JAS. W. GLOVER, LTD.

GENERAL CONTRACTORS

License No. ABC-3

LAND USE COM
STATE OF H

2021 AUG 16 A

August 10, 2021

CERTIFIED MAIL NO. 7021 0350 0002 0813 1289

Zendo Kern, Director
Planning Department
County of Hawaii
101 Pauahi St., Suite 3
Hilo, Hawaii 96720-4224

Dear Mr. Kern:

Re: 2021Annual Report for State LUC Docket No. SP14-404
Jas. W. Glover, Ltd., TMK: (3) 2-1-013: 004 (por.)
Waiakea, South Hilo, Hawaii

This report is written relative to all Conditions of the Land Use Commission's Decision and Order dated August 26, 2016, for the subject Docket and is due annually prior to the anniversary date of the project's approval.

All of the conditions of approval for the subject permit are addressed below.

The conditions are bold faced with the responses beneath.

1. **The Applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.**

   This condition is acknowledged. Compliance with the conditions is stated below.

2. **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**

   This condition is acknowledged will be observed in the event structures are planned. There are no plans for any structures on the permit site at this time.

3. **Quarrying activities shall be limited to the hours of 6:00 a.m. to 6:00 p.m. daily. Work may occur at other times depending on demand, except from September 15 to December 15, which is the seabird fledging period.**

This condition is acknowledged and is observed.

4. **Prior to commencement of quarry activity on any previously un-quarried land, a Site Restoration and Revegetation Plan, which assures the site will be left in a non-hazardous condition, shall be submitted for review and approval by the Planning Director. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. The 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.**

This condition is acknowledged and has been met. A Site Restoration and Revegetation Plan including photographs and a topography map was submitted for review and approval to the Planning Director on July 11, 2017. The Planning Department completed their review and approved this Plan on September 27, 2017.

5. **Prior to commencement of quarry activity in the area of the disputed property boundary between TMIC (3) 2-1 -0 13 :010 and the Property (southeast corner of subject property), the Applicant shall provide a letter to the Planning Department indicating the boundary discrepancy with the Hawai'i Army National Guard has been resolved.**

This condition is acknowledged and is observed. No quarrying activity will be conducted in the area of the disputed boundary until the property owners Kamehameha Schools and the Hawai'i Army National Guard have resolved the dispute.

6. **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.**

This condition is acknowledged and is observed.

7. **Prior to commencing any land alteration activity on any un-quarried portions of the property, the Applicant shall secure the approval SHPD of an Archaeological Monitoring Plan to ensure that no historic sites are inadvertently damaged or destroyed. This plan will call for "on-call monitoring" in conjunction with SHPD. A copy of the approved plan shall be provided to the Planning Department.**

This condition is acknowledged and has been met. An Archaeological Monitoring Plan was submitted to SHPD and an approval letter dated May 7, 2015 was sent to the Planning Director by SHPD.

8. **To protect any Hawaiian hoary bats in the vicinity of the Property, barbed wire fencing shall not be used in the permit area and woody vegetation over 15 feet in height shall not be removed during bat breeding season of June 1st to September 15th.**

This condition is acknowledged and is observed. No barbed wire fencing is in use in the permit area, and no woody vegetation over 15 feet has been or will be removed between June 1st and September 15th in 2017, 2018, 2019, 2020, 2021 and 2022.

9. **To protect any Hawaiian hawk, no vegetation clearing shall occur on the Property between March 1 and October 1 unless a hawk survey is conducted by a qualified biologist. If the survey discloses the presence of nests, there shall be no vegetation clearing conducted within 100 meters of any nest.**

This condition is acknowledged and is observed. No vegetation clearing has been or will be conducted between March 1st and October 1st in 2017, 2018, 2019, 2020, 2021 or 2022.

10. **All onsite personnel will be apprised that Hawaiian geese may be in the vicinity of the Property at any time during the year. If Hawaiian goose appears within 100 feet of ongoing work, all activity will be suspended until the animal leaves the area of its own accord.**

This condition is acknowledged and is observed. All onsite personnel have been notified and apprised of these requirements, and an understanding of these requirements has been included in our training procedures for current and new employees working in the area. No Hawaiian geese have been observed to date during 2017, 201, 2019, 2020& 2021.

11. **Prior to removing vegetation on any unquarried portions of the Property, the Applicant shall conduct a flora study and submit it to the Planning Department for review and approval in consultation with the U.S. Fish and Wildlife Service. The Applicant shall implement any mitigation measures required by the Planning Department and provide a copy of the approved study and mitigation plan to the Planning Department.**

This condition is acknowledged and has been met. A flora study was conducted in June, 2017 and a report was submitted to the Planning Director on June 29, 2017. A copy of the study was submitted by the Planning Director on July 7, 2017 to the U.S. Fish and Wildlife Service for their review and comments. The Planning Department completed their review and approved this Plan on August 23, 2017.

12. **No retail sale of quarrying materials is allowed from the SP site. Removal of the materials shall be limited to licensed commercial haulers or licensed contractors.**

This condition is acknowledged and is observed.

13. **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 SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from SHPD when it finds that sufficient mitigative measures have been taken.**

This condition is acknowledged and is observed. No remains of historic sites have been encountered on the permit site to date.

14. **Within ninety (90) days after termination of the quarry operation or abandonment of the SP site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.**

This condition is acknowledged and will be observed.

15. **Comply with all applicable Federal, State, and County laws, rules, regulations and requirements of other affected agencies.**

This condition is acknowledged and is observed.

16. **An annual progress report shall be submitted to the Planning Director and State Land Use Commission prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. The Applicant shall address each condition specifically and separately. This condition shall remain in effect until all of the conditions of approval have been satisfied pursuant to section 15-15-96.1, HAR, and the Planning Director acknowledges that further reports are not required.**

This condition is acknowledged and will be complied with. This report identifies the progress made in complying with the conditions imposed.

17. **An extension of time for the performance of conditions within the SP 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 condition is acknowledged and will be complied with. An extension of time has not been requested for any of the conditions as, to date, non-performance has not occurred nor has non-performance been anticipated.

18. **Should any of these conditions not be met or substantially complied within a timely manner, the Planning Director may initiate procedures to revoke this permit.**

This condition is acknowledged.

We trust that the foregoing adequately describes the status of the subject Docket. If you have any questions or require additional information regarding this report, please call us in Honolulu at 591-8977.

With regards,

Byron Fujimoto
Vice President

Cc: Daniel Orodenker, Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804
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