

S & F LAND COMPANY, INC.

P.O. Box 806
PUUNENE, MAUI, HAWAII 96784
TELEPHONE (808) 877-3329
FAX (808) 877-0648
EMAIL: general@s-fland.com

LAND USE COMMISSION
STATE OF HAWAII

2022 MAY 13 P 2:47

May 10, 2022

Mr. Daniel Orodener
Executive Officer
Land Use Commission
P O Box 2359
Honolulu, HI 96804-2359

Dear Daniel:

Enclosed herewith are two copies of sections 1 and 2 of the 2021 reports on General Progress and Specific Conditions of Docket #A96-717 for Central Maui Baseyard on Maui. We have concurrently copied the landowner Alexander and Baldwin, Inc., together with the others whom you have previously requested we provide copies.

Those receiving copies and the amount of copies forwarded are set forth at the bottom of the page. Should you have any questions regarding this report please advise us and we will try to respond as quickly as possible.

Sincerely yours,



Robert Stoner

RS/tlo

Enclosure

CC: Janelle Randles, Alexander and Baldwin (1)
luc@dbedt.hawaii.gov
Riley Hakoda (1)
Clayton Yoshida (1)
Scott Derrickson (1)

SECTION 1

**Report on General Progress of S & F Land Company, Inc.
On Docket #A96-717 for Calendar 2021**

LAND USE COM.
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As stated in previous reports, development has been completed on the entire Baseyard, which includes lots 1A, 1B, and 1C and totals approximately 50 acres of combined M1 and M2 Industrial zoned property. All improvements to the baseyard necessary for 100% occupancy have been completed. This includes paved roadways, fire and potable water service, landscaping, all onsite grading and drainage improvements, perimeter and internal lot fencing, and any related offsite work such as water service lines, highway frontage improvements, etc.

The project has been complete since 2011. Our occupancy has held at nearly 100% as we dealt with the pandemic this past two years. Our tenant count at the end of 2021 was approximately 142. Although we have had some large tenants recently move, we brought in a number of smaller tenants.

Having completed the development, we petitioned the Commission in 2011 to remove all of the conditions placed upon the property and were successful in having a number of the conditions removed. Those that remain are reported on in Section Two.

This constitutes the general progress on the subject docket during calendar year 2021.

SECTION 2

Specific Conditions of Docket #A96-717 and Progress on Said Conditions During calendar year 2021

7. Petitioner shall require its tenants who utilize such materials to establish appropriate systems to contain spills and prevent materials associated with light industrial usage (such as petroleum products, chemicals or other pollutants) from leaching or draining into above ground or subsurface storm drainage collection areas. Petitioner will use and/or cause to be used best management practices to minimize non-point source pollution into the irrigation ditches and Pulehu Gulch. Petitioner shall consult with the State Department of Health and County of Maui, Public Works and Waste Management and obtain any permits required or construct improvements required for storm water discharge on the property.

Petitioner has completed all surface drainage as reported in previous reports. This includes a number of catch basins and drain lines on the property. All grading of property is complete.

For tenants that deal with potential pollutants, we have strict rules at Central Maui Baseyard that require paved catchment areas that retain potential run off of any materials that may be spilled or spread by storm waters.

8. Petitioner shall require all tenants of the property to implement best management practices to minimize possible subsurface and ground water contamination from activities on the property. This shall include all activity including delivery, removal, storage, use and handling of industrial agents on tenant or common areas of the property.

All tenant activities are controlled by our tenant lease. Please see attached sections of our lease from our 2011 report (sections 6 , 7 , 9 and 11). 2011 Annual Report can be provided if it is not on file. Further as stated in section 12 of our lease we do annual environmental inspections of the property. This annual inspection is required by our landlord.

10. Petitioner and/or landowner shall limit disturbance of the natural drainage features of Pulehu Gulch, and shall consult with the Army Corps of Engineers should any activity be proposed that would impact Pulehu Gulch.

As reported previously, all work along Pulehu gulch has been completed. The perimeter that abuts the gulch is fully fenced or blockaded. There has been no disturbance of Pulehu gulch. Since the inception of our original lease with A&B for the Baseyard property any areas that were developed along the north perimeter of Pulehu Stream which abuts the Baseyard property was fenced or barricaded off so that access or dumping was not possible. For this reason, the streambed area has remained undisturbed for the entire term of our lease. Any unnatural debris or material within the streambed is either from upstream runoff during flooding or prior tenant activity from 1950 forward. Two years we did have a large fire that surrounded Central Maui Baseyard. The undergrowth in Pulehu Gulch provided fuel for the fire and endangered many businesses in the baseyard.

12. Petitioner shall maintain a buffer of undisturbed kiawe and vegetative cover on the property along Pulehu Gulch to minimize disturbance to native bird habitat provided by Pulehu Gulch.

As stated the fire of 2020 did disturb Pulehu gulch. Due to this stipulation the overgrowth created a very dangerous environment. Although we monitor the perimeter to assure there are no disturbance, the natural environment had a lot of undergrowth that exacerbated the fire. We have met with the adjacent property owner to try to control this situation.

13. Petitioner shall fund and construct adequate civil defense measures as may be required by the State Civil Defense and County Civil Defense Agencies.

As noted elsewhere in this report, A&B has ceased agricultural operations in the baseyard region. This opened the door for locating the required Civil Defense warning siren to a more central location where it would be better heard by all tenants throughout the baseyard present and future development areas. Negotiations pending such a move are underway at this time. We have presented a proposal to Civil Defense but have not received a response.

16. Petitioner shall ensure that the proposed project will not negatively impact the use of cane haul roads and irrigation ditches or otherwise interfere with continued agricultural operation of adjoining sugar cane cultivation areas.

HC&S has ceased its sugar operation and majority of the plantation property has been sold. We are in discussions with A&B Properties regarding the property that is immediately northeast of us. Further, we meet regularly with Mahi Pono to discuss their intentions on all other surrounding areas.

19. Petitioner shall inform prospective tenants and shall include in all tenant license agreements language informing tenants of possible odor, noise, and dust pollution resulting from surrounding Agricultural District lands, and the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

Mahi Pono is pursuing agricultural activities and we continue to provide protection in all tenant leases that we enter into for surrounding agricultural practices.

23. Petitioner shall provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall include any supporting documentation from State and/or County agencies relating to progress in complying with said conditions. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

This is the annual report for the calendar year 2021.

26. The Commission may fully or partially release these conditions as to all or any portion of the property upon timely motion, and upon the provisions of adequate assurance of satisfaction of these conditions by the Petitioner and/or landowner.

Petitioner petitioned for release of certain conditions in 2011. Said petition resulted in the release of the conditions that were omitted from this report.
This completes section 2.