

Mori, Ashley

From: Maile Luuwai <maile@luuwailaw.com>
Sent: Monday, May 30, 2022 4:14 PM
To: WPCtestimony
Cc: Maile Luuwai
Subject: Community Testimony-KPFA-Applicant Yamada PLSPP2022000012
Attachments: KPFA Testimony for AGENDA ITEM #2 YAMADA & SONS, INC. (PL-SPP-2022-000012).pdf

Aloha~

Our testimony for the above referenced agenda item for the Windward Planning Commission June 2 Meeting is attached.

Please confirm receipt of this testimony.

Mahalo,
Maile Lu'uwai
President
Keaukaha Pana'ewa Farmers Association
808.280.0083



**Keaukaha Pana'ewa Farmers Association
P.O. Box 6844
Hilo, Hawai'i 96720**

Sent via email to WPCtestimony@hawaiiicounty.gov

May 30, 2022

RE: TESTIMONY OF MAILE LU'UWAI
PRESIDENT, KEAUKAHA PANĀ'EWA FARMERS ASSOCIATION
AGENDA ITEM #2 YAMADA & SONS, INC. (PL-SPP-2022-000012)
COUNTY OF HAWAII WINDWARD PLANNING COMMISSION
MEETING DATE: JUNE 2, 2022

Aloha Windward Planning Commission Members:

The Keaukaha Pana'ewa Farmers Association (KPFA) is a Hawaiian Homes Commission Act (HCCA) Beneficiary Association controlled by native Hawaiian beneficiaries (as defined by the Hawaiian Home Lands Recovery Act, 109 § 537) and is registered with the U.S. Department of Interior, 43 CFR §§ 47.10 and 48.6.

KPFA is also recognized by the Department Hawaiian Home Lands (DHHL) as the representative entity for 285 native Hawaiian beneficiaries and their 'ohana across 1,615 agricultural acres in Pana'ewa.

Many of Hilo's industrial facilities are located adjacent to our KPFA community, including the closed landfill and the airport and raceway park. Railroad Avenue runs through the middle of our community and is used as a secondary access road for the heavy weekday traffic from Pahoa.

The Special Use Application Project Site is located adjacent to our community. Our KPFA community has serious concerns regarding the Project. To address these concerns, in alignment with the Department of Hawaiian Home Lands, we are requesting that the following conditions be mandated for the special permit referenced above.

#1 Condition: This Condition shall be included in the Special Use Permit. The application includes an Exit Plan 2041. Within four months of permit approval, the applicant shall develop an Exit Plan in consultation with KPFA and the Department of Hawaiian Home Lands (DHHL). The Exit Plan shall include mitigation efforts to leave ‘āina in non-hazardous condition to ensure that the state property is not degraded.

The Exit Plan shall include consideration for Hawaiian Home Commission Act (HHCA) beneficiaries, who reside or will reside in the KPFA community on HHCA lands in Pana‘ewa. The site must not negatively impact HHCA lands or current/future beneficiaries. The Exit Plan shall include mitigation efforts to leave ‘āina in non-hazardous condition.

#2 Condition: This Condition shall be included in the Special Use Permit. Applicant shall confine all activity and access to the licensed area within normal quarry operation hours, Monday thru Friday, 7:00am to 3:30 pm only. No activities shall be permitted during weekend hours.

#3 Condition: This Condition shall be included in the Special Use Permit. Quarrying shall occur on the eastern most portions of the licensed area only. This area is located the farthest away from the HHCA Pana‘ewa residents.

#4 Condition: This Condition shall be included in the Special Use Permit. Clarification language is required for “Transport Between Quarry and Baseyard” so that it is aligned/consistent with the permit application. This conditions requires specific and unambiguous language regrading rock hauling. This condition shall include no transport on Railroad Avenue that borders and/or is adjacent to HCCA communities.

#5 Condition: This Condition shall be included in the Special Use Permit. Within two months of permit approval, the applicant shall prepare a water source plan for dust suppression and the plan shall be shared with KPFA and DHHL.

#6 Condition: This Condition shall be included in the Special Use Permit. The Application states that the County of Hawai‘i General Plan classifies the project site as “Important Agricultural Lands.” The permit shall state that the project site is on “Important Agricultural Lands.” In addition, the permit must include legend/key for Figures 4, 5, and 6; State Land Use, Zoning and LUPAG.

#7 Condition: This Condition shall be included in the Special Use Permit. The permit shall describe the adjacent affected HCCA community of Pana‘ewa with data and a map identifying number of residences and population of Ag and residential lots and include detail regarding distance between the project site and adjacent DHHL lands

#8 Condition: This Condition shall be included in the Special Use Permit. The permit shall include an acknowledgment that environmental injustices due to industrial and commercial development has impacted the surrounding HHCA communities adjacent and near the project area.

#9 Condition: This Condition shall be included in the Special Use Permit. The permit shall include dates of public participation and which adjacent property owners were sent permit application notices.

#10 Condition: This Condition shall be included in the Special Use Permit. The permit shall include the date of the most recent General Plan and the date and name of the official Community Development Plan referenced in the Special Permit Use. The permit shall clearly indicate which Community Development Plan is being referenced, and if in fact, the referenced CDP has been adopted into the County Code.

#13 Condition: This Condition shall be included in the Special Use Permit. Prior to start of quarry operation, the applicant shall obtain all applicable state Department of Health (DOH) Clean Air Branch Permits for the proposed use.

#14 Condition: This Condition shall be included in the Special Use Permit. Prior to start of quarry operation, the applicant shall develop an air quality monitoring plan in collaboration with KPFA and DHHL and the air quality monitoring plan shall be approved by the state DOH Clean Air Branch.

#15 Condition: This Condition shall be included in the Special Use Permit. Prior to start of quarry operation, the applicant shall collect air quality samples to use as baseline information for future reference.

#16 Condition: This Condition shall be included in the Special Use Permit. Prior to start of quarry operation, the applicant shall install wind barriers around the area being mined and areas used for stockpiling.

#17 Condition: This Condition shall be included in the Special Use Permit. During quarry operation, the applicant shall implement best management practices including but not limited to: regular watering of area being mined and stockpile areas.

#18 Condition: This Condition shall be included in the Special Use Permit. The applicant shall purchase at least two air quality monitoring stations and coordinate with KPFA and DHHL the installation of these stations on DHHL lands. Ownership of the monitoring stations shall be transferred to KPFA. KPFA shall will check and regularly monitor air quality.

#19 Condition: This Condition shall be included in the Special Use Permit. During operation, the applicant shall cease quarry operations should air quality monitoring detect levels of pollutants higher than DOH accepted levels. Operations shall cease until additional mitigation measures that are satisfactory to KPFA and DHHL are implemented.

Your consideration and inclusion of the foregoing conditions are important to our community.

Mahalo,



Maile Lu'uwai
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