated May 20, 2014**
45. **P.D. Exhibit 14: State DLNR-Engineering Division and Land Division memo dated April 14, 2014**
46. **P.D. Exhibit 15: Response letter to DLNR-Engineering Division from Roy A. Vitousek III dated May 20, 2014**
47. **P.D. Exhibit 16: Response letter to DLNR-Land Division from Roy A. Vitousek III dated May 20, 2014**
48. **P.D. Exhibit 17: State Department of Health (DOH) memo dated March 27, 2014**
49. **P.D. Exhibit 18: Response letter to DOH from Roy A. Vitousek III dated May 20, 2014**
50. **P.D. Exhibit 19: State Land Use Commission (LUC) letter dated April 4, 2014**
51. **P.D. Exhibit 20: Response letter to LUC from Roy A. Vitousek III dated May 20, 2014**
52. **P.D. Exhibit 21: State Land Use Commission (LUC) letter dated June 17, 2014**
53. **P.D. Exhibit 22: Response letter from Applicant dated June 24, 2014 to Planning Dept regarding LUC letter dated June 17, 2014**
54. **P.D. Exhibit 23: State Office of Planning (OP) letter dated April 11, 2014**
55. **P.D. Exhibit 24: Response letter to OP from Roy A. Vitousek III dated May 20, 2014**
56. **P.D. Exhibit 25: U.S. Fish and Wildlife Service (USFWS) letter dated April 11, 2014**

57. **P.D. Exhibit 26: Response letter to USFWS from Roy A. Vitousek III dated May 20, 2014**

**AGENCIES – NO RESPONSE**

58. State Department of Agriculture, U.S. Natural Resources Conservation Service.

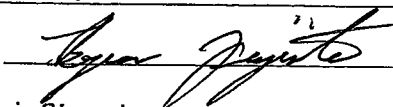
**PUBLIC COMMENTS**

59. None as of the date of this writing.

SPECIAL PERMIT APPLICATION  
COUNTY OF HAWAII  
PLANNING DEPARTMENT

(Type or Print the requested information)

APPLICANT Jas. W. Glover, Ltd.

APPLICANT'S SIGNATURE:  DATE: March 5, 2014

ADDRESS: 890 Leilani Street

Hilo, HI 96720-4529

LIST APPLICANT'S INTEREST IF NOT OWNER: Licensee (Quarry Operator)

TELEPHONE: (Bus.) 808-935-0871 (Home) n/a (Fax) 808-961-9237

REQUEST: New Quarry Site

TAX MAP KEY: (3) 2-1-013: 004 ZONING: A-5a

AREA OF PROPERTY/AREA OF REQUESTED USE 140.368 Ac. / 85.338 Ac.

LANDOWNER: Kamehameha Schools

LANDOWNER'S SIGNATURE: See Exhibit 2 hereto. DATE: 2/26/14  
(May be by letter)

LANDOWNER'S ADDRESS: c/o Marissa Harman, Land Asset Manager

P. O. Box 495

Paauilo HI 96776

**Applicant's**

AGENT: Roy A. Vitousek III, Cades Schutte LLP (see attached authorization)

ADDRESS: 75-170 Hualalai Rd., Ste. B-303

Kailua-Kona HI 96740

email: rvitousek@cades.com

TELEPHONE: (Bus.) 808-329-5811 (Home) n/a (Fax) 808-326-1175

Please indicate to whom original correspondence and copies should be sent to:

ORIGINAL Byron Fujimoto, Jas. W. Glover COPIES: Roy A. Vitousek III

Planning Dept.  
Exhibit 1

DATE: February 27, 2014  
TO: Planning Department, County of Hawaii  
FROM: Jas. W. Glover, Ltd.  
RE: Authorization to Representation in Special Permit Application for Quarry  
Operations Relative to TMK No. (3) 2-1-013: 004 (por.) (85.338 acres)

We hereby authorize the Planning Department to communicate with and authorize Roy A. Vitousek III and Cades Schutte, LLP, to represent our interests, as Licensee under an agreement with Kamehameha Schools relative to the property identified above, in an application to the County of Hawaii for a Special Permit for quarry operations on an 85.338-acre portion of the identified property.

JAS. W. GLOVER, LTD.

By   
Byron Fujimoto

APPLICANT

**SPECIAL PERMIT APPLICATION  
BACKGROUND REPORT**

**JAS. W. GLOVER, LTD.  
SPECIAL PERMIT APPLICATION**

Jas. W. Glover, Ltd., is applying for a Special Permit for quarry and other support services and accessory uses on the 140-acre parcel of land identified as TMK (3) 2-1-013:004 (see **Exhibit 1** attached hereto). This parcel is owned by Kamehameha Schools and is situated within the State Land Use "Agricultural" District. The parcel is located east of the Hawaii National Guard Site and Hilo International Airport and is approximately 3,000 feet west of the County's Sewer Treatment Plant Site at Honohononui, South Hilo, Hawaii (TMK: (3) 2-1-013: portion of 4). These lands are subject to a quarry license between Kamehameha Schools and Jas. W. Glover, Ltd. (see attached letter dated February 26, 2014, from Kamehameha Schools to Planning Department, **Exhibit 2** attached hereto). Access to TMK (3) 2-1-013:004 was granted by Final Order of Condemnation and Stipulated Judgment filed by the Third Circuit Court in April 1964 to the Estate of Bernice Pauahi Bishop, now known as Kamehameha Schools (see **Exhibit 3** attached hereto). The entire 140 acres of TMK (3) 2-1-013:004 will be referred to from here on as the "Licensed Area."

The County of Hawaii Planning Commission has previously issued five separate special permits authorizing quarry operations on project sites within the Licensed Area. One of these permits has expired and four are still active and comprise a total of 55.03 acres. Before January 2012, Kamehameha Schools had leased a 49.9982 portion of the Licensed Area to Yamada & Sons, Inc. as a quarry site. Special Permit 936 issued to Applicant Yamada & Sons on July 25, 1996 has expired. Special Permit 1107 was issued to Applicant Yamada & Sons on March 29, 2001. Permit SP 1107 is attached hereto as **Exhibit 4**. On July 28, 1998, the Planning Commission issued SP 1008 to Jas. W. Glover, Ltd., for a 14.99-acre quarry site on TMK (3) 2-1-013: por. 004. See **Exhibit 5** hereto. On October 3, 2003, the Planning Commission issued SP 1221 to Jas. W. Glover, Ltd., for a 14.99-acre quarry site on TMK (3) 2-1-013: (por. 004). See **Exhibit 6** attached hereto. On March 7, 2013, the Planning Commission issued SP 12-000145 to Jas. W. Glover, Ltd., for a 10.15-acre quarry site on TMK (3) 2-1-013: (por. 004). See **Exhibit 7** attached hereto. Quarrying operations have been or are being conducted on the areas covered by Special Permits Nos. 1107, 1008, 1221 & 12-000145.

Consequently, of the 140-acre Licensed Area 55.03 acres are already covered by special permits issued by the County of Hawaii Planning Commission and Windward Planning Commission. Jas. W. Glover, Ltd., is applying for a Special Permit to conduct quarrying operations on the portions of the Licensed Area not currently covered by existing special permits. This area consists of 85.34 acres of land as shown on **Exhibit 8** attached hereto. This area will be referred to as the "Project Site."

Applicant believes that an application to the Windward Planning Commission for consideration by the State Land Use Commission pursuant to HRS § 205-6 is the appropriate permitting track for the Project Site. The Project Site area is greater than 15 acres, this is a special and unusual use of lands in the agricultural district, and there is a history of special permits for quarry operations in this very specific geographic area in Hawaii County.

## **GENERAL INFORMATION**

1. **Landowner of Property:** The Project Site is owned by Kamehameha Schools. A quarry license was granted to Jas. W. Glover, Ltd., on June 1, 1997, for approximately 80 acres of the Licensed Area for a period of 30 years. A quarry license was granted to Jas. W. Glover, Ltd., on January 15, 2012, for 49.9982 acres, comprising the balance of the Licensed Area, for a period of 15 years. (See **Exhibit 2** attached hereto.)
2. **Landowner of Access:** The State of Hawaii owns the access road. Kamehameha Schools and its lessees have temporary right of access via this road until such time as more formal access is developed by the State. The Final Order of Condemnation and Stipulated Judgment dated April 29, 1964, entered by the Circuit Court of the Third Circuit in State of Hawaii v. Midkiff, et al., Civil No. 611, condemned Kamehameha Schools' lands for extension of the airport runway and left the subject parcel landlocked but granted that a right of way from and to a public road shall be provided by the State of Hawaii to Kamehameha Schools. See **Exhibit 3**. The State has yet to finalize the permanent right of way.

## **APPLICANT'S REQUEST**

3. **Request:** The Applicant is requesting a Special Permit to establish a quarry on the Project Site. The material to be quarried is aggregate and rock for commercial operations. The material is largely basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards will be removed and either processed on site or transported to Jas. W. Glover Ltd.'s Hilo operations site on Leilani Street.
4. **Hours of Operation:** Normal quarry production hours would be from 6:00 a.m. to 6:00 p.m., Monday through Friday. Work may occur at other times and days, depending upon demand.
5. **Operations:** During normal production, the traffic impact on the access road will be between 15 and 50 truckloads of material per day. Dust mitigation measures, such as watering trucks, will be used and all activities will conform to State Department of Health regulations.
6. **Employees:** Approximately 2-8 employees will be on site for quarrying purposes. Additional employees may be required as production facilities are added.

## **DESCRIPTION OF STATE AND COUNTY PLANS**

7. **State Land Use District:** Agricultural.
8. **General Plan Land Use Pattern Allocation Guide (LUPAG) Map:** Industrial; Important Agricultural Land; Extensive Agricultural Land.
9. **County Zoning:** Agricultural (A-5a).
10. **Hilo Community Development Plan:** A-40a.

11. **SMA:** The subject property is not located within the Special Management Area.

**DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA:**

12. **Subject Property:** The subject project is located near the County of Hawaii Landfill in Waiakea, South Hilo. The subject property is a 140-acre parcel designated as TMK (3) 2-1-013:004. The County of Hawaii has approved special permits authorizing quarrying operations on 55 of the 140 acres. The Applicant now proposes to use the remaining 85.34 acres of property for a quarry. The parcel is the remaining unpermitted portion of the Licensed Area. Establishing quarry permits for the entire Licensed Area is the rationale for the present Application.
13. **Land Study Bureau's Overall Productivity Rating:** "E" or Very Poor.
14. **USDA Soil Survey Report:** Soils at the Project Site are classified as Paipai series (rPae) and Lava Flows Pahoe-hoe (rLW). Paipai series consists of well-drained, thin, extremely stony organic soils over fragmental A'A lava. Permeability is rapid, runoff is slow, and the erosion hazard is slight. Lava Flows Pahoe-hoe have no soil covering and are typically bare of vegetation.
15. **Flood Insurance Rate Map (FIRM):** Zone X, outside the 500-year flood area.
16. **ALISH:** Unclassified.
17. **Flora/Fauna/Archaeological Resources:** See attached archaeological survey, **Exhibit 9** attached hereto.
18. **Valued Cultural Resources:** No traditional and customary native Hawaiian rights are exercised in the area.

A review of the September 2013 Archaeological Survey by Glenn G. Escott, M.A., attached hereto as **Exhibit 9**, discloses that there are no significant valued cultural, historical, or natural resources on the property and that there are no traditional and customary native Hawaiian rights exercised on the Project Site. The Project Site is located in the ahupua'a of Waiakea. Waiakea has played a significant role in the cultural history of Hawaii and there are significant valued cultural, historical, and natural resources in Waiakea, but not on the Project Site.

The Project Site is inland from the coast and is a rugged, rocky area unsuitable for agricultural use. The flora at the Project Site consists of a forest of mixed native and introduced species. There is no evidence of any archaeological sites on the Project Site.

"The studies suggest that the lack of sites in the region is the result of the rugged and inhospitable landscape, having little fertile soil or arable land, being thickly forested and subject to high rates of rainfall." (See **Exhibit 9** at p. 21.)

The probable uses of the area prehistorically were for "trapping birds and collecting plants, including plentiful pandanus or hala" (Kelly, et al., 1981:20). Trapping birds is no

longer a permitted activity and, as stated, hala is plentiful in this and other areas in East Hawaii.

There were no Land Commission Awards within or near the Project Site. The lands of Waiakea became Crown Lands in the Mahele of 1848. The Project Site was part of the lands awarded to the Bishop Estate by Land Court Appeal (#443). Kamehameha Schools is the fee owner of the Project Site and has issued a quarry license to Applicant.

There is an old overgrown dirt road that traverses the central portion of the Licensed Area. This dirt road traverses the areas covered by SP 12-000145 (2013). The Applicant's archaeologist consulted with the Department of Land and Natural Resources, State Historic Preservation Division, the County, and Na Ala Hele in 2013 and it was determined that, while the dirt road is likely more than 50 years old, it was not a public road or trail and that no further archaeological work would be required. See copy of email communication from Applicant's archaeology consultant attached hereto as **Exhibit 10**.

Based on the foregoing,

(1) It does not appear that there are valued cultural, historical, or natural resources on the Project Site and it does not appear that traditional and customary native Hawaiian rights are exercised on the Project Site.

(2) It does not appear that any resources or rights will be adversely affected or impaired by the proposed action.

(3) The Planning Commission could require the Applicant to avoid damage to the Puna Trail, to comply with a restoration plan required by Kamehameha Schools, and to impose standard conditions relative to the appropriate legal protocol if archaeological resources or burials are discovered.

19. **Surrounding Land Use Designation/Uses:** Adjacent lands to and in the immediate vicinity are zoned Agricultural (A-5a and A-20a) and Light Industrial (ML-20). Surrounding uses include the Hawaii County transfer station and landfill sites, existing quarry operations, a skeet range, and vacant State-owned lands. The Hilo International Airport runway is located to the North; and the Hawaii National Guard Military Reservation is located to the southwest.

## **PUBLIC SERVICES AND FACILITIES**

20. **Access:** Access to the quarry site is via Leilani Street onto the County landfill access road that is paved. From the landfill access road, the Applicant uses an existing 20-foot-wide right of way over State land that consists of hard packed gravel. There is a security gate approximately midway with limited access to the quarry area. This section of the road is approximately 25-30 feet wide and partially paved to a width of approximately 16 feet. The quarry site is approximately 1.5 miles from the intersection of the landfill access road and the State easement. Once on the subject property, the Applicant has paved approximately 0.5 mile for an access driveway on the western edge of the actual quarry site.
21. **Traffic Impacts:** Existing traffic is limited to the mobilization of quarry crews and equipment to and from the nearby quarry, the haul trucks removing material from the quarry to Glover's crushing facilities, and the intermittent traffic from supervisory and

support vehicles for the operation. This pattern of traffic will remain with the proposed quarry permit.

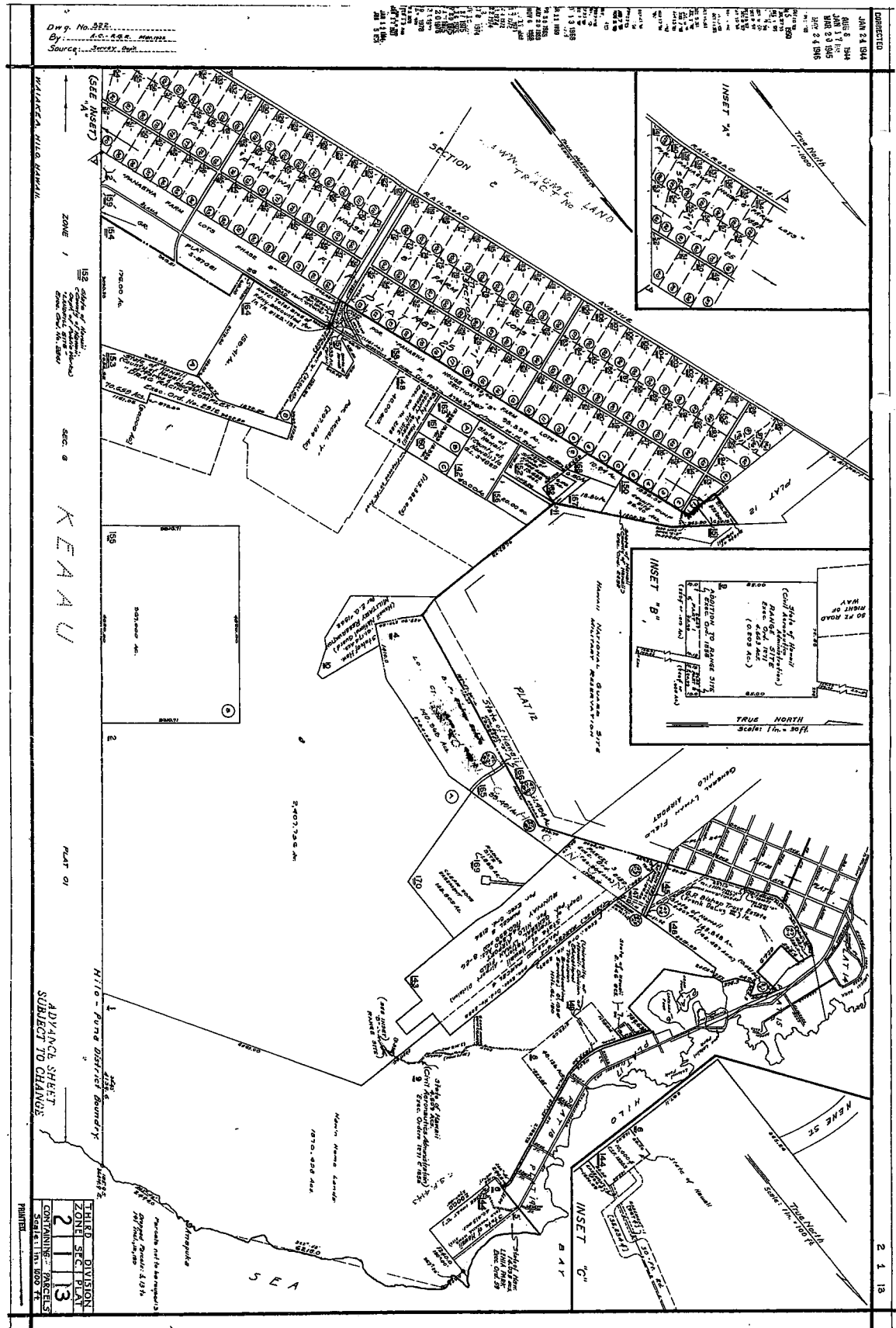
22. **Utilities:** Water, sewer, and electricity are not available at the subject property. Portable restrooms will be brought to the property. As needed, tanker trucks will be brought in for dust mitigation measures along the access road. The Applicant proposes to conform to State Department of Health regulations.

ITEMS INCLUDED WITH APPLICATION:

- Exhibit 1.** Map showing location of proposed quarry, showing metes and bounds for legal description and cross-checked with new plat map. (Inaba Engineering).
- Exhibit 2.** February 26, 2014, letter from Kamehameha Schools (quarry agreement with Jas. W. Glover)
- Exhibit 3.** 4/29/64 Final Order of Condemnation and Stipulated Judgment giving access to TMK (3) 2-1-013: 004
- Exhibit 4.** Special Permit No. 1107 to Yamada & Sons, Inc.
- Exhibit 5.** Special Permit No. 1008 to Jas. W. Glover, Ltd.
- Exhibit 6.** Special Permit No. 1221 to Jas. W. Glover, Ltd.
- Exhibit 7.** Special Permit No. 12-000145 to Jas. W. Glover, Ltd.
- Exhibit 8.** Map showing Project Site, Remainder of Lot 47-D-3-B-2
- Exhibit 9.** September 2013 Draft Archaeological Assessment report for Project Site and February 24, 2014, submittal letter to SHPD
- Exhibit 10.** February 6, 2013, Glenn Escott email communication

**Applicant's Reasons for Requesting a Special Permit:**

- A. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The subject property does not exist in or impact any coastal zone management area or program. There are no current existing public access, no scenic or open space resources, and no coastal view planes and coastal ecosystems that will be impacted by the quarrying operation.
- B. The quarrying of aggregate and rock from the subject property is not contrary to the objectives of the State land use law and regulations. The site has not been used for any agricultural purposes. The area has soils such as "A'A" and "Blue Rock" which are conducive to quarrying activities.
- C. The desired use shall not adversely affect the surrounding properties. There are no dwellings or urban developments within 300 feet of the perimeter of the boundary of the Project Site. The surrounding properties are owned by the State of Hawaii.
- D. The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Existing roads to the property already exist, which are suitable for the use of the Applicant. Roads within the property are not used by the general public. Utilities such as water, sewer, etc. are not required for the quarrying activities.
- E. No unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.
- F. The land is suited for quarrying purposes. It has both prior quarried sites and an ongoing active quarry site nearby.
- G. The proposed use will not substantially alter or change the essential character of the land and the present use. The existing topography will be lowered due to the removal of aggregates and rock from the site.
- H. The proposed use is not contrary to the goals, policies, and standards of the General Plan and other applicable documents such as community development plans and design plans.
- I. The proposed use is an unusual and reasonable use of land, which would not be contrary to the objectives to be sought by land use law and regulations. The proposed quarry site is located in an isolated area. Public access to the site is restricted.





## KAMEHAMEHA SCHOOLS

February 26, 2014

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

Dear Mr. Kanuha:

Special Permit Application, Jas W. Glover, Ltd.  
TMK No. (3) 2-1-013-004 (Portion), Honohononui, Waiākea, South Hilo, Hawaii

Kamehameha Schools (KS) has an agreement with Jas W. Glover for the subject Tax Map Key for the purpose of mining rock and cinders from the property. Locating this operation on the property makes good economic sense based on the available resource.

If you would like to discuss this matter in greater detail, please do not hesitate to call me at 776-7527.

Sincerely,

Marissa Harman, Land Asset Manager  
Land Assets Division – Hawaii Island

CIVIL NO. 611

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Kashiwa, its Attorney General,

Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,

Defendants.

FINAL ORDER OF CONDEMNATION

3RD CIRCUIT COURT  
STATE OF HAWAII  
HONOOLULU  
1964 APR 29 AM 8 57  
TERRY KADE  
CLERK

BERT T. KOBAYASHI  
Attorney General  
State of Hawaii  
Iolani Palace Grounds

JOHNSON H. WONG  
Deputy Attorney General  
869 Punchbowl Street  
Honolulu, Hawaii

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Kashiwa, its Attorney General,  
Plaintiff.

vs.

FRANK ELBERT MIDKIFF, et al.,  
Defendants.

FINAL ORDER OF CONFIRMATION

Pursuant to the Stipulated Judgment entered and  
filed herein, which Stipulated Judgment has been fully  
satisfied,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Parcels 3 and 3-A, together with all  
improvements and appurtenances thereunto belonging, as  
described in the Complaint and the Order Amending Complaint  
filed herein, are for the construction of the extension to  
Runway 8-26 of the General Lyman Field at Honohehene,  
South Side, Island of Hawaii, State of Hawaii, and title  
thereto is hereby vested in the STATE OF HAWAII, in fee  
simple absolute, free and clear of all liens and en-  
cumbrances;
2. That said parcels of land are more particularly  
described as follows:

PARCEL 3

Being a portion of lot 47-D, as shown on  
Map 11 of Land Court Application 433,  
covered by Owner's Certificate of Title  
No. 28,678, filed in the Office of the  
Assistant Registrar of the Land Court

Land situated at Hanohonohui, South  
Hilo, Island of Hawaii, Hawaii

Beginning at the Northwest corner of this  
piece of land, on the boundary between Hawaiian  
Homes Land (Kauahaka Tract 1) and Land Court  
Application 433, the coordinates of said point  
of beginning referred to Government Survey  
Triangulation Station "Halei" being 2,469.31  
feet North and 21,425.86 feet East, thence  
running by azimuths measured clockwise from  
true South:

1. 270° 00' 309.37 feet along the remainder  
of Lot 47-D, Map 11 of  
Land Court Application  
433;
2. 180° 00' 50.00 feet along same;
3. 270° 00' 1046.73 feet along same;
4. 344° 19' 1762.21 feet along Hawaiian  
Homes Land (Kauahaka  
Tract 2) and along  
Government Land of Volakka;
5. 06° 19' 643.79 feet along the remainder  
of Lot 47-D, Map 11 of  
Land Court Application  
433;
6. 144° 49' 2065.26 feet along Hawaiian Homes  
Land (Kauahaka Tract 1)  
to the point of beginning  
and containing an area of  
40.119 Acres.

PARCEL 3-B

Being a portion of Lot 47-D, as shown on  
Map 11 of Land Court Application 433,  
covered by Owner's Certificate of Title  
No. 28,578, filed in the Office of the  
Assistant Registrar of the Land Court

Land situated at Hanohonohui, South Hilo,  
Island of Hawaii, Hawaii

Beginning at the Southeast corner of this piece  
of land, on the boundary between Hawaiian Homes Land  
(Kauahaka Tract 2) and Land Court Application 433,  
the coordinates of said point of beginning referred  
to Government Survey Triangulation Station "Halei"  
being 2,519.31 feet North and 22,781.96 feet East,  
thence running by azimuths measured clockwise from  
true South:

1. 90° 00' 1046.73 feet along the remainder of  
Lot 47-D, Map 11 of Land  
Court Application 433;

2. 0° 00' 50.00 feet along same;
3. 90° 00' 50.00 feet along same;
4. 180° 00' 75.00 feet along same;
5. 270° 00' 1089.71 feet along same;
6. 344° 19' 25.97 feet along Hawaiian Home Land (Kauakaha Tract 2) to the point of beginning and containing an area of 0.685 Acre.

DATED: Hilo, Hawaii, APR 29 1964

*A. M. Felix*  
Judge of the Above-entitled Court.



Description Checked:

*A. C. G. G. G.*  
C. L. G. G. G.  
Date 3/2/64

-3-

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in the office of the Clerk of the Third Circuit Court of the State of Hawaii, as filed APR 29 1964.  
*Henry K. K.*  
Clerk, Third Circuit Court, State of Hawaii

CIVIL NO. 611

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Hashida, its Attorney General,  
Plaintiff,

vs.

FRANK ELBERT HICKIFF, et al.,  
Defendants.

STIPULATED JUDGMENT

3RD CIRCUIT COURT  
STATE OF HAWAII  
1964 APR 29 PM 8:55  
TERRY KAIDE  
CLERK

HERT T. KOBAYASHI  
Attorney General  
State of Hawaii  
Iolani Palace Grounds

JOHNSON H. WONG  
Deputy Attorney General  
869 Punchbowl Street  
Honolulu, Hawaii  
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

STATE OF HAWAII, by Shiro  
Rashiwa, its Attorney General,  
Plaintiff,

vs.

FRANK ELBERT MIDKIFF, et al.,  
Defendants.

STIPULATED JUDGMENT

Pursuant to the consent of the State of Hawaii,  
Plaintiff, and the Defendants, through their attorneys, and  
the record on file herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the public use to be served by the con-  
demnation of Parcels 3 and 3-B, as described in the Complaint  
and the Order Amending Complaint filed herein, are for the  
construction of the extension to Runway 8-26 of the General  
Lyman Field at Honohehonui, South Hilo, Island of Hawaii,  
State of Hawaii.
2. That the aforesaid public use requires the  
taking by the Plaintiff of said parcels of land in fee simple  
absolute, free and clear of all liens and encumbrances, with  
all improvements and appurtenances thereunto belonging.
3. That the just compensation and damages for the  
taking of Parcels 3 and 3-B, together with all improvements  
and appurtenances thereunto belonging, in fee simple absolute,  
including any and all damages of whatsoever nature, is the  
total sum of \$14,000.00.

4. That the Defendants, Trustees of the Estate of Bernice Pauahi Bishop, deceased, are the owners of Parcels 3 and 3-B, and that Defendants Robert Mitsugi Yamada and Emma Keliimoewai Yamada are the Lessees of said parcels of land.

5. That the Chief Clerk of this Court shall pay the just compensation and damages in the amount of \$14,000.00 to the following persons as follows:

Trustees of the Estate of Bernice Pauahi Bishop, deceased . . . . .	\$13,000.00
Robert Mitsugi Yamada and Emma Yamada . . . . .	1,000.00

SUBJECT, HOWEVER, to Sections 8-34 and 8-35, Revised Laws of Hawaii 1955.

6. That the Plaintiff having already deposited with the Chief Clerk of this Court the sum of \$12,241.20, it shall deposit the additional sum of \$1,758.80.

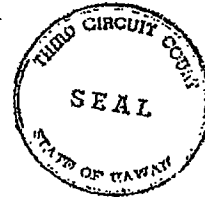
7. That a right of way from and to a public road shall be provided by the State of Hawaii to and from Parcel 3-A, which parcel is shown on Exhibit A attached to the Complaint filed herein, to be used by the owners of said parcel or their successors and assigns until such time as some other mode of access shall be made available to and from said Parcel 3-A.

8. That the temporary easement over and across Parcel 3 is herewith terminated and that final order of condemnation vesting title to Parcels 3 and 3-B in fee simple absolute, free and clear of all liens and encumbrances may be entered herein.

DATED: Hilo, Hawaii, APR 29 1964

A. M. Felix  
Judge of the above-entitled Court

The foregoing is hereby approved  
as to form and substance and may  
be presented to the Judge of the  
above-entitled Court for entry  
into the record herein.



STATE OF HAWAII, Plaintiff  
By Bert T. Kobayashi  
~~Attorney General~~

By *Johnson H. Wong*  
for JOHNSON H. WONG  
Deputy Attorney General

FRANK ELBERT MIDKIFF, EDWIN  
PUAHAULANI MURRAY, ATHERTON  
RICHARDS, HERBERT KEALOHA  
KEPFELER, and RICHARD LYMAN, JR.,  
Trustees under the Will and of  
the Estate of Bernice Pauahi Bishop,  
Deceased,

By ROBERTSON, CASTLE & ANTHONY

By *J. Garner Anthony*  
J. GARNER ANTHONY  
Their Attorney

ROBERT MITSUGI YAMADA and  
EMMA KELIIMOEWAI YAMADA

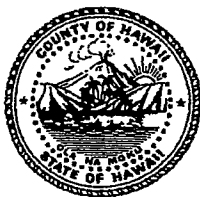
By NEVELS, CHUN & CHANG

By *L. N. Nevels, Jr.*  
L. N. NEVELS, JR.  
Their Attorney

-3-

I do hereby certify that the foregoing  
is a full, true and correct copy of the  
original on file in the office of the Clerk  
of the Third Circuit Court of the State  
of Hawaii, at Hilo, APR 29 1964  
*James K. ...*  
Clerk, Third Circuit Court, State of Hawaii

Harry Kim  
Mayor



Geraldine M. Giffin  
Chairperson

## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL  
7000 0600 0024 2904 2404

March 29, 2001

Robert E. Bethea, Esq.  
688 Kinooole Street, Suite 105  
Hilo, HI 96720

Dear Mr. Bethea:

Special Permit Application (SPP 01-02)  
Applicant: Yamada & Sons, Inc.  
Request: Establish a Quarry and Related Uses  
Tax Map Key: 2-1-13:portion of 4

The Planning Commission at its duly held public hearing on March 16, 2001, voted to approve the above-referenced application. Special Permit No. 1107 is hereby issued to establish a quarry and related uses on approximately 14.906 acres of land in the State Land Use Agricultural District. The project site is located adjacent to existing quarry sites, to the east of the Hawaii National Guard Site, and northeast of the County's Sanitary Landfill, Honohononui, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant, Yamada & Sons, Inc. is requesting a Special Permit in order to expand their existing quarry uses. Original quarry uses were established on the subject property on approximately 10 acres of land with approval by the Traffic and Planning Commission in 1962. Subsequently in 1996, the Planning Commission approved Special Permit No. 936, to allow the applicant to expand on an approximately 14.9 acres adjacent to the existing pit in order to quarry basaltic "blue rock" which is good for asphalt/concrete mixing, concrete and landscaping purposes. Yamada and Sons, Inc. is presently requesting that they be allowed to further expand the existing quarry on additional 14.9 acres of land adjacent to the existing pit. The license agreement with Bernice Pauahi Bishop Estate is for approximately 50 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

002747

MAR 29 2001  
Exhibit 4

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" of "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map. In addition, approval of a Special Permit for this quarry, will not introduce a new use that would be detrimental to the County's inventory of Agricultural lands as the project site has previously been quarried and has not been actively used for agricultural activities.

Lands within agricultural districts might not always be best suited for agricultural activities and yet classified as such. Recognizably, there are certain types of uses which may not be strictly 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 14.9-acre portion of a 137.3-acre parcel. The applicant has quarried in this location since 1962, when it first secured a variance from the Planning and Traffic Commission, with expansion of the area in 1996 for another 14.9 acres. The additional 14.9 acres of land proposed to be used will allow the applicant to continue ongoing quarry activities in the area by further obtaining "blue rock" material. Although the State Land Use Commission expressed some concerns regarding a new permit rather than an amendment to the existing permit, the Planning Director had no objections to a separate permit being secured for the additional quarry area. Expansion of the quarry use, is unlike a development, where there is full build-out at some point in time. Rather, in a quarry operation, as the quarry expands, the applicant is actually looking for new areas, leaving behind areas that have been excavated and where the desired materials may no longer be available.

Finally, the additional 14.9 acres 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. There is also another quarry operation on the same subject property for Jas W. Glover on a northeastern portion of the parcel. Allowing continuous use of a quarry on an expanded area by the applicant 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 granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management program.

Based on a previous archaeological study submitted by the applicant for an earlier request (SPP 936) for the wastewater treatment plant, and according to the applicant, the parcel has been previously cleared; therefore, it is unlikely that any archaeological features and threatened species of plants or animals are present on the property. There is no designated public access to the mountain areas over the property. The subject property is located over one mile from the nearest shoreline and is adjacent to existing quarry and industrial uses. The proposed development will not impact any recreational, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Finally, due to its location, it is not anticipated that the proposed activities would significantly obstruct any ocean (makai) views or significantly affect view planes. Therefore, the approval of the subject request shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan Land Use Pattern Allocation Guide Map (LUPAG) Map, which designates the property for Industrial and Orchard uses. The project would complement the following goals and policies of the General Plan:

*Land Use:*

- \* Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- \* 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.
- \* 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.

*Economic:*

- \* The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.
- \* Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.

- \* The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

*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.

In order to provide for raw construction materials that is vital to our construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to our construction industry. The establishment of the proposed quarry in this particular location will not adversely impact our agricultural resources, as many of the uses are industrial in nature.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, the airport, skeet range, other quarry operations, the Hawaii National Guard training facility and vacant State-owned lands. There are no dwellings or urban developments within this immediate vicinity. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health. Further, the property is of sufficient size, 137+ acres, to minimize any physical, social or other impacts that the activity may have on the surrounding area. 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. Finally, as a condition of approval, hours of operation shall be limited to the hours between 6:00 a.m. to 6:00 p.m. daily.

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 physical character of the area has already been altered due to previous and ongoing quarry activities. The applicant originally secured a variance from the Planning and Traffic Commission in 1962 to conduct quarry activities in this vicinity. There is a separate quarry permit for Jas W. Glover (SPP No. 1008) further north on the same subject parcel. Special Permits were also secured for quarry activities in 1996 on TMK: 2-1-13:2, southwest of the area, by Jas W. Glover, Yamada and Sons, Inc. and Kiyosaki Tractor Works. Further, the applicant would be required to submit an Erosion Control and Site Restoration Plan as a requirement of the permit. This condition of approval will ensure that the restoration, visual and public safety concerns will be mitigated to the best extent possible.

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 operations are resource-based, sites are locationally restricted. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site. Although quarry operations, due to its noisy, dusty and hazardous conditions, are typically permitted on Industrial-zoned lands, raw material may not always be available on industrial-zoned sites. With a vast amount of Agricultural-designated lands within the County of Hawaii, it can be anticipated that many of these resource sites will be discovered on these Agricultural-designated lands. Through the special permit process, however, appropriate review of criteria is conducted for considering the granting such requests. In this particular situation, 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 onto State land, of which the applicant has been granted permission to use. The quarry is approximately one mile from the landfill access road. The beginning section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to approximately 40 feet wide and is paved. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Agencies reviewing the request had no objections to the quarry.

The subject parcel was originally cleared by the applicant. Previous archaeological surveys in the area determined that there are no significant sites or resources that are endangered. Further, it was determined that the area is not listed on the Hawaii or National Register of Historic Sites. However, due to concern by the Department of Land and Natural Resources regarding the Puna Trail, a condition is included to require a letter of clearance.

Based on the above considerations, the proposed expansion of an existing 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.

We should note that the prior Special Permits approved by the Planning Commission included a condition that limited the life of the permit to a specific time period or which ran co-terminous with the terms of the license agreement between the landowner to the applicant. Upon re-evaluation, due to the nature of a quarry with its limited life based on availability of material, there will not be a condition to limit the life of the Special Permit for this quarry. In this particular case, there is no concern regarding the impact to surrounding properties or communities, no adverse impact to traffic or public services, and no adverse impact to the environment. However, a condition will be included to require the applicant to notify the Planning Department upon termination/abandonment of the quarry operation.

Approval of this request is subject to the following conditions. However, 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. 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 any land clearing activities or commencing operation of the quarry, the applicant shall submit to the Planning Department a written letter of clearance regarding the Puna Trail from the Department of Land and Natural Resources – Na Ala Hele Program.

4. 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.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. An Erosion Control and Site Restoration Plan shall be submitted for review and approval by the Planning Director, in consultation with the Department of Public Works, one year prior to the termination of quarry activities.
7. Upon termination of the quarry operation or abandonment of the quarry activities, the land shall be graded to blend with the surrounding area and rehabilitated as approved in the Erosion Control and Site Restoration Plan. The affected site shall be left in a non-hazardous condition. Appropriate documentation, including photographs, which demonstrates compliance with this condition shall be submitted to the Planning Department and the Department of Public Works for review and approval within 90 days after termination and/or abandonment of the quarry operations.
8. Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, walls, or lava tubes be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources – Historic Preservation Division (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 for approval of the expanded use.
10. An initial 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.

Robert E. Bethea, Esq.

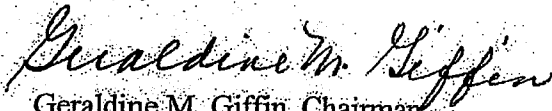
Page 8

- 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 contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

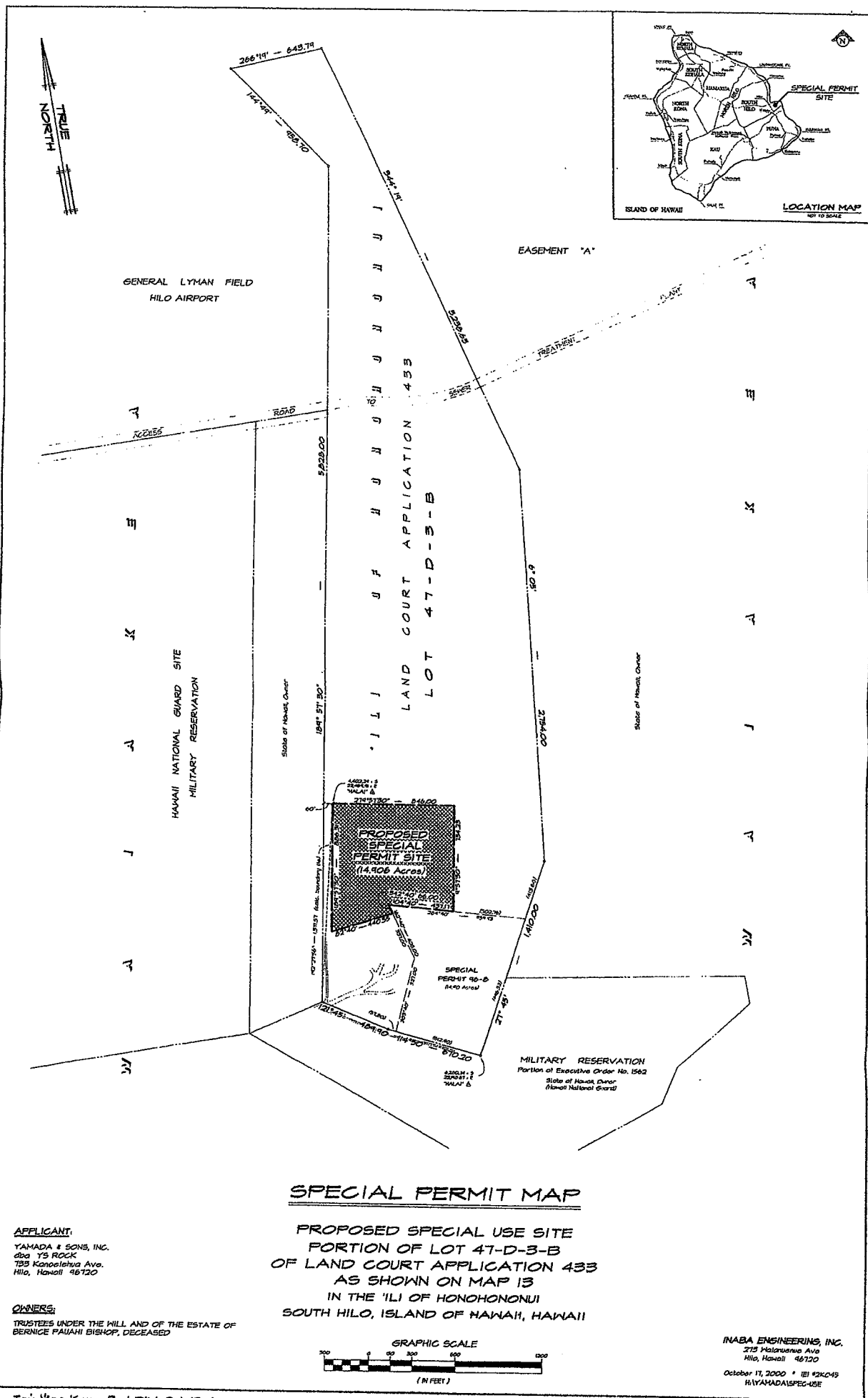
Sincerely,



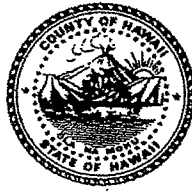
Geraldine M. Giffin, Chairman  
Planning Commission

Lyamada&sonssp01-002PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources  
Brian Minaai, Director/DOT-Highways, Honolulu  
Yamada & Sons, Inc.



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 2 8 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 Honohononui, 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 landfills 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.

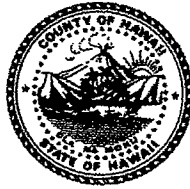
Sincerely,

  
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

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

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FEB 04 2000

Byron Fujimoto, Vice President, C.O.O.  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720

Dear Mr. Fujimoto:

Special Permit No. 1008

Applicant: Jas W. Glover

Request: Amend Request to Include Production Facilities; Such As Concrete Plants,  
Asphalt Plants, Tile Plants and Other Support Facilities and Accessory Uses

Tax Map Key: 2-1-13:Portion of 4

The Planning Commission at its duly held public hearing on January 21, 2000, voted to approve the above-referenced request. Special Permit No. 1008 allowed the establishment of a quarry on approximately 14.99 acres of land within the State Land Use Agricultural District. The amendment is to include production facilities (such as concrete plants, asphalt plants, tile plants) and other support facilities and accessory uses. 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 Honohononui, 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. 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 production facilities on the site, such as concrete plants, asphalt plants, tile plants and other supporting facilities, as the need arises.

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 quarry operation is situated on a 14.99 acre portion of a 137.3 acre parcel. The 14.9 acres of land is already approved 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 expansion of the quarry uses on the subject property would be an unusual and reasonable use of the land and in keeping with uses that are quarry related. 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.

*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, salutation, 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. Existing conditions will remain a part of the permit, including the condition that the applicant 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 shall 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 already being quarried and the request is to continue related quarry activities such as concrete, asphalt and tile plants. 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 expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

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. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The

additional quarry activities will be in keeping with surrounding uses. 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 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. 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 by the Board of Land and Natural Resources. As the easement is good for only five years, until 2002, a new condition is included to require the applicant to submit additional evidence, upon approval by the BLNR, for the continued use of the road easement. 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 either 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. The applicant received a written clearance from the Department of Land and Natural Resources before clearing the property.

Based on the above considerations, the expanded quarry operations 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, with amendment to Condition No. 5 and a new Condition No.7 (underlined material is added and bracketed material is deleted). Subsequent conditions are renumbered. 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.
2. Prior to commencing any land clearing operations, archaeological 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 the expanded quarry [activity] activities, a written notification and map showing the location of activities 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. Additional documentation to allow continued use of the easement for access purposes, beyond August 8, 2002, shall be submitted to the Planning Director upon approval by the Board of Land and Natural Resources.
- [7.]8. 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.]9. 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.]10. Comply with all applicable laws, rules, regulations and requirements of affected agencies.

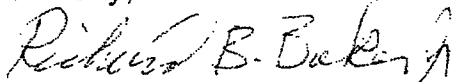
Byron Fujimoto, Vice President, C.O.O.  
Jas W. Glover, Ltd.  
Page 6

- [10.]11. 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 contact Susan Gagorik or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

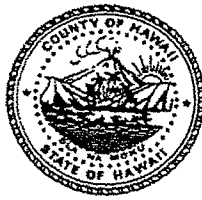


Richard B. Baker, Jr., Chairman  
Planning Commission

Lgloverspp1008PC

cc: 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  
Mr. Peter D. Simmons

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 Honohononui, 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

*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, salutation, 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. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall 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 other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is already being quarried and the request is to continue related quarry activities such as crushing, concrete, asphalt and tile plants. 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 expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

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. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The

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.

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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-SHPD 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.
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.  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

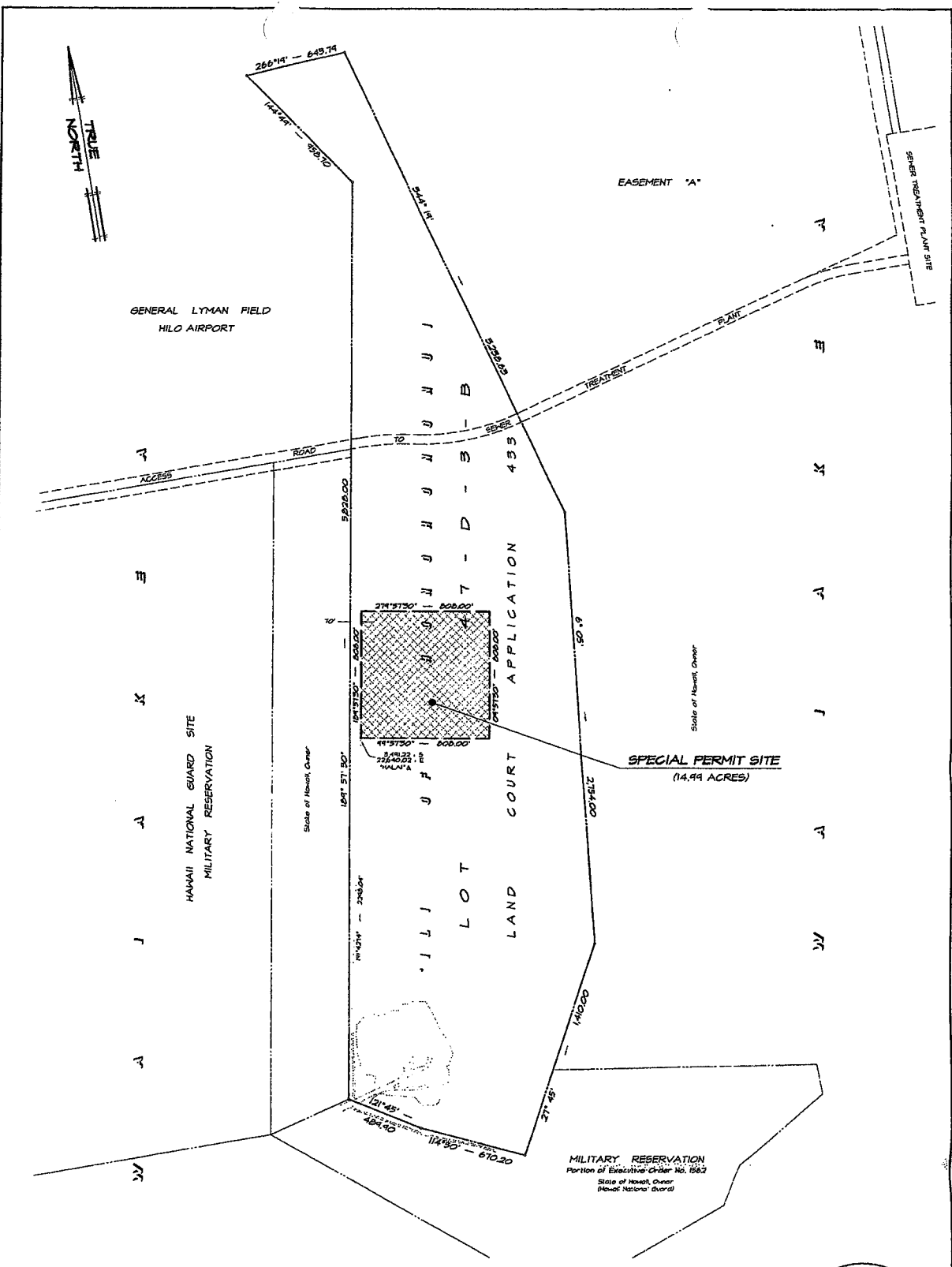


VICE CHAIRMAN

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

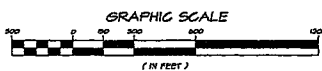


### SPECIAL PERMIT MAP

PROPOSED SPECIAL USE SITE  
BEING A PORTION OF LOT 47-D-3-B  
OF LAND COURT APPLICATION 433  
AS SHOWN ON MAP 13  
IN THE 'ILI OF HONOHONUI  
SOUTH HILO, ISLAND OF HAWAII, HAWAII

**PREPARED FOR:**  
JAS. M. GLOVER, LTD.  
General Contractors  
840 Leland Street  
Hilo, Hawaii 96720

**OWNERS:**  
TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
BERNICE PAUHAH BISHOP, DECEASED

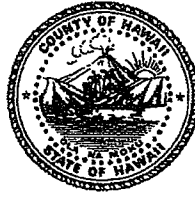


*Alan Z. Inaba*  
INABA ENGINEERING, INC.  
275 Hokuwaka Ave.  
Hilo, Hawaii 96720  
May 21, 2002  
1E1 402024 \* FB #374  
H.M.GLOVER/SPEC-15502

CADES SCHUTTE

MAR 22 2013

Time \_\_\_\_\_ m. Init. \_\_\_\_\_



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

MAR 21 2013

Mr. Bryon Fujimoto  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720-4529

Dear Mr. Fujimoto:

Special Permit Application (SPP 12-000145)

Applicant: Jas W. Glover, Ltd.

Request: To Allow a New Quarry Site on a 10.15-Acre Portion of a  
140.368 Acre Property

Tax Map Key: 2-1-013:004

The Windward Planning Commission, at its duly held public hearing on March 7, 2013, voted to approve the above-referenced request for a Special Permit to allow the establishment of a new quarry site on approximately 10.15 acres within a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located east of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,800 feet west of the County's Sewer Treatment Plan Site at Honohono-nui, South Hilo, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting a Special Permit to establish a new quarry site on approximately 10.15 acres of land within a portion of a larger 140-acre property. The material to be quarried is aggregate and rock for commercial applications. The material to be quarried consists largely of basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards of material will be excavated and either processed on site or transported to Glover's Hilo operations site on Leilani Street over the term of its 15-year quarry lease.

*Hawai'i County is an Equal Opportunity Provider and Employer*

**Exhibit 7**

The 140.368-acre property is owned by the Kamehameha Schools. Kamehameha Schools had previously leased a 49.9982-acre portion of the 140.368-acre property to Yamada & Sons, Inc. as a quarry site. A quarry license was granted to Jas. W. Glover, Ltd. on January 15, 2012 for the same 49.9982-acre quarry site for a period of 15 years. There have been two (2) other Special Permits (SPP 936 and SPP 1107) approved for quarry operations in this 49.9982-acre lease area. This permit request is for the remaining 10.15-acre portion of the 49.9982-acre quarry license site within the 140.368-acre property. The applicant also has a lease for the remainder of the property, which also has two (2) Special Permits (SPP 1008 and SPP 1221) for quarry operations.

At the Windward Planning Commission's February 7, 2013 meeting, the Planning Director recommended that this Special Permit request be denied as its approval would be the fifth (5<sup>th</sup>) Special Permit to be issued for sub-15-acre quarrying operations within the larger 140-acre property, raising concerns about the "parceling" of the Special Permit process in an attempt to avoid the proper process that would take this matter before the State Land Use Commission.

The State Land Use Commission (LUC), in its memorandum regarding the subject application dated February 4, 2013, stated that "The continued application for special permits on acreage below 15 acres for the same use in a relatively short period of time could be seen as an attempt on the part of the landowners or petitioners to avoid the LUC process by 'parceling' the Special Permit activities. The LUC concluded its comments by recommending that this Special Permit application and any future similar applications be referred to the LUC for action and approval/disapproval.

The applicant met recently with the staff and the Executive Director of the LUC to discuss its concerns regarding the applicant's Special Permit request. In summary, the applicant 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. We support this proposal as it represents a reasonable compromise that addresses concerns about proper permit processing while also recognizing the past support by this office over the years for other quarry operations within this particular section of Hilo. As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit. Failure to promptly file this Special Permit application for consideration by the LUC will cause this department to initiate revocation proceedings for the 10.15-acre quarry that is the subject of this Special Permit.

This Special Permit request is prompted by the awareness that the currently permitted quarries within portions of the 140-acre property are running out of material.

The proposed 10.15-acre quarry will provide the applicant with an estimated 1-½ to 2 years worth of material, during which the applicant will prepare and hope to secure a Special Permit from the LUC for quarrying activities within the remainder of the 140-acre property yet to be quarried.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules of Practice and Procedure. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the Agricultural District.** In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

Although the property is designated for Agricultural uses by both the State Land Use Commission and the County Zoning Code, its soils are considered very poor and not optimal to support agricultural activities. The request is considered unusual and reasonable in that the proposed quarry area has no direct relationship to any potential agricultural activities that could be conducted upon the property given its proximity to existing quarries and the Hilo landfill.

**The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.** The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The property is situated within an area where soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. The proposed use will be located on a 10.15-acre portion of a 140.368-acre property.

The 10.15 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. 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.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** As mentioned previously, approval of this request will not be contrary to the objectives of the State Land Use Law and is considered an unusual and reasonable use of the agricultural land due to the poor soil quality that are not conducive towards agricultural activities. Therefore, the proposed request will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

**(B) The desired use would not adversely affect surrounding properties.** The surrounding properties include the County of Hawai'i landfill sites, other quarrying operations and vacant lands owned by the State and Kamehameha Schools. There are no dwellings or urban developments within the immediate area. Other existing uses within the general vicinity include the County's wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawai'i National Guard training facility. Dust generated during quarry operations will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, 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 between 25 and 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. This access road is adequate for its intended purpose, which is to accommodate traffic associated with the quarry operations and which does not support general vehicular access. 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 for dust mitigation. Agencies reviewing the request had no objections to the quarry.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

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. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The 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.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. Surrounding parcels are also in quarry use and industrial-related activities.

**(F) The use will not substantially alter or change the essential character of the land and the present use.** The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The subject request is not contrary to the General Plan LUPAG Map, which designates the property as Extensive Agriculture,

Important Agricultural Land and Industrial. The project site is located in an area designated as Extensive Agriculture. 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.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i

Natural Resources and Shoreline Elements:

- The County of Hawai'i should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.
- Ensure that alteration 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.

In order to provide for raw construction materials that are vital to the construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to the construction industry. The establishment of the proposed quarry in this particular location will not adversely impact agricultural resources, as many of the uses are industrial in nature. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying operations are resource-based, sites are restricted in location by the availability of raw

materials. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site to establish a quarry.

**The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to the coastal zone management program.** The subject property is located over one mile to the nearest shoreline and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal recreational opportunities. Nor will the property be affected by coastal hazards. Additionally, there is no designated public access to the mountain areas over the property.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa 'akai O Ka 'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: The Department of Land and Natural Resources-State Historic Preservation Division issued a letter dated December 3, 2012 stating that they have completed review of the draft report (Escott, March 2012) and they requested further clarification of the possible presence of a trail alignment that may be present in the northeast corner of the proposed project area.

An archaeological assessment (final) of the project site was conducted by Glenn G. Escott dated September 2012 that conclude that no archaeological sites or features and no cultural resources or modern structures were located within the project site. The final report addressed the presence of the trail alignment stating that "A single site, the Historic Puna Trail (Site 50-10-99-18869), also referred to by the Old Government Road's State Number 50-10-36-21272) is located just outside the southern boundary of the current project area."

The valuable cultural, historical, and natural resources found in the permit area: As mentioned, no valuable cultural, historic, or natural resources related to traditional and customary practices were identified on the site.

Possible adverse effect or impairment of valued resources: Native plants may be destroyed by quarry operations. There is no evidence that the flora in the area are particularly desired or used for cultural practices. The site is not adjacent and/or proximate to the shoreline. As such, gathering of marine life, fishing and coastal access is not an issue.

Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights and no action is necessary to protect these rights. A condition of approval will be included to require the applicant to notify the DLNR-SHPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-SHPD.

There is no record of traditional Hawaiian rights being practiced on the property. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

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. The applicant, within one (1) year from the effective date of this permit, shall submit a properly filed Special Permit application to the Planning Department for consideration by the State Land Use Commission, requesting the establishment of quarry activities for the un-quarried remainder of the 140.368-acre property identified as TMK: 2-1-013: 004. Failure to comply with this condition shall result in proceedings to revoke this Special Permit.
3. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement issued to Jas W. Glover, Ltd. for quarrying activities within the project site.
4. 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.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
13. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 2, 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.

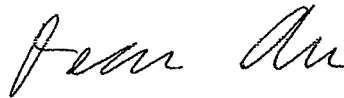
Mr. Byron Fujimoto  
Page 10

- 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).
14. Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

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 contact Daryn Arai of the Planning Department at 961-8288.

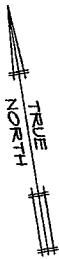
Sincerely,



Dean Au, Chairman  
Windward Planning Commission

Lgloverspp12-145wpc

cc: Roy A. Vitousek, III, Esq. ✓  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
Mr. Gilbert Bailado



GENERAL LYMAN FIELD  
Governor's Executive Order 2653  
(C.S.F. 16,740)

TMK: 2-1-012: 004  
State of Hawaii (DOT AD), Owner  
Zoning: ML-20  
State Land Use: Urban

SEE INSET

CLEAR ZONE EASEMENT  
TMK: 2-1-013: 170  
State of Hawaii, Owner  
Zoning: A-5a  
State Land Use: Agricultural

LOT 47-D-3-B-3  
TMK: 2-1-013: 166  
B.P. Bishop Estate, Owner  
Zoning: A-5a  
State Land Use: Agricultural

PARCEL C  
Grant S-5-580 Home Lands  
to Department of Home Lands  
(C.S.F. 22,230)

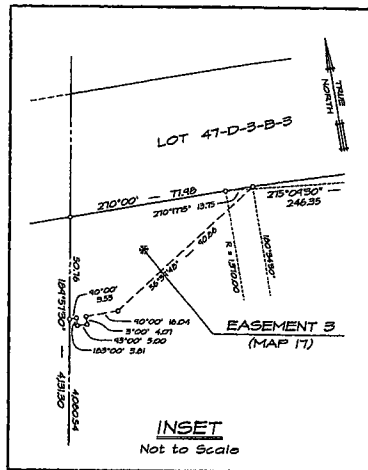
TMK: 2-1-012: 001  
Department of Home Lands, Owner  
Zoning: A-5a  
State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
Governor's Executive Order 1562  
(C.S.F. 11,608)

PARCEL A  
TMK: 2-1-013: 002  
State of Hawaii, Owner  
Zoning: A-20a  
State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
Governor's Executive Order 1562  
(C.S.F. 11,608)

TMK: 2-1-013: 010  
State of Hawaii, Owner  
Zoning: A20a  
State Land Use: Agricultural



PARCEL A  
TMK: 2-1-013: 002  
State of Hawaii, Owner  
Zoning: A-5a  
State Land Use: Agricultural

Zoning: A-5a  
Zoning: A-20a

NOTES:

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (ia).
4. Site is with in Zone X, areas determined to be outside of the 0.2% annual chance floodplain. No base/flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community Panel Number 15186 00B5 C, Map Revised: September 16, 1988.

AREA SUMMARY

Lot 47-D-3-B-2	140.368 Acres
SP - 100B	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85.338 Acres

PROJECT SITE

REMAINDER OF LOT 47-D-3-B-2  
OF LAND COURT APPLICATION 433  
AS SHOWN ON MAP 16  
IN THE 'ILI OF HONOHONUI  
SOUTH HILO, ISLAND OF HAWAII  
Tax Map Key: 3rd DIV. 2-1-013: 004

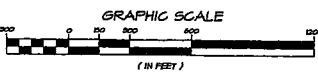
PREPARED FOR:  
Jas. W. Glover, Ltd.  
890 Lanihale Street  
Hilo, Hawaii 96720

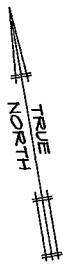
OWNER:  
B. P. Bishop Estate  
567 South King Street, Suite 200  
Honolulu, Hawaii 96813

INABA ENGINEERING, INC.  
275 Mahanui Avenue  
Hilo, Hawaii 96720



This work was prepared by me or under my supervision.  
*Alan Z. Inaba*  
Alan Z. Inaba  
Licensed Professional Land Surveyor  
Certificate Number 3626  
License Expires April 30, 2014  
Land Court Survey Number 249  
February 21, 2013  
Revised: February 20, 2014  
E1 418005





GENERAL LYMAN FIELD  
Governor's Executive Order 2653  
(C.S.F. 16,740)

TMK: 2-1-012, 004  
State of Hawaii (DOT AD), Owner  
Zoning: M-20  
State Land Use: Urban

SEE INSET

CLEAR ZONE EASEMENT  
(C.S.F. 16,825)  
TMK: 2-1-013, 170  
State of Hawaii, Owner  
Zoning: A-50  
State Land Use: Agricultural

LOT 47-D-3-B-3  
TMK: 2-1-013, 166  
B.P. Bishop Estate, Owner  
Zoning: A-50  
State Land Use: Agricultural

PARCEL C  
Department of Hawaiian Home Lands  
(C.S.F. 22,290)

HAWAII NATIONAL GUARD SITE  
Governor's Executive Order 1562  
(C.S.F. 11,608)

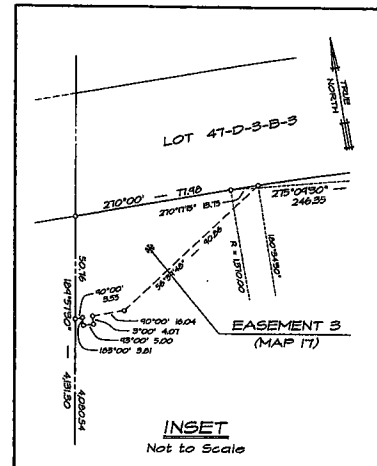
TMK: 2-1-012, 003  
State of Hawaii, Owner  
Zoning: A-50  
State Land Use: Agricultural

TMK: 2-1-012, 001  
Department of Hawaiian Home Lands, Owner  
Zoning: A-50  
State Land Use: Agricultural

PARCEL A  
TMK: 2-1-013, 002  
State of Hawaii, Owner  
Zoning: A-200  
State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
Governor's Executive Order 1562  
(C.S.F. 11,608)

TMK: 2-1-013, 010  
State of Hawaii, Owner  
Zoning: A-200  
State Land Use: Agricultural



PARCEL A  
TMK: 2-1-013, 002  
State of Hawaii, Owner  
Zoning: A-50  
State Land Use: Agricultural

Zoning: A-50  
Zoning: A-200

NOTES:

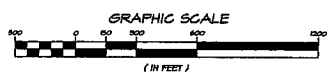
1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (Ext) and Important Ag. Lands (Ial).
4. Site is within Zone X, areas determined to be outside of the 0.2% annual chance floodplain. No base/flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community Panel Number 151616 0285 C, Map Revised: September 16, 1998.

PROJECT SITE

REMAINDER OF LOT 47-D-3-B-2  
OF LAND COURT APPLICATION 433  
AS SHOWN ON MAP 16  
IN THE 'ILI OF HONOHONUI  
SOUTH HILO, ISLAND OF HAWAII, HAWAII  
Tax Map Key: 3rd DIV. 2-1-013: 004

PREPARED FOR:  
Jas. W. Glover, Ltd.  
890 Leilani Street  
Hilo, Hawaii 96720

OWNER:  
B. P. Bishop Estate  
567 South King Street, Suite 200  
Honolulu, Hawaii 96813



AREA SUMMARY	
Lot 47-D-3-B-2	140.368 Acres
SP - 1008	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85.338 Acres

INABA ENGINEERING, INC.  
273 Kalamazoo Ave.  
Hilo, Hawaii 96720



This work was prepared by me or under my supervision.  
Alan Z. Inaba  
Licensed Professional Land Surveyor  
Certificate Number 5626  
License Expires: April 30, 2014  
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SCIENTIFIC CONSULTANT SERVICES Inc.



Hawai'i Island Office: PO Box 155 Kea'au, HI 96749

February 24, 2014

Theresa Donham  
Archaeology Branch Chief  
State Historic Preservation Division  
40 Po'okela Street  
Hilo, HI 96720

**Submittal of Draft Report: An Archaeological Assessment of of A Proposed 90-Acre Quarry Site in Waiākea Ahupua'a, South Hilo District, Island of Hawai'i, Hawai'i [TMK: (3) 2-1-013:004 (por.)].**

Dear Ms. Donham:

Thank you in advance for your review of the above referenced draft report. The report is attached with this letter. The review fee for the draft report has been sent to the SHPD Kapolei office. Please feel free to contact me if you have questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glenn G. Escott". The signature is written in a cursive, flowing style.

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SCS Hawai'i Island Ops Mgr  
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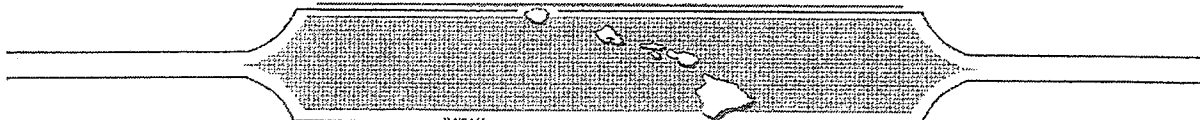
Enclosure A: Draft Report

**AN ARCHAEOLOGICAL ASSESSMENT OF A PROPOSED 90-ACRE  
QUARRY SITE IN WAIĀKEA AHUPUA‘A, SOUTH HILO DISTRICT,  
HAWAI‘I ISLAND, HAWAI‘I [TMK: (3) 2-1-013:004 (POR.)]**

Prepared By:  
**Glenn G. Escott, M.A.**  
September 2013  
**DRAFT**

Prepared for:  
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## **ABSTRACT**

At the request of Jas. W. Glover, Ltd., Scientific Consultant Services, Inc. (SCS) conducted an archaeological assessment of 90.0 acres of land [TMK: (3)-2-1-013:004 (por.)] located in the *ahupua'a* of Waiākea, Hilo, South Hilo District, Island of Hawai'i, Hawai'i. The project area is situated approximately one kilometer southeast of the main terminal at Hilo International Airport and is bounded by a quarry to the south, and by undeveloped land on the three remaining sides. The project area is the northern portion of a 140.368-acre parcel leased to Jas. W. Glover, Ltd. by Kamehameha Schools. The project area location is being proposed for the expansion of an existing quarry.

Prior to fieldwork, a search of geological maps, aerial photos, historical maps, historical documents, and archaeological reports was conducted. The project area is located within the Pana'ewa forest. A pedestrian survey was carried out in July 2013 by Glenn Escott, M.A, Suzan Keris, B.A., and Andrew Bastier, B.A.. A series of north/south traverses spaced ten meters apart area were walked across the entire project area. Ground visibility was limited in some areas by dense vegetation. Intervals were reduced to as much as five meters in areas of thick ground cover.

No archaeological sites or features were located on the current project area. Roughly one quarter of the 90-acre project area has been quarried in the past. The entire 90.0 acres were surveyed during the current study. At present, there are no cultural resources or modern structures on the study parcel.

This report contains background information outlining the project area environmental and cultural contexts, a presentation of previous archaeological work within the study area and in the immediate vicinity, an assessment of expected archaeological patterns, an explanation of project methods, and a finding of no historic properties, cultural resources, or artifacts within the project area.

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## **INTRODUCTION**

### **PROJECT AREA DESCRIPTION**

At the request of Jas. W. Glover, Ltd., Scientific Consultant Services, Inc. (SCS) conducted an archaeological assessment of 90.0 acres of land [TMK: (3)-2-1-013:004 (por.)] located in the *ahupua'a* of Waiākea, Hilo, South Hilo District, Island of Hawai'i, Hawai'i (Figures 1, 2, 3, and 4). The project area is situated approximately one kilometer southeast of the main terminal at Hilo International Airport and is bounded by a quarry to the south, and by undeveloped land on the three remaining sides. The project area is the northern portion of a 140.368-acre parcel leased to Jas. W. Glover, Ltd. by Kamehameha Schools. The 90.0 acre section of land is being proposed for the expansion of an existing quarry. The entire 90.0 acres depicted in Figure 2, 3, 4, and 5 were surveyed, including the previously disturbed quarry area.

### **METHODS**

The archaeological inventory survey was undertaken in accordance with Hawai'i Administrative Rules 13§13-284 and was performed in compliance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports contained in Hawai'i Administrative Rules 13§13-276. The investigation included the following procedures:

1. SCS conducted extensive historical and archaeological archival research including a search of historic maps, aerial photos, written records, Land Commission Award documents, and State and County Planning Division documents.
2. SCS carried out a 100% pedestrian survey of the project area.

Prior to fieldwork, a search of geological maps, aerial photos, historical maps, historical documents, and archaeological reports was conducted. A pedestrian survey was carried out in of July, 2013 (65 person hours total) by Glenn Escott, M.A, Suzan Keris, B.A., and Andrew Bastier, B.A.. A series of north/south transects spaced ten meters apart area were walked across the entire project area. Ground visibility was limited in some areas by dense vegetation. Intervals were reduced to as much as five meters in areas of thick ground cover. Glenn Escott was the principal investigator and project director for the current study.

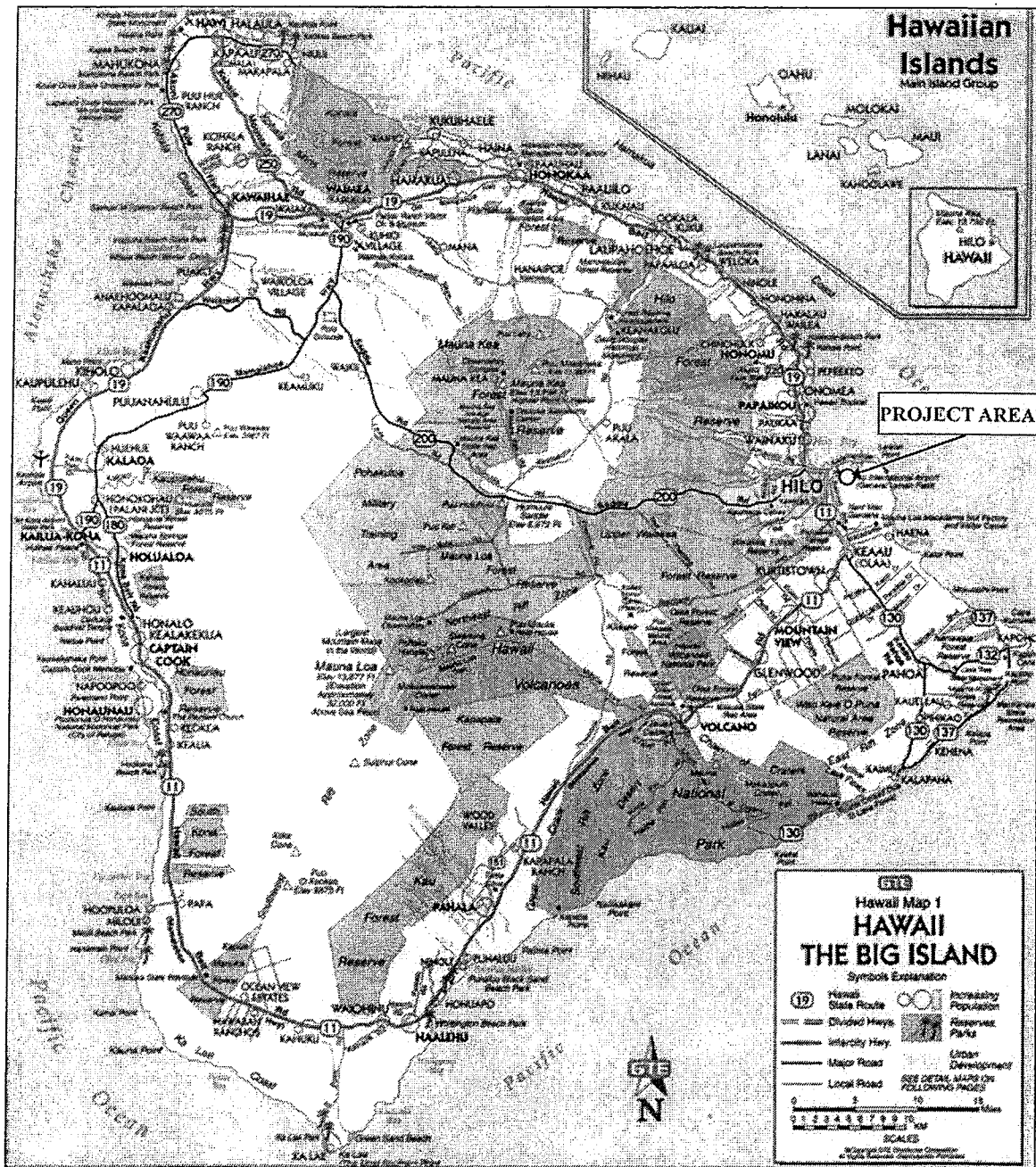
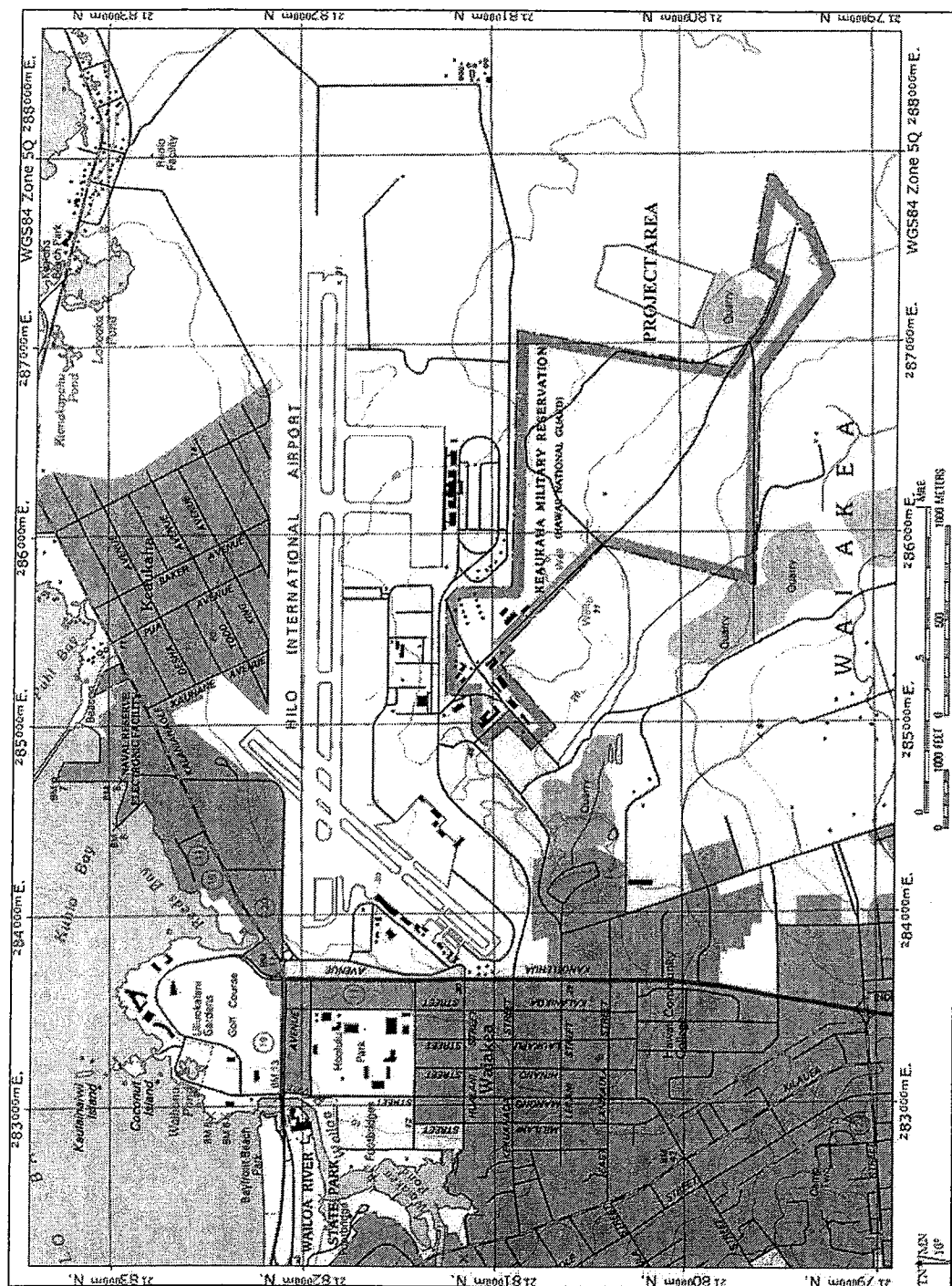


Figure 1: Location of Project Area on Hawai'i Island Map.



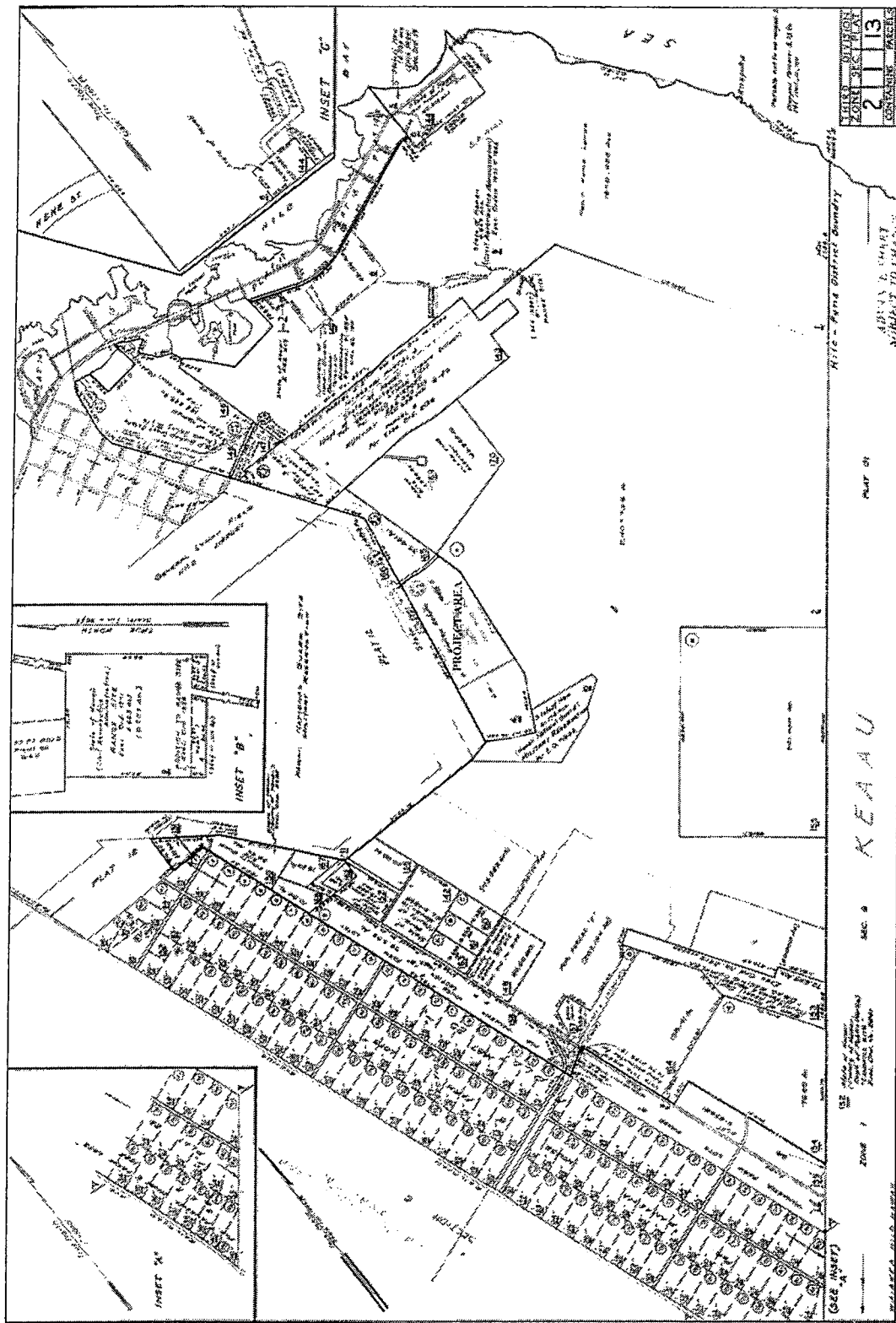


Figure 3: Location of Project Area on TMK (3) 2-1-013 Map.

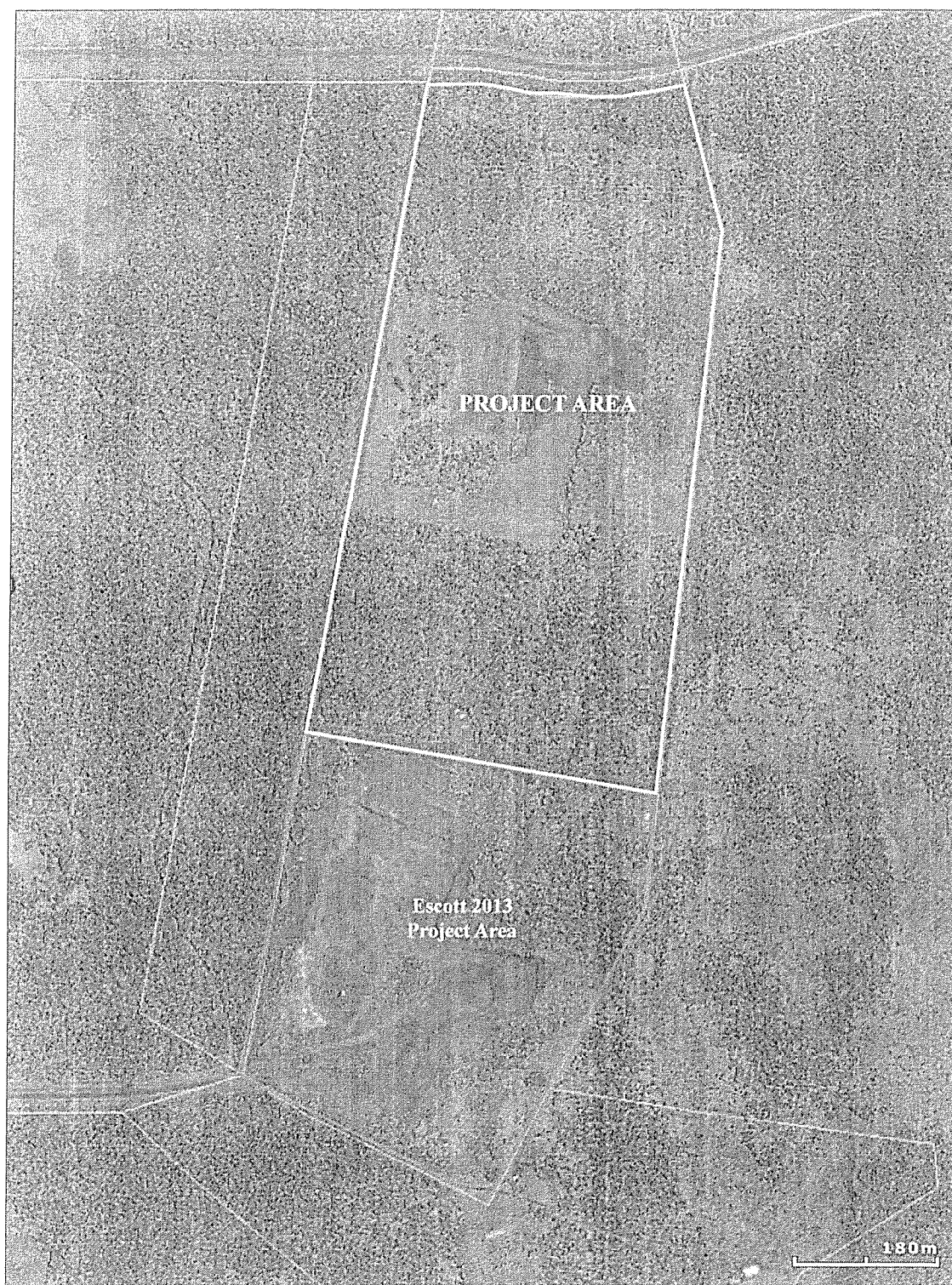


Figure 4: Aerial Photograph of Project Area (North is at Top of Page).

This report contains background information outlining the project area environmental and cultural contexts, a presentation of previous archaeological work within the study area and in the immediate vicinity, and current survey expectations based on that previous work, as well as an explanation of project methods.

## **ENVIRONMENTAL SETTING**

The project area is situated on gently sloping to level land between 40 feet (12 m) and 60 feet (18 m) above mean sea level (amsl). The project area substrate is a Mauna Loa flow dated between 750 and 1,500 years ago (Wolfe and Morris 1996). The project area ground surface is hummocky and uneven. There are areas of with large mounded piles of broken boulder bedrock outcrop. The piles are either conical, or linear ridges that reach four to five meters above the surrounding ground surface. The ground surface between the outcrops is wet, rocky muck.

Soil in the project area is Papai series (rPAE) thin, extremely stony muck (Sato 1973:46) and is characterized as poorly suited or unsuited to mechanized-farming (Soil Survey of the Territory of Hawaii 1955). Rainfall in the project area is high, ranging between 200 and 300 inches per year (Kelly *et al.* 1981). Natural drainage in the area runs from southwest to northeast.

Plant communities in the project are dominated by native plants such as ‘ōhi ‘a (*Metrosideros polymorpha*), uluhe (*Dicranopteris linearis*), and hala (*Pandanus odoratissimus*), as well as invasive species including waivi (*Psidium cattleianum*), common guava (*Psidium guajava*), Asian Melastoma (*Melastoma septemnerium*), octopus tree (*Schefflera actinophylla*), melochia (*Melochia umbellata*), and bingabing (*Macaranga mappia*). Vegetation within the project ranges from open forest to extremely dense thickets under forest canopy.

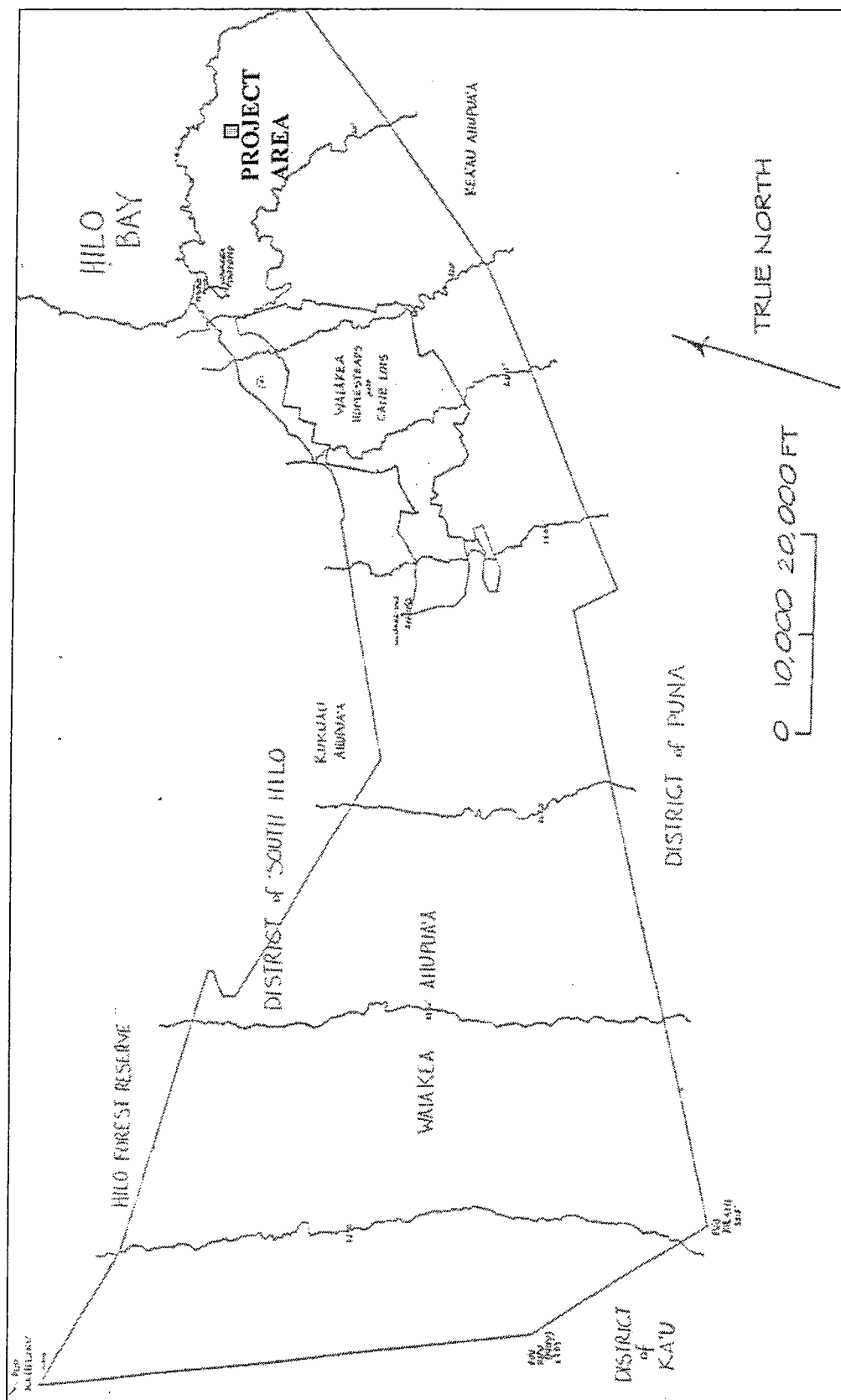
Roughly one quarter of the project area is previously quarried ground surface. The remainder of the project area has north-south bulldozer cuts through it, or has been completely bulldozed in the past (see vegetation contrast in Figure 4). The undisturbed areas between the bulldozed locations are mixed native and invasive species, and the disturbed areas contain primarily invasive plants. The entire 90-acre project area was surveyed, including the previously quarried area, the previously disturbed land, and the undisturbed forest.

## HISTORICAL AND CULTURAL CONTEXTS

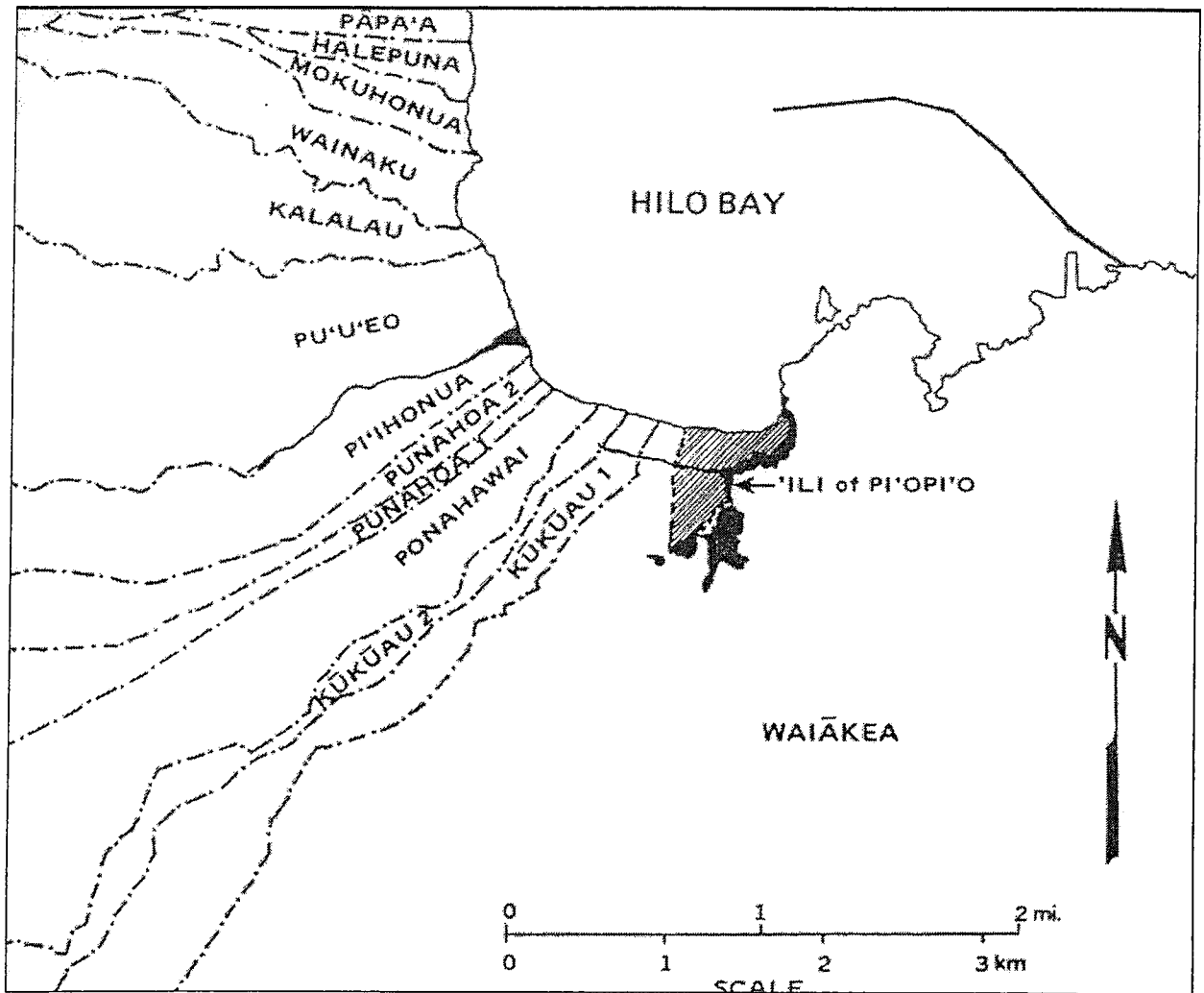
Hilo was, by most estimates, one of the first settlements on the Island of Hawai'i and was settled between AD 300 and 600. The rich marine resources of Hilo Bay and the gently sloping forests of Mauna Loa and Mauna Kea provided abundant resources. Fresh water was available from the Wailoa and Wailuku rivers and smaller streams such as Waiākea, Waiolama, Pukihāe, and 'Alenaio. The current project area is located in the area known as the Pana'ewa Forest in the *ahupua'a* of Waiākea, Hilo Hanakāhi 'okana, in the *moku-o-loko* (district) of Hilo (Maly 1996:4-5) (Figure 5). Waiākea Stream flows some distance west of the present study area. The *ahupua'a* of Waiākea is large – approximately 95,000 acres from the coastline to the slopes of Mauna Kea – and was regarded as a region of abundant natural resources and numerous fishponds.

### **PRE-CONTACT ACCOUNTS OF HILO**

The earliest account of Hilo appears in 'Umi-a-Liloa's (1600–1620) conquest of the Island of Hawai'i, which establishes Hilo as a royal center by the sixteenth century. In the account, 'Umi-a-Liloa began his conquest of the Island of Hawai'i by defeating chief Kulukulu'ā, who lived in Waiākea, and the other chiefs of Hilo (Kamakau 1992:16–17). 'Umi-a-Liloa's second son, Keawe-nui-a-'Umi, ruled Hamākua, Hilo, and Puna from his residence at Hilo (*ibid*: 34). It was from Hilo that he waged war on the Kona chiefs and unified the island. Keawe-nui-a-'Umi's descendants single handedly continued rule for many generations from Hilo. After the death of Keawe-nui-a-'Umi the kingdom was divided into three parts and was established under warring chiefs; Hilo was ruled by Kumalae-nui-pu'awa-lau and his son Makua (*ibid*: 45). It was during the period of time that Kamehameha I was born. Kalani'ōpu'u's grandson, Keoua Kuahu'ula and nephew Kamehameha vied for control over the six chiefdoms constituting the island kingdom and Keoua conquered Hilo chief Keawe-mau-hili and harvested the benefits for a short time only to be killed by Kamehameha late in 1791. Kamehameha's son Liholiho was born in Hilo in November 1797 (Kamakau 1992:22). Waiākea was inherited by Lihiliho after Kamehameha's death. The *'ili kūpono* of Pi'opi'o and its royal fishpond were given to his favorite wife, Ka'ahumanu (Figure 6).



**Figure 5:** Waiākea Ahupua‘a (Bush *et al.* 2000).



**Figure 6:** Kamehameha's 'Ili Kūpono Lands of Pi'opi'o in the Ahupua'a of Waiākea (Kelly *et al.* 1981).

#### TRADITIONAL SETTLEMENT PATTERNS, SUBSISTENCE, AND LAND-USE

Historical accounts and archaeological/cultural studies pertaining to the *ahupua'a* of Waiākea (Bingham 1969; Bird 1974; Ellis 1963; Handy and Handy 1972; Kelly *et al.* 1981; Maly 1996; McEldowney 1979) provide a wealth of information on traditional residence patterns, land-use, and subsistence horticulture of the area. It is widely held that these historical accounts of residence patterns, land-use, and subsistence horticulture indicative of traditional practices developed long before contact with Europeans (McEldowney 1979). These are synthesized below in order to explain the types of cultural resources possibly located within the current project area.

Early accounts of Waiākea portray it as divided into several distinct environmental regions. From the coast to a distance of five or six miles scattered subsistence agriculture was evident, followed by a region of tall fern and bracken, flanked at higher elevations by a forest region between 10 and 20 miles wide, beyond which was an expanse of grass and lava (Ellis 1963:403). The American Missionary C.S. Stewart wrote, “the first four miles of the country is open and uneven, and beautifully sprinkled with clumps, groves, and single trees of the bread-fruit, pandanus, and candle tree (Stewart 1970:361-363). The majority of Waiākea’s estimated 2,000 inhabitants (in 1825) lived within this coastal region (Ellis 1963: 253). Taro, plantains, bananas, coconuts, sweet potatoes, and breadfruit were grown individually or in small garden plots. Fish, pig, dog, and birds were also raised and captured for consumption.

The present study area is situated along the coastal region, in the Pana‘ewa Forest. The legendary origin of the Pana‘ewa Forest is associated with Pele’s search for a suitable home in the island chain of Hawai‘i.

When a suitable place was finally discovered on Hawaii, the Paoa staff was planted in Panaewa and became a living tree, multiplying itself until it was a forest. The writer’s informant says that it is a tree known to the present generation of men. “I have seen sticks cut from it,” said he, “but not the living tree itself” [Emerson 2005:xi].

When Pele sent her sister Hi‘iaka to travel to Kaua‘i to contact Lohi‘au, Hi‘iaka passed through the Pana‘ewa Forest. Hi‘iaka could have passed around the forest, taking the pathway along the shoreline from Hā‘ena (southeast of the project area) to Waiākea and Hilo, but she instead chose to cut through the forest taking a more direct, and shorter route.

Two routes offered themselves for Hiiaka’s choice, a makai road, circuitous but safe, the one ordinarily pursued by travelers; the other direct but bristling with danger, because it traversed the territory of the redoubtable witch-mo‘o, Pana-ewa. ... When Hiiaka announced her determination to take the short road, the one of danger that struck through the heart of Pana-ewa, Pa-pulehu drew back in dismay and expostulated: “That is not a fit road for us, or for any but a band of warriors. If we go that way we shall be killed” [Emerson 1:2005:30].

Pana‘ewa did not let her pass without a fight.

The battle that ensued when Panaewa sent to the attack his nondescript pack of mo‘o, dragonlike anthropoids, the spawn of witchcraft, inflamed with the spite of demons, was hideous and uncanny. Tooth and claw ran amuck. Flesh was torn, limbs rent apart, blood ran like water. If it had been only a battle with enemies in the open Hiiaka would have made short work of the job. Her forces lay ambushed in every wood and brake and assumed every imaginable disguise. A withered bush, a bunch of grass, a moss-grown stone, any, the most innocent object in nature, might prove to be an assailant ready to spit venom or tear with hook and talon [Emerson 2005:35].

The mo‘o Pana‘ewa and all of his minions were defeated by Hi‘iaka and her assistants. “Hawaii for once, and for all time, was rid of that pestilential, man-eating, mo‘o band headed by Pana-ewa who, from the time of Pele’s coming, had remained entrenched in the beautiful forest-land that still bears the name – Pana-ewa” (Emerson 2005:46).

The forest is heavily wooded and dense with thickets. Travel through it is made more difficult by the broken and undulating ground surface. There is an historic trail that leads from the modern day Lili‘uokalani Gardens area to the Puna coast. The trail is often called the Puna Trail and/or the Old Government Road (Escott and Tolleson 2003). Remains of the trail cross the Hawaii Army Reserve National Guard (HIARNG) Keaukaha Military Reserve (KMR) property, and it has the current appearance of a gravel-covered dirt road. While there may have been some scattered home sites and gardens in this area, most of the known habitation was along the coast. The probable use of the area prehistorically was for trapping birds and collecting plants, including the plentiful *pandanus* or *hala* (Kelly *et al.* 1981:20).

## **THE MĀHELE OF 1848 AND LAND COMMISSION AWARDS**

Prior to the Māhele, Waiākea Ahupua‘a belonged to King Kamehameha, then Lihiliho, and was later held by the chiefess Ka-unu-o-hua, granddaughter of Keawe-mauhili (ibid:40). Waiākea became Crown Lands during the Māhele of 1848 and in the following years twenty-five Land Claims were awarded within the *ahupua‘a* of Waiākea (Table 1). The awards were small in area, 24 of which went to native claimants. No Land Commission awards were made within or near the current project area. The project area is located on the southern portion of lands awarded to the Bishop Estate by Land Court Appeal (#443).

**Table 1. Land Commission Awards in Waiākea Ahupua‘a.**

Grantee	LCA	Acreage
Barenaba	2327	12.25
Halai, L.K.	1279	0.60
Hale	40004	4.25
Kahue	2663	3.75
Kaiana, J.B.	2281	10.25
Kaihenui	11050-B	5.19
Kalolo	1333	2.25
Kalua	8854	3.40
Kaluhikaua	1738	2.98
Kamamalu, V.	7713	'ili 'aina
Kamanuhaka	8803	1.02
Kapu	1-F	1.60
Kealiko	11174	1.00
Keaniho	2402	5.00
Keawe	5018	0.24
-	10505	-
Kuaio	4344	1.22
Leoi	9982	0.80
Lolo	4738-B	1.27
Mahoe	1-E	4.46
Moealoha	4737	1.03
Nakai	4785	1.05
Napeahi	2603	1.30
Wahine	4737-B	1.01
Wahinealua	11173	2.50
Wahinenohoihilo	10004	1.69

### **CHANGING RESIDENTIAL AND LAND-USE PATTERNS (1845-1865)**

Between 1845 and 1865 traditional land-use and residential patterns underwent a change. In particular, the regular use of Hilo Bay by foreign vessels, the whaling industry, the establishment of missions in the Hilo area, the introduction of the sandalwood trade, the legalization of private land ownership, the introduction of cattle ranching, and the introduction of sugar cane cultivation all brought about changes in settlement patterns and long-established land-use patterns (Kelly *et al.* 1981).

Hilo became the center of population and settlements in outlying regions declined or disappeared. While food was still grown for consumption, greater areas of land were continually given over to the specialized cultivation and processing of commercial foodstuffs for export. Sugar cane plantations, and industrial, transportation, and military facilities were established in areas that were once upland agricultural areas and coastal

settlements, respectively. In particular, the land immediately north of the current project area was used as the location of a jail, an airfield, and the Keaukaha Military Reserve (KMR).

## **HISTORIC OVERVIEW OF KMR**

KMR comprises 503.6 acres located between General Lyman Field (Hilo International Airport) to the north, and the current project area to the south. The area lies in rugged, broken, undulating lava flows, and where unmodified by bulldozing, a dense forest of mixed and native flora abounds. Rainfall in this portion of Hilo keeps the jungle wet, and the ground surface slippery.

In 1914, the Territory of Hawaii, via Executive Order Number (EO) 26 set aside 213.43 acres of government lands in Waiakea, north of the current project area, for a National Guard rifle range. In 1925, the Territory withdrew 33 acres for the building of Lyman Airfield by the Army Corp of Engineers.

In August of 1938, a territorial prison camp was constructed on 13.55 acres in Waiakea, north of the current project area. The complex included a Jailer's and acting Jailer's cottage, and a large fenced area with two dormitories, a mess/laundry building, and a recreation/workshop. The prison camp was moved in 1946 and all buildings were removed.

The Army Corp of Engineers constructed a coral runway at KMR beginning in 1925. Hawaiian Airlines used the airport at the outbreak of World War II. The Navy expanded the airfield to three runways, built storage for 450,000 gallons of gasoline, and 24 airplane revetments. KMR became a Naval Station in August 1943 under the 14th Naval District Command Servicing Carrier Aircraft Service Unit (CASU) No. 31 and Air Group One. Extensive building took place including officer and enlisted men's quarters, a swimming pool, two clubs, a three-tank tank farm, water systems, cesspools, tennis courts, and other infrastructure. Personnel at KMR hit a wartime peak of 4,500 upon completion of construction in 1945.

Naval Air Station Hilo officially closed on August 31, 1947. On May 10, 1943, Hilo Airport was officially renamed General Lyman Field. In May 1946, while the Naval Station at KMR was being reduced to caretaker status, the Army Air Force announced that the 7th Army Air Corps (AAC) would begin 24-hour operations at Lyman Field.

In 1947, reactivation of the Hawai'i Army Reserve and National Guard (HIARNG) resulted in the HIARNG using several Navy buildings. During this time, many buildings were demolished, or sold to the public as war surplus. KMR is the headquarters for the island of Hawaii National Guard units of the 2nd Battalion, 299th Infantry Company D and 2nd Battalion 299th Infantry, as well as Army Air Guard units 451Bt Aviation Detachment, and the 452nd Aviation Attachment. KMR has firing ranges, training areas, barracks, support facilities, an armory and offices. During annual or special training operations, several hundred to thousands of Guardsmen are housed in cabins and tents pitched in the encampment area.

### **PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS**

Several archaeological investigations in Waiākea have been conducted in the lowlands around Hilo town and Pana'ewa (Figure 7). In addition, there are numerous small projects that have been conducted at various elevations of the large *ahupua'a* of Waiākea (Table 2). Despite these projects, not much is known about the distribution of archaeological resources in Waiākea. The best model for settlement distribution is that created by McEldowney (1979) based on historical documentation and discussed above.

The project is situated within the Coastal Settlement Zone of the east Hawai'i settlement model. As reflected in the name of that zone, prehistoric habitation is focused along the coastline. Fishponds for *ali'i* and *maka'āinana* were created, maintained, and used all along the coast. The basic cultivated crops such as irrigated and dry taro, bananas, breadfruit, *kukui* nuts, pandanus and *ti* were grown in these lower elevations. They did not grow uniformly over the coastal zone, however. The heavily weathered soils on the Mauna Kea flows along the western portion of Hilo Bay were particularly well suited for agriculture. This bias towards the western area is evident in the distribution of fields portrayed in an early depiction of the Hilo Bay. The eastern half Hilo Bay and further south and east are covered by younger Mauna Loa flows that lack soil the level of soil development present in the Mauna Kea flows.

Few archaeological sites have been recorded as a result of the projects conducted in the lower elevations of Waiākea. It is likely that the extent of disturbance by the 200 years of development in Hilo town is partially to blame for the lack of recorded lowland sites. In the case of archaeological projects conducted very close to the current project area, it is more likely that the lack of habitation in this inland, rugged, forest area,

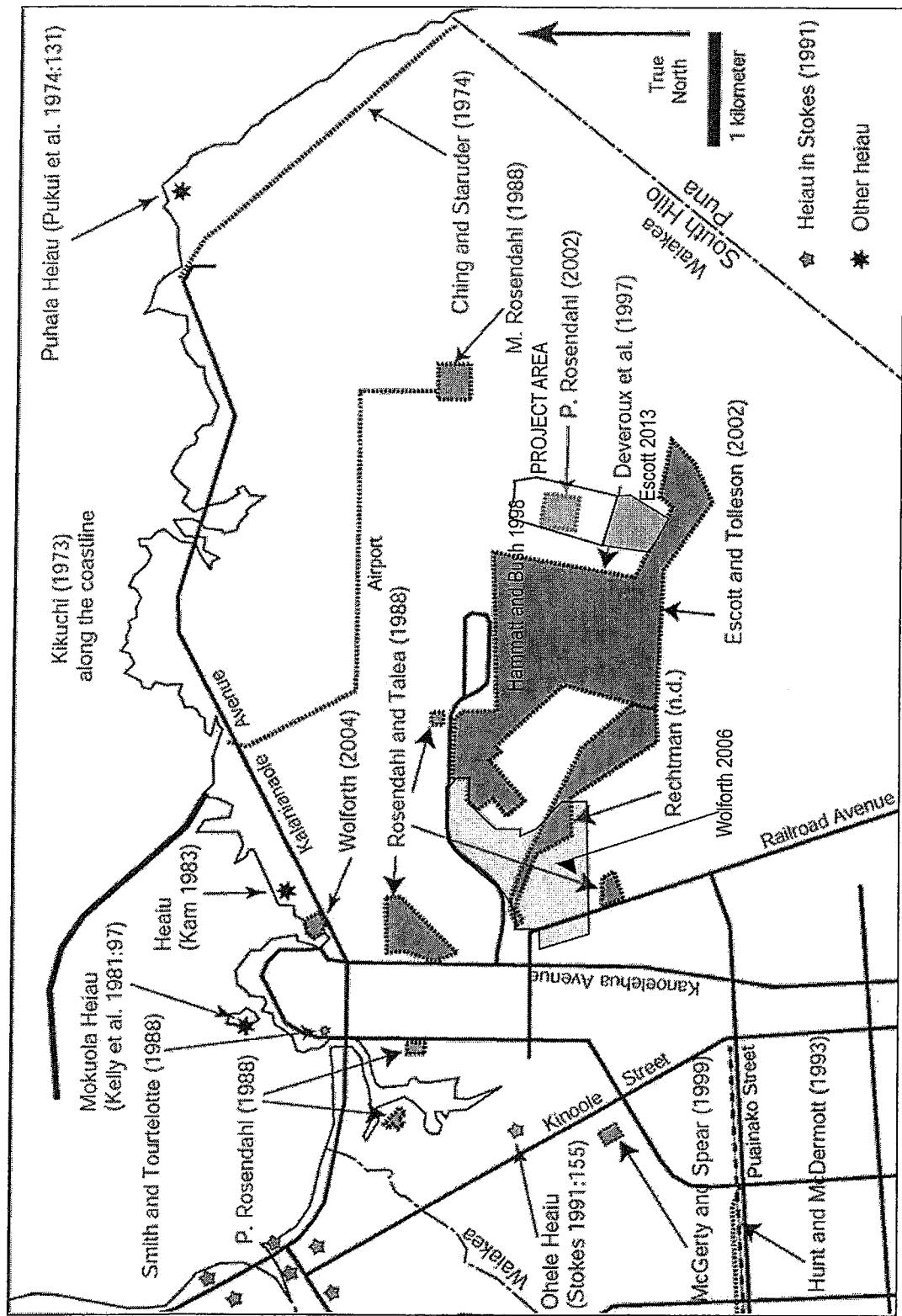


Figure 7: Previous Archaeological Studies Near the Project Area.

combined with disturbance from historic and modern uses, are responsible for the lack of recorded sites.

Paul H. Rosendahl Inc. (PHRI) (Rosendahl and Talea 1988) conducted research on five 5-acre lots dispersed through the South Hilo area, recording no cultural deposits due to extensive landform changes caused by the development of Hilo Town. A reconnaissance survey by PHRI (M. Rosendahl 1988) conducted at the eastern end of General Lyman Field again resulted in no extant archaeological remains due to previous land disturbance.

**Table 2:** Inventory of Previous Archaeological Investigations in Waiākea.

Reference	Activity	Results
Ching and Staruder (1974)	Reconnaissance	4 sites
Bonk (1979)	Survey	No sites (no map)
McEldowney (1979)	Historical research	Settlement pattern
Kelly, Nakamura and Barrère (1981)	Historical research	Chronology
Kam (1983)	Site inspection	1 site
Smith and Tourtellotte (1988)	Burial removal	One individual encountered
Rosendahl, M. (1988)	Reconnaissance	No sites
Rosendahl, M. and L. Talea (1988)	Reconnaissance	No sites
Rosendahl, P. (1988)	Reconnaissance	No sites
Pietrusewsky (1989)	Skeletal analysis	1 Individual
Stokes (1991)	Intermittent survey	Heiau locations
Hunt and McDermott (1993)	Inventory Survey	11 sites
Borthwick <i>et al.</i> (1993)	Inventory Survey	Sugar cane remains in uplands
Maly (1996)	Cultural History	Sugar cane history
Robbins and Spear (1996)	Inventory Survey	Sugar cane sites in the uplands
Eblé <i>et al.</i> (1997)	Supplemental Testing	Sugar cane sites in the uplands
Deveroux, <i>et al.</i> (1997)	Reconnaissance	2 sites
Spear (1988)	Reconnaissance	Sites present
Carson (1999)	Inventory Survey	No sites
McGerty and Spear (1999)	Inventory Survey	1 site
Dega and Benson (1999)	Reconnaissance	Possible prehistoric auwai
Dega (2000)	Inventory Survey	Auwai equals historical

Reference	Activity	Results
		ditch
Bush <i>et al.</i> (2000)	Inventory Survey	Burial in cave in uplands
Rechtman Consulting (n.d.)	Survey and CIA	No sites
Rechtman (2001)	Inventory Survey	No sites
McDermott and Hammatt (2001)	Inventory Survey	2 historical sites in uplands
Rosendahl, P. (2002)	Assessment Survey	No sites
Escott and Tolleson (2002)	Inventory Survey	Trail
Escott (2004)	Inventory Survey	WWII sites in the uplands
Wolforth (2004)	Inventory Survey	Fishponds, railroad
Escott (2013)	Archaeological Assessment	No sites

Devereux *et al* (1997) conducted a reconnaissance level survey for HIARNG on selected portions of KMR along a corridor parallel to the Puna Trail. Two sites (assigned temporary site numbers CSH 1 and CSH 2) were recorded: as a prehistoric C-shaped enclosure and a coral mound, the team also addressed 10 historic structures over 50 years of age. CSH2 was later interpreted as a modern bulldozer push.

Hammatt and Bush (1998) conducted an inventory level survey of KMR adjacent to the portion of the Puna Trail that extends through the facility. In this report, they discussed the history of the Puna Trail that continues down to south Puna where it meets with the Old Gov't Road (also called the Puna trail). They noted extensive mechanical grading of the ground surface at KMR during military occupation that has effectively removed all surface traces of historic/prehistoric occupation. However, the entire facility was not completely surveyed. Hammatt and Bush recorded three archaeological sites, a C-shaped enclosure, thought to be military in origin, a group of five *ahu*, possibly markers to denote the trail set parallel to the Puna Trail and a modified natural lava blister interpreted as a traditional Hawaiian agricultural planting feature.

Tolleson (n.d.) conducted archaeological data recovery at Site 21771 located adjacent to the paved portion of the Puna Trail the traverses KMR. This site consists of a complex comprised of a low platform, an enclosure, a possible *imu*, fruit trees, and a meadow. Artifacts, such as horse/mule shoes, sharpening implements, a sharpening wheel, and hoof files suggest the site is related to historical road construction along the Puna Trail.

PHRI (P. Rosendahl 2002) conducted an archaeological assessment survey of 14.99-acres of the quarry site within the current project area. No archaeological sites were identified during the study.

Escott and Tolleson (2003) conducted an archaeological inventory survey just east of the current project area. A single site (Site 23273) consisting of a remnant trail segment and two planting features were recorded along the south west boundary of the project area.

Wolforth (2006) conducted an archaeological inventory survey of 147 acres south of the Hilo International Airport. Four sites (SIHP 50-10-35-25538, 25539, 25540, and 25541) associated with a Naval Air Station facilities and quarry were recorded. No pre-Contact or early post-Contact era sites were documented on the project area.

Scientific Consultant Services, Inc. (Escott 2013) conducted an archaeological assessment of 50 acres just south of the current project area. No archaeological sites or historic properties were identified during the study.

The study did document a modern dirt road in the northeast corner of the project area (Figure 8). The dirt road crossed the project area in an area of open shallow soil and bare pahoehoe with only *‘uluhe* fern and small shrub ground cover. The dirt road was not marked by dirt berms or rock piles along the edges where it crossed the project area.

The dirt road was straight and was oriented northwest/southeast. It was constructed by bulldozer and connected the upper and lower portions of the Keaukaha Military Reservation (Figure 9). Bulldozer track scars associated with road construction were evident on the pahoehoe ground surface at the southern end of the dirt road.

A search was made of Hawai‘i County Planning documents, historic maps, and archival documents to ensure the dirt road was not constructed over a pre-existing trail or government road. In addition, SCS consulted with Ala Kahakai and Na Ala Hele. There were no documents showing a traditional trail or government road in the location of the dirt road identified during the current study.



Figure 8: Aerial Photograph of Escott 2013 Project Area Showing Dirt Road Alignment (Google, 2012 Image).

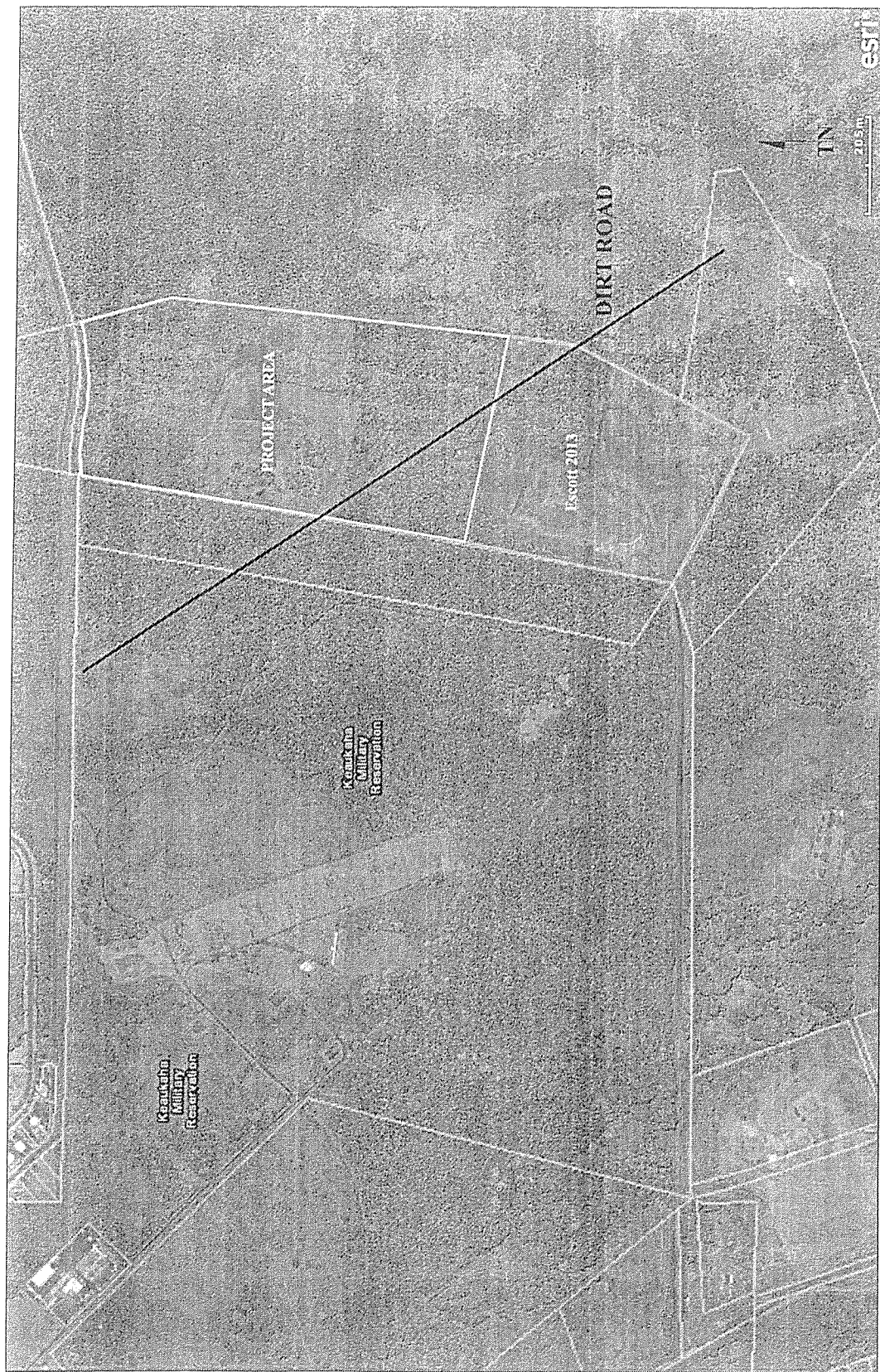


Figure 9: Aerial Photograph Showing Dirt Road Alignment Across Project Area (ESRI, 2012 Image).

An aerial photograph of the area taken in 1965 clearly showed the project area lands and the absence of the dirt road. While numerous other dirt roads were clearly evident in the aerial photograph, the dirt road identified in the project area was not visible. The dirt road located during the study was not constructed in 1965, was not 50 years old or older, and was considered not eligible for listing as a state site.

All previous archaeological and archival investigations indicate a low site density within the project area environs. The studies suggest that the lack of sites in this region is the result of the rugged and inhospitable landscape, having little fertile soil or arable land, being thickly forested, and subject to high rates of rainfall.

### **EXPECTED ARCHAEOLOGICAL PATTERNS**

Based on previous archaeological studies, geological studies, historical research, and previous archaeological studies it is expected very few archaeological sites will be located on the current project area. Possible pre-Contact era site types in the region will likely consist of trail segments, temporary habitation features associated with travel, and less likely, scattered temporary habitation features adjacent to planting features. It is also possible that more modern features associated with WWII training activity and quarrying in the area might be present on the project area.

### **RESULTS OF FIELDWORK**

No archaeological sites and no remains of historic properties were identified during the pedestrian survey conducted at the project area. A portion of the modern dirt road located during the Scientific Consultant Services, Inc. study (Escott 2013) was also identified in the southern portion of the current study area (see Figure 9). In addition, it was noted that a bulldozer had cut north-south tracks across the entire project area at some point in the distant past. Other portions of the project area, most notably the entire eastern-central and northeast corner of the project area, were completely grubbed in the distant past.

## **CONCLUSION AND RECOMMENDATIONS**

It is not entirely unexpected that no cultural resources were located during the current study. The lands of the project area are not near to any areas of traditional pre-Contact habitation or agriculture. Documented, pre-Contact era land-use is limited to travel between the villages in coastal Waiakea Ahupua'a and the Puna coast. Post-Contact era land-use increased in the area, but was limited to government and military enterprises.

Though no cultural resources were identified within the project area, it is possible that some archaeological features might be hidden under the undisturbed, thick vegetation. Because of this fact, and at the request of the SHPD, it is recommended that initial ground clearing and grubbing be conducted in the presence of a qualified archaeological monitor.

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## **Randy Vitousek**

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**From:** Glenn Escott <ggescott@yahoo.com>  
**Sent:** Wednesday, February 06, 2013 8:19 AM  
**To:** Randy Vitousek; Mike Pearring; Bob Spear  
**Cc:** Byron Fujimoto  
**Subject:** DPW and DLNR-Land Division Comments

Mike,

I met with two of the SHPD archaeologists yesterday at the quarry project. We reviewed historic maps, aerial photos, and county TMK maps for the area. We agreed it looks as though, from at least two aerial photographs, that there was a bulldozed dirt road between upper KMR and the shooting ranges on Lower KMR. The remains of the road are not visible on the quarry expansion project area because it crosses pahoehoe and is overgrown with uluhe fern. I brought the archaeologists down to the southeast end of the bulldozed road alignment near the KMR ranges (off project). It is still very overgrown there, but you can see where the alignment is by looking at the gap in the old growth ohia trees.

We noted and photographed lots of bulldozer track scarring on the pahoehoe in this area. The consensus is, the alignment is a dirt road constructed by the folks at KMR. Because the road is likely more than 50 years old, SHPD will assign a site number to it. I will document the alignment and the measures we took to ensure it is not an historic trail, but a dirt road. The information will go into the arch report. I will recommend no further work for the dirt road as it is not significant for listing on either the Hawaii or National Register of Historic Places.

Mike, you asked if I am available to attend the hearing on Thursday to answer any archaeological questions. I am available and can answer questions pertinent to archaeology. Thank you for agreeing to pay for my time at the hearing. Please feel free to call or email if you have additional questions.

Thanks,  
Glenn G. Escott, MA  
Scientific Consultant Services, Inc.  
Office: 808/959-5956  
Cell: 808/938-0968



GENERAL LYMAN FIELD  
Governor's Executive Order 2659  
(C.S.F. 16,740)

T.M.K. 2-1-012, 004  
State of Hawaii (DOT AD), Owner  
Zoning: M-20  
State Land Use: Urban

SEE INSET

ACCESS ROAD

EASEMENT 3

TO

LOT 47-D-3-B-2

SP - 1000

14.99 Acres

SP - 1221

14.99 Acres

SP - 1107

14.99 Acres

SP - 12-000145

10.150 Acres

SP - 1107

14.99 Acres

SP - 12-000145

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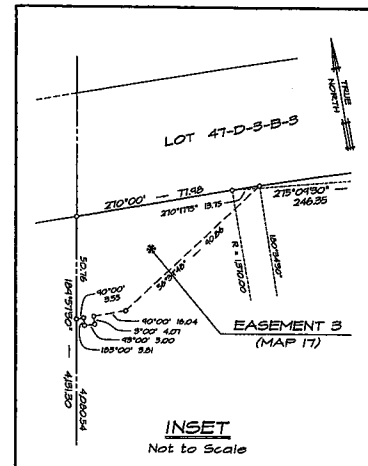
14.99 Acres

SP - 12-000145

10.150 Acres

CLEAR ZONE EASEMENT  
T.M.K. 2-1-013, 100  
(C.S.F. 18,825)  
State of Hawaii, Owner  
Zoning: A-20  
State Land Use: Agricultural

LOT 47-D-3-B-3  
T.M.K. 2-1-013, 100  
B.P. Bishop Estate, Owner  
Zoning: A-20  
State Land Use: Agricultural



PARCEL A  
T.M.K. 2-1-013, 002  
State of Hawaii, Owner  
Zoning: A-20  
State Land Use: Agricultural

Zoning: A-20  
Zoning: A-200

PARCEL A  
T.M.K. 2-1-013, 002  
State of Hawaii, Owner  
Zoning: A-200  
State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE  
Governor's Executive Order 1562  
(C.S.F. 11,600)  
T.M.K. 2-1-013, 010  
State of Hawaii, Owner  
Zoning: A200  
State Land Use: Agricultural

#### NOTES:

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (ia).
4. Site is within Zone X; areas determined to be outside of the 0.2% annual chance floodplain. No base/flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community Panel Number 15166-0003 C, Map Revised: September 16, 1988.

#### PREPARED FOR:

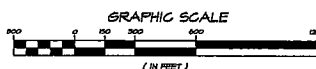
Jas. W. Glover, Ltd.  
890 Lailani Street  
Hilo, Hawaii 96720

#### OWNER:

B. P. Bishop Estate  
567 South King Street, Suite 200  
Honolulu, Hawaii 96813

### PROJECT SITE

REMAINDER OF LOT 47-D-3-B-2  
OF LAND COURT APPLICATION 433  
AS SHOWN ON MAP 16  
IN THE 'ILI OF HONOHONUI  
SOUTH HILO, ISLAND OF HAWAII, HAWAII  
Tax Map Key: 3rd DIV. 2-1-013, 004



INABA ENGINEERING, INC.  
213 Kalahehue Ave.  
Hilo, Hawaii 96720



This work was prepared by me or under my supervision.  
Alan Z. Inaba  
Licensed Professional Land Surveyor  
Certificate Number 5626  
License Expires: April 30, 2014  
Land Court Survey Number 244  
February 21, 2013  
Revised: February 20, 2014

IBI #13005

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 APR 10 PM 2: 51

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: April 9, 2014

*Memorandum*

TO: Duane Kanuha, Planning Director

FROM: *for* Department of Public Works, Engineering Division

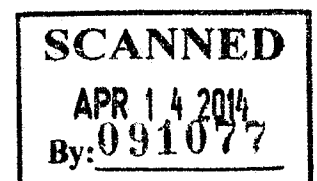
**SUBJECT: SPECIAL PERMIT APPLICATION (SPP 14-000162)**  
Applicant: Jas W. Glover, Ltd.  
Request: To Establish a New Quarry  
Tax Map Key: 2-1-13: 004

We have reviewed the subject application forwarded by your memo dated March 18, 2014 and have no objections to the request.

The subject property is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.

Planning Dept.  
Exhibit 2



May 20, 2014

Roy A. Vitousek III  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

Kelly Gomes  
Department of Public Works  
Engineering Division  
County of Hawaii  
Hilo, Hawaii 96720

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 Mr. Gomes

Thank you for your comments in your memorandum dated April 9, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding Applicant's Special Use Permit Application. We appreciate the Department's participation in this application process.

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@ca des.com](mailto:rvitousek@ca des.com).

Very truly yours,

Roy A. Vitousek III

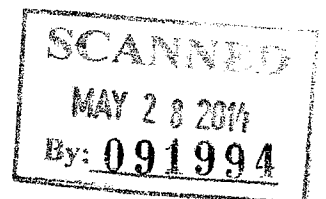
for

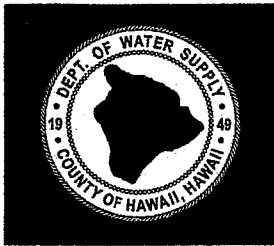
CADES SCHUTTE

A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department





**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

345 KĒKŪANĀŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

April 11, 2014

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
2014 APR 11 PM 3:08

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

**SUBJECT: SPECIAL PERMIT NO. 12-000145  
APPLICANT – JAS W. GLOVER, LTD.  
REQUEST: TO ALLOW A NEW QUARRY SITE ON A 10.15-ACRE  
PORTION OF A 140.368-ACRE PROPERTY  
TAX MAP KEY 2-1-013:004**

We have reviewed the subject request and have no objections as the applicant does not intend to utilize County water service, and our existing water system facilities will not be affected.

The nearest adequate point of connection would be from an existing 12-inch waterline within Kapili Avenue, approximately one (1) mile from the parcel.

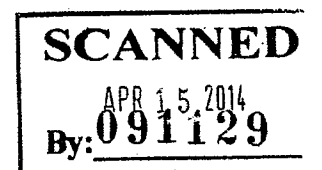
Should there be any questions, you may contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.

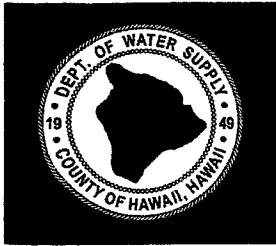
Sincerely yours,

Quirino Antonio, Jr., P.E.  
Manager-Chief Engineer

LB:dmj

copy - Jas W. Glover, Ltd.





PLANNING DEPARTMENT  
COUNTY OF HAWAII  
**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**  
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8057

May 7, 2014

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

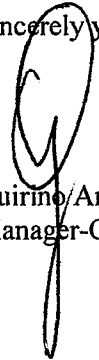
SUBJECT: **PERMIT NUMBER CORRECTION**  
**SPECIAL PERMIT NO. 14-000162**  
**APPLICANT – JAS W. GLOVER, LTD.**  
**REQUEST: TO ALLOW A NEW QUARRY SITE ON A 10.15-ACRE PORTION OF**  
**A 140.368-ACRE PROPERTY**  
**TAX MAP KEY 2-1-013:004**

Please note that our previous letter of April 11, 2014 incorrectly identified the current special permit request number as Special Permit No. 12-000145. Special Permit No. 12-000145 refers to a previous special permit request for the same parcel. The correct number for the current request is Special Permit No. 14-000162.

The other portions of that letter stand.

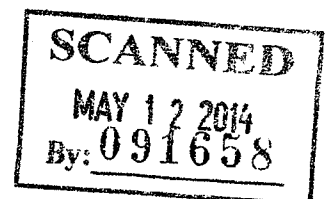
Should there be any questions, you may contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.

Sincerely yours,

  
Quirino Antonio, Jr., P.E.  
Manager-Chief Engineer

LEB:jms

copy - Jas W. Glover, Ltd.



*... Water, Our Most Precious Resource ... Ka Wai A Kāne ...*

The Department of Water Supply is an Equal Opportunity provider and employer.

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des .com](mailto:rvitousek@ca des .com)

Mr. Quirino Antonio, Jr.  
Manager-Chief Engineer  
Department of Water Supply  
345 Kekuanaoa, Suite 20  
County of Hawaii  
Hilo, Hawaii 96720

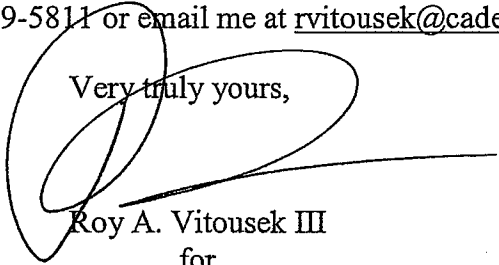
Re: Special Use Permit Application No. SPP 14-000162  
to Establish New Quarry, South Hilo, Hawaii  
Applicant: Jas. W. Glover, Ltd.  
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Mr. Antonio:

Thank you for your comments in your memoranda dated April 11, 2014, and May 7, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. We appreciate your department's participation in the permit process.

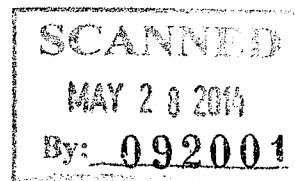
Thank you again for reviewing the application. Should you or your staff have any questions, please feel free to contact me at 329-5811 or email me at [rvitousek@ca des .com](mailto:rvitousek@ca des .com).

Very truly yours,

  
Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department



Planning Dept.  
Exhibit **5**

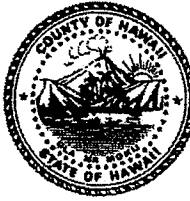
Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 MAR 28 PM 2:34  
BJ Leithhead Todd  
Director

John A. Medeiros  
Deputy Director

County of Hawai'i  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
345 Kekūānā'ā, Suite 41 • Hilo, Hawai'i 96720  
(808) 961-8083 • Fax (808) 961-8086  
<http://hawaiicounty.gov/environmental-management/>

MEMORANDUM

Date : March 27, 2014  
To : DUANE KANUHA, Planning Director  
From: BJ LEITHEAD TODD, Director *mk1*  
Subject: Special Permit (SPP 14-000162)  
Applicant: Jas W. Glover, Ltd.  
Request: To Establish a New Quarry  
TMK: 2-1-013:004

The Wastewater Division has reviewed the subject application and offers the following recommendations (please note Solid Waste Division comments will be submitted separately):

DEPARTMENT COMMENTS: \_\_\_\_\_

WASTEWATER COMMENTS: (Contact Wastewater Division for details.)

- ( ) No comments
- ( ) Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.
- ( ) Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- ( ) Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- ( ) *Check or line out as applicable:* [ ] If required by the Director of the Department of Environmental Management ("Director of DEM"), [ ] applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.

( X ) Other: It is unclear whether the access roadway referred to under General Information, Item 2, Landowner or Access, on Page 2 of 6 of the Background Report and Exhibit 3, is the access road to the Hilo WWTP as shown on Exhibit 8. The WWD notes that the paved width of the access road is 16'-0" (8'-0" wide lanes) is too narrow to safely accommodate rock hauling vehicles and upgrade of the roadway would be required.

Lyle  
Hirota

Planning Dept.  
Exhibit 6

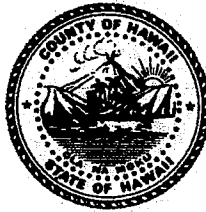
County of Hawai'i is an Equal Opportunity Provider and Employer.

SCANNED

MAR 31 2014  
By: 090826

William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



PLANNING DEPARTMENT  
BJ Leithead Todd  
Director

2014 John A. Medeiros  
Deputy Director 2: 34

**County of Hawai'i**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
345 Kekūanāo'a Street, Suite 41 • Hilo, Hawai'i 96720  
(808) 961-8083 • Fax (808) 961-8086  
<http://www.hawaiicounty.gov/environmental-management/>

**MEMORANDUM**

**Date :** March 20, 2014  
**To :** DUANE KANUHA, Planning Director  
**From:** BJ LEITHEAD TODD, Director *hlt*  
**Subject:** Special Permit (SPP 14-000162)  
Applicant: Jas W. Glover, Ltd.  
Request: To Establish a New Quarry  
TMK: 2-1-013:004

The Solid Waste Division has reviewed the subject application and offers the following recommendations (Please note Wastewater Division's comments will be submitted separately):

**DEPARTMENT COMMENTS:**

- ☐ Wastewater Division had no comment as this area is not a sewer and there are no immediate plans for sewerage of the area.
- ☐ Other \_\_\_\_\_

**SOLID WASTE COMMENTS: (Contact Solid Waste Division for details.)**

- ☒ No comments
- ☐ Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- ☐ Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- ☐ Ample and equal room should be provided for rubbish and recycling.
- ☐ Green waste may be transported to the green waste sites located at the Kailua and Hilo transfer stations, or other suitable diversion programs.
- ☐ Construction and demolition waste is prohibited at all County Transfer Stations.
- ☐ Submit Solid Waste Management Plan in accordance with attached guidelines.
- ☐ Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- ☐ Other: \_\_\_\_\_

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca-des.com](mailto:rvitousek@ca-des.com)

B.J. Leithead Todd, Director  
Department of Environmental Management  
County of Hawaii  
345 Kekuanaoa Street, Suite 41  
Hilo, Hawaii 96720

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. Leithead Todd:

Thank you for your comments in your memoranda dated March 20, 2014, and March 27, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application.

The access roadway referred to in our application under General Information, Item 2 and in Exhibit 3 is not the same roadway as the access road to the Wastewater Treatment Plant (WWTP). The access roadway to the quarry site is from the southwest corner via the "Ordinance Lane" on the attached map titled Access Roadway. The access roadway for the WWTP is on the northern boundary of the parcel. (See attached Google Earth aerial photograph.)

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@ca-des.com](mailto:rvitousek@ca-des.com).

Very truly yours,

Roy A. Vitousek III

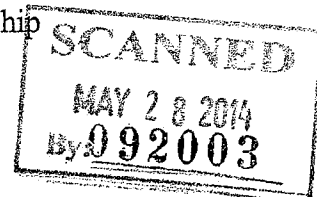
for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV  
attach.

cc: Maija Cottle, County of Hawaii Planning Department

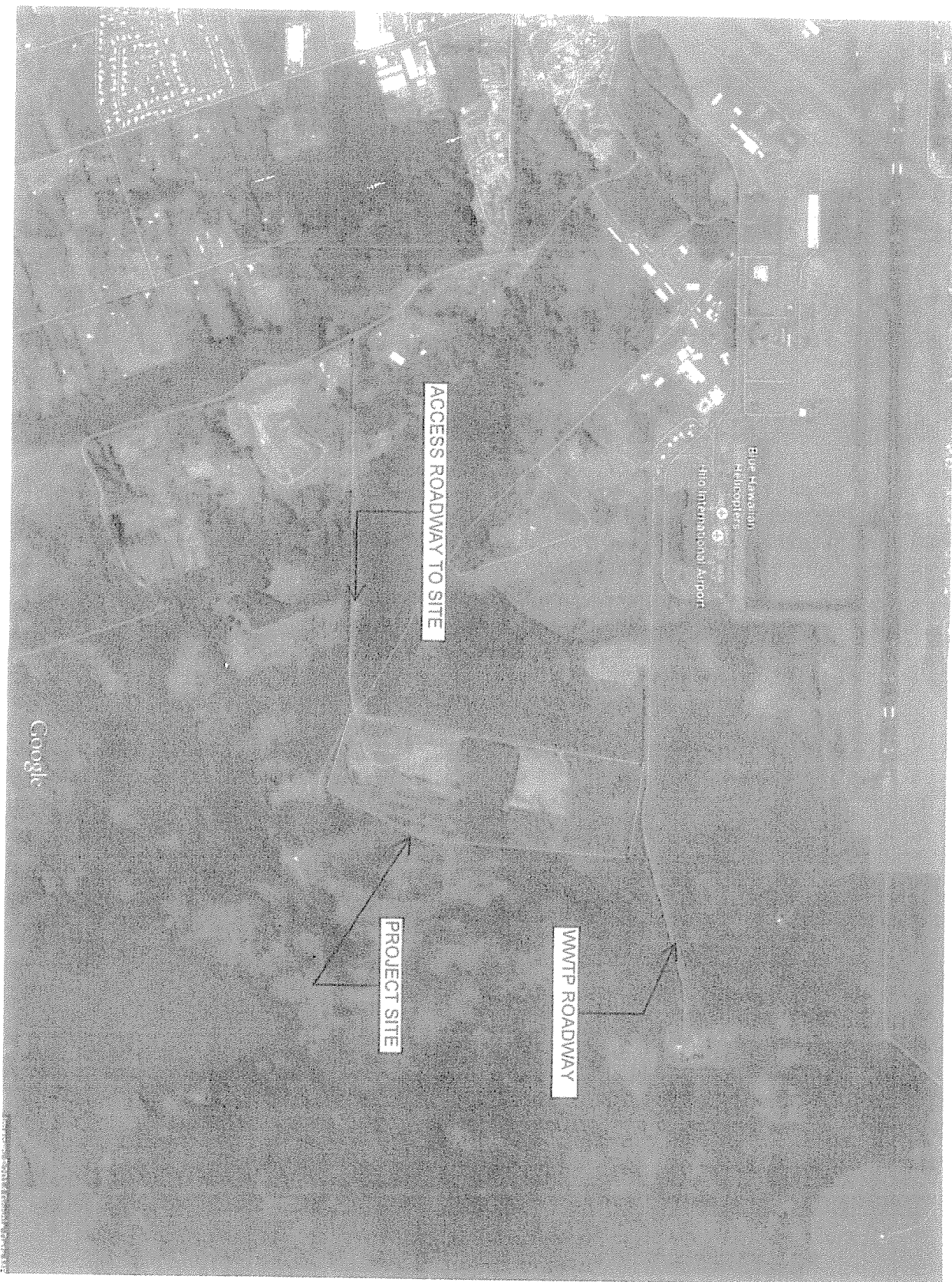


**Planning Dept.**  
**Exhibit 1**

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

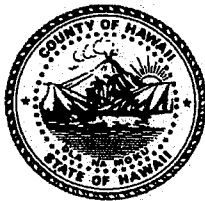
Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017



William P. Kenoi  
Mayor

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 MAR 27 PM 4: 29



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

March 27, 2014

TO : DUANE KANUHA, PLANNING DIRECTOR

FROM : HENRY J. TAVARES, JR., ASSISTANT POLICE CHIEF  
AREA I OPERATIONS

SUBJECT: SPECIAL PERMIT (SPP 14-000162)  
APPLICANT: JAS W. GLOVER, LTD.  
REQUEST: TO ESTABLISH A NEW QUARRY  
TAX MAP KEY: 2-1-013:004

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

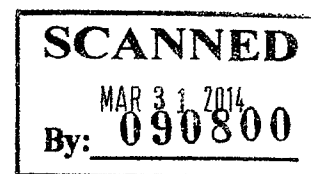
Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Richard Sherlock, Hilo Patrol, at 961-2214

RS:lli  
140192

Planning Dept.  
Exhibit 8

"Hawai'i County is an Equal Opportunity Provider and Employer"



May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca-des.com](mailto:rvitousek@ca-des.com)

Henry J. Tavares, Jr.  
Assistant Police Chief  
Police Department  
County of Hawaii  
349 Kapiolani Street  
Hilo, Hawaii 96720-3998

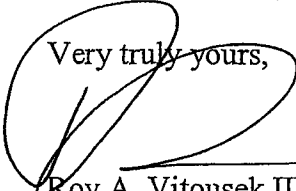
Re: Special Use Permit Application No. SPP 14-000162  
to Establish New Quarry, South Hilo, Hawaii  
Applicant: Jas. W. Glover, Ltd.  
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Officer Tavares:

Thank you for your comments in your letter dated March 27, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding Applicant's Special Use Permit Application. We appreciate the Department's participation in this application process.

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@ca-des.com](mailto:rvitousek@ca-des.com).

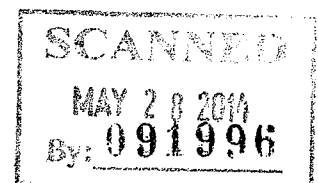
Very truly yours,

  
Roy A. Vitousek III

for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department



Planning Dept.  
Exhibit 9

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

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Maui Office  
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Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

William P. Kenoi  
Mayor

PLANNING DEPARTMENT  
COUNTY OF HAWAII



Darren J. Rosario  
Fire Chief

Renwick J. Victorino  
Deputy Fire Chief

2014 MAR 28 PM 2:34

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Room 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

March 27, 2014

**TO:** DUANE KANUHA, PLANNING DIRECTOR  
**FROM:** DARREN J. ROSARIO, FIRE CHIEF  
**SUBJECT:** SPECIAL PERMIT (SPP 14-000162)  
APPLICANT: JAS W. GLOVER, LTD.  
REQUEST: TO ESTABLISH A NEW QUARRY  
TAX MAP KEY: 2-1-013:004

---

In regards to the above-mentioned Special Permit application, the following shall be in accordance:

**NFPA 1, UNIFORM FIRE CODE, 2006 EDITION**

*Note: The following references are from the NFPA 1, Hawai'i State Fire Code and the Hawaii County amendments. County amendments are identified with a preceding "C" of the reference code.*

**Chapter 18 Fire Department Access and ~~Water Supply~~**

**18.1 General.** Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

**18.1.1 Plans.**

**18.1.1.1 Fire Apparatus Access.** Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

Planning Dept.  
Exhibit **10**

SCANNED

MAR 31 2014  
BY: 90825



## **18.2 Fire Department Access.**

**18.2.1** Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

### **18.2.2\* Access to Structures or Areas.**

**18.2.2.2 Access to Gated Subdivisions or Developments.** The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

**18.2.2.3 Access Maintenance.** The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

### **18.2.3 Fire Department Access Roads. (\*may be referred as FDAR)**

#### **18.2.3.1 Required Access.**

**18.2.3.1.1** Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

**18.2.3.1.2** Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

**18.2.3.1.4** When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

#### **18.2.3.2 Access to Building.**

**18.2.3.2.1** A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building.

**18.2.3.2.1.1** Where a one- or two family dwelling is protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13D, the distance in 18.2.3.2.1 shall be permitted to be increased to 150 feet.

**18.2.3.2.2** Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

**18.2.3.2.2.1** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

**18.2.3.3 Multiple Access Roads.** More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

#### **18.2.3.4 Specifications.**

##### **18.2.3.4.1 Dimensions.**

**C 18.2.3.4.1.1** FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. **Exception:** FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

**C 18.2.3.4.1.2** FDAR shall have an unobstructed vertical clearance of not less then 13'6".

**C 18.2.3.4.1.2.1** Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

**18.2.3.4.1.2.2** Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

**C 18.2.3.4.2 Surface.** Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

##### **18.2.3.4.3 Turning Radius.**

**C 18.2.3.4.3.1** Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

**18.2.3.4.3.2** Turns in fire department access road shall maintain the minimum road width.

**18.2.3.4.4 Dead Ends.** Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

**18.2.3.4.5 Bridges.**

**18.2.3.4.5.1** When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

**18.2.3.4.5.2** The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

**18.2.3.4.5.3** Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

**18.2.3.4.6 Grade.**

**C 18.2.3.4.6.1** The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

**18.2.3.4.6.2\*** The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

**18.2.3.4.6.3** Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

**18.2.4\* Obstruction and Control of Fire Department Access Road.**

**18.2.4.1 General.**

Duane Kanuha  
March 27, 2014  
Page 5

**18.2.4.1.1** The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

**18.2.4.1.2** Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 932-2911.



 **DARREN J. ROSARIO**  
Fire Chief

KV/lc

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@cales.com](mailto:rvitousek@cales.com)

Darren J. Rosario, Chief  
Hawaii Fire Department  
County of Hawaii  
25 Aupuni Street, Room 2501  
Hilo, Hawaii 96720

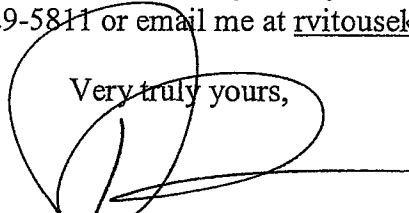
Re: Special Use Permit Application No. SPP 14-000162  
to Establish New Quarry, South Hilo, Hawaii  
Applicant: Jas. W. Glover, Ltd.  
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Mr. Rosario:

Thank you for your comments in your letter dated March 27, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. The Applicant will comply with all requirements referenced in your memorandum from Chapter 18 of the NFPA1, Hawaii State Fire Code regarding Fire Department Access to the site.

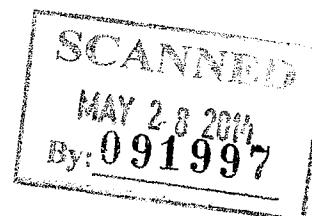
Thank you again for reviewing the application. Should you or your staff have any questions, please feel free to contact me at 329-5811 or email me at [rvitousek@cales.com](mailto:rvitousek@cales.com).

Very truly yours,

  
Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department



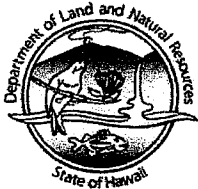
Planning Dept.  
Exhibit **11**

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
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Tel: 808.329-5811  
Fax: 808.326-1175

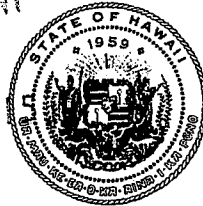
Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 APR 21 PM 2:



**HISTORIC PRESERVATION DIVISION  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555  
Kapolei, HI 96806

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 15, 2014

Duane Kanuha  
County of Hawai'i Planning Department.  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Attn. Meija Cottle

LOG NO: 2014.01304  
DOC NO: 1404SN19  
Archaeology

Dear Mr. Kanuha:

SUBJECT: **Chapter 6E-42 Historic Preservation Review –  
County of Hawai'i Special Permit to Establish a New Quarry  
Waiākea Ahupua'a, South Hilo District, Island of Hawai'i  
TMK: (3) 2-1-013:004**

Thank you for the opportunity to review this application that was received by our office on March 20, 2014. According to the application, a special permit is being requested to establish a quarry on the subject parcel. Our records indicate that the parcel has been subject to two archaeological inventory surveys on two separate portions of the 140-acre parcel. Our office reviewed a 2013 report for a 50-acre portion of the parcel and more recently a report for the remaining 90 acres of the parcel (*Log 2013.1788, Doc 1303SN04; Log 2014.00606, Doc 1403SN03*). No historic properties were identified as a result of this survey work.

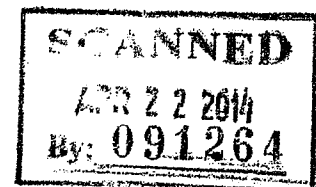
SHPD concurred with the recommendation in the survey reports that a qualified archaeological monitor be present during initial ground clearing and grubbing. We look forward to the opportunity to review and approve an archaeological monitoring plan pursuant to HAR §13-279 for the initial ground clearing and grubbing activities associated with the quarry. With the monitoring plan in place, SHPD believes that **no historic properties will be affected** by the proposed permit.

Please contact Sean Naleimaile at (808) 933-7651 or [Sean.P.Naleimaile@Hawaii.gov](mailto:Sean.P.Naleimaile@Hawaii.gov) if you have any questions or concerns regarding this letter.

Aloha,

Theresa Donham,  
Archaeology Branch Chief

cc. Kevin Moore DLNR Land Division ([Kevin.E.Moore@hawaii.gov](mailto:Kevin.E.Moore@hawaii.gov))



Planning Dept.  
Exhibit 12

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

Theresa Donham  
Archaeology Branch Chief  
Historic Preservation Division  
Department of Land and Natural Resources  
State of Hawaii  
60 Kamokila Boulevard, Suite 555  
Kapolei, Hawaii 96806

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. Donham

Thank you for your review and your letter dated April 15, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. Per your comments, if required, we would provide an archaeological monitoring plan for initial ground clearing and grubbing activities.

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@ca des.com](mailto:rvitousek@ca des.com).

Very truly yours,

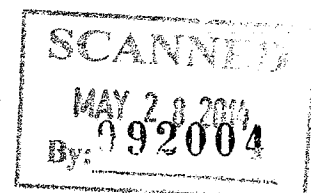
Roy A. Vitousek III  
for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department



Planning Dept.  
Exhibit 13

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
HAWAIIAN LAND AND NATURAL RESOURCES  
COMMISSION ON LAND AND NATURAL RESOURCES MANAGEMENT



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 14, 2014

County of Hawaii  
Planning Department  
Attention: Mr. Jeff Darrow  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

via email: [jdarrow@co.hawaii.hi.us](mailto:jdarrow@co.hawaii.hi.us)

Dear Mr. Darrow:

**SUBJECT:** Special Permit (SPP 14-000162); Request: To Establish a New Quarry, Jas W. Glover, Ltd., Applicant, South Hilo, Hawaii; TMK: (3) 2-1-013:004

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (i) Engineering Division, and (ii) Hawaii District Land Office on the subject matter. Should you have any questions, please feel free to call Kevin Moore at 587-0426. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji", written over a horizontal line.

Russell Y. Tsuji  
Land Administrator

Enclosure(s)

Planning Dept.  
Exhibit 14

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

March 21, 2014

**MEMORANDUM**

TO: FR:

**DLNR Agencies:**

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division - Hawaii District
- ☒ Historic Preservation

TO:  
FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Special Permit (SPP 14-000162); Request: To Establish a New Quarry

LOCATION:

South Hilo, Hawaii; TMK: (3) 2-1-013:004

APPLICANT:

Jas W. Glover, Ltd.

Transmitted for your review and comment is information on the above-referenced application. A complete copy of the permit application is available for review in the Land Division office in Honolulu. We would appreciate your comments on this application. Please submit any comments by April 11, 2014.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Kevin Moore at 587-0426. Thank you.

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Print name:

Cathy S. Cheng, Chief Engineer

Date:

3/27/14

cc: Central Files

14 APR 21 PM 2:44 ENGINEERING

2014 MAR 27 PM 12:50

**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**LD/ Russell Y. Tsuji**

**REF: Special Permit Application (SPP 14-000162) To Establish a New Quarry, South Hilo  
Hawaii.021**

**COMMENTS**

- (X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.**
- ( ) Please take note that the remainder of the project site according to the Flood Insurance Rate Map (FIRM), is located in Zones \_\_\_\_.
- ( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is \_\_\_\_.
- ( ) Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- ( ) Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- ( ) Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- ( ) Mr. Carolyn Cortez at (808) 270-7813 of the County of Maui, Department of Planning.
- ( ) Mr. Stanford Iwamoto at (808) 241-4884 of the County of Kauai, Department of Public Works.
- ( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- ( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments: \_\_\_\_\_

( ) Other: \_\_\_\_\_

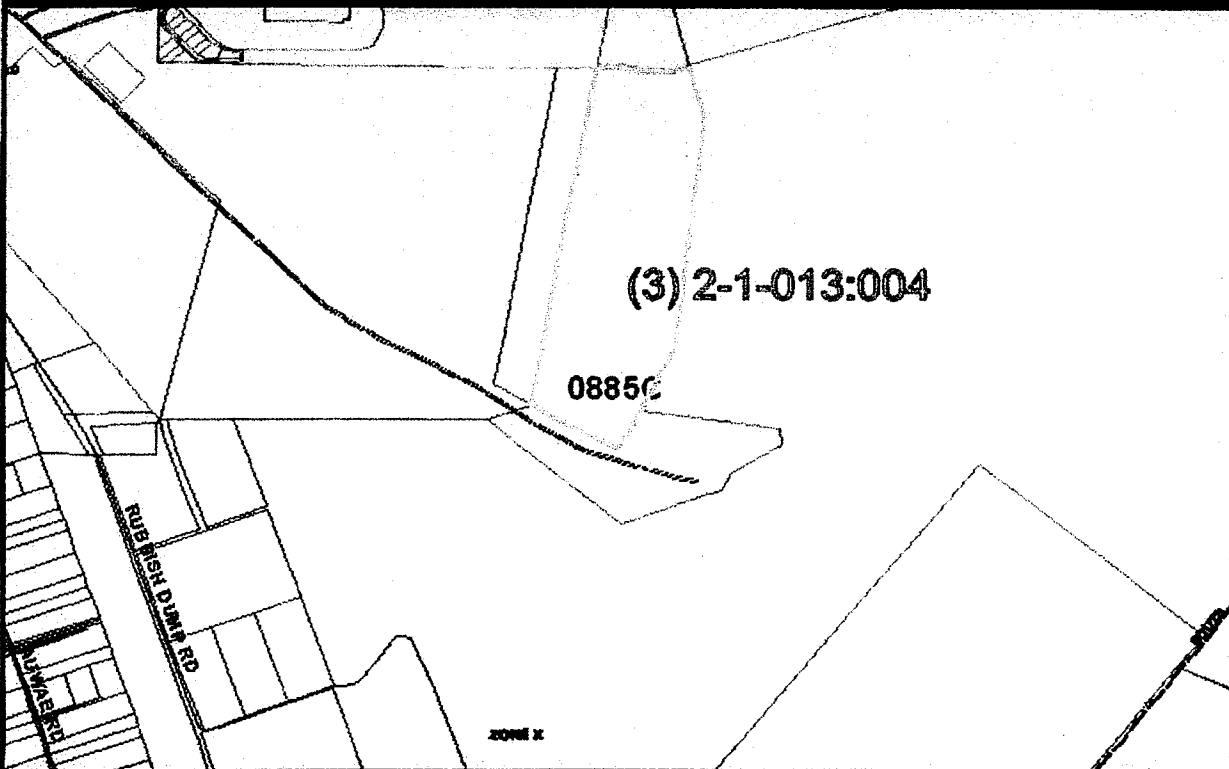
Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed:   
CARTY S. CHANG, CHIEF ENGINEER

Date: 3/27/14



# State of Hawaii FLOOD HAZARD ASSESSMENT REPORT



## NATIONAL FLOOD INSURANCE PROGRAM

### FLOOD ZONE DEFINITIONS

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** – The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- **Zone A:** No BFE determined.
- **Zone AE:** BFE determined.
- **Zone AH:** Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
- **Zone AO:** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- **Zone V:** Coastal flood zone with velocity hazard (wave action); no BFE determined.
- **Zone VE:** Coastal flood zone with velocity hazard (wave action); BFE determined.
- **Zone AEF:** Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

**NON-SPECIAL FLOOD HAZARD AREA** – An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- **Zone XS (X shaded):** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- **Zone X:** Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

- **Zone D:** Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

### PROPERTY INFORMATION

**COUNTY:** HAWAII  
**TMK NO:** (3) 2-1-013-004  
**PARCEL ADDRESS:**  
**FIRM INDEX DATE:** APRIL 02, 2004  
**LETTER OF MAP CHANGE(S):** NONE  
**FEMA FIRM PANEL(S):** 1551660885C  
**PANEL EFFECTIVE DATE:** SEPTEMBER 16, 1988

**PARCEL DATA FROM:** JUNE 2013  
**IMAGERY DATA FROM:** MAY 2005

### IMPORTANT PHONE NUMBERS

County NFIP Coordinator  
County of Hawaii  
Frank DeMarco, CFM (808) 961-8042  
State NFIP Coordinator  
Carol Tyau-Beam, P.E., CFM (808) 587-0267

*Disclaimer: The Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use of the information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR from any liability, which may arise from its use.*

*If this map has been identified as 'PRELIMINARY' or 'UNOFFICIAL', please note that it is being provided for informational purposes and is not to be used for official/legal decisions, regulatory compliance, or flood insurance rating. Contact your county NFIP coordinator for flood zone determinations to be used for compliance with local floodplain management regulations.*

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

2014 MAR 24 P 1:49

RECEIVED  
LAND DIVISION  
HILO, HAWAII

March 21, 2014

**MEMORANDUM**

TO:

**DLNR Agencies:**

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division - Hawaii District
- ☒ Historic Preservation

FROM:

*fr* Russell Y. Tsuji, Land Administrator *VER*

SUBJECT:

Special Permit (SPP 14-000162); Request: To Establish a New Quarry

LOCATION:

South Hilo, Hawaii; TMK: (3) 2-1-013:004

APPLICANT:

Jas W. Glover, Ltd.

Transmitted for your review and comment is information on the above-referenced application. A complete copy of the permit application is available for review in the Land Division office in Honolulu. We would appreciate your comments on this application. Please submit any comments by April 11, 2014.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Kevin Moore at 587-0426. Thank you.

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed: *[Signature]*

Print name: GORDON C. HET

Date: 3/27/14

cc: Central Files

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

Carty S. Chang, Chief Engineer  
Department of Land and Natural Resources  
Engineering Division  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

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.)

MAY 21 11 51 AM '14

Dear Mr. Chang:

Thank you for your comments in your memorandum dated March 21, 2014, regarding the above-referenced Special Use Permit Application. We appreciate your division's participation in this permit process.

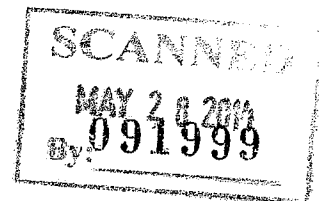
Thank you again for reviewing the application. Should you or your staff have any questions, please feel free to contact me at 329-5811 or email me at [rvitousek@ca des.com](mailto:rvitousek@ca des.com).

Very truly yours,

Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department  
Russell U. Tsuji, Land Division, DLNR



**Planning Dept.**  
**Exhibit 15**

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

May 20, 2014

Roy A. Vitousek III  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

Gordon C. Heit  
Department of Land and Natural Resources  
Land Division, Hawaii District  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

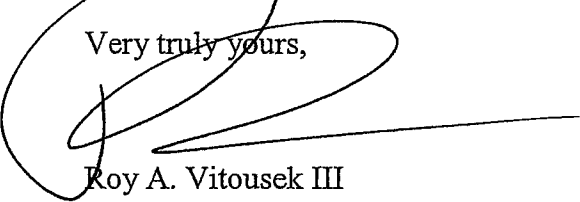
Re: Special Use Permit Application No. SPP 14-000162  
to Establish New Quarry, South Hilo, Hawaii  
Applicant: Jas. W. Glover, Ltd.  
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Mr. Heit:

Thank you for your review and your memorandum dated March 21, 2014, regarding the above-referenced Special Use Permit Application. We appreciate your division's participation in this permit process.

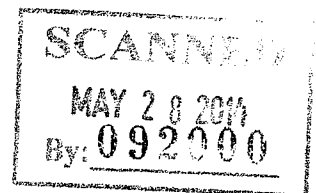
Thank you again for reviewing the application. Should you or your staff have any questions, please feel free to contact me at 329-5811 or email me at [rvitousek@ca des.com](mailto:rvitousek@ca des.com).

Very truly yours,

  
Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department  
Russell U. Tsuji, Land Administrator, DLNR



Planning Dept.  
Exhibit 16

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017



2014 MAR 28 PM 2:30

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: March 27, 2014

TO: Duane Kanuha  
Planning Director, County of Hawaii

FROM: Newton Inouye *NI*  
District Environmental Health Program Chief

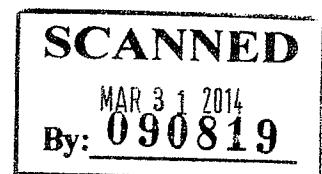
SUBJECT: Special Permit (SPP 14-000162)  
Applicant: Jas W. Glover, Ltd.  
Request: To Establish a New Quarry  
Tax Map Key: 2-1-013:004

Wastewater Branch found no wastewater/environmental health concerns with regulatory implications in the submittal.

The applicant would need to meet the permit requirements of our Department of Health Air Pollution Rule, Chapter 60.1, Title 11, State of Hawaii for the proposed quarry operations. If there is need to discuss these requirements, please contact our Clean Air Branch staff in Honolulu, Ph. 586-4200.

We recommend that you review all of the Standard Comments on our website:  
<http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopment projects. We also ask you to share this list with others to increase community awareness on healthy community design.



May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@cades.com](mailto:rvitousek@cades.com)

Mr. Newton Inouye  
District Environmental Health Program Chief  
Department of Health  
State of Hawaii  
P.O. Box 916  
Hilo, Hawaii 96721-0916

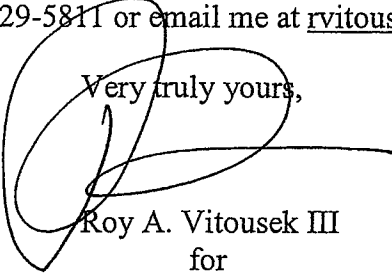
Re: Special Use Permit Application No. SPP 14-000162  
to Establish New Quarry, South Hilo, Hawaii  
Applicant: Jas. W. Glover, Ltd.  
Tax Map Key: (3) 2-1-013:004 (por.)

Dear Mr. Inouye:

Thank you for your comments in your memorandum dated March 27, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. Applicant's quarry operations comply with all applicable Federal, State and County requirements. Applicant does not have any immediate plans for construction of production facilities requiring clean air permits on the subject site. However, in the event that such plans are made in the future, we will comply with the Department of Health Air Pollution Rule, Chapter 60.1, Title 11, State of Hawaii.

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](mailto:rvitousek@cades.com).

Very truly yours,

  
Roy A. Vitousek III  
for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV

cc: Maija Cottle, County of Hawaii Planning Department

091998

Planning Dept.  
Exhibit 18

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
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Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

NEIL ABERCROMBIE  
Governor

SHAN TSUTSUI  
Lieutenant Governor

RICHARD LIM  
Director

MARY ALICE EVANS  
Deputy Director



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

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 APR -8 AM 10:33

DANIEL ORODENKER  
Executive Officer

BERT K. SARUWATARI  
Planner

SCOTT A.K. DERRICKSON, AICP  
Planner

FRED A. TALON  
Drafting Technician

RILEY K. HAKODA  
Chief Clerk/Planner

April 4, 2014

Dwayne Kanuha, Director  
Hawai'i County Planning Department  
County of Hawai'i  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720

Planning Dept.  
Exhibit 19

Subject: Special Use Permit Amendment Application No. SPP 14-000162  
To Establish New Quarry  
Jas W. Glover, Ltd.  
South Hilo, Hawai'i  
Tax Map Key: (2) 2-1-013: 004 (por.)

Dear Mr. Kanuha:

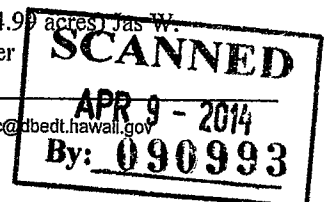
We have reviewed the State Special Permit application received on March 20, 2014. We have the following comments to provide:

The application is for the establishment of a new quarry on 85.338 acres on the existing approximately 140-acre parcel at Honohononui, South Hilo. The applicant refers to the entire 140-acre parcel as the "Licensed Area" however; within this larger area are a series of existing Special Permits<sup>1</sup> for quarrying activities totaling approximately 55.03 acres. Therefore, the applicant intends the current application to apply only to those portions of the "Licensed Area" that are not currently covered by one of the existing Special Permits.

In the Land Use Commission's (LUC) response letter to the County Planning Department dated February 4, 2013 regarding the previous Jas W. Glover Special Permit for a portion of the same area (SP 12-000145); the LUC raised the issue of continued application for special permits on acreages below 15 acres for the same use by the same individual or group of individuals as being contrary to the intent of Chapter 205, Hawai'i Revised Statutes (HRS) and the rules of the Commission.

LUC staff subsequently met with Mr. Roy Vitousek regarding the Special Permit requested in 2013. At that time, Mr. Vitousek informed us that the applicant intended to apply for an

<sup>1</sup> Four active, less than 15-acre permits: SP 1107 (14.906 acres) Yamada & Sons; SP 1008 (14.99 acres) Jas W. Glover; SP 1221 (14.99 acres) Jas W. Glover; and SP 12-000145 (10.15 acres) Jas W. Glover



additional Special Permit for the remaining areas within the "License Area" in the future. The staff requested that the applicant, within one year, apply for a Special Permit that would cover all the existing and planned Jas W. Glover, Ltd. quarrying operations within the "Licensed Area." We clearly discussed and felt it had been agreed that this was to include all the existing areas under Special Permit.

The Windward Planning Commission in its March 21, 2013 letter of approval for Special Permit (SPP 12-000145) to Jas W. Glover, Ltd., provided the following:

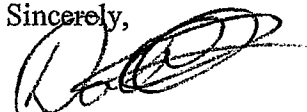
"...In summary, the applicant represented that the LUC was amenable towards supporting the issuance of this 10.15-acre Special Permit application with the stipulation that a Special Permit application be submitted for all quarrying activities, existing and proposed, within the 140-acre property...As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit..."

The current application only covers areas within the "Licensed Area" that have not been quarried or currently under a Special Permit. We recommend that the Planning Department and the Windward Planning Commission require the applicant to amend their application to incorporate their existing Special Permit areas and consider consolidating conditions where possible. Since all the existing Special Permit areas are delineated by metes and bounds descriptions, any site specific conditions can be identified separately as necessary.

The "Draft Report: An Archaeological Assessment of A Proposed 90-Acre Quarry Site in Waiākea Ahupua'a, South Hilo District, Island of Hawai'i" (applicants Exhibit 9) has only recently been submitted to the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) for review. Decision-making on this application would be premature until SHPD has reviewed and provided a concurrence letter on the archaeological report and any necessary mitigation measures in order that they may be considered for incorporation as conditions.

Thank you for the opportunity to comment on the subject application. Should you have any questions, please feel free to contact me or Scott A.K. Derrickson, AICP of our office at 587-3822.

Sincerely,



Daniel Orodener  
Executive Officer

cc: Roy Vitousek, Esq. – Cades Schutte  
Leo Asuncion, State Office of Planning

**Roy A. Vitousek III**  
 Direct Line: (808) 329-5811  
 Direct Fax: (808) 326-1175  
 Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

May 20, 2014

Mr. Daniel Orodener  
 Land Use Commission  
 Department of Business, Economic  
 Development & Tourism  
 State of Hawaii  
 235 South Beretania Street, Suite 406  
 Honolulu, Hawaii 96813

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 Mr. Orodener:

Thank you for your comments in your letter dated April 4, 2014, to Mr. Duane Kanuha, Director, Hawaii County Planning Department, regarding the above-referenced Special Use Permit Application. Applicant offers the following in response to your concerns about the permit application:

1. The application was intended to meet the requirement by the County Planning Department in issuance of SPP 12-000145 issued March 13, 2013 to apply for an additional permit for the un-quarried remainder of the 140+ acre parcel (see condition #2 on page 8 of the attached permit). As there are already active Special Permits for quarrying covering approximately 55 acres of the parcel, the additional 85 acres constitute the un-quarried portions.
2. Following the County of Hawaii recommendations, Jas. W. Glover, Ltd. (Glover) applied for and currently has four active permits on the 140+ acre parcel:
  - a. SP 12-000145 issued to Glover on March 13, 2013, covering 10.15 acres. Glover began quarrying activity in this area last year. Based on preliminary test drilling, this area has several acres of solid "blue rock"

092002

**Planning Dept.**  
**Exhibit 20**

Cades Schutte Building  
 1000 Bishop Street, Suite 1200  
 Honolulu, Hawaii 96813  
 Tel: 808.521-9200  
 Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
 75-170 Hualalai Road, Suite B-303  
 Kailua Kona, Hawaii 96740  
 Tel: 808.329-5811  
 Fax: 808.326-1175

Maui Office  
 444 Hana Highway, Suite 204  
 Kahului, Hawaii 96732  
 Tel: 808.871-6016  
 Fax: 808.871-6017

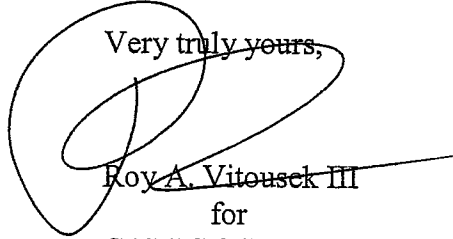
used as raw materials for asphalt and concrete with the balance being mixed rock of poorer quality. It is anticipated that the "blue rock" resource in the parcel may be depleted in 2-3 years. At present, approximately 10% of the resources available above the water table on this site have been quarried. Glover has been and remains in compliance with all the conditions of this permit.

- b. SP 1221 issued to Glover on October 3, 2003, covering 14.99 acres. This area is still being actively mined but only has a few months of "blue rock" available to quarry. This permit allows for production facilities such as crushing plants and asphalt and concrete plants and support facilities to be established. Glover has no immediate plans to establish such facilities on the parcel but reserves the right to do so should conditions arise. At present, approximately 90% of the resources available above the water table on this site have been quarried. Glover has been and remains in compliance with all the conditions of this permit.
  - c. SP 1008 issued to Glover on July 28, 1998 covering 14.99 acres. This area has not been extensively quarried to date as the quality of rock on the site is lower than that of other sites on the parcel. When resources of a higher grade are depleted, it may make sense to further quarry this site. At present, approximately 5% of the resources available above the water table on this site have been quarried. Glover has been and remains in compliance with all the conditions of this permit.
  - d. SP-1107 covering 14.9 acres issued to Yamada & Sons, Inc., in 1998 and transferred to Jas. W. Glover, Ltd. in January of 2012 upon execution of a lease with Kamehameha Schools for property that includes this site. The majority of this parcel has already been quarried to certain depths. Further work will need to be done to fully understand the remaining quantity and quality of the rock resources on this site. At present, approximately 5% to 20% of the resources available above the water table on this site have been quarried. Glover has been and remains in compliance with all the conditions of this permit.
3. Attached is a copy of the response letter to Glover's permit application SP 14-000162 from the State Historic Preservation Division which indicates their recommendations. If required, Glover will provide an archaeological monitoring plan for initial ground clearing and grubbing activities.

Land Use Commission  
May 20, 2014  
Page 3

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@ca-des.com](mailto:rvitousek@ca-des.com).

Very truly yours,

A large, stylized handwritten signature in black ink, consisting of a large loop and a long horizontal stroke extending to the right.

Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV  
attach.

cc: Maija Cottle, County of Hawaii Planning Department



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

MAR 21 2013

Mr. Bryon Fujimoto  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720-4529

Dear Mr. Fujimoto:

Special Permit Application (SPP 12-000145)

Applicant: Jas W. Glover, Ltd.

Request: To Allow a New Quarry Site on a 10.15-Acre Portion of a  
140.368 Acre Property

Tax Map Key: 2-1-013:004

The Windward Planning Commission, at its duly held public hearing on March 7, 2013, voted to approve the above-referenced request for a Special Permit to allow the establishment of a new quarry site on approximately 10.15 acres within a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located east of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,800 feet west of the County's Sewer Treatment Plan Site at Honohono-nui, South Hilo, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting a Special Permit to establish a new quarry site on approximately 10.15 acres of land within a portion of a larger 140-acre property. The material to be quarried is aggregate and rock for commercial applications. The material to be quarried consists largely of basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards of material will be excavated and either processed on site or transported to Glover's Hilo operations site on Leilani Street over the term of its 15-year quarry lease.

*Hawai'i County is an Equal Opportunity Provider and Employer*

Mr. Byron Fujimoto

Page 2

The 140.368-acre property is owned by the Kamehameha Schools. Kamehameha Schools had previously leased a 49.9982-acre portion of the 140.368-acre property to Yamada & Sons, Inc. as a quarry site. A quarry license was granted to Jas. W. Glover, Ltd. on January 15, 2012 for the same 49.9982-acre quarry site for a period of 15 years. There have been two (2) other Special Permits (SPP 936 and SPP 1107) approved for quarry operations in this 49.9982-acre lease area. This permit request is for the remaining 10.15-acre portion of the 49.9982-acre quarry license site within the 140.368-acre property. The applicant also has a lease for the remainder of the property, which also has two (2) Special Permits (SPP 1008 and SPP 1221) for quarry operations.

At the Windward Planning Commission's February 7, 2013 meeting, the Planning Director recommended that this Special Permit request be denied as its approval would be the fifth (5<sup>th</sup>) Special Permit to be issued for sub-15-acre quarrying operations within the larger 140-acre property, raising concerns about the "parceling" of the Special Permit process in an attempt to avoid the proper process that would take this matter before the State Land Use Commission.

The State Land Use Commission (LUC), in its memorandum regarding the subject application dated February 4, 2013, stated that "The continued application for special permits on acreage below 15 acres for the same use in a relatively short period of time could be seen as an attempt on the part of the landowners or petitioners to avoid the LUC process by 'parceling' the Special Permit activities. The LUC concluded its comments by recommending that this Special Permit application and any future similar applications be referred to the LUC for action and approval/disapproval.

The applicant met recently with the staff and the Executive Director of the LUC to discuss its concerns regarding the applicant's Special Permit request. In summary, the applicant represented that the LUC was amendable 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. We support this proposal as it represents a reasonable compromise that addresses concerns about proper permit processing while also recognizing the past support by this office over the years for other quarry operations within this particular section of Hilo. As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit. Failure to promptly file this Special Permit application for consideration by the LUC will cause this department to initiate revocation proceedings for the 10.15-acre quarry that is the subject of this Special Permit.

This Special Permit request is prompted by the awareness that that the currently permitted quarries within portions of the 140-acre property are running out of material.

The proposed 10.15-acre quarry will provide the applicant with an estimated 1-½ to 2 years worth of material, during which the applicant will prepare and hope to secure a Special Permit from the LUC for quarrying activities within the remainder of the 140-acre property yet to be quarried.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules of Practice and Procedure. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the Agricultural District.** In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

Although the property is designated for Agricultural uses by both the State Land Use Commission and the County Zoning Code, its soils are considered very poor and not optimal to support agricultural activities. The request is considered unusual and reasonable in that the proposed quarry area has no direct relationship to any potential agricultural activities that could be conducted upon the property given its proximity to existing quarries and the Hilo landfill.

**The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.** The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The property is situated within an area where soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. The proposed use will be located on a 10.15-acre portion of a 140.368-acre property.

The 10.15 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. 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.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** As mentioned previously, approval of this request will not be contrary to the objectives of the State Land Use Law and is considered an unusual and reasonable use of the agricultural land due to the poor soil quality that are not conducive towards agricultural activities. Therefore, the proposed request will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

**(B) The desired use would not adversely affect surrounding properties.** The surrounding properties include the County of Hawai'i landfill sites, other quarrying operations and vacant lands owned by the State and Kamehameha Schools. There are no dwellings or urban developments within the immediate area. Other existing uses within the general vicinity include the County's wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawai'i National Guard training facility. Dust generated during quarry operations will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, 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 between 25 and 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. This access road is adequate for its intended purpose, which is to accommodate traffic associated with the quarry operations and which does not support general vehicular access. 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 for dust mitigation. Agencies reviewing the request had no objections to the quarry.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

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. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The 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.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. Surrounding parcels are also in quarry use and industrial-related activities.

**(F) The use will not substantially alter or change the essential character of the land and the present use.** The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The subject request is not contrary to the General Plan LUPAG Map, which designates the property as Extensive Agriculture,

Important Agricultural Land and Industrial. The project site is located in an area designated as Extensive Agriculture. 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.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i

Natural Resources and Shoreline Elements:

- The County of Hawai'i should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.
- Ensure that alteration 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.

In order to provide for raw construction materials that are vital to the construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to the construction industry. The establishment of the proposed quarry in this particular location will not adversely impact agricultural resources, as many of the uses are industrial in nature. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying operations are resource-based, sites are restricted in location by the availability of raw

materials. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site to establish a quarry.

**The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to the coastal zone management program.** The subject property is located over one mile to the nearest shoreline and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal recreational opportunities. Nor will the property be affected by coastal hazards. Additionally, there is no designated public access to the mountain areas over the property.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa 'akai O Ka 'Aina" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: The Department of Land and Natural Resources-State Historic Preservation Division issued a letter dated December 3, 2012 stating that they have completed review of the draft report (Escott, March 2012) and they requested further clarification of the possible presence of a trail alignment that may be present in the northeast corner of the proposed project area.

An archaeological assessment (final) of the project site was conducted by Glenn G. Escott dated September 2012 that conclude that no archaeological sites or features and no cultural resources or modern structures were located within the project site. The final report addressed the presence of the trail alignment stating that "A single site, the Historic Puna Trail (Site 50-10-99-18869), also referred to by the Old Government Road's State Number 50-10-36-21272) is located just outside the southern boundary of the current project area."

The valuable cultural, historical, and natural resources found in the permit area:  
As mentioned, no valuable cultural, historic, or natural resources related to traditional and customary practices were identified on the site.

Possible adverse effect or impairment of valued resources: Native plants may be destroyed by quarry operations. There is no evidence that the flora in the area are particularly desired or used for cultural practices. The site is not adjacent and/or proximate to the shoreline. As such, gathering of marine life, fishing and coastal access is not an issue.

Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights and no action is necessary to protect these rights. A condition of approval will be included to require the applicant to notify the DLNR-SHPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-SHPD.

There is no record of traditional Hawaiian rights being practiced on the property. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

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. The applicant, within one (1) year from the effective date of this permit, shall submit a properly filed Special Permit application to the Planning Department for consideration by the State Land Use Commission, requesting the establishment of quarry activities for the un-quarried remainder of the 140.368-acre property identified as TMK: 2-1-013: 004. Failure to comply with this condition shall result in proceedings to revoke this Special Permit.
3. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement issued to Jas W. Glover, Ltd. for quarrying activities within the project site.
4. 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.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. 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.
7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. 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.
  12. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
  13. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 2, 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.

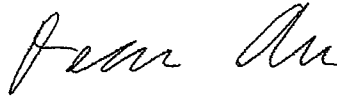
Mr. Byron Fujimoto  
Page 10

- 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).
14. Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

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 contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Dean Au, Chairman  
Windward Planning Commission

Lgloverspp12-145wpc

cc: Roy A. Vitousek, III, Esq.  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
Mr. Gilbert Bailado

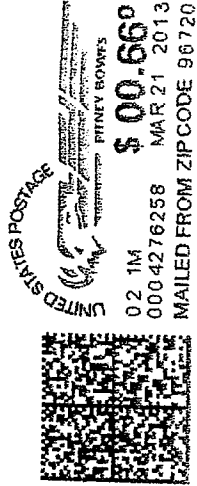


County of Hawaii  
PLANNING COMMISSION  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720-3043

RECEIVED  
JAS. W. GLOVER, LTD.  
13 MAR 25 PM 12:00  
HILO OPERATIONS

MR BRYON FUJIMOTO  
JAS W GLOVER LTD  
890 LEILANI ST  
HILO HI 96720-4529

9672034529 0013



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



PLANNING DEPT

NT

2014 APR 21 11 23



**HISTORIC PRESERVATION DIVISION  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555  
Kapolei, HI 96806

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 15, 2014

Duane Kanuha  
County of Hawai'i Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Attn. Meija Cottle

LOG NO: 2014.01304  
DOC NO: 1404SN19  
Archaeology

Dear Mr. Kanuha:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –  
County of Hawai'i Special Permit to Establish a New Quarry  
Waiākea Ahupua'a, South Hilo District, Island of Hawai'i  
TMK: (3) 2-1-013:004**

Thank you for the opportunity to review this application that was received by our office on March 20, 2014. According to the application, a special permit is being requested to establish a quarry on the subject parcel. Our records indicate that the parcel has been subject to two archaeological inventory surveys on two separate portions of the 140-acre parcel. Our office reviewed a 2013 report for a 50-acre portion of the parcel and more recently a report for the remaining 90 acres of the parcel (Log 2013.1788, Doc 1303SN04; Log 2014.00606, Doc 1403SN03). No historic properties were identified as a result of this survey work.

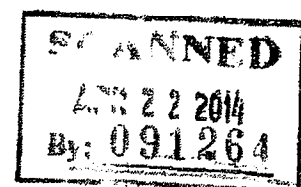
SHPD concurred with the recommendation in the survey reports that a qualified archaeological monitor be present during initial ground clearing and grubbing. We look forward to the opportunity to review and approve an archaeological monitoring plan pursuant to HAR §13-279 for the initial ground clearing and grubbing activities associated with the quarry. With the monitoring plan in place, SHPD believes that no historic properties will be affected by the proposed permit.

Please contact Sean Naleimaile at (808) 933-7651 or [Sean.P.Naleimaile@Hawaii.gov](mailto:Sean.P.Naleimaile@Hawaii.gov) if you have any questions or concerns regarding this letter.

Aloha,

Theresa Donham,  
Archaeology Branch Chief

cc. Kevin Moore DLNR Land Division ([Kevin.F.Moore@hawaii.gov](mailto:Kevin.F.Moore@hawaii.gov))



NEIL ABERCROMBIE  
Governor

SHAN TSUTSUI  
Lieutenant Governor

RICHARD LIM  
Director

MARY ALICE EVANS  
Deputy Director



PLANNING DEPARTMENT  
2014 JUN 18 PM 1:07

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

DANIEL ORODENKER  
Executive Officer

BERT K. SARUWATARI  
Planner

SCOTT A.K. DERRICKSON, AICP  
Planner

FRED A. TALON  
Drafting Technician

RILEY K. HAKODA  
Chief Clerk/Planner

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.

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Exhibit 21

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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.  
Bryon Fujimoto, Jas. W. Glover, Ltd.



# JAS. W. GLOVER, LTD.

GENERAL CONTRACTORS

License No. ABC-3

June 24, 2014

Maija Cottle  
Planning Department  
County of Hawaii  
101 Pauahi St., Suite 3  
Hilo, Hawaii 96720-4224

PLANNING DEPARTMENT  
JUN 26 2014 11 21 AM

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

Dear Ms. Cottle,

In reference to the questions and issues raised in both your e-mail to Randy Vitousek dated June 16, 2014, and the letter dated June 17, 2014, from Mr. Daniel Orodener of the State Land Use Commission to Mr. Duane Kanuha of the County Planning Department regarding our Special Use Permit Application, we can offer the following:

- Our quarrying plan will involve a systematic approach to identifying quality rock sources and extracting the material in a given area leaving a safe, clean and open area upon quarrying completion. Our operations may involve mining at different sites on the property, but our plan is based both on selecting rock sources to meet the demands of our customers, but also to manage the site responsibly and safely.
- Our restoration plans will be per the requirements of our license agreements with the owner, and involve both incremental and final restoration efforts. In addition, these restoration efforts will be completed in such a way as to comply with the requirements of each of our existing special permits, including the specific requirements for an Erosion Control and Site Restoration Plan in SPP 12-000145.
- We have been and remain in compliance with the conditions for each existing Special Permit within the project site.
- The termination dates for each of the Special Permits are as follows:
  - SP-1107 – no termination date;
  - SP-1008 & SP – 1221 – co-terminus with the License Agreement for ~80-acre parcel;
  - SP-12-000145 – co-terminus with the License Agreement for 50-acre parcel;

Planning Dept  
Exhibit **22**

092607

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tel (808) 329-4113 • fax (808) 326-6017

Lihue  
P.O. Box 1929 • Lihue, HI 96766  
tel (808) 245-3609 • fax (808) 245-6209

An Equal Opportunity Employer

- License Agreement for ~80 acre parcel – May, 31 2027 with option for 10-year extension; and
- License Agreement for ~50 acre parcel – May 31, 2027.
- The Archaeological Monitoring Plan for SP-000145 has been submitted to the State Historic Preservation Division (SHPD), and a copy is attached.
- The estimated tonnage in our application should be revised to read “approximately 2,000,000 tons.”
- For decades there has been an ongoing practice in Hawaii County and in our industry for the Hawaii County Planning Commission to consider, review, and approve applications for special permits for quarrying purposes for areas of less than 15 acres. Our company now holds four (4) special permits within the larger 140-acre property which were legally issued by the Hawaii County Planning Commission. These special permits confer legal, vested rights. Our company does not believe it should be required to surrender vested legal rights in order to apply for a special permit to quarry an area of land larger than 15 acres.

We would consider applying for a special permit for a larger area including the areas covered by the existing special permits provided we would not be required to surrender any vested legal rights.

Thank you again for reviewing our application. Should you or any of our staff have any questions, please feel free to contact me at 808-935-0871.

Sincerely,



Byron Fujimoto  
Vice President

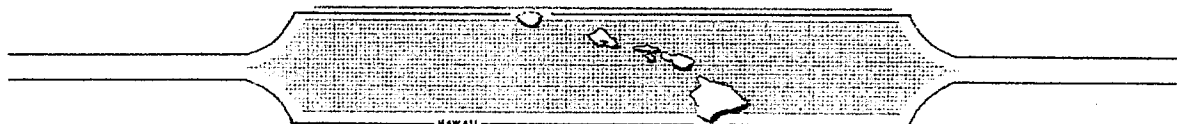
**AN ARCHAEOLOGICAL MONITORING PLAN FOR A 10.5-ACRE  
QUARRY SITE IN WAIĀKEA AHUPUA‘A, SOUTH HILO DISTRICT,  
HAWAI‘I ISLAND, HAWAI‘I [TMK: (3) 2-1-013:004 (POR.)]**

Prepared by:  
**Glenn G. Escott, M.A.**

Draft  
June 2014

Prepared for:  
**Jas. W. Glover, Ltd.**  
890 Leilani Street  
Hilo, Hawai‘i 96720

**SCIENTIFIC CONSULTANT SERVICES Inc.**



1347 Kapi‘olani Boulevard, Suite 408 Honolulu, HI 96814

Hawai‘i Island Office: PO Box 155 Kea‘au, HI 9674

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## **INTRODUCTION**

Scientific Consultant Services (SCS) has prepared this Archaeological Monitoring Plan (AMP) at the request of Jas. W. Glover, Ltd., the property lessee, for proposed quarry activities to be conducted on a 10.5-acre portion of TMK:(3) 2-1-013:004 located in the *ahupua'a* of Waiākea, Hilo, South Hilo District, Island of Hawai'i, Hawai'i (Figures 1, 2, 3, and 4). The project area is situated approximately one mile southeast of the main terminal at Hilo International Airport and is bounded by undeveloped land on all sides. The project area is the southern portion of a 140.368-acre parcel leased to Jas. W. Glover, Ltd. by Kamehameha Schools. The proposed ground altering activities include quarrying.

This AMP covers all ground disturbing activities on the project area. The principal objective of Archaeological Monitoring is to identify, document, and protect significant cultural resources, including burials, as they are discovered during archaeological monitoring.

This AMP and subsequent monitoring work will ensure that if cultural deposits are identified, the work will satisfy reporting requirements outlined in §13-279-5(5) through (6) are followed. It will also ensure that if human burials are identified during construction activities, appropriate and lawful protocol concerning the Inadvertent Discovery of Human Skeletal Remains (pursuant to §13-300-40a, b, c (HAR) is followed.

## **REASONS FOR MONITORING**

The primary reason for Archaeological Monitoring on the project area parcel is that the area is heavily vegetated. An Archaeological Assessment was conducted on a 50-acre area that includes the current 10.5-acre project area (Escott 2013). No archaeological sites were identified on the 50-acre project area. As part of the review of the archaeological assessment, the Hawai'i State Historic Preservation Division (SHPD) requested monitoring in the event that subsurface deposits or undocumented sites exist.

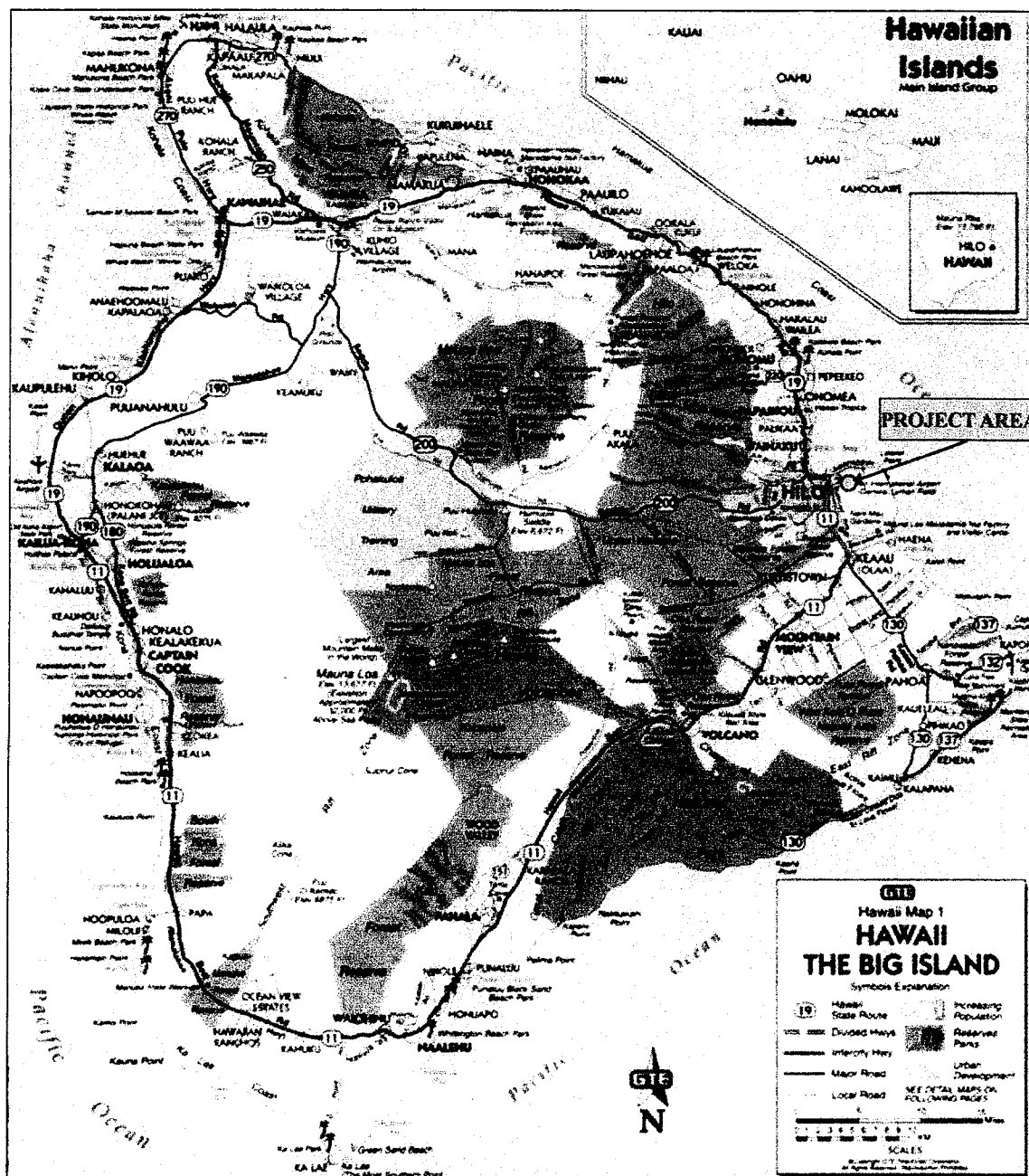


Figure 1: Location of Project Area on Hawai'i Island Map.

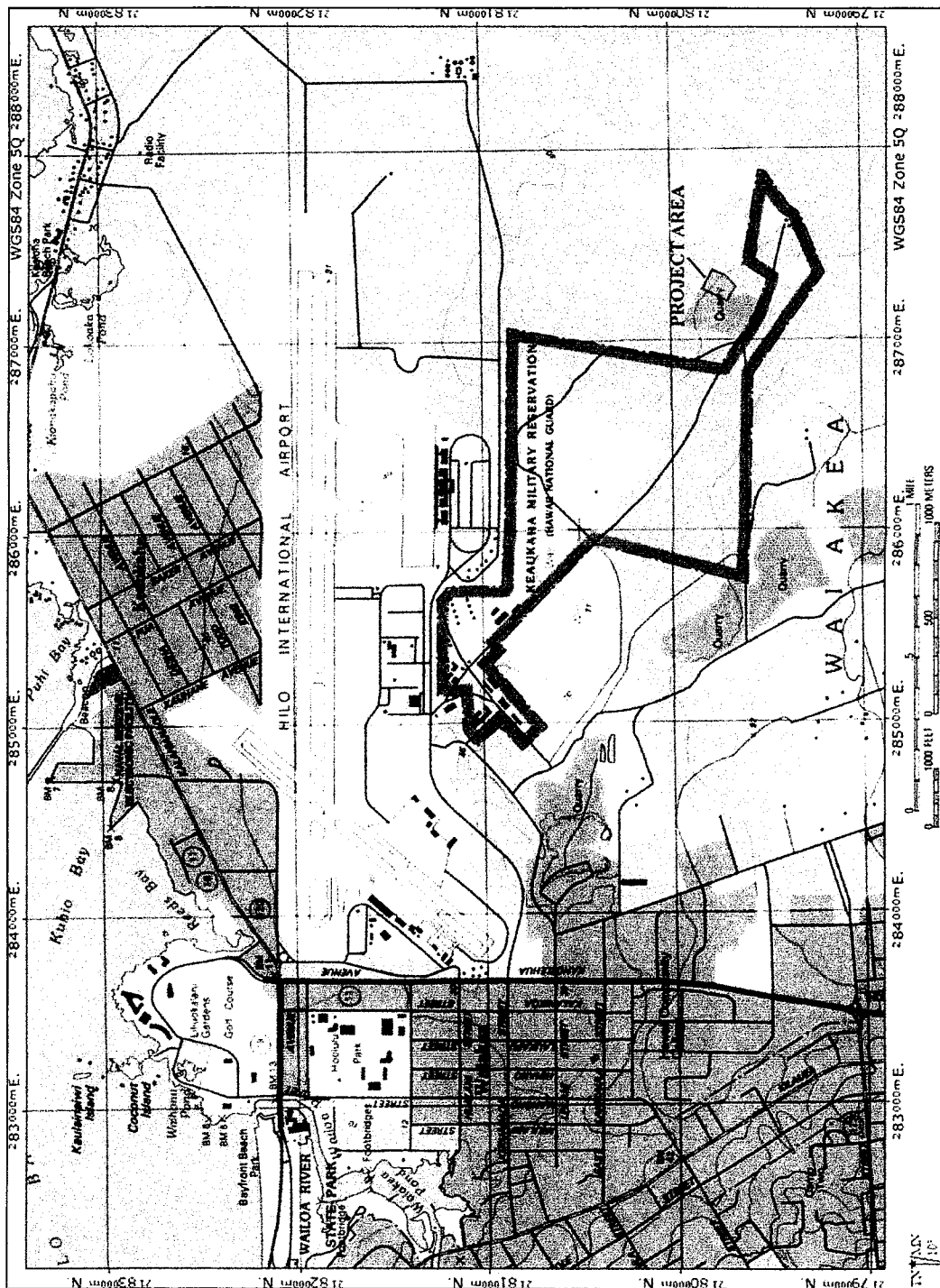


Figure 2: 7.5-Minute Series USGS Topographic Map Showing Location of Project Area (Hilo Quadrangle, Topol, 2002).

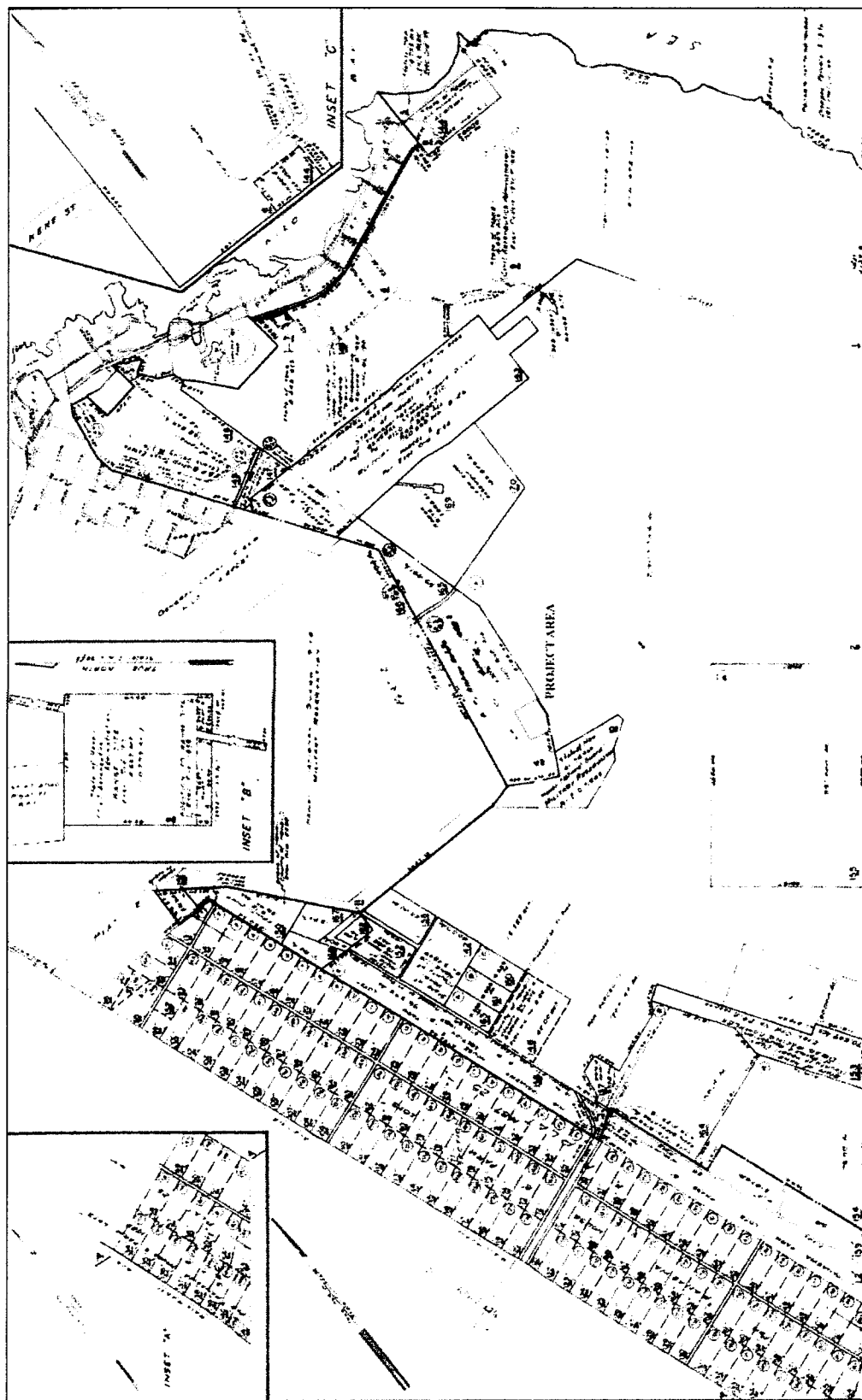


Figure 3: TMK (3) 2-1-013 Map Showing Location of Project Area (Hawai'i County Planning Department, 2012).



Figure 4: Aerial Photograph Showing Project Area (Boundaries in Red) (Google Earth, 2011).

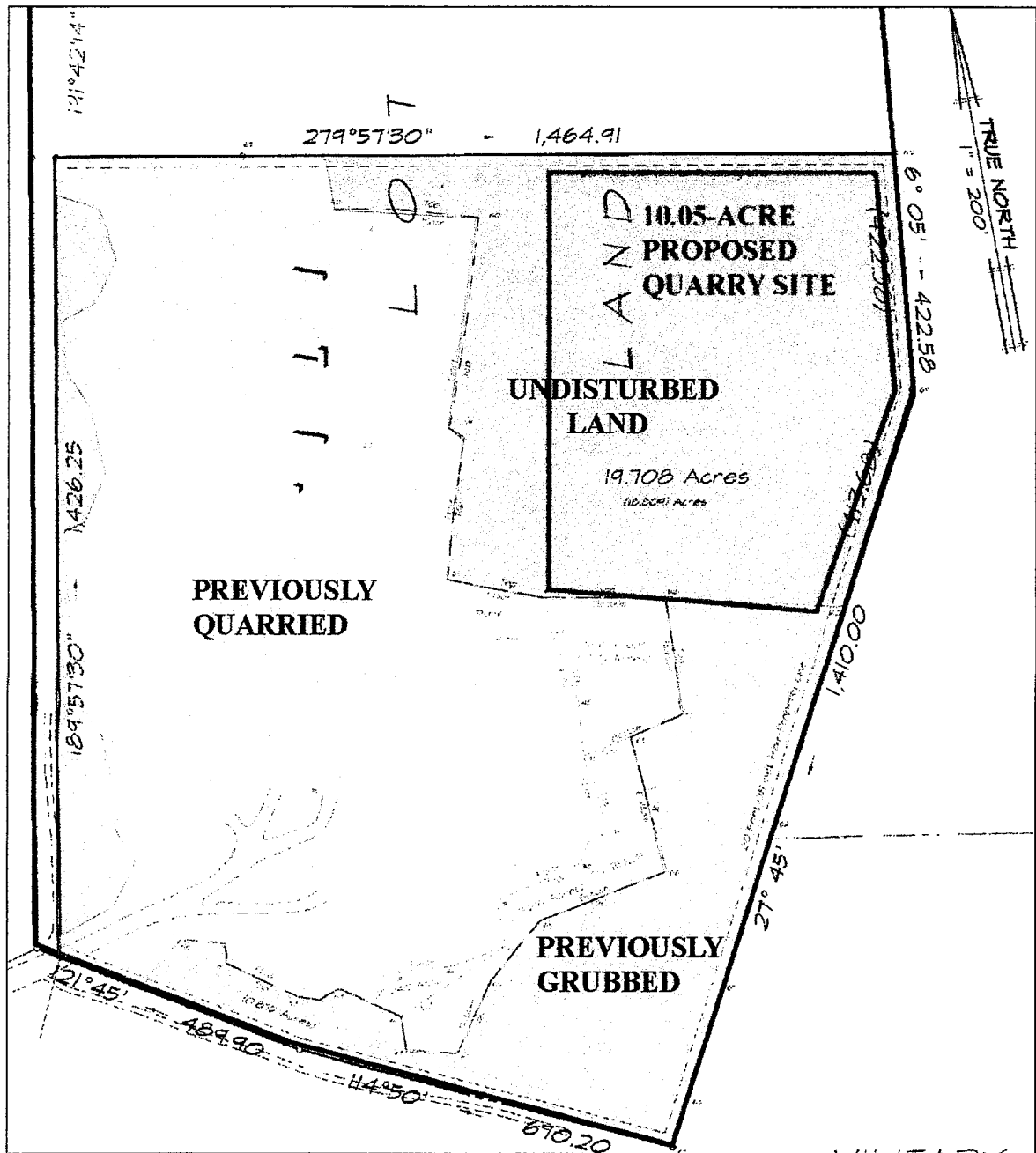
## **ENVIRONMENTAL SETTING**

The project area is situated on gently sloping to level land at 70 feet (21 m) above mean sea level (amsl). The project area substrate is a Mauna Loa flow dated between 750 and 1,500 years ago (Wolfe and Morris 1996). The project area ground surface is hummocky and uneven. There are areas of with large mounded piles of broken boulder bedrock outcrop. The piles are either conical, or linear ridges that reach four to five meters above the surrounding ground surface. The ground surface between the outcrops is wet, rocky muck.

Soil in the project area is Papai series (rPAE) thin, extremely stony muck (Sato 1973:46) and is characterized as poorly suited or unsuited to mechanized-farming (Soil Survey of the Territory of Hawaii 1955). Rainfall in the project area is high, ranging between 200 and 300 inches per year (Kelly *et al.* 1981). Natural drainage in the area runs from southwest to northeast.

Plant communities in the project are dominated by native plants such as 'ōhi'a (*Metrosideros polymorpha*), uluhe (*Dicranopteris linearis*), and hala (*Pandanus odoratissimus*), as well as invasive species including waivi (*Psidium cattleianum*), common guava (*Psidium guajava*), Asian Melastoma (*Melastoma septemnerium*), octopus tree (*Schefflera actinophylla*), melochia (*Melochia umbellata*), and bingabing (*Macaranga mappia*). Vegetation within the project ranges from open forest to extremely dense thickets under forest canopy.

Three quarters of the project area is previously quarried ground surface. There is a portion of undisturbed forest in the northeast corner of the project and strips of previously grubbed land on the east and west sides of the project area (Figure 5). The undisturbed area is mixed native and invasive species, and the disturbed areas contain primarily invasive plants. The entire 50-acre project area was surveyed, including the previously quarried area, the previously disturbed land, and the undisturbed forest.



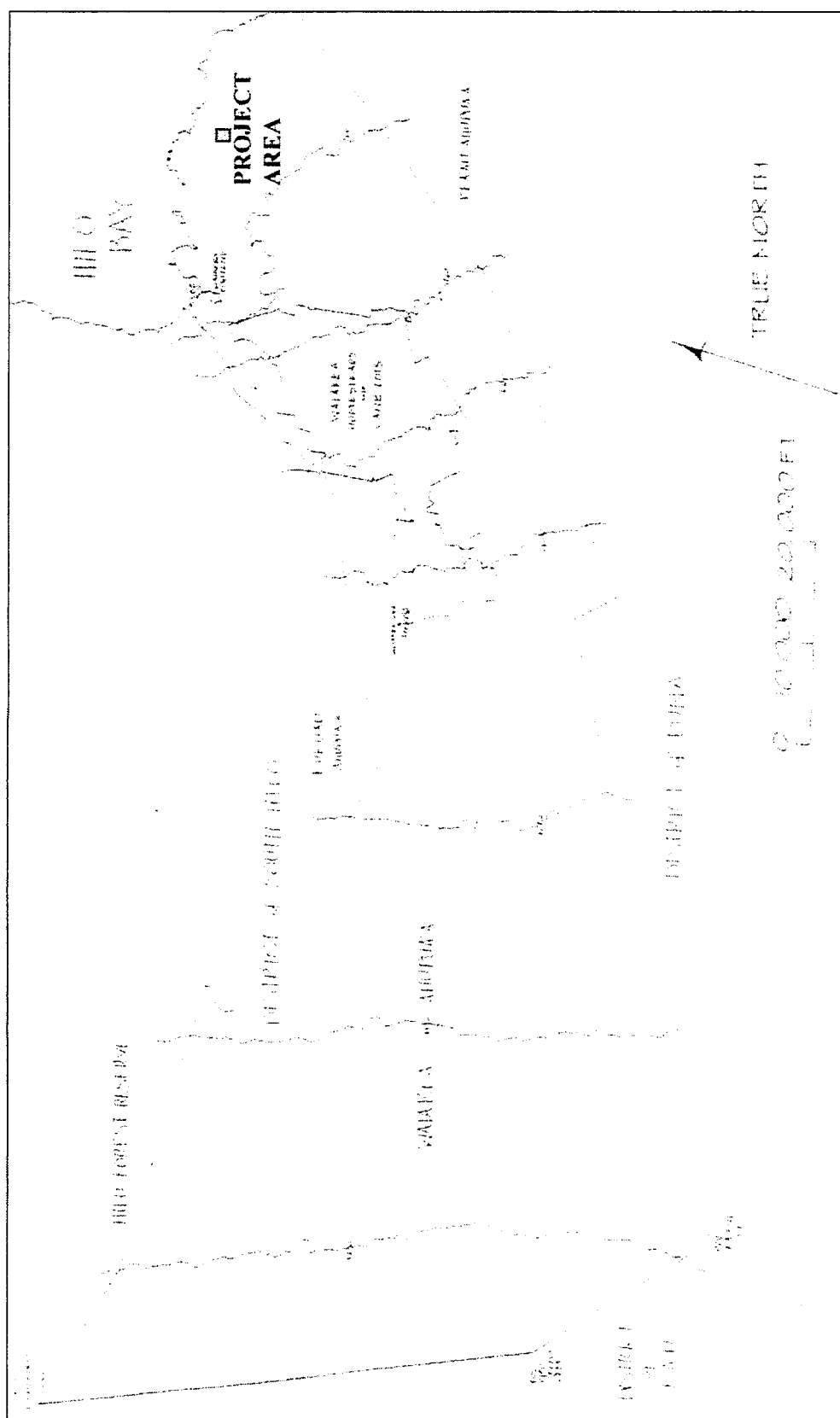
**Figure 5:** Project Area Survey Map Showing 10.05-Acre Proposed Quarry (Red Boundary Line) and Previously Disturbed Ground Surfaces.

## **HISTORICAL AND CULTURAL CONTEXTS**

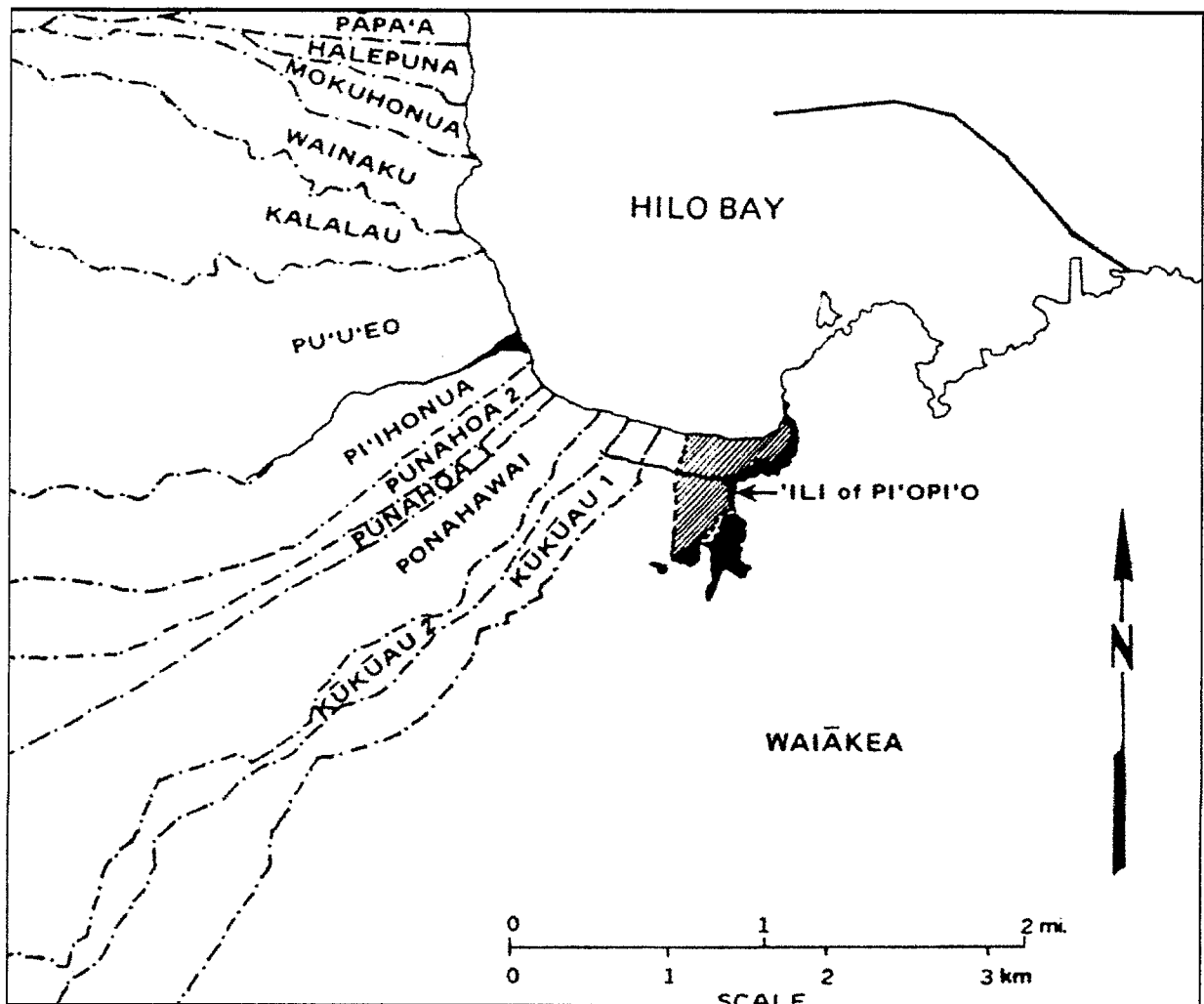
Hilo was, by most estimates, one of the first settlements on the Island of Hawai‘i and was settled between AD 300 and 600. The rich marine resources of Hilo Bay and the gently sloping forests of Mauna Loa and Mauna Kea provided abundant resources. Fresh water was available from the Wailoa and Wailuku rivers and smaller streams such as Waiākea, Waiolama, Pukihāe, and ‘Alenaio. The current project area is located in the area known as the Pana‘ewa Forest in the *ahupua‘a* of Waiākea, Hilo Hanakāhi ‘okana, in the *moku-o-loko* (district) of Hilo (Maly 1996:4-5) (Figure 6). Waiākea Stream flows some distance west of the present study area. The *ahupua‘a* of Waiākea is large – approximately 95,000 acres from the coastline to the slopes of Mauna Kea – and was regarded as a region of abundant natural resources and numerous fishponds.

### **PRE-CONTACT ACCOUNTS OF HILO**

The earliest account of Hilo appears in ‘Umi-a-Liloa’s (1600–1620) conquest of the Island of Hawai‘i, which establishes Hilo as a royal center by the sixteenth century. In the account, ‘Umi-a-Liloa began his conquest of the Island of Hawai‘i by defeating chief Kulukulu‘ā, who lived in Waiākea, and the other chiefs of Hilo (Kamakau 1992:16–17). ‘Umi-a-Liloa’s second son, Keawe-nui-a-‘Umi, ruled Hamākua, Hilo, and Puna from his residence at Hilo (*ibid*: 34). It was from Hilo that he waged war on the Kona chiefs and unified the island. Keawe-nui-a-‘Umi’s descendants single handedly continued rule for many generations from Hilo. After the death of Keawe-nui-a-‘Umi the kingdom was divided into three parts and was established under warring chiefs; Hilo was ruled by Kumalae-nui-pu‘awa-lau and his son Makua (*ibid*: 45). It was during the period of time that Kamehameha I was born. Kalani‘ōpu‘u’s grandson, Keoua Kuahu‘ula and nephew Kamehameha vied for control over the six chiefdoms constituting the island kingdom and Keoua conquered Hilo chief Keawe-mau-hili and harvested the benefits for a short time only to be killed by Kamehameha late in 1791. Kamehameha’s son Liholiho was born in Hilo in November 1797 (Kamakau 1992:22). Waiākea was inherited by Liholiho after Kamehameha’s death. The *‘ili kūpono* of Pi‘opi‘o and its royal fishpond were given to his favorite wife, Ka‘ahumanu (Figure 7).



**Figure 6:** Waiākea Ahupua‘a (Bush *et al.* 2000).



**Figure 7:** Kamehameha's 'Ili Kūpono Lands of Pi'opi'o in the Ahupua'a of Waiākea (Kelly *et al.* 1981).

#### **TRADITIONAL SETTLEMENT PATTERNS, SUBSISTENCE, AND LAND-USE**

Historical accounts and archaeological/cultural studies pertaining to the *ahupua'a* of Waiākea (Bingham 1969; Bird 1974; Ellis 1963; Handy and Handy 1972; Kelly *et al.* 1981; Maly 1996; McEldowney 1979) provide a wealth of information on traditional residence patterns, land-use, and subsistence horticulture of the area. It is widely held that these historical accounts of residence patterns, land-use, and subsistence horticulture indicative of traditional practices developed long before contact with Europeans (McEldowney 1979). These are synthesized below in order to explain the types of cultural resources possibly located within the current project area.

Early accounts of Waiākea portray it as divided into several distinct environmental regions. From the coast to a distance of five or six miles scattered subsistence agriculture was evident, followed by a region of tall fern and bracken, flanked at higher elevations by a forest region between 10 and 20 miles wide, beyond which was an expanse of grass and lava (Ellis 1963:403). The American Missionary C.S. Stewart wrote, “the first four miles of the country is open and uneven, and beautifully sprinkled with clumps, groves, and single trees of the bread-fruit, pandanus, and candle tree (Stewart 1970:361-363). The majority of Waiākea’s estimated 2,000 inhabitants (in 1825) lived within this coastal region (Ellis 1963: 253). Taro, plantains, bananas, coconuts, sweet potatoes, and breadfruit were grown individually or in small garden plots. Fish, pig, dog, and birds were also raised and captured for consumption.

The present study area is situated along the coastal region, in the Pana‘ewa Forest. The legendary origin of the Pana‘ewa Forest is associated with Pele’s search for a suitable home in the island chain of Hawai‘i.

When a suitable place was finally discovered on Hawaii, the Paoa staff was planted in Panaewa and became a living tree, multiplying itself until it was a forest. The writer’s informant says that it is a tree known to the present generation of men. “I have seen sticks cut from it,” said he, “but not the living tree itself” [Emerson 2005:xi].

When Pele sent her sister Hi‘iaka to travel to Kaua‘i to contact Lohi‘au, Hi‘iaka passed through the Pana‘ewa Forest. Hi‘iaka could have passed around the forest, taking the pathway along the shoreline from Hā‘ena (southeast of the project area) to Waiākea and Hilo, but she instead chose to cut through the forest taking a more direct, and shorter route.

Two routes offered themselves for Hiiaka’s choice, a makai road, circuitous but safe, the one ordinarily pursued by travelers; the other direct but bristling with danger, because it traversed the territory of the redoubtable witch-mo‘o, Pana-ewa. ... When Hiiaka announced her determination to take the short road, the one of danger that struck through the heart of Pana-ewa, Pa-pulehu drew back in dismay and expostulated: “That is not a fit road for us, or for any but a band of warriors. If we go that way we shall be killed” [Emerson 1:2005:30].

Pana‘ewa did not let her pass without a fight.

The battle that ensued when Panaewa sent to the attack his nondescript pack of mo‘o, dragonlike anthropoids, the spawn of witchcraft, inflamed with the spite of demons, was hideous and uncanny. Tooth and claw ran amuck. Flesh was torn, limbs rent apart, blood ran like water. If it had been only a battle with enemies in the open Hiiaka would have made short work of the job. Her forces lay ambushed in every wood and brake and assumed every imaginable disguise. A withered bush, a bunch of grass, a moss-grown stone, any, the most innocent object in nature, might prove to be an assailant ready to spit venom or tear with hook and talon [Emerson 2005:35].

The mo‘o Pana‘ewa and all of his minions were defeated by Hi‘iaka and her assistants. “Hawaii for once, and for all time, was rid of that pestilential, man-eating, mo‘o band headed by Pana-ewa who, from the time of Pele’s coming, had remained entrenched in the beautiful forest-land that still bears the name – Pana-ewa” (Emerson 2005:46).

The forest is heavily wooded and dense with thickets. Travel through it is made more difficult by the broken and undulating ground surface. There is an historic trail that leads from the modern day Lili‘uokalani Gardens area to the Puna coast. The trail is often called the Puna Trail and/or the Old Government Road (Escott and Tolleson 2003). Remains of the trail cross the Hawaii Army Reserve National Guard (HIARNG) Keaukaha Military Reserve (KMR) property, and it has the current appearance of a gravel-covered dirt road. While there may have been some scattered home sites and gardens in this area, most of the known habitation was along the coast. The probable use of the area prehistorically was for trapping birds and collecting plants, including the plentiful *pandanus* or *hala* (Kelly *et al.* 1981:20).

## **THE MĀHELE OF 1848 AND LAND COMMISSION AWARDS**

Prior to the Māhele, Waiākea Ahupua‘a belonged to King Kamehameha, then Lihiliho, and was later held by the chiefess Ka-unu-o-hua, granddaughter of Keawe-mauhili (ibid:40). Waiākea became Crown Lands during the Māhele of 1848 and in the following years twenty-five Land Claims were awarded within the *ahupua‘a* of Waiākea (Table 1). The awards were small in area, 24 of which went to native claimants. No Land Commission awards were made within or near the current project area. The project area is located on the southern portion of lands awarded to the Bishop Estate by Land Court Appeal (#443).

**Table 1. Land Commission Awards in Waiākea Ahupua'a.**

Grantee	LCA	Acreage
Barenaba	2327	12.25
Halai, L.K.	1279	0.60
Hale	40004	4.25
Kahue	2663	3.75
Kaiana, J.B.	2281	10.25
Kaihenui	11050-B	5.19
Kalolo	1333	2.25
Kalua	8854	3.40
Kaluhikaua	1738	2.98
Kamamalu, V.	7713	<i>'ili 'aina</i>
Kamanuhaka	8803	1.02
Kapu	1-F	1.60
Kealiko	11174	1.00
Keaniho	2402	5.00
Keawe	5018	0.24
-	10505	-
Kuaio	4344	1.22
Leoi	9982	0.80
Lolo	4738-B	1.27
Mahoe	1-E	4.46
Moealoha	4737	1.03
Nakai	4785	1.05
Napeahi	2603	1.30
Wahine	4737-B	1.01
Wahinealua	11173	2.50
Wahinenohoihilo	10004	1.69

**CHANGING RESIDENTIAL AND LAND-USE PATTERNS (1845-1865)**

Between 1845 and 1865 traditional land-use and residential patterns underwent a change. In particular, the regular use of Hilo Bay by foreign vessels, the whaling industry, the establishment of missions in the Hilo area, the introduction of the sandalwood trade, the legalization of private land ownership, the introduction of cattle ranching, and the introduction of sugar cane cultivation all brought about changes in settlement patterns and long-established land-use patterns (Kelly *et al.* 1981).

Hilo became the center of population and settlements in outlying regions declined or disappeared. While food was still grown for consumption, greater areas of land were continually given over to the specialized cultivation and processing of commercial foodstuffs for export. Sugar cane plantations, and industrial, transportation, and military facilities were established in areas that were once upland agricultural areas and coastal

settlements, respectively. In particular, the land immediately north of the current project area was used as the location of a jail, an airfield, and the Keaukaha Military Reserve (KMR).

## **HISTORIC OVERVIEW OF KMR**

KMR comprises 503.6 acres located between General Lyman Field (Hilo International Airport) to the north, and the current project area to the south. The area lies in rugged, broken, undulating lava flows, and where unmodified by bulldozing, a dense forest of mixed and native flora abounds. Rainfall in this portion of Hilo keeps the jungle wet, and the ground surface slippery.

In 1914, the Territory of Hawaii, via Executive Order Number (EO) 26 set aside 213.43 acres of government lands in Waiakea, north of the current project area, for a National Guard rifle range. In 1925, the Territory withdrew 33 acres for the building of Lyman Airfield by the Army Corp of Engineers.

In August of 1938, a territorial prison camp was constructed on 13.55 acres in Waiakea, north of the current project area. The complex included a Jailer's and acting Jailer's cottage, and a large fenced area with two dormitories, a mess/laundry building, and a recreation/workshop. The prison camp was moved in 1946 and all buildings were removed.

The Army Corp of Engineers constructed a coral runway at KMR beginning in 1925. Hawaiian Airlines used the airport at the outbreak of World War II. The Navy expanded the airfield to three runways, built storage for 450,000 gallons of gasoline, and 24 airplane revetments. KMR became a Naval Station in August 1943 under the 14th Naval District Command Servicing Carrier Aircraft Service Unit (CASU) No. 31 and Air Group One. Extensive building took place including officer and enlisted men's quarters, a swimming pool, two clubs, a three-tank tank farm, water systems, cesspools, tennis courts, and other infrastructure. Personnel at KMR hit a wartime peak of 4,500 upon completion of construction in 1945.

Naval Air Station Hilo officially closed on August 31, 1947. On May 10, 1943, Hilo Airport was officially renamed General Lyman Field. In May 1946, while the Naval Station at KMR was being reduced to caretaker status, the Army Air Force announced that the 7th Army Air Corps (AAC) would begin 24-hour operations at Lyman Field.

In 1947, reactivation of the Hawai‘i Army Reserve and National Guard (HIARNG) resulted in the HIARNG using several Navy buildings. During this time, many buildings were demolished, or sold to the public as war surplus. KMR is the headquarters for the island of Hawaii National Guard units of the 2nd Battalion, 299th Infantry Company D and 2nd Battalion 299th Infantry, as well as Army Air Guard units 451Bt Aviation Detachment, and the 452nd Aviation Attachment. KMR has firing ranges, training areas, barracks, support facilities, an armory and offices. During annual or special training operations, several hundred to thousands of Guardsmen are housed in cabins and tents pitched in the encampment area.

### **PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS**

Several archaeological investigations in Waiākea have been conducted in the lowlands around Hilo town and Pana‘ewa (Figure 8). In addition, there are numerous small projects that have been conducted at various elevations of the large *ahupua‘a* of Waiākea (Table 2). Despite these projects, not much is known about the distribution of archaeological resources in Waiākea. The best model for settlement distribution is that created by McEldowney (1979) based on historical documentation and discussed above.

The project is situated within the Coastal Settlement Zone of the east Hawai‘i settlement model. As reflected in the name of that zone, prehistoric habitation is focused along the coastline. Fishponds for *ali‘i* and *maka‘āinana* were created, maintained, and used all along the coast. The basic cultivated crops such as irrigated and dry taro, bananas, breadfruit, *kukui* nuts, pandanus and *ti* were grown in these lower elevations. They did not grow uniformly over the coastal zone, however. The heavily weathered soils on the Mauna Kea flows along the western portion of Hilo Bay were particularly well suited for agriculture. This bias towards the western area is evident in the distribution of fields portrayed in an early depiction of the Hilo Bay. The eastern half Hilo Bay and further south and east are covered by younger Mauna Loa flows that lack soil the level of soil development present in the Mauna Kea flows.

Few archaeological sites have been recorded as a result of the projects conducted in the lower elevations of Waiākea. It is likely that the extent of disturbance by the 200 years of development in Hilo town is partially to blame for the lack of recorded lowland sites. In the case of archaeological projects conducted very close to the current project area, it is more likely that the lack of habitation in this inland, rugged, forest area,

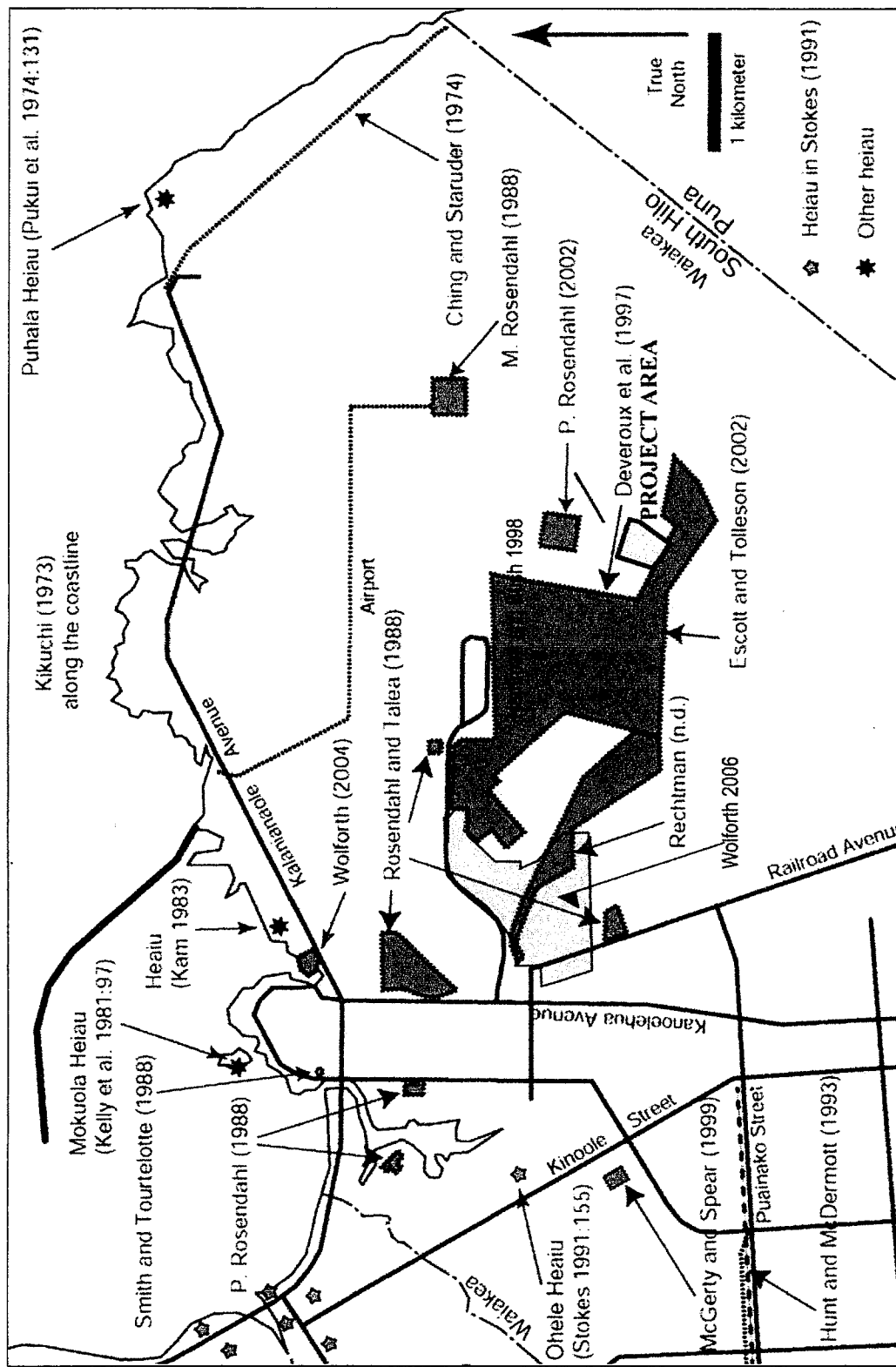


Figure 8: Previous Archaeological Studies Near the Project Area.

combined with disturbance from historic and modern uses, are responsible for the lack of recorded sites.

Paul H. Rosendahl Inc. (PHRI) (Rosendahl and Talea 1988) conducted research on five 5-acre lots dispersed through the South Hilo area, recording no cultural deposits due to extensive landform changes caused by the development of Hilo Town. A reconnaissance survey by PHRI (M. Rosendahl 1988) conducted at the eastern end of General Lyman Field again resulted in no extant archaeological remains due to previous land disturbance.

**Table 2:** Inventory of Previous Archaeological Investigations in Waiākea.

Reference	Activity	Results
Ching and Staruder (1974)	Reconnaissance	4 sites
Bonk (1979)	Survey	No sites (no map)
McEldowney (1979)	Historical research	Settlement pattern
Kelly, Nakamura and Barrère (1981)	Historical research	Chronology
Kam (1983)	Site inspection	1 site
Smith and Tourtellotte (1988)	Burial removal	One individual encountered
Rosendahl, M. (1988)	Reconnaissance	No sites
Rosendahl, M. and L. Talea (1988)	Reconnaissance	No sites
Rosendahl, P. (1988)	Reconnaissance	No sites
Pietrusewsky (1989)	Skeletal analysis	1 Individual
Stokes (1991)	Intermittent survey	Heiau locations
Hunt and McDermott (1993)	Inventory Survey	11 sites
Borthwick <i>et al.</i> (1993)	Inventory Survey	Sugar cane remains in uplands
Maly (1996)	Cultural History	Sugar cane history
Robbins and Spear (1996)	Inventory Survey	Sugar cane sites in the uplands
Eblé <i>et al.</i> (1997)	Supplemental Testing	Sugar cane sites in the uplands
Deveroux, <i>et al.</i> (1997)	Reconnaissance	2 sites
Spear (1988)	Reconnaissance	Sites present
Carson (1999)	Inventory Survey	No sites
McGerty and Spear (1999)	Inventory Survey	1 site
Dega and Benson (1999)	Reconnaissance	Possible prehistoric auwai
Dega (2000)	Inventory Survey	Auwai equals historical

Reference	Activity	Results
		ditch
Bush <i>et al.</i> (2000)	Inventory Survey	Burial in cave in uplands
Rechtman Consulting (n.d.)	Survey and CIA	No sites
Rechtman (2001)	Inventory Survey	No sites
McDermott and Hammatt (2001)	Inventory Survey	2 historical sites in uplands
Rosendahl, P. (2002)	Assessment Survey	No sites
Escott and Tolleson (2002)	Inventory Survey	Trail
Escott (2004)	Inventory Survey	WWII sites in the uplands
Wolforth (2004)	Inventory Survey	Fishponds, railroad

Another PHRI project (P. Rosendahl 2002) consisted of a reconnaissance level survey of 23-acres southeast of General Lyman Field for the building of the Hilo Wastewater Treatment Facility. Again, no archaeological remains were present.

Devereux *et al* (1997) conducted a reconnaissance level survey for HIARNG on selected portions of KMR along a corridor parallel to the Puna Trail. Two sites (assigned temporary site numbers CSH 1 and CSH 2) were recorded: as a prehistoric C-shaped enclosure and a coral mound, the team also addressed 10 historic structures over 50 years of age. CSH2 was later interpreted as a modern bulldozer push.

Hammatt and Bush (1998) conducted an inventory level survey of KMR adjacent to the portion of the Puna Trail that extends through the facility. In this report, they discussed the history of the Puna Trail that continues down to south Puna where it meets with the Old Gov't Road (also called the Puna trail). They noted extensive mechanical grading of the ground surface at KMR during military occupation that has effectively removed all surface traces of historic/prehistoric occupation. However, the entire facility was not completely surveyed. Hammatt and Bush recorded three archaeological sites, a C-shaped enclosure, thought to be military in origin, a group of five *ahu*, possibly markers to denote the trail set parallel to the Puna Trail and a modified natural lava blister interpreted as a traditional Hawaiian agricultural planting feature.

Tolleson (n.d.) conducted archaeological data recovery at Site 21771 located adjacent to the paved portion of the Puna Trail the traverses KMR. This site consists of a complex comprised of a low platform, an enclosure, a possible *imu*, fruit trees, and a meadow. Artifacts, such as horse/mule shoes, sharpening implements, a sharpening

wheel, and hoof files suggest the site is related to historical road construction along the Puna Trail.

Escott and Tolleson (2003) conducted an archaeological inventory survey just east of the current project area. A single site (Site 23273) consisting of a remnant trail segment and two planting features were recorded along the south west boundary of the project area.

Wolforth (2006) conducted an archaeological inventory survey of 147 acres south of the Hilo International Airport. Four sites (SIHP 50-10-35-25538, 25539, 25540, and 25541) associated with a Naval Air Station facilities and quarry were recorded. No pre-Contact or early post-Contact era sites were documented on the project area.

All previous archaeological and archival investigations indicate a low site density within the project area environs. The studies suggest that the lack of sites in this region is the result of the rugged and inhospitable landscape, having little fertile soil or arable land, being thickly forested, and subject to high rates of rainfall. A single site, the Historic Puna Trail (Site 50-10-99-18869, also referred to by the Old Government Road's State Number 50-10-36-21273) is located just outside the southern boundary of the current project area (see Figure 4). The trail surface has been bulldozed and currently has the appearance of a gravel-covered dirt road.

## **RESULTS OF ARCHAEOLOGICAL ASSESSMENT**

SCS conducted an archaeological assessment of 50 acres that included the current 10-acre project area (Escott 2013). No archaeological sites or features were identified on the 50-acre project area. The entire 50.0-acre project area was devoid of archaeological sites and features, or any historic properties.

It was determined, through an examination of aerial photographs, that a modern dirt road existed in the northeast corner of the project area (Figure 9). The dirt road crossed the project area in an area of open shallow soil and bare pahoehoe with only *uluhe* fern and small shrub ground cover. The dirt road was not marked by dirt berms or rock piles along the edges where it crossed the project area.



**Figure 9:** Aerial Photograph of Project Area Showing Dirt Road Alignment as a linear band of Light Green Vegetation (Google, 2012 Image).

## **MONITORING CONVENTIONS AND METHODOLOGY**

Though no cultural resources were identified within the project area, it is possible that some archaeological features might be hidden under the undisturbed, thick vegetation. Because of this fact, and at the request of the SHPD, on-call Archaeological Monitoring will be conducted during initial ground clearing and grubbing and in the event that subsurface archaeological deposits are encountered. This Archaeological Monitoring Plan has been prepared in accordance with the State Historic Preservation Division (SHPD), Department of Land and Natural Resources (DLNR) rules governing standards for Archaeological Monitoring (HAR §13-279).

Archaeological Monitors will adhere to the following guidelines during monitoring:

1. A qualified archaeologist familiar with the project area and the results of all the previous archaeological work conducted on the project area parcel will be on-call to monitor ground disturbance activities in the project area.
2. If features or cultural deposits are identified during Archaeological Monitoring, the on-site archaeologist will have the authority to temporarily suspend construction activities at the significant location so that the cultural feature(s) or deposit(s) may be fully evaluated and appropriate treatment of the cultural deposit(s) is conducted. These actions are needed to fulfill the reporting requirements specified in HAR §13-279-5(5) through (6) and HAR §13-280. The SHPD archaeologist will be consulted to establish feature significance and potential mitigation procedures. Treatment activities primarily include documenting the feature/deposit through plotting its location on an overall site map, illustrating a plan view map of the feature/deposit, profiling the deposit in three dimensions, photographing the finds (with the exception of human burials), artifact and soil sample collection, and triangulation of the finds. Construction work will only continue in the significant location when all documentation has been completed, and after the SHPD archaeologist agrees that it may proceed.
3. Stratigraphy in association with subsurface cultural deposits will be noted and photographed, particularly from deposits containing significant cultural materials. If deemed significant by SHPD and the archaeologist, these deposits will be sampled.
4. In the event that human remains are encountered, all work in the immediate area of the find will cease; the area will be secured from further activity until compliance with §6E-43.6, HRS, and §13-300-40, HAR, has occurred. The SHPD archaeologist and SHPD-Burial Sites Program will both be notified about the inadvertent discovery of human remains on the property. Procedures to determine the minimum number of individuals, age of the site, and ethnicity of the individual(s) will conform to the relevant procedures established in §13-300, HAR, as directed by the SHPD. Profiles, plan view maps, and illustrative documentation of skeletal parts will be recorded to document the burial(s). The burial location will be identified and marked. If a burial is disturbed, materials

excavated from the vicinity of the burial(s) will be manually screened through 1/8-inch wire mesh screens in order to recover any displaced skeletal material.

5. To ensure that the landowner's contractor is aware of this AMP and possible site types to be encountered in the project area, a brief coordination meeting will be held between the equipment operator and monitoring archaeologist prior to initiation of the project. The equipment operator will also be informed as to the possibility that human burials could be encountered and how he should proceed if they observe such remains.
6. The Monitoring Archaeologist will provide all coordination with the contractor, SHPD, and any other group involved in the project.
7. As necessary, verbal reports will be made to SHPD, and any other agencies as requested.

## **LABORATORY ANALYSIS**

All samples collected during the project, except human remains, will undergo analysis in accordance with SHPD rules (§13-279, HAR). All photographs, illustrations, and field notes accumulated during the project will be curated by the monitoring archaeological firm. All retrieved artifacts and midden samples will be cleaned, sorted, and analyzed. Significant artifacts will be photographed, sketched, and classified (qualitative analysis). All measurements and weights will be recorded (quantitative analysis). These data will be presented in tabular form within the final monitoring report. Midden samples will be minimally identified to major 'class' (e.g., bivalve, gastropod mollusk, echinoderm, fish, bird, and mammal). All data will be clearly recorded on standard laboratory forms which also include number and weight (as appropriate) of each constituent category. These counts will also be included in the final report.

Lithic analysis will be conducted for basalt and volcanic-glass artifacts recovered during monitoring. Lithic analysis will include descriptions of cores and flakes, including descriptions of primary, secondary, and microflakes. Polished items and use-wear will be described as well. Counts will be presented in tabular form.

Should any samples amenable to dating be collected from a significant cultural deposit, they will be submitted for taxa identification. If short-lived native and/or Polynesian-introduced taxa are identified, they shall be selected for radiocarbon dating.

All stratigraphic profiles will be drafted for presentation in the final report. Representative plan view sketches showing the location and morphology of identified sites/features/deposits will be compiled and illustrated.

## **CURATION**

The monitoring archaeological firm will curate all recovered materials (except human remains) until the work is completed, reviewed, and accepted by the state. All materials gathered during this project (including documentation) are ultimately the property of the client, who may request their transfer subsequent to the acceptance of the final Archaeological Monitoring Report (see below).

## **REPORTING**

An Archaeological Monitoring Report documenting all aspects of the work will be submitted within 120 days of the completion of fieldwork, in accordance with SHPD administrative rules (§13-279-5). This time line is requested to account for any radiocarbon age determinations (typically 45 days), if necessary.

If cultural features or deposits are identified during fieldwork, the sites will be evaluated for historic significance according to criteria established in HAR §13-284. The Archaeological Monitoring Report will be drafted until accepted by SHPD and final revised reports will be submitted to SHPD and to the client.

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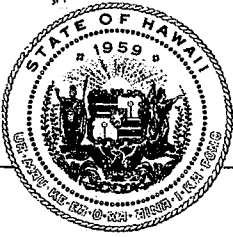
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## OFFICE OF PLANNING STATE OF HAWAII

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2014 APR 14 PM 3: 03

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Ref. No. P-14341

April 11, 2014

Mr. Duane Kanuha, Director  
Planning Department  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

Attention: Maija Cottle

Dear Mr. Kanuha:

Subject: Special Permit Application (SPP 14-000162)  
Jas W. Glover, Ltd. – Request to Establish a New Quarry  
Tax Map Key: (3) 2-1-013: 004 (por.), South Hilo, Hawaii

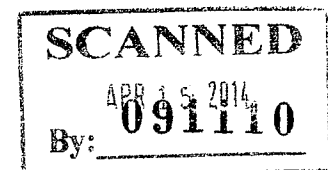
We have reviewed the request for a Special Permit to establish an 85.338-acre portion of a 140-acre parcel as an expansion to an existing quarry operation. The subject land is in the County's Agricultural 20-Acres (A-20a) Zoning District and is within the State Land Use Agricultural District. Based on the application, the land contains soils that are classified as "E" under the Land Study Bureau (LSB) overall master productivity rating and "Other" under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

Based on our review of the subject project relative to the Special Permit guidelines in Hawaii Administrative Rules § 15-15-95, we offer the following comments:

1. **The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.**

Hawaii Revised Statutes (HRS) Chapter 205 provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. It also recognizes that some lands may not be suitable for the uses permitted in the Agricultural District and therefore other uses may be allowed with a special permit. In this case, the site contains soils of poor quality not suitable for agricultural use (see discussion on No. 5). There is also a history of non-agricultural quarrying on other areas of the parcel previously allowed by four (4) special permits.

Planning Dept.  
Exhibit 23



Contrary to the applicant's representation, the site lies within the coastal zone management (CZM) area and is subject to the objectives and policies of HRS Chapter 205A. The application does not include an assessment of impacts relative to the applicable CZM objectives and policies to allow for our determination of its consistency and compliance. An archaeological assessment is provided, but there is no determination of its acceptability from the State Historic Preservation Division.

**2. The desired use would not adversely affect surrounding property.**

The site is situated in an isolated area of the Panaewa forest with immediately surrounding uses that are non-agricultural, including the Hilo International Airport, military reservation, a sewage treatment plant and other vacant State-owned lands. The nearest farmlands are approximately 5,500 feet west of the site. The existing quarry mining in various portions of the parcel has been ongoing with existing levels of noise, dust and fumes generated by the operation. Therefore, the proposed use is not anticipated to adversely affect surrounding properties.

**3. The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire and police resources.**

The proposed use does not require additional water, sewer, drainage, fire or police resources. However, based on the application (Exhibit 3), it appears that the adjacent land owned by the State will provide a public access road in the near future in lieu of the easement access road currently being utilized. Due to the close proximity of the airport, the "Clear Zone Easement" and a court mandate regarding the access road, the State Department of Transportation should be consulted to determine any impacts and access requirements.

**4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.**

According to the Applicant, mining of the "Blue-Rock" is a raw material resource vital to the local construction trade. Since the discovery of the resource's existence at the site for a period of 52 years (variance approval in 1962), the site has been operating under a long-term license agreement. Various portions of the site are already used as quarry. Currently, there are also no agricultural uses in the surrounding areas with the nearest farmlands located 5,500 feet west of the site. There is no record of any agricultural uses at the subject land for decades.

**5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

Based on the application, the land contains very poor soils that are classified as "E" under the Land Study Bureau (LSB) overall master productivity rating. However,

Mr. Duane Kanuha, Director  
April 11, 2014  
Page 3

the site is rated as "Other" under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. The lands in this classification are important to agriculture in Hawaii yet they exhibit properties, such as seasonal wetness, erodibility, limited rooting zone, slope, flooding, or droughtiness, that exclude them from the "Prime or Unique" agricultural and classifications. One criterion that qualifies the proposed site as "Other Important" is land with thin organic soils underlain by "Aa" lava. According to the Applicant, the USDA Soil Survey Report indicates the property contains nonfertile and stoney soil over lava sediment without soil covering, which may not be best suited for agricultural activities even though it is permitted within the district.

The Office of Planning (OP) concurs with the State Land Use Commission's letter of April 4, 2014, recommending the consolidation of the existing Special Permits (SP 1107, 1008, 1221, and 12-000145) with the proposed request (to include the remainder of the "licensed-area") into a single Special Permit.

OP also recommends that the County consider imposing a condition that the Applicant seek a reclassification of the parcel from the State Agricultural District to the Rural or Urban District sometime prior to the expiration of the Special Permit. The Rural or Urban District would be a more appropriate zoning given the anticipated long-term industrial use and the site's unlikely return to agricultural use.

Thank you for the opportunity to review the Special Permit application. If you have any questions, please contact Jenny Lee of our Land Use Division at (808) 587-2805.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leo R. Asuncion', with a stylized flourish at the end.

Leo R. Asuncion  
Acting Director

c: Land Use Commission

May 20, 2014

**Roy A. Vitousek III**  
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Direct Fax: (808) 326-1175  
Email: [rvitousek@ca des.com](mailto:rvitousek@ca des.com)

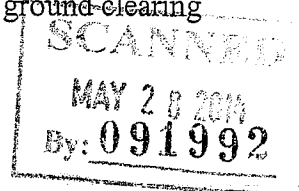
Mr. Leo R. Asuncion  
Acting Director  
Office of Planning  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

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 Mr. Asuncion:

Thank you for your comments in your letter dated April 11, 2014, to Mr. Duane Kanuha, Hawaii County Planning Department, regarding the above-referenced application. Applicant offers the following in response to your comments:

1. Comment No. 1:
  - a. In 2013, the site was evaluated by the County with regards to the objectives sought to be accomplished by Chapter 205A, Hawaii Revised Statutes (HRS), relating to the coastal zone management. They state: "The subject property is located over one mile to the nearest shoreline and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal recreational opportunities. Nor will the property be affected by coastal hazards. Additionally, there is no designated public access to the mountain areas over the property." See attached permit No. SP 12-000145.
  - b. Also attached is a copy of the response letter to Applicant's permit application SP 14-000162 from the State Historic Preservation Division (SHPD) which indicates their recommendations. If required, Applicant will provide an archaeological monitoring plan for initial ground-clearing and grubbing activities.



Planning Dept.  
Exhibit **24**

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

2. The recommendation to consolidate permits:

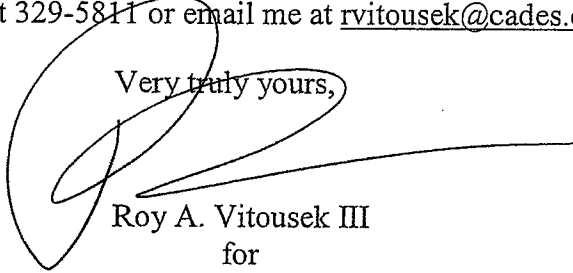
The application was intended to meet the requirement by the County Planning Department in issuance of SPP 12-000145 issued March 13, 2013, to apply for an additional permit for the unquarried remainder of the 140+ acre parcel (see condition #2 on page 8 of the permit). Active Special Permits for quarrying cover approximately 55 acres of the parcel; the additional 85 acres constitute the unquarried portions.

3. The recommendation to reclassify the parcel:

HRS allows for special permits on lands that may not be suitable for the uses permitted in the Agricultural District. Given the poor soil quality on this site, that is the process Applicant has followed in the past and the process that best fits this use on this property.

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](mailto:rvitousek@cades.com).

Very truly yours,

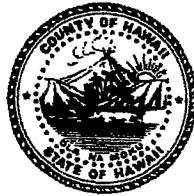
A handwritten signature in black ink, appearing to read "Roy A. Vitousek III", is written over a large, loopy circular mark.

Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV

attachments

cc: Maija Cottle, County of Hawaii Planning Department



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

MAR 21 2013

Mr. Bryon Fujimoto  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720-4529

Dear Mr. Fujimoto:

Special Permit Application (SPP 12-000145)

Applicant: Jas W. Glover, Ltd.

Request: To Allow a New Quarry Site on a 10.15-Acre Portion of a  
140.368 Acre Property

Tax Map Key: 2-1-013:004

The Windward Planning Commission, at its duly held public hearing on March 7, 2013, voted to approve the above-referenced request for a Special Permit to allow the establishment of a new quarry site on approximately 10.15 acres within a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located east of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,800 feet west of the County's Sewer Treatment Plant Site at Honohono-nui, South Hilo, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting a Special Permit to establish a new quarry site on approximately 10.15 acres of land within a portion of a larger 140-acre property. The material to be quarried is aggregate and rock for commercial applications. The material to be quarried consists largely of basaltic "blue rock" with very little cinder. Approximately 800,000 cubic yards of material will be excavated and either processed on site or transported to Glover's Hilo operations site on Leilani Street over the term of its 15-year quarry lease.

*Hawai'i County is an Equal Opportunity Provider and Employer*

The 140.368-acre property is owned by the Kamehameha Schools. Kamehameha Schools had previously leased a 49.9982-acre portion of the 140.368-acre property to Yamada & Sons, Inc. as a quarry site. A quarry license was granted to Jas. W. Glover, Ltd. on January 15, 2012 for the same 49.9982-acre quarry site for a period of 15 years. There have been two (2) other Special Permits (SPP 936 and SPP 1107) approved for quarry operations in this 49.9982-acre lease area. This permit request is for the remaining 10.15-acre portion of the 49.9982-acre quarry license site within the 140.368-acre property. The applicant also has a lease for the remainder of the property, which also has two (2) Special Permits (SPP 1008 and SPP 1221) for quarry operations.

At the Windward Planning Commission's February 7, 2013 meeting, the Planning Director recommended that this Special Permit request be denied as its approval would be the fifth (5<sup>th</sup>) Special Permit to be issued for sub-15-acre quarrying operations within the larger 140-acre property, raising concerns about the "parceling" of the Special Permit process in an attempt to avoid the proper process that would take this matter before the State Land Use Commission.

The State Land Use Commission (LUC), in its memorandum regarding the subject application dated February 4, 2013, stated that "The continued application for special permits on acreage below 15 acres for the same use in a relatively short period of time could be seen as an attempt on the part of the landowners or petitioners to avoid the LUC process by 'parceling' the Special Permit activities. The LUC concluded its comments by recommending that this Special Permit application and any future similar applications be referred to the LUC for action and approval/disapproval.

The applicant met recently with the staff and the Executive Director of the LUC to discuss its concerns regarding the applicant's Special Permit request. In summary, the applicant represented that the LUC was amendable 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. We support this proposal as it represents a reasonable compromise that addresses concerns about proper permit processing while also recognizing the past support by this office over the years for other quarry operations within this particular section of Hilo. As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit. Failure to promptly file this Special Permit application for consideration by the LUC will cause this department to initiate revocation proceedings for the 10.15-acre quarry that is the subject of this Special Permit.

This Special Permit request is prompted by the awareness that that the currently permitted quarries within portions of the 140-acre property are running out of material.

The proposed 10.15-acre quarry will provide the applicant with an estimated 1-½ to 2 years worth of material, during which the applicant will prepare and hope to secure a Special Permit from the LUC for quarrying activities within the remainder of the 140-acre property yet to be quarried.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules of Practice and Procedure. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the Agricultural District.** In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

Although the property is designated for Agricultural uses by both the State Land Use Commission and the County Zoning Code, its soils are considered very poor and not optimal to support agricultural activities. The request is considered unusual and reasonable in that the proposed quarry area has no direct relationship to any potential agricultural activities that could be conducted upon the property given its proximity to existing quarries and the Hilo landfill.

**The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.** The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The property is situated within an area where soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. The proposed use will be located on a 10.15-acre portion of a 140.368-acre property.

The 10.15 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. 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.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** As mentioned previously, approval of this request will not be contrary to the objectives of the State Land Use Law and is considered an unusual and reasonable use of the agricultural land due to the poor soil quality that are not conducive towards agricultural activities. Therefore, the proposed request will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

**(B) The desired use would not adversely affect surrounding properties.** The surrounding properties include the County of Hawai'i landfill sites, other quarrying operations and vacant lands owned by the State and Kamehameha Schools. There are no dwellings or urban developments within the immediate area. Other existing uses within the general vicinity include the County's wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawai'i National Guard training facility. Dust generated during quarry operations will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, 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 between 25 and 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. This access road is adequate for its intended purpose, which is to accommodate traffic associated with the quarry operations and which does not support general vehicular access. 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 for dust mitigation. Agencies reviewing the request had no objections to the quarry.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

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. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The 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.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. Surrounding parcels are also in quarry use and industrial-related activities.

**(F) The use will not substantially alter or change the essential character of the land and the present use.** The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The subject request is not contrary to the General Plan LUPAG Map, which designates the property as Extensive Agriculture,

Important Agricultural Land and Industrial. The project site is located in an area designated as Extensive Agriculture. 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.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i

Natural Resources and Shoreline Elements:

- The County of Hawai'i should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.
- Ensure that alteration 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.

In order to provide for raw construction materials that are vital to the construction industry, quarries must be established in locations where there is an abundance of these raw materials. For this reason, quarries, while industrial in character, cannot be confined to Industrial-designated areas. As evidenced by the issuance of Special Permits for other quarries within the affected area, this particular area contains the raw materials essential to the construction industry. The establishment of the proposed quarry in this particular location will not adversely impact agricultural resources, as many of the uses are industrial in nature. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying operations are resource-based, sites are restricted in location by the availability of raw

materials. Other previous and ongoing quarry activities in the vicinity of the project site have shown that the materials are available in this area, which makes this an appropriate site to establish a quarry.

**The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to the coastal zone management program.** The subject property is located over one mile to the nearest shoreline and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal recreational opportunities. Nor will the property be affected by coastal hazards. Additionally, there is no designated public access to the mountain areas over the property.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa 'akai O Ka 'Aina" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: The Department of Land and Natural Resources-State Historic Preservation Division issued a letter dated December 3, 2012 stating that they have completed review of the draft report (Escott, March 2012) and they requested further clarification of the possible presence of a trail alignment that may be present in the northeast corner of the proposed project area.

An archaeological assessment (final) of the project site was conducted by Glenn G. Escott dated September 2012 that conclude that no archaeological sites or features and no cultural resources or modern structures were located within the project site. The final report addressed the presence of the trail alignment stating that "A single site, the Historic Puna Trail (Site 50-10-99-18869), also referred to by the Old Government Road's State Number 50-10-36-21272) is located just outside the southern boundary of the current project area."

The valuable cultural, historical, and natural resources found in the permit area: As mentioned, no valuable cultural, historic, or natural resources related to traditional and customary practices were identified on the site.

Possible adverse effect or impairment of valued resources: Native plants may be destroyed by quarry operations. There is no evidence that the flora in the area are particularly desired or used for cultural practices. The site is not adjacent and/or proximate to the shoreline. As such, gathering of marine life, fishing and coastal access is not an issue.

Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights and no action is necessary to protect these rights. A condition of approval will be included to require the applicant to notify the DLNR-SHPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-SHPD.

There is no record of traditional Hawaiian rights being practiced on the property. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

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. The applicant, within one (1) year from the effective date of this permit, shall submit a properly filed Special Permit application to the Planning Department for consideration by the State Land Use Commission, requesting the establishment of quarry activities for the un-quarried remainder of the 140.368-acre property identified as TMK: 2-1-013: 004. Failure to comply with this condition shall result in proceedings to revoke this Special Permit.
3. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement issued to Jas W. Glover, Ltd. for quarrying activities within the project site.
4. 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.
5. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
6. 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.
7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. 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.
  12. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
  13. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 2, 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.

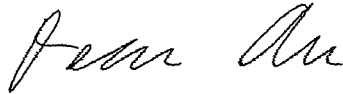
Mr. Byron Fujimoto  
Page 10

- 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).
14. Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

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 contact Daryn Arai of the Planning Department at 961-8288.

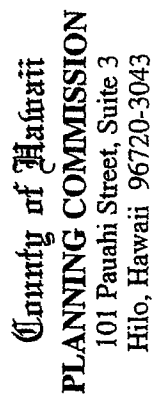
Sincerely,



Dean Au, Chairman  
Windward Planning Commission

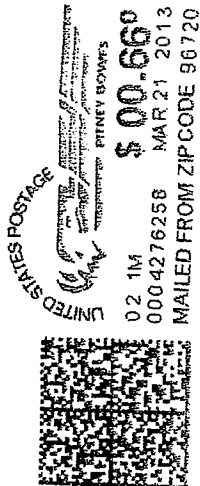
Lgloverspp12-145wpc

cc: Roy A. Vitousek, III, Esq.  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
Mr. Gilbert Bailado



RECEIVED  
JAS. W. GLOVER, LTD.  
13 MAR 25 PM 12:00  
HILO OPERATIONS

**MR BRYON FUJIMOTO  
JAS W GLOVER LTD  
890 LEILANI ST  
HILO HI 96720-4529**

[illegible]

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



PI 0 DE NT

2014 APR 21 11:3



**HISTORIC PRESERVATION DIVISION  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555  
Kapolei, HI 96806

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 15, 2014

Duane Kanuha  
County of Hawai'i Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Attn. Meija Cottle

LOG NO: 2014.01304  
DOC NO: 1404SN19  
Archaeology

Dear Mr. Kanuha:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –  
County of Hawai'i Special Permit to Establish a New Quarry  
Waiākea Ahupua'a, South Hilo District, Island of Hawai'i  
TMK: (3) 2-1-013:004**

Thank you for the opportunity to review this application that was received by our office on March 20, 2014. According to the application, a special permit is being requested to establish a quarry on the subject parcel. Our records indicate that the parcel has been subject to two archaeological inventory surveys on two separate portions of the 140-acre parcel. Our office reviewed a 2013 report for a 50-acre portion of the parcel and more recently a report for the remaining 90 acres of the parcel (*Log 2013.1788, Doc 1303SN04; Log 2014.00606, Doc 1403SN03*). No historic properties were identified as a result of this survey work.

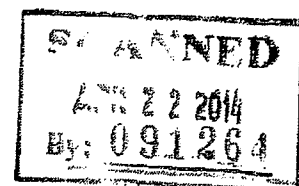
SHPD concurred with the recommendation in the survey reports that a qualified archaeological monitor be present during initial ground clearing and grubbing. We look forward to the opportunity to review and approve an archaeological monitoring plan pursuant to HAR §13-279 for the initial ground clearing and grubbing activities associated with the quarry. With the monitoring plan in place, SHPD believes that no historic properties will be affected by the proposed permit.

Please contact Sean Naleimaile at (808) 933-7651 or [Sean.P.Naleimaile@Hawaii.gov](mailto:Sean.P.Naleimaile@Hawaii.gov) if you have any questions or concerns regarding this letter.

Aloha,

Theresa Donham,  
Archaeology Branch Chief

cc. Kevin Moore DLNR Land Division ([Kevin.F.Moore@hawaii.gov](mailto:Kevin.F.Moore@hawaii.gov))





PLANNING DEPARTMENT  
COUNTY OF HAWAII

United States Department of the Interior  
2014 APR 15 PM 1:56



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

In Reply Refer To:  
2014-TA-0231

APR 11 2014

Maija Cottle  
County of Hawaii, Planning Department  
74-5044 Ane Keohokalole Highway  
Kailua-Kona, Hawaii 96740

Subject: Comments on a Special Permit for a Quarry in Hilo, Hawaii

Dear Ms. Cottle:

Thank you for your letter dated March 18, 2014, requesting our comments on issuance of a Special Permit (SPP 14-000162) for establishment of a new quarry in South Hilo, Hawaii. We reviewed the proposed project pursuant to the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Our databases, including data compiled by the Hawaii Biodiversity and Mapping Program, indicate the project site is not near proposed or designated critical habitat. However, the following threatened and endangered species may be in the vicinity of the proposed project site: Hawaiian hoary bat (*Lasiurus cinereus semotus*), Hawaiian hawk (*Buteo solitarius*), Hawaiian goose (nene) (*Branta sandvicensis*), Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), Newell's shearwater (*Puffinus auricularis newelli*), and listed plant species.

To avoid and minimize impacts to listed species, we recommend that you incorporate the following conservation measures into your project. Please note that implementation of these measures does not ensure that impacts to listed species can be avoided, and further coordination with our office on compliance with the ESA may be required.

Hawaiian hoary bat

Hawaiian hoary bats roost in exotic and native woody vegetation at heights greater than 15 feet. If trees or shrubs suitable for bat roosting are cleared during the bat breeding season, there is a risk that breeding bats could inadvertently be harmed or killed. Young bats, which are incapable of flight, are particularly vulnerable during the bat-birthing and pup-rearing season (June 1 through September 15). To minimize potential impacts to the Hawaiian hoary bat, woody plants greater than 15 feet tall should not be removed or trimmed between June 1 and September 15 throughout the development and ongoing operation of the proposed project. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. We

Planning Dept.  
Exhibit **25**

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By: \_\_\_\_\_

recommend that barbed wire not be used for fencing or only within 2 inches of the ground surface as part of this proposed action.

#### Hawaiian hawk

The endangered Hawaiian hawk may be present within the project area. Loud, irregular, and unpredictable activities, such as using heavy equipment or building a structure, near a hawk nest may cause nest failure. Harassment of hawk nesting sites can alter feeding and breeding patterns or result in nest or chick abandonment. Nest disturbance can also increase exposure of chicks and juveniles to inclement weather or predators.

To avoid impacts to Hawaiian hawks, we recommend not using heavy equipment or clearing any brush or trees during their breeding season (March through September). If you are unable to avoid clearing vegetation or using heavy equipment between March and September, then we recommend you conduct surveys for nests prior to any clearing activity. Please contact our office for survey methodology and recommendations for avoiding impacts to nests.

#### Hawaiian petrel and Newell's shearwater

Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. The seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To minimize potential project impacts to seabirds during their breeding season, all outdoor lights should be fully shielded so the bulb can only be seen from below bulb height and only used when necessary. Automatic motion sensor switches and controls should be installed on all outdoor lights and/or lights should be turned off when human activity is not occurring in the lighted area. Any increase in night-time lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in seabird injury or mortality. Nighttime construction should be avoided during the seabird fledging period, September 15 through December 15. If nighttime construction occurs during other times of year, all lighting should be shielded and directed toward the ground to avoid attracting adult seabirds as they travel from the ocean to their breeding areas.

#### Nene

The endangered Hawaiian goose (*Branta sandvicensis*, nene) may be present within the project area. We recommend avoiding work during the nene breeding season (October through March). If work must be conducted during this season, we recommend that a biologist familiar with the nesting behavior of nene survey the area prior to the initiation of any work, or after any subsequent delay in work of three or more days (during which birds may attempt nesting). If a nest is discovered, work should cease immediately and our office should be contacted for further guidance. Furthermore, all on-site project personnel should be apprised that nene may be in the

vicinity of the project at any time during the year. If a nene appears within 100 feet (30.5 meters) of ongoing work, all activity should be temporarily suspended until the animal leaves the area of its own accord.

Listed Plants

We recommended that surveys be conducted by a qualified botanist to determine if listed plant species are found within the proposed project site. If listed plants are found please contact our office for additional guidance.

If it is determined that the proposed project may affect federally listed species, we recommend you contact our office early in the planning process so that we may assist you with the ESA compliance. If the proposed project is funded, authorized, or permitted by a Federal agency, then that agency should consult with us pursuant to section 7(a)(2) of the ESA. If no Federal agency is involved with the proposed project, the applicant should apply for an incidental take permit under section 10(a)(1)(B) of the ESA. A section 10 permit application must include a habitat conservation plan that identifies the effects of the action on listed species and their habitats, and defines measures to minimize and mitigate those adverse effects.

If you have questions regarding these comments, please contact Rachel Rounds, Fish and Wildlife Biologist, (phone: 808-792-9400, email: Rachel\_Rounds@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Rounds', written in a cursive style.

Rachel Rounds  
Acting Island Team Manager  
Maui Nui and Hawaii Island Team

May 20, 2014

**Roy A. Vitousek III**  
Direct Line: (808) 329-5811  
Direct Fax: (808) 326-1175  
Email: [rvitousek@cades.com](mailto:rvitousek@cades.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

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

Planning Dept.  
Exhibit 26

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
[www.cades.com](http://www.cades.com)

Kona Office  
75-170 Hualalai Road, Suite B-303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175

Maui Office  
444 Hana Highway, Suite 204  
Kahului, Hawaii 96732  
Tel: 808.871-6016  
Fax: 808.871-6017

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Ms. Rachel Rounds  
May 20, 2014  
Page 2

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](mailto:rvitousek@cades.com).

Very truly yours,

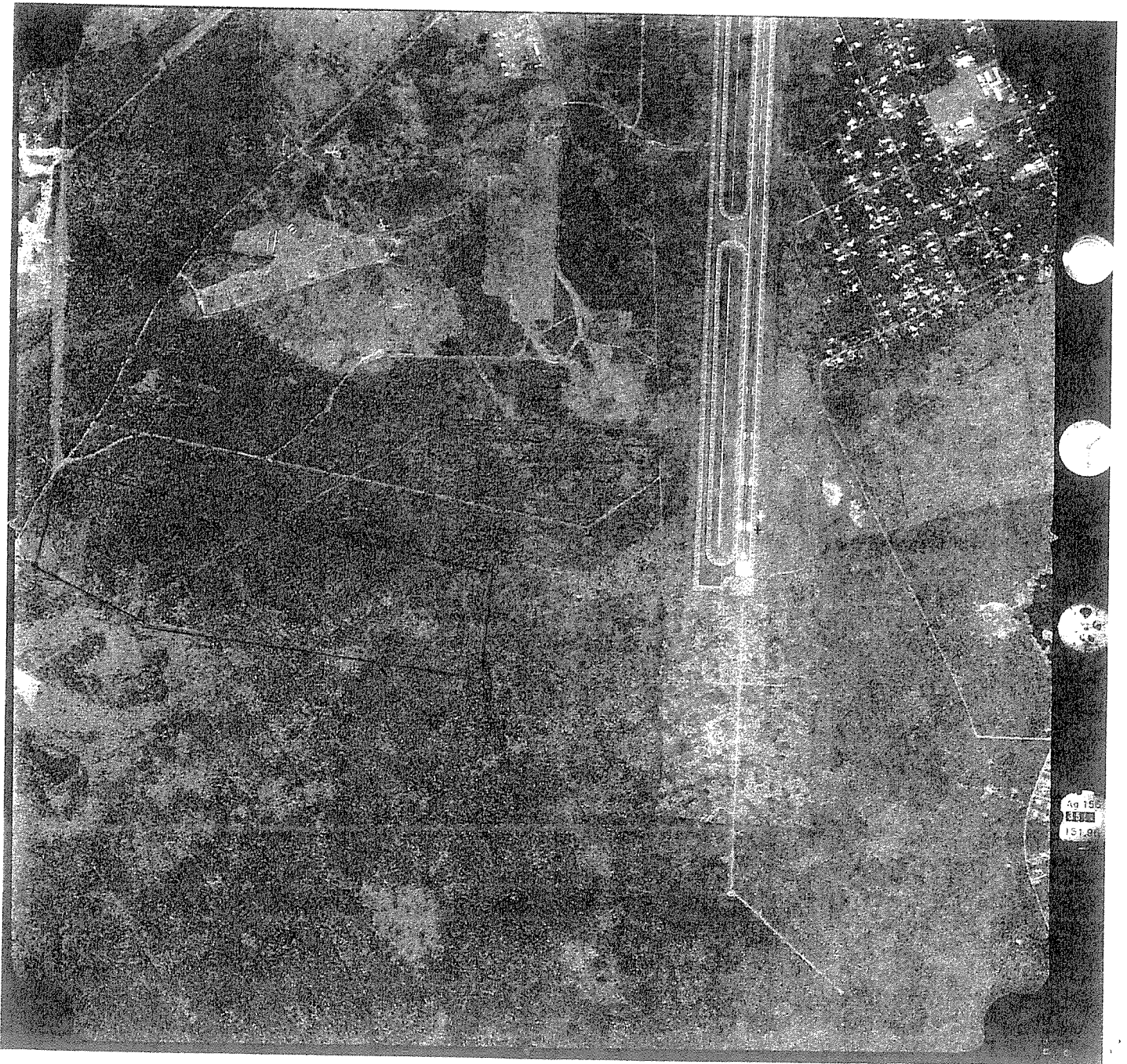


Roy A. Vitousek III

for  
CADES SCHUTTE  
A Limited Liability Law Partnership

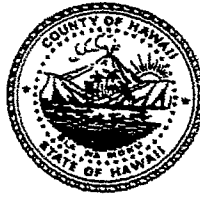
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attach.

cc: Maija Cottle, County of Hawaii Planning Department



40 105  
KLM  
151.0

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 Honohononui, 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

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.

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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-SHPD 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.
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.

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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,



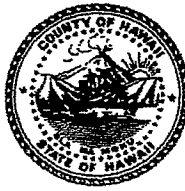
VICE CHAIRMAN

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 28 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 Honohononui, 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.

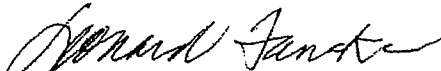
1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to commencing any land clearing operations, archeological clearance shall be secured from the Department of Land and Natural Resources - State Historic Preservation Division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