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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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January 13, 2020

Calvert G. Chipchase, Esq.  
Cades Schutte LLP  
1000 Bishop Street, Suite 1200  
Honolulu, HI 96813

Dear Mr. Chipchase:

**SUBJECT: Comments for Environmental Impact Statement Preparation Notice (EISPN)**  
**Applicant(s): Trustees of the Estate of Bernice Pauahi Bishop dba**  
**Kamehameha Schools & Sanford's Service Center Leilani**  
**Quarry**  
**Request: Proposed State Land Use Boundary Amendment from the**  
**Conservation District to the Agricultural District**  
**(Docket No. A19-807)**  
**Tax Map Key: (3) 1-3-009:005**

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This is in response to your letter received August 5, 2019 requesting comments for an Environmental Impact Statement Preparation Notice (EISPN) being prepared for a State Land Use Boundary Amendment (SLUBA) from the Conservation district to the Agricultural district to allow for the expansion of Sanford's quarry operations over a 73.075-acre portion of the Petition Area. Real Property Tax records show that the property is owned by B.P. Bishop Estate-Kamehameha Schools. We apologize for the late response.

1. The subject property is 694.50 acres in size. The property is zoned Agricultural-20 acre (A-20a) and Agricultural-10 acre (A-10a) by the County of Hawai'i and designated as Conservation and Agricultural by the State Land Use Commission. The proposed expansion of the quarry operation and accessory uses are located within the County's A-20a zoning district and the State Land Use Conservation district.

2. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designations for the property are Conservation, Important Agriculture Lands and Extensive Agriculture. The area of the current quarry operations and the expansion area are located within the General Plan's Conservation designation. This designation aligns with the State Land Use Conservation district and the County's A-20a zoning district.
3. The property is not located within the Special Management Area (SMA) and is approximately 1.5 miles from the nearest coastline.
4. The Puna Community Development Plan (CDP) was adopted by the Hawai'i County Council by Ordinance No. 08-116 on September 10, 2008 and has been amended several times. The property is located within the area affected by the Puna CDP. The plan does not specifically speak to the quarrying operations in this area.
5. A review of our files indicates that there were several correspondences from the Department of Land and Natural Resources-Office of Conservation and Coastal Lands (DLNR-OCCL) relating to the history of permitting for the property, as well as enforcement actions. The portion of the property where the quarry and expansion are located are within the Conservation District Limited Subzone, which no longer identifies quarrying as a permitted use. Please provide the permitting and enforcement history as part of the Statement.
6. The applicant(s) has submitted the EISPN to pursue a SLUBA from the Conservation District to the Agricultural District. If approved, the applicant(s) will submit a Special Permit to the State Land Use Commission to allow the expansion of the quarry operations. The alternative is to submit a request to change the Conservation District Limited Subzone to a subzone that would allow for quarrying.

The Planning Department has concerns regarding the direction of permitting by the applicant(s). The main concern is that the General LUPAG map designation for the area of the quarry operations and expansion is Conservation, consistent with the State Land Use Conservation district area. If the SLUBA is approved to Agricultural, the State Land Use designation and the County's zoning (A-20a) would be consistent, but both would be inconsistent with the General Plan LUPAG map designation of Conservation. One of the criteria for approval for a SLUBA is its consistency with the County's General Plan. The Planning Department would recommend that if the SLUBA is approved to Agricultural, the applicant also pursue a General Plan amendment from Conservation to Important Agriculture Lands or Extensive Agriculture to align with the new SLU district designation (Agricultural) and the County zoning (A-20a). The other option would be for the applicant(s) pursue the change to the Conservation District Subzone to allow for the expansion of the quarry.

Calvert G. Chipchase, Esq.  
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Page 3  
January 13, 2020

We appreciate the opportunity to provide comments. We have no further comments at this time. Please inform us when the Draft Environmental Impact Statement is ready for review.

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,



*RY* MICHAEL YEE  
Planning Director

JWD:mads

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cc: Daniel Orodenker, Executive Officer  
Land Use Commission, State of Hawai'i  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
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