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HAWAII



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LAND USE COMMISSION  
STATE OF HAWAII

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  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

2019 AUG 21 P 3:53

REF:OCCL:TM

Correspondence: HA 20-22

MEMORANDUM

To: Russ Tsuji, Administrator  
Land Division

From: Sam Lemmo, Administrator  
Office of Conservation and Coastal Lands

AUG 20 2019

SUBJECT: Environmental Impact Statement Preparation Notice to Amend State Land Use District Boundaries from the Conservation State Land Use District to the Agricultural State Land Use District Located at Kauaea, Puna, Hawai'i, TMK: (3) 1-3-009:005

The Office of Conservation and Coastal Lands has reviewed the subject matter. According to the information presented Sanford's Service Center, Inc., in coordination with the property owner, the Kamehameha Schools is seeking to amend approximately 94-acres of a 694.5-acre parcel from the State Land Use Conservation District, Limited subzone to the State Land Use Agricultural District.

There appears to be incorrect statements pertaining to authorizations granted within the Conservation District. On February 27, 1987 The Board of Land and Natural Resources (Board) approved Conservation District Use Permit (CDUP) HA-1957 for an initial 15-acres of Commercial Cinder Removal [Increment I] and an approximately 1000-ft (length) road subject to sixteen terms and conditions. On January 26, 1990, the Board approved an amendment to CDUP HA-1957 to expand the existing Commercial Cinder Removal another 15-acres [Increment II] subject to 21 terms and conditions. On April 4, 2008, the Chairperson approved the continuation to mine cinder and cinder soil from Increment I and II subject to CDUP HA-1957; CDUP HA-1957A; and 13 terms and conditions.

As the subject area lies within the Conservation District, we have attached each permit and request that compliance with the conditions of the permits be addressed in the draft EIS.

The OCCL notes that the USGS triangulation station and the summit of Pu'u Kali'u will not be 'jeopardized' and that this will be presented in the draft EIS and discussed in the Cultural Impact Assessment in further detail. The OCCL also notes the summit of Pu'u Kali'u may be suitable nesting habitat for the endangered/threatened 'Ua'u, 'A'o, and Band-rumped Storm-Petrel.

In addition, Hawaiian fauna [Ope‘ape‘a, I‘o, Hawai‘i Amakihi, Apapane] and several types of endemic, indigenous and native flora in the area will also be discussed in the draft EIS. The OCCL further notes, the rejuvenation of native plants of the area after the lava eruption should also be discussed in the draft EIS.

Due to the presence of ‘Ohia, the OCCL requests that Rapid Ohia Death be discussed. As the subject vicinity appears to be the initial location and ground zero for the disease, what mitigation is in place to insure the distribution of the mined cinders does not spread the ROD disease?

The OCCL would like to review the draft EIS document upon completion. Should there be any questions regarding this memorandum, contact Tiger Mills of our Office at (808) 587-0382.

C: HDLO/DOFAW  
LUC  
County of Hawai‘i  
-Planning



LIBERT K. LANDGRAF  
DEPUTY

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

FILE NO.: HA-9/29/86-1957  
180-Day Exp. Date: 3/28/87  
DOCUMENT NO.: 2673B

MAR 12 1987

Mr. Bryson Kuwahara  
P.O. Box 421  
Pahoa, Hawaii 96778

Dear Mr. Kuwahara:

We are pleased to inform you that your Conservation District Use Application for commercial cinder removal at Puna, Hawaii, TMK: 1-3-09: 5 was approved on February 27, 1987 subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The State of Hawaii shall not be responsible for any loss, liability, claim or demand for property damage, property loss, or personal injury including death caused by or resulting from any act or omission of the applicant or its contractor in connection with its exercise of the privileges herein granted;
4. That an archaeological reconnaissance survey be done for areas of the cinder cone that have not been disturbed by prior quarry activity. This shall be done by a professional archaeologist, and a copy of the report should be sent to the Historic Sites Section for review of the findings;

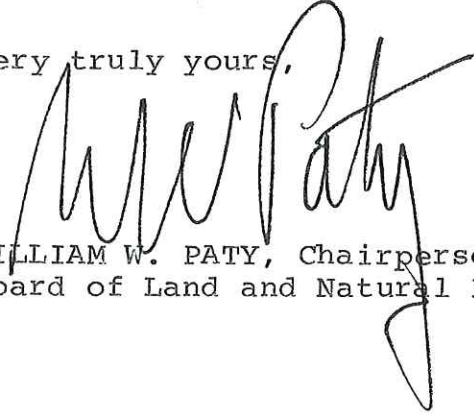
5. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408 immediately;
6. That a grading plan of the proposed quarry be submitted to this Department indicating the existing depth and width and the amount of material to be processed. The plan shall indicate the possible successive increments, plans for storage, and parking;
7. The triangulation station on Puu Kaliu shall not be disturbed by any quarrying or exploration activity and prior approval shall be obtained by the applicant from DAGS' Survey Division regarding the area in the vicinity of the station. No grading (earth moving) shall take place within 50 feet of the triangulation station;
8. At the completion of quarrying operations for this 15-acre site, the excavation area shall be graded to an adequate angle of repose so as not to present a hazard to persons near or at the site. This will preclude leaving vertical or near vertical sides which can collapse;
9. The applicant shall be responsible for keeping the road intersection (where the access road meets the public highway) clean and clear of all dirt, mud, cinder, rocks and other debris resulting from truck and equipment traffic exiting from the access road;
10. Trucks hauling cinder material shall have their loads completely covered to prevent spillage onto the highway;
11. The hours of operation shall be from 6:00 a.m. to 6:00 p.m. or less;
12. The effects of these 15 acres of excavation/quarrying shall be assessed and future extensions or permits shall be based on the end results of this initial operation;
13. Upon termination of the use, the area shall be restored to a suitable condition, satisfactory to this Department. All exposed areas shall be revegetated;

- 14. Prior to the alteration of any land surface or vegetation removal for the purpose of vehicular access, a plan indicating the proposed route to be used, and, the amount of land surface alteration and vegetation removal shall be submitted to the Department for approval;
- 15. That the applicant shall hire a qualified botanist to do a one-day botanical survey of the proposed access road alignments recommending any adjustments in the alignment deemed necessary; and
- 16. Other terms and conditions as prescribed by the Chairperson.

Please acknowledge receipt of this permit, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other.

Should you have any questions on any of these conditions, please feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

Very truly yours,



WILLIAM W. PATY, Chairperson  
Board of Land and Natural Resources

Receipt acknowledged

Bryson Kuwahara  
Applicant's Signature

cc: Hawaii Board Member  
Hawaii Land Agent  
Hawaii County Planning Department  
DOH/OEQC/EC/OHA/DPED





Keith W. Ahue  
MANABU TAGOMORI  
RUSSELL N. FUKUMOTO

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 821  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT  
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RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

REF:OCEA-VIN

File: HA-8/7/89-1957A  
Doc.: 7523E

FEB 26 1990

Mr. Bryson Kuwahara  
P.O. Box 421  
Pahoa, Hawaii 96778

Dear Mr. Kuwahara:

SUBJECT: Conservation District Use Application (CDUA)  
Amendment, for Expansion of a Commercial Cinder  
Mining Operation at Puna, Hawaii; TMK 1-3-09: 5

We are pleased to inform you that your request for an Amendment to your approved Conservation District Use Application was approved by the Board of Land and Natural Resources on January 26, 1990, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended.
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. If historic remains such as stone platforms or skeletal remains are found during construction, the applicant shall stop work in the immediate area immediately and contact the Historic Preservation Program, at 548-7470; that office will assess the situation and make recommendations for mitigative action if needed.
4. The applicant shall comply with all applicable Department of Health Administrative Rules and recommendations (regarding noise, etc.) implemented before or during the period of his authorized use.

5. The applicant shall provide documentation (i.e. book and page number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans for approval (see Condition Number 8, below).
6. Any work or construction to be done on the 15-acre expansion area shall run concurrent with the Bishop Estate Mining Lease; the Board must approve any assignment or sale of your operations or that Mining Lease.
- >7. The applicant is authorized to use only such landscaping as may be acceptable by this Department and by the County, including the use of large trees, ground covers and retaining walls, to prevent erosion on a long-term basis, to be installed according to a landscaping plan submitted to the Department for approval (see Condition Number 8).
- 8. Before proceeding with any expansion authorized by the Board, the applicant shall submit four (4) copies of grading and landscaping plans to the Chairperson or his authorized representative for approval, for consistency with the conditions of the permit and the declarations set forth in the permit application; three (3) of the approved copies will be returned to the applicant (plan approval by the Chairperson, or representative, not to imply approval required of other agencies).

That grading plan for the proposed quarry expansion shall be submitted to this Department indicating the length and width of material to be removed; the plan also shall indicate possible successive increments, plans for storage of quarried cinder materials, and parking.

9. The triangulation station on Puu Kaliu shall not be disturbed by any quarrying or exploration activity, and prior approval shall be obtained by the applicant from the Department of Accounting and General Services (DAGS) Survey Division, regarding the area in the vicinity of the station; no grading (earth moving) shall take place within 50 feet of the triangulation station.
10. At the completion of quarrying operations for these two 15-acre sites, the excavation areas shall be graded so as not to present a hazard to persons near or at the site; this precludes leaving vertical or near-vertical sides which can collapse.



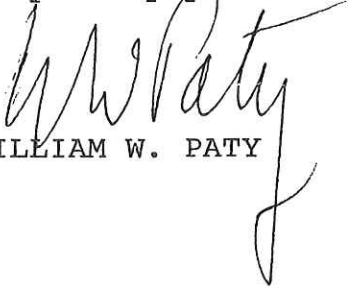
11. The applicant shall be responsible for keeping the road intersection (where the access road meets the public highway) clean and clear of all dirt, mud, cinder, rocks and other debris.
12. Trucks hauling cinder material shall have their loads completely covered to prevent dust blowing and cinder spillage onto the highway.
13. The hours of operation shall be 6:00 a.m. to 6:00 p.m. or less; days of operation shall be limited to Monday through Saturday, excluding State and Federal holidays, in both the expansion area and in the existing original "Phase I" area.  
  
The applicant shall reduce the hours of operation in the existing "Phase I" area, to the hours of 7:00 a.m. to 5:00 p.m., within thirty (30) days of the date of the Board's letter of authorization, or within sixty (60) days of the Board's decision, whichever is sooner.
14. Results of this 15-acre extension of excavation/quarrying shall be assessed, and any future expansions or permits shall be based on the results of initial operations and this expansion.
15. Upon termination of the use, the area shall be restored to a suitable condition, satisfactory to this Department; all exposed areas shall be revegetated.
16. Prior to any further alteration of any land surface or vegetation removal for the purpose of vehicular access, a plan indicating the proposed route to be used, and the amount of land surface alteration and vegetation removal shall be submitted to the Department for approval.
17. As indicated in the original submittal approved by the Board, the applicant shall maintain the existing buffer zone of at least one-quarter of a mile between existing and proposed quarry activities and existing dwellings.
18. The applicant shall submit a new CDUA for any other use, including the commercial harvesting of hapu tree ferns or their sale.
19. Any materials resulting from landclearing and/or grading shall be disposed of in a manner and at a site acceptable to the Department of Health; open burning is prohibited.

20. Failure to comply with any of these conditions shall render void the Board's approval of this Conservation District Use Application; and
21. Approval is subject to other terms and conditions as may be prescribed by the Chairperson.

Please acknowledge receipt of this permit, with the above noted conditions, in the space provided below. Please sign two copies; retain one and return the other one within thirty (30) days, please.

Should you have any questions on any of these conditions, please feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837 (or 1-800-468-4644 x7837).

Very truly yours,



WILLIAM W. PATY

Receipt acknowledged

Bryson T. Kuwahara  
Applicant's Signature

cc: Hawaii Board Member  
Hawaii Land Agent  
Hawaii County Planning Department  
OHA/OSP/DOH

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:DH

REF: CDUA HA-1957 and 1957A

Mr. Tim Lui-Kwan  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii, 96813

APR - 7 2008

SUBJECT: Continuation of Sanford's Service Center, Inc. to Remove Cinder at Puu Kaliu, District of Keahiala & Kauaea, Puna District, Island of Hawaii, Subject Parcel TMK: (3) 1-3-009:005

This letter is to inform you that on April 4, 2008, the Chairperson of the Board of Land and Natural Resources, pursuant to Chapter 13-5, Hawaii Administrative Rules, APPROVED a continuation of Sanford Cinder's request to mine cinder and cinder soil from Increment I and II, subject to CDUA HA-1957 and HA-1957A terms and conditions, in addition to the following terms and conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control; if applicable"

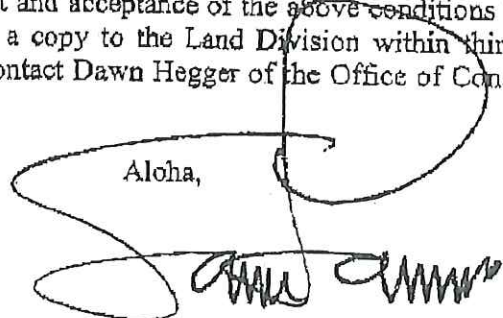
- 4) That when Sanford Cinder ceases to mine cinder on the subject parcel they will restore the mined area within six months of the date of termination. Sanford Cinder will submit to the OCCL a Landscape Plan, comprised of native tree and shrub species related to the subject area;
- 5) That the hours of operation are restricted to 7 a.m. to 6 p.m. or less, Monday through Friday, excluding State and Federal holidays;
- 6) That the applicant will provide the department with a status report of the mining operation as well as an expectation of completion date within two years of this approval;
- 7) That the applicant shall provide documentation (i.e. book and page or document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
- 8) The applicant understands and agrees that this letter does not convey any vested rights or exclusive privilege;
- 9) In issuing this letter, the Department and Board have relied on the information and data that the applicant has provided in connection with this letter application. If, subsequent to the issuance of this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 10) Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;
- 11) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 12) Other terms and conditions as may be prescribed by the Chairperson; and
- 13) Failure to comply with any of these conditions shall render this approval null and void.

REF:OCCL:DH

CDUA HA-1957 and 1957A

Please acknowledge receipt of this permit and acceptance of the above conditions by signing in the space provided below and returning a copy to the Land Division within thirty (30) days. Should you have any questions, please contact Dawn Hegger of the Office of Conservation and Coastal Lands at 587-0380.

Aloha,



Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged: Samuel Iwata

Date: 4/7/08

c: Oahu Board Member  
ODLO  
Hawaii County Planning Department  
Department of Health

