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SEP 12 2008

STATE OF HAWAII
LAND USE COMMISSION

From: riggins@lava.net
To: markschnabel@hotmail.com
CC: wwegesend@villagesofkapolei.com
Subject: RE: Thursday, July 31 BOD meeting
Date: Thu, 31 Jul 2008 15:06:18 -1000
Aloha Mark,

Thank you for preparing the letter and I totally agree. Since I had to leave Hawaii to attend to urgent mainland business, please attach this email to the letter.

Best Wishes,
John Riggins

email: riggins@lava.net
cell: 808.371.3930 or office 674.1111
efax: 808.356.0220

91-210 Oaniani Place
Kapolei, Island of Oahu, HI 96707

EXHIBIT 30

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08 JUL 31 PM 2:57

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

31 July 2008

Chairperson Karin Holma and
Members of the Planning Commission
City and County of Honolulu
650 S. King St., 7th Floor
Honolulu, HI 96813

Ref: Ewa – State Special Use Permit – 2007/SUP-6 (RY)
Grace Pacific Corporation – Extension of the life of the
Makakilo Quarry by 24 years to the year 2032

Subj: Petition to Intervene

Dear Chairperson Holma and Members of the Planning Commission,

Subchapter 5 of the Rules of the Planning Commission speaks to a Petition to Intervene and a Contested Case for special use permits. I am relying upon this provision of the Rule to Petition to intervene in said proceedings as a party on the matter of the request by Grace Pacific to extend the life of the Makakilo Quarry by 24 years to the year 2032. Under Rule 2-56, if this Petition to Intervene is granted, then this matter will proceed as a contested case.

Therefore, pursuant to Rule 2-53 of the Planning Commission of the City and County of Honolulu, I am hereby petitioning to intervene as a party in the matter of the request for extension filed by Grace Pacific.

Under the above identified Rule, the time to file a Petition to Intervene is within fourteen (14) days of the date of the newspaper publication of the notice of public hearing to be held by the planning commission on a petition for a special use permit. The Notice was published in the July 18, 2008 edition of the Star Bulletin so the suspense for the 14 days is August 1, 2008. Rule 2-53 (b) require that the following points be addressed:

(1) The nature of the petitioner's statutory or other right to intervene as a party to the proceedings.

Petitioner Mark Schnabel is a resident of Kapolei. I am a home owner in the Villages of Kapolei. I am a resident of the State of Hawaii and a tax payer in the State of Hawaii and City and County of Honolulu. Mr. John Riggins is a co-party to this petition but is away on the mainland and unable to sign this document today. He is also a resident of Kapolei, home owner in the Villages of Kapolei, resident and tax payer in the State of Hawaii and City and County of Honolulu and a member of the Villages of Kapolei Community Association Board of Directors.

(2) The nature and extent of petitioner's interest in the proceedings, and if the petitioner is an abutting property owner, the tax map key description of the property.

The petitioners' properties are located about 500 - 800 yards (rough estimate) southwest of the quarry and receive the negative effects of the quarry operation, to include: dust, noise, pollution, smell, and unsightly landscapes. Mark Schnabel's property is located in A'eloa Village 2 subdivision, Lot # 2-303 and John Riggins' is in Malanae of the city of Kapolei. Prevailing winds are from the northeast thus placing Villages of Kapolei downwind of the quarry.

(3) A statement of the specific issues to be raised or contested by the petitioners in the contested case hearing.

We strongly oppose the extension of the Makakilo quarry permit which extends the life of the quarry by 24 years and allows further excavation of Pu'u Makakilo from the 500 foot contour level to the 700 foot line. Although Grace Pacific has stated and presented plans that indicate they will mitigate the noise, dust, smell and scarring of the hillside by relocating its processing operations from its current site into the existing quarry north of H-1, these negative impacts will continue to be a burden to nearby residents, community organizations and businesses for many years to come. My personal issue is with dust and destruction of my view while John Riggins and the community at large have issues with the five impacts of dust, noise, asphalt smell, pollution and destruction of the hillside.

I do appreciate the efforts by Grace Pacific to communicate with community boards and consider our issues; however, there have been some inconsistencies and concerns with trust. Examples include their denial of responsibility for dust, saying the prevailing winds do not go from the quarry to the Villages of Kapolei, saying there is no other Grade A Basalt rock in the Waianae mountain range, uncertainty on re-naturalization responsibilities, saying there are no toxic chemicals from hot mix asphalt production, and stating they would relocate the entire asphalt treatment plant to Campbell Industrial Park and then changing to say they will conduct split-based asphalt production. Also, who will ensure promises are kept and progress is made as submitted. What plan will be in place by the City or State to check and verify their proposed actions?

From a long range planning perspective, the quarry operation is incompatible with the planned development and future growth of the 2d city of Kapolei. When the quarry started in 1973, the site was remote from urban development and the quarry operations went unnoticed for well over 20 years. Operations were supposed to terminate in 25 years but have continued to this day (35 years later). Their purchase of the adjacent golf course land gave them the opportunity to continue and to expand. Today, the quarry is surrounded by booming development - growing housing areas, schools, thriving businesses, recreation (golf and parks), the West Oahu Campus, and much more to come. The existing 72 acre quarry is already an unsightly hole in the ground with exposed vertical rock walls part way up the Pu'u with attendant dust, noise and the odor of asphalt. The dust caused from the blasting, rock crushing and loading operations is considerable and has been reluctantly tolerated by the community for years. There is no way Grace Pacific can totally mitigate and hide the rock extraction. The quarry operation

needs to be terminated at the end of its existing permit (2013) and the area contoured and re-naturalized as soon as possible.

I support development in general but only smart development of our community. The quarry will grow as a blight on the landscape and will ruin the beauty of Kapolei mountain scenery for decades to come. Quality of life for the residents of Kapolei and Makakilo will be adversely affected in the long term, real estate values reduced and the desirability of living in the area will decline.

I urge the Planning Commission to disapprove this extension request.

(4) The effect on any decision in the proceeding on the petitioner's interest.

The decision to grant the Application to extend will mean that all arguments and concerns raised by Petitioner (and c-Petitioner) and the interest of the public would have been ignored and not protected by this Commission.

For these reasons, the Petitioners respectfully request that they be granted intervenor status and that a contested case be had in this matter. Thank you for your consideration on behalf of myself, John Riggins and the citizens of Kapolei and future residents, schools, and businesses in the area.

Sincerely,



Mark M. Schnabel
Resident of Kapolei

Cc: Mr. Henry Eng, Director
Department of Planning and Permitting

