

Mori, Ashley

From: Choy, Andrew H <andrew.h.choy@hawaii.gov>
Sent: Tuesday, May 31, 2022 2:40 PM
To: WPCtestimony
Cc: Maile Luuwai; Aila Jr, William J
Subject: DHHL Testimony for June 2, 2022 Hawaii County Windward Planning Commission Meeting Agenda Item #2
Attachments: Windward Planning Commission Testimony FINAL_05.31.22.PDF

Aloha,

Please find attached DHHL's written testimony on agenda item #2 Yamada and Sons, Inc. Special Permit Application.

Should you have any questions, please let me know.

Thanks,
Andrew

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WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE COUNTY OF HAWAII WINDWARD PLANNING COMMISSION
MEETING ON JUNE 2, 2022 AT 9:00 AM

AGENDA ITEM #2 YAMADA & SONS, INC. (PL-SPP-2022-000012)

May 31, 2022

Aloha Members of the Commission:

DHHL has 3,200 acres of land in its Pana'ewa Tract near the project area of the proposed use. DHHL lands closest to the proposed use are its agricultural homestead lands. There are approximately 260 DHHL agriculture homestead lessees and their families that reside in the surrounding area (Exhibit A - Map). DHHL is concerned that the proposed use, without additional conditions, could adversely affect the surrounding properties, including residents of DHHL's Pana'ewa agricultural homestead area. DHHL raised these concerns during the applicant's HRS 343 Environmental Assessment (EA) process (Exhibit B – DHHL Early Comments on Yamada & Son HRS 343 EA). However, DHHL did not feel that its concerns were adequately addressed in the applicant's Final EA.

As such, DHHL requests that, prior to approval of the applicant's Special Permit, that the Windward Planning Commission include the following conditions of approval to further avoid adversely affecting the surrounding properties:

Condition #1: 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 the Keaukaha Pana'ewa Farmers Association (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.

Condition #2: 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.**

Condition #3: 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.

Condition #4: 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 HHCA communities.

Condition #5: 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.

Condition #6: 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.

Condition #7: 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

Condition #8: 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 have impacted the surrounding HHCA communities adjacent and near the project area.

Condition #9: 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.

Condition #10: 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.

Condition #13: 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 proposed use.

Condition #14: 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.

Condition #15: 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.

Condition #16: 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.

Condition #17: 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.

Condition #18: 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, who will check and regularly monitor air quality.

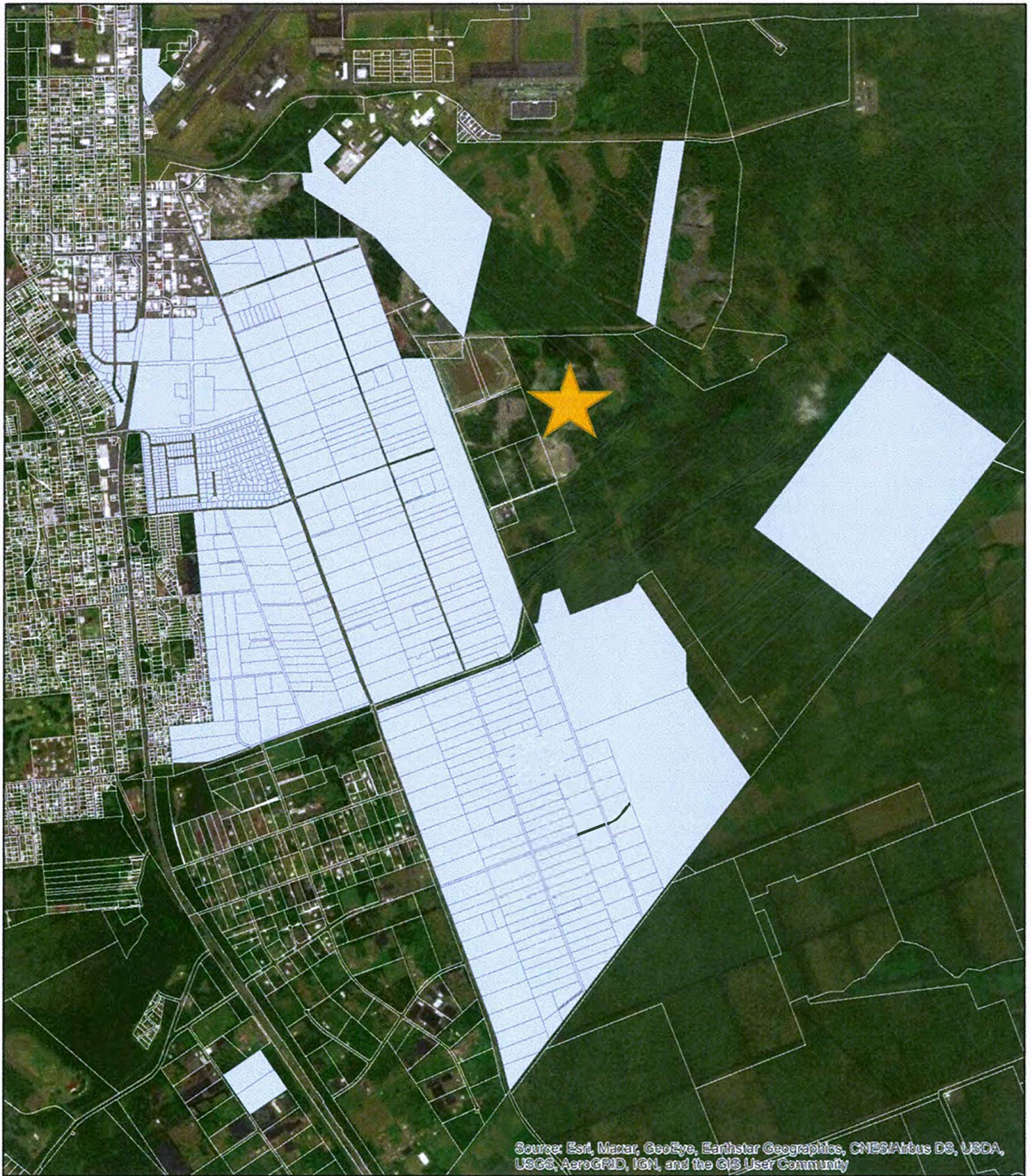
Condition #19: This Condition shall be included in the Special Use Permit. During operation, the applicant shall cease quarry operations should air quality monitoring detect levels of pollutants higher than DOH accepted levels. Operations shall cease until additional mitigation measures that are satisfactory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

DHHL believes that inclusion of these conditions with the applicant's Special Use Permit would better ensure that the proposed use would not adversely affect surrounding properties, specifically DHHL's Pana'ewa agricultural homestead community. Inclusion of these conditions in the Special Use Permit is a reasonable compromise that would allow the applicant to proceed with its proposed use while protecting the health and safety of DHHL's homestead community.

Thank you for your consideration of our testimony.



William J. Aila Jr., Chairman
Hawaiian Homes Commission



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

DHHH Land

EXHIBIT A



YAMADA AND SONS PROPOSED QUARRY SITE

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
L.T. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
ACTING CHAIRMAN
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 15, 2019

Mr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, Hawai'i

Dear Mr. Terry:

Subject: Early Consultation for Environmental Assessment for Yamada and Sons, Inc.,
License on State Land for Quarrying Purposes, South Hilo District. TMK 2-1-
003:002 (portion)

The Department of Hawaiian Home Lands acknowledges receiving the request for comments on the above-cited project. After reviewing the provided material, this project is located adjacent to DHHL's land holdings in Pana'ewa on Hawai'i Island. DHHL lands are located to the north east, east, south, and west of the parcel where this project is proposed. We have the following comments.

Based on the limited information provided, and the projects close proximity to DHHL's Pana'ewa Homesteads, there is a concern that quarry activities could impact air and noise quality. These should be included in the EA. Additionally, DHHL would like the EA to discuss how the proposed quarry activities compare to the current and historic levels of activity at the existing quarry.

As Yamada and Sons develops their environmental impact assessment documentation, it is important that DHHL's beneficiaries are informed of potential impacts, proposed mitigations, and evaluation of alternatives to the location and scope proposed. DHHL and homestead associations located in Pana'ewa should be included in future consultation conducted regarding this project. A state-wide list of DHHL homesteads is located at <https://dhl.hawaii.gov/homestead-associations/>. In addition, DHHL encourages Yamada and Sons and its agents to consult with (N)ative Hawaiian organizations when preparing environmental assessments in order to better assess potential impacts to cultural and natural resources, access and other rights of Native Hawaiians.

Mahalo for the opportunity to provide comments. If you have any questions, please contact Malia Cox, at 620-9485 or via email at malia.m.cox@hawaii.gov.

Aloha,

William J. Aila Jr., Acting Chairman
Hawaiian Homes Commission

EXHIBIT "B"

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PG-19-102

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawai'i 96721 rterry@hawaii.rr.com

April 18, 2019

Dear Neighboring Property Owner or Agency/Organization Official:

Subject: Early Consultation for Environmental Assessment for Yamada and Sons, Inc. License on State Land for Quarrying Purposes, South Hilo District, Island of Hawai'i, TMK 2-1-013:002 (por.)

I have been contracted by Yamada and Sons, Inc. (Yamada & Sons), to prepare an Environmental Assessment (EA) in compliance with Chapter 343, Hawai'i Revised Statutes. Yamada & Sons proposes to acquire a license to develop a 14.99-acre portion of a State property for use as a rock quarry. The project site is adjacent to existing quarries and is presently vacant and undeveloped. Yamada & Sons requires a new quarry because their existing quarry will soon exhaust its supply of adequate quality material. The quarry would allow the manufacture of engineered products, including base course and components of hot mix asphalt and concrete, that are necessary for the construction of a wide variety of Hawai'i County projects, both public and private. Yamada & Sons would acquire a license with the Department of Land and Natural Resources for use of the site and would pay royalties to the State for materials extracted from the quarry. The proposed quarrying activities would be identical in nature to the ongoing quarrying activities located on adjacent parcels; rock would be excavated with heavy equipment when possible, and when impenetrable rock is encountered, drilling and blasting would be performed. Excavated rock would either be stockpiled on-site or removed and trucked off-site to Yamada & Sons' quarry baseyard located off of Railroad Avenue for crushing/processing and sale. No crushing or sales will be done at the new rock quarry. They anticipate that about 25,000 tons of material would be extracted per month, and with the excavation reaching a maximum depth of about 80 feet, the quarry is expected to have an active lifetime of roughly ten years or more.

An EA is necessary because the property is State land and a license for quarrying purposes is not an exempt action under the State's EIS rules at Hawai'i Administrative Rules 11-200-8. Once complete, the EA will accompany the application for the quarry license. The areas of investigation in the EA will include but not be limited to the following: water quality assurance; wastewater treatment; flora, fauna, and ecosystems; traffic impacts; geology, soils, and hazards; flooding and drainage impacts; social, cultural and community impacts; and historic sites. This letter is to share information about the project and request your input on site conditions, issues that you wish to be addressed in the EA, and any other concerns you may have.

Please contact me at 808-969-7090 or by email at rterry@hawaii.rr.com if you have any questions or require clarification. Kindly indicate whether you wish to receive notice of the availability of the Draft EA when it is completed.