

DOCKET NO. A19-807
KSBE Sanford Quarry

Status Report

STAFF
REPORT

ACTION MEETING

June 21, 2023



Daniel E. Orodenker, Executive Officer

Submitted: June 13, 2023

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1. EXPLANATION OF PROCEEDING

Status and Progress Report hearings provide the Petitioner an opportunity to update the Commission on progress or problems in compliance with the representations and conditions of the decision and order.

Any decisions by the Commission should be based on good cause (or lack of) shown by Petitioner for its lack of progress and evidence put on the record.

2. AUTHORITY

Pursuant to HAR 15-15-90(c) “The Commission may require the petitioner to submit periodic reports indicating what progress has been made in complying with any conditions that may have been imposed by the commission.”

Pursuant to HRS 205 and HAR 15-15-79(a): “Petitioners granted district boundary amendments shall make substantial progress within a reasonable period, as specified by the commission, from the date of approval of the boundary amendment, in developing the property receiving the boundary amendment. The Commission may act to amend, nullify, change, or reverse its decision and order if the petitioner fails to perform as represented to the Commission within the specified time period.”

After hearing from the Petitioner and other parties, the Commission decides whether to allow additional time to move forward or that there is a reason to believe that Petitioner is non-compliant with representations and conditions in the D&O and set an Order to Show Cause hearing pursuant to HAR 15-15-79 and 15-15-93(b).

The Commission, for good cause shown, may act to modify or delete any of the conditions imposed or modify the Commission’s order pursuant to HAR 15-15-94(b).

3. BACKGROUND INFORMATION

On June 6, 2019, Petitioner Kamehameha Schools filed the [Petition to Amend the Conservation Land Use District Boundaries into the Agricultural Land Use District](#) for approximately 94.107 acres of land, consisting of a portion of Tax Map Key No. (3) 1-3-009:005 (por.) at Kauaea, Puna, Island and County of Hawai‘i, State of Hawai‘i.

On June 21, 2019, the Petitioner filed a [Motion requesting the Land Use Commission to be the Approving Authority](#) for an Environmental Statement Under HRS Chapter 343 and 2) Determine that the Proposed Action Warrants the preparation of an Environmental Impact Statement, Memorandum in Support of Motion; Exhibit “A”.

COS.

On July 3, 2019, the [Office of Planning and Sustainable Development responded to the Petitioners Motion](#) Requestion LUC to be the Accepting Authority

On July 5, 2019, The LUC sent a [letter to Petitioner](#) deeming the Petition for DBA incomplete, due to an incomplete record (missing Chapter 343 analysis).

On July 15. 2019, the Land Use Commission mailed the [Order Granting Petitioners Motion](#) Requesting the Land Use Commission (1) To Be The Accepting Authority for an Environmental Impact Statement; (2) Determine That The Proposed Action Warrants the Preparation of an Environmental Impact Statement, to Be Initiated With The Preparation of An Environmental Impact Statement Preparation Notice

Since July 30, through December 12, 2019, the LUC received numerous public comments regarding the EISPN.

On July 30, 2019, The LUC received EISPN Public comments from [Fred Aiona and Selah Levine](#).

On August 20th, 21st, and 22nd the LUC received EISPN comments from the [Dept. of Water Supply, County of Hawai'i, U.S. Dept. of Interior, Hawai'i Floriculture and Nursery Association](#), and [DLNR- OCCL](#).

On August 27, 2019, The Department of Accounting and General Services ("[DAGS](#)") [submitted comments](#) in response to the EISPN.

On September 10, 2019, the LUC received [comments on the EISPN from the Department of Transportation](#)

On October 2, 2019, the LUC received a letter Forwarded by Hawai'i County from [Michael Stancliff](#).

On October 4, 2019, the Office of Planning and Sustainable Development ("[OPSD](#)") [filed comments](#) on the EISPN.

On November 22, 2019, The LUC received [DHHL Comments](#) on the EISPN.

On December 12, 2019, The LUC [Received Chapter 6E-8 Historic Preservation Review](#) from SHPD.

On January 21, 2020, the LUC received the [County of Hawai'i's Comments on the EISPN](#)

4. **OPSD POSITION**
No comments received

5. **COUNTY POSITION**
No comments received

6. **STAFF RECCOMENDATION**

Status of the Environmental Impact
Statement

The most recent document that was received on this matter was the County of Hawai‘i’s Comments on the EISPN, received on January 21, 2020.

The Commission should question Petitioner on the progress on the EIS. If there is no progress, the Commission should ask the Petitioner if they want to withdraw the Motion.