

Authorization Dawn Takeuchi Apuna, Director

Advertisement Feb. 5, 2024

Public Hearing March 10, 2024

**DEPARTMENT OF PLANNING AND PERMITTING**

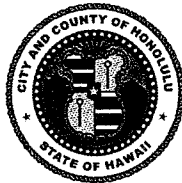
**KA HOI HANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE**

**CITY AND COUNTY OF HONOLULU**

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January 31, 2024

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AND PERMITTING  
CITY & COUNTY OF HONOLULU

**MEMORANDUM**

TO: Pane Meatoga III, Chair  
and Members of the Planning Commission

FROM: Dawn Takeuchi Apuna, Director  
Department of Planning and Permitting

SUBJECT: Special Use Permit (SUP) Application to Modify 2007/SUP-6  
Expansion of Operations at the Makakilo Upper Quarry  
92-1130 Pueonani Street, Kapolei, O'ahu, Hawai'i  
Tax Map Keys: 9-2-003: Portion 074, and 9-2-003: 082

Transmitted for appropriate action is our report and recommendation for Approval of the requested modifications to SUP application File No. 2007/SUP-6 with additional conditions to:

1. Extend the life of the quarry from 2032 to 2047;
2. Add resource extraction area;
3. Expand hours for some quarry operations to 24 hours a day, seven days a week; and
4. Allow a ready-mix concrete batch plant within the quarry pit.

Should you have any questions, please contact Franz Krintz, of our staff, at (808) 768-8046 or fkrantz@honolulu.gov.

Enclosure

cc: Grace Pacific LLC  
Nan, Inc.  
State Land Use Commission

DEPARTMENT OF PLANNING AND PERMITTING  
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION )  
 )  
 OF )  
 )  
 GRACE PACIFIC LLC )  
 )  
 FOR AN AMENDMENT TO A )  
 )  
 STATE SPECIAL USE PERMIT )  
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FILE NO. 2007/SUP-6

FINDINGS OF FACT  
CONCLUSIONS OF LAW, AND RECOMMENDATION

**I. APPLICATION**

**A. Basic Information**

APPLICANT/LAND OWNER : Grace Pacific LLC.

LOCATION : 92-1130 Pueonani Street  
91-920 Farrington Highway  
Kapolei, Hawai'i, 96707.

TAX MAP KEYS : Upper Quarry: Tax Map Key ("TMK")  
9-2-003: Portion 074 ("Parcel 74"), and  
9-2-003: Portion 082 ("Parcel 82")  
(**Exhibit 1**).

Lower Quarry: TMK: 9-1-016: 004  
("Parcel 4").

AREA OF SPECIAL USE : 536.9 Acres.

STATE LAND USE DISTRICT : Agricultural (**Exhibit 2**).

COUNTY ZONING DISTRICT : AG-2 General Agricultural District and  
AG-1 Restrictive Agricultural District  
(**Exhibit 3**).

'EWA DEVELOPMENT PLAN	:	Existing Quarry, Agricultural and Preservation, Residential and Low Density Apartment, and within the Urban Growth Boundary ( <b>Exhibit 4</b> ).
LAND STUDY BUREAU RATING:		Parcel 4 – Class “A”, “B”, “D”, and “E” Parcel 82 and Parcel 74 - Class “E” ( <b>Exhibit 5</b> ).
EXISTING USES	:	Quarry, Manufacturing and Processing, Recycling Facility, Support Facilities, and Open Space ( <b>Exhibit 6</b> ).
SURROUNDING LAND USE	:	University of Hawai'i West O'ahu Campus, Ho'opili Residential Communities, and Skyline rail transit guideway to the east; AES Solar Farm, agriculture land and open space to the north; the Kapolei Knolls and the Village of Kapolei residential communities, and Kapolei Golf Course to the south; and the Makakilo residential communities and undeveloped land to the west.

## B. **Proposal**

Grace Pacific LLC (“Applicant” or “Grace Pacific”) is proposing an amendment to Special Use Permit (“SUP”) File No. 2007/SUP-6<sup>1</sup> to: (1) extend the life of the Makakilo Quarry resource extraction and processing operations by 15 years to the year 2047; (2) reshape the area approved for resource extraction; (3) expand the operation hours of certain activities in the quarry to 24 hours a day, 7 days a week; and (4) operate a ready-mix concrete plant in the quarry pit. These four items are collectively referred to as the “Project.” The proposed amendment and contents of the SUP application will herein be referred to as the “Application”. The extent of the Application is further elaborated below.

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<sup>1</sup> Also referred to as the State Land Use Commission Docket No. SP73-147. The Planning Commission's SUP File No. 2007/SUP-6 superseded File No. 72/SUP-1. However, the LUC considered the 2007 request an amendment to the original SUP and retained the original Docket No. SP73-147. Grace Pacific Corporation was the Applicant of the 2007/SUP-6. The entity converted to Grace Pacific LLC in 2013. Both will be referred to as the “Applicant” in this report.

1. Extend the Life of the Makakilo Quarry  
Condition No. 3 of the 2007/SUP-6, Findings of Fact, Conclusions of Law, and Decision and Order ("D&O") reads:

3. *All resource extraction, related aggregate processing and concrete and asphalt production activities, including recycling activities shall cease by December 31, 2032. Final beneficial re-use plans as approved by the Department of Planning and Permitting shall be implemented immediately upon the cessation of said resource extraction and related quarrying activities.*

The Application involves modifying Condition No. 3 of the D&O to extend the life of resource extraction, aggregate processing, manufacturing of asphaltic concrete, and concrete and asphaltic pavement recycling operations at Makakilo Quarry by 15 years to the year 2047. The Applicant estimates, as of 2018, around 15 million tons of aggregate still exists in the approved excavation area (**Exhibit 7**). Based on current market demands and rate of extraction, the Applicant estimates the basalt rock reserve in the currently permitted excavation area will be exhausted between 2040 and 2042, eight to 10-years longer than currently permitted. The new proposed area will add approximately 12,845,000 tons of additional aggregate. Current rates of extraction and greater recycling efficiency will prolong the life of this resource but to be conservative in their estimate, the Applicant is only requesting to extend operations to 2047.

2. Reshape the Area Approved for Resource Extraction

The Applicant proposes reshaping the permitted area approved for mining to better reflect available resources by adding 15.6 acres to the existing footprint along the northwestern and western rim of the quarry pit and by removing the same acreage from the existing permitted SUP area along the northern and southwestern rim of the quarry pit. This is to access a seam of high-quality rock for use in the manufacturing of concrete and asphalt paving products. The proposed change to the permitted mining area is depicted in **Exhibit 8** (Map of Proposed Reshaped Area). This would result in no net change to the size of the permitted area and would result in a net increase in linear distance of area reserved as a "buffer" from the surrounding community. **Table 1** displays the acreage devoted to each activity in the quarry.



Table 1 – Acreage of Existing Quarry and Proposed Quarry Activity

Description of Area	Existing Acreage	Proposed Change (Acres)	Total Acres	TMKs Affected
Buffer (passive open space)	334.9 (comprising 280.6 acres in Upper Quarry and 52 acres in Lower Quarry)	0 (- 15.6 & + 15.6)	334.9	9-2-003: por. 74 & por. 82 and 9-2-016: 004
Berming, Landscaping & Grading (surrounding perimeter of the quarry pit)	103.1	-13.4	89.7	9-2-003: por. 74 & por. 82
Quarry Pit and Processing	99	+ 13.4	112.4	9-2-003: por. 74 & por. 82
Conveyor Tunnel	0.1	0	0.1	9-2-016: por. 004

The final grading plan proposed in the Application involves a slimmer northeastern berm (also referred to as the “Kunia Berm”). The Kunia Berm is intended to screen views of the northern and western pit walls from the westbound H-1 Freeway approach to Kapolei. The modified Kunia Berm is still expected to rise to a height of 725 feet and would still connect to the upper slopes of Pu’u Makakilo to blend into the existing ridgeline. The plans also show slopes steeper than seventy-five percent (75%) in some areas, along with horizontal benches and vertical cuts in the “Berming, Landscaping, and Grading Area”. Overall, the Applicant indicates the requested modification will not diminish efforts to reduce quarry impacts upon final closure, as required by the 2007/SUP-6 approval.

3. Expand the hours of operation of certain activities to 24 hours, 7 days a week

Condition No. 5 of the 2007/SUP-6 D&O reads:

5. *“Beginning January 1, 2012, quarry operations shall be limited to the following days/hours:*
  - a. *Quarry excavation, crushing, stockpiling, equipment maintenance, and recycling facility – 6:00 a.m. to 6:00 p.m., Monday to Saturday.*
  - b. *Hot-mix asphalt plant – 6:00 a.m. to 6:00 p.m., Monday to Friday.*
  - c. *Unloading of cold-planed asphaltic concrete during re-paving jobs – 6:00 p.m. to 10:00 p.m., Sunday to Friday.”*

Currently, the Applicant operates a ready-mix concrete batching plant on Parcel 82 of the quarry during the permitted hours of operation, and a hot-mix asphalt plant on leased property at Campbell Industrial Park in Kalaeloa.<sup>2</sup> Operating the ready-mix concrete batching plant in the quarry pit on Parcel 82 and relocating the hot-mix asphalt to the quarry, along with sales, maintenance and the unloading of permitted recycle materials on a 24 hours a day, seven days a week (24/7) basis would allow the Applicant to better meet O'ahu's demand for ready-mix concrete and hot-mix asphalt. Since approximately 50 percent of the paving materials supplied by the Makakilo Quarry occurs for road work done between 6:00 p.m. and 6:00 a.m., the Applicant claims expanding their hours of operation to 24/7 will have less impact on O'ahu's roads and reduce overall operational costs. As timing is critical, both ready-mix concrete and hot-mix asphalt must be utilized within a narrow timeframe after processing. Therefore, it is necessary to manufacture the hot-mix asphalt and ready-mix concrete beyond the existing operating hours of 6:00 a.m. to 6:00 p.m.

Currently, the Applicant must lease land at Campbell Industrial Park to operate a 24-hour, hot-mix asphalt plant. In order to manufacture hot-mix asphalt and ready-mix concrete outside the quarry's permitted hours, aggregate from the quarry is loaded into dump trucks and transported to the off-site facility at Campbell Industrial Park. There the aggregate is processed closer to when the material is used. The Applicant indicates that expanding the operating hours would eliminate the need to transport aggregate off-site for processing. This would lead to cost savings for the City and County and the State road and highway paving work, construction jobs, and for other consumers.

**Table 2** summarizes the existing and proposed hours of operation along with the associated activities.

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<sup>2</sup> The portable ready-mix concrete batching plant is operated by Honolulu Construction & Draying Co. (HC&D).

Table 2 – Existing and Proposed Operation Hours

Parcel	Activity	Existing Hours	Proposed Hours
82 (Processing Site)	Crushing (including transporting rock in-quarry for crushing)	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Recycling	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Sales	7:00 a.m. to 4:30 p.m., Monday to Saturday	<b>24 hours a day, 7 days a week</b>
	Maintenance	3:00 p.m. to 6:00 p.m., Monday to Saturday	<b>24 hours a day, 7 days a week</b>
	Receiving of permitted recycle materials	6:00 p.m. to 10:00 p.m., Sunday to Friday	<b>24 hours a day, 7 days a week</b>
	Hot-mix asphalt allowed but currently produced at Campbell Industrial Park plants	6:00 a.m. to 6:00 p.m., Monday to Friday	<b>24 hours a day, 7 days a week</b>
82	Operation of ready-mix concrete	Not Listed in Condition No. 5 of D&O and Modification No. 4 of this Application	<b>24 hours a day, 7 days a week</b>
74 (Excavation Area)	Excavation	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Blasting	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged

4. Operate a Ready-Mix Concrete Batching Plant in the Quarry Pit

Condition Nos. 15 & 16 of the 2007/SUP-6 D&O reads:

15. *"The uses in the quarry excavation area shall be limited to rock excavation, crushing, stockpiling, a new hot-mix asphalt plant, recycling of concrete rubble, glass, and asphaltic concrete pavement, equipment maintenance, employee support, parking, administration, and a water well and pump. No other uses shall be permitted without the approval of the Land Use Commission.*

16. *The Applicant shall establish the quarry expansion in substantial compliance with the representations made to the Land Use Commission in obtaining the Land Use Commission Special Use Permit. Failure to do so may result in the revocation of the permit."*

The State Land Use Commission (LUC) imposed Condition Nos. 15 & 16 to ensure the Applicant establish quarry operations in substantial compliance with the representations made during the 2007/SUP-6 proceedings. In said proceedings, and as iterated in Finding No. 35 of the 2007/SUP-6 D&O, "the Applicant agreed to cease processing operations on Parcel 4 by December 31, 2012, and relocate industrial processing uses to either the quarry pit on the mauka portion of the Property or to the Campbell Industrial Park."

Plans to remove the ready-mix concrete batch plant from Parcel 4 involved relocating the plant to Campbell Industrial Park, rather than into the quarry pit. Subsequently, Condition No. 15 does not list a concrete batch plant as a permitted use in the quarry pit. Condition No. 5 of the 2007/SUP-6 D&O, which defines the hours of operation, also does not define permitted hours for the operation of a concrete batch plant in the quarry pit.

Thus, the Applicant is requesting that the placement and operation of a ready-mix concrete batch plant now be allowed inside the pit on Parcel 82.

## **II. FINDINGS OF FACT**

On the basis of evidence provided, the Director of the Department of Planning and Permitting (DPP) found:

### **A. Description of the Property**

#### **1. Location and Surrounding Uses**

The Application area consists of two portions of land separated by the H-1 Freeway. The mauka portion, or "Upper Quarry", is located along the southern slopes of Pu'u Makakilo and consists of Parcels 74 & 82. Upper Quarry is the location of the Quarry Pit, which is surrounded by approximately 280.6 acres of open space buffer. The portion of the Quarry Pit located in Parcel 82 can be characterized as the processing site for Makakilo Quarry, as it contains the majority of processing facilities, operations, and ancillary activities.<sup>3</sup> AES Solar Farm, agriculture land, and open space are located to the north with Makakilo residential communities located to the west.

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<sup>3</sup> A small portion of a primary/secondary crushing plant is located in Parcel 74.

The makai portion of the Application Area, or “Lower Quarry”, is located between H-1 Freeway and Farrington Highway. Lower Quarry consists of Parcel 4 and was once the primary processing site for the Makakilo Quarry. Following the 2007/SUP-6 approval, the entire 54 acres comprising the Lower Quarry was converted to landscaped open space. The Application does not involve a change in use for Lower Quarry. Kapolei Knolls and Kapolei Villages residential communities, and Kapolei Golf Course are located to the south. Farrington Highway, the University of Hawai‘i West O‘ahu Campus, and the Ho‘opili community are located to the east.

2. Topography

The Upper Quarry slopes up from an elevation of 240 feet at the H-1 Freeway to 872 feet at the top of Pu‘u Makakilo. Slopes range from about eleven percent (11%) at the lower slopes of undisturbed portions of Pu‘u Makakilo to about forty percent (40%) on the highest most elevation of the Pu‘u. The existing pit is located between two subtle ridgelines on the southeastern slopes of Pu‘u Makakilo, defining landforms that drain into the non-perennial Kalo‘i and Makakilo Gulches.

The Lower Quarry is located at the base of the Pu‘u Makakilo of which portions adjacent to Farrington Highway are level. The remainder of the Lower Quarry slopes up to the H-1 Freeway at about five percent (5%) to ten percent (10%).

3. Climate and Wind Patterns

The climate of lower Makakilo is characterized by warm and dry conditions. As of 2014, the “Climate of Hawai‘i,” Department of Geography, University of Hawai‘i at Mānoa database indicates the average annual temperature in the Application Area at noon is around 76 to 79 degrees Fahrenheit. Precipitation in the area is categorized as relatively “low” with mean annual rainfall averaging 24 to 28 inches. Annual wind speeds are relatively high, especially at Upper Quarry, averaging approximately seven to 10 miles per hour. The predominant wind direction is from the northeast to the southwest. The communities of Makakilo, Kapolei Villages, and Kapolei Knolls are located downwind of the Makakilo Quarry during predominant wind patterns.

4. Soils

According to the United States Department of Agriculture (USDA), Soil Conservation Service, the proposed expansion area consists primarily of Stony steep land (rSY), 40 to 70 percent slope, Mahana Silty Clay Loam (McD2), 12 to 20 percent slopes, Mahana-Badland complex (MBL), and

Helemano Silty Clay (HLMG), 30 to 90 percent slopes. These soil types are largely not suitable for crop production but can accommodate bushy pastureland. The rest of Upper Quarry contains similar soils.

Lower Quarry contains soils classified as McD2, 12 to 20 percent slopes, MBL, Moloka'i silty clay loam, zero to three percent slopes, MLRA 158 (MuA), Moloka'i silty clay loam, seven to 15 percent slopes, MLRA 158 (MuC), Waialua silty clay, zero to three percent slopes (WkA), 'Ewa silty clay loam, three to six percent slopes (EaB), 'Ewa stony silty clay, six to 12 percent slopes (EwC), Kawaihāpai very stony clay loam, zero to 15 percent slope, MLRA 158 (Klbc), Waialua stony silty clay, three to eight percent slopes (WIB), and stony steep land. These soils are suitable for certain crops, such as irrigated sugarcane.

A map displaying USDA soil classifications is provided in **Exhibit 9**.

5. Agricultural Lands of Importance to the State of Hawai'i (ALISH)

The ALISH Map, prepared by the State Department of Agriculture (DOA), classifies agriculturally important lands into three categories: 1) Prime Agricultural Land, 2) Unique Agricultural Land, and 3) Other Important Agricultural Land. According to the ALISH Map, the Upper Quarry is largely unclassified. This is likely due to the establishment of the quarry predating the drafting of the ALISH maps in 1977. Portions of Upper Quarry involve lands classified as "Other Important Agricultural Land". Lower Quarry involves lands classified as "Prime Agricultural Land" and "Other Important Agricultural Land".

6. Land Study Bureau (LSB) Classification (**Exhibit 5**)

The existing pit and proposed expansion area are rated under the LSB Master Productivity as "E", the lowest agricultural productivity rating on a scale of "A" to "E". The Lower Quarry contains soils rated "A", "B", "D", and "E" with the majority of this site falling within the "A" and "B" categories.

7. Important Agricultural Lands (IAL)

The Application Area does not involve land designated as IAL, as defined by Hawai'i Revised Statutes (HRS), Chapter 205, Part III.

**B. Quarry Operations**

A site plan depicting existing and proposed structures is included in this Report as **Exhibit 10** and can be found in the Application as Exhibit M.

1. Resource Extraction and Processing

Resource extraction involves the removal of topsoil (also referred to as “overburden”), averaging 20 feet in depth, with a bulldozer or excavator. Overburden is then stockpiled to be used for berms or ramps, or sold as general fill.<sup>4</sup> Basalt rock is then extracted by drilling 40 to 80 holes in a grid pattern to accept explosives. The explosives are then detonated in a controlled blast that produces around 5,000 to 15,000 tons of large stones or boulders, called “shot-rock”. The shot-rock is gathered with an excavator and bulldozer and hauled to the Primary Crusher where the shot-rock is crushed to around 12-inches in diameter. The material is then hauled to be further crushed into a four inch “surge” material by a Secondary Crusher. A-Grade surge is then transported to the Finish Crushing Plant where the product is further reduced in size, screened, and stockpiled according to size. A nearby wash plant may create products similar to sand from this material. A comparable process occurs for B-Grade surge at the B Finish Plant.

2. Concrete and Asphalt Manufacturing and Recycling

The ready-mix concrete batch plant on Parcel 82 combines A-Grade aggregate with sand. The compound is then loaded into mixing trucks where water is added. The concrete is mixed during transit at different speeds depending on how far the job site is and other factors. Ideally, ready-mix concrete is loaded and mixed within two hours prior to use.

A hot-mix asphalt plant is currently in operation at a site in Kalaeloa. The Applicant intends to either relocate the hot-mix asphalt plant from the Kalaeloa site or install another hot-mix asphalt plant into the quarry pit should the extended hours of operation be approved. Hot-mix asphalt is processed by mixing A-Grade aggregate and other materials. The plant heats and blends the components into usable asphalt. Then, the asphalt is transported to a job site where it must be utilized while it is still hot, typically within a few hours of loading.

Lastly, a recycling facility in the quarry pit receives asphalt and concrete rubble from highway and construction projects for processing and re-sale. Approximately 100,000 tons of asphalt and concrete are brought to the site annually to be processed at the recycling plant. The Applicant indicates closure of Makakilo Quarry would result in asphalt and concrete waste being deposited in landfills rather than being recycled.

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<sup>4</sup> Overburden is currently being stockpiled on the northern rim of the Quarry Pit.

3. Support facilities

Existing ancillary uses and structures that support the quarrying and manufacturing operations include a maintenance shop, administrative office, testing lab, employee training structure, trucking operation trailer, office for vice president of materials, an employee lounge, aggregate stockpile areas for sale, and a truck scale.

**C. Existing Land Use Permits**

1. Special Use Permits

The LUC approved 72/SUP-1<sup>5</sup> to authorize Pacific Concrete and Rock Company, Ltd. ("PCR"), to conduct rock quarrying activities to extract basalt aggregate and produce concrete, and other materials at Pu'u Makakilo. From 1973 to 2007, rock extraction and crushing operations occurred mauka of the H-1 Freeway, while shops, offices, scales, processing, and concrete batching were located makai of the H-1 Freeway. In the same docket, the LUC also approved the conversion of an existing PCR quarry into a 29-acre sanitary landfill at Pu'u Pālailai. The landfill site is located approximately 1.5 miles to the south of Makakilo Quarry on TMK 9-2-042: portion 011.

The Pālailai Landfill has since closed and is being leased to the Applicant who is still responsible for maintenance and monitoring under the closure plan approved by the State Department of Health (DOH) and the U.S. Environmental Protection Agency (EPA).<sup>6</sup> The 2007/SUP-6 D&O refers to the Pālailai sanitary landfill conditions of approval as remaining "in full force and effect". This Application does not propose the removal of conditions imposed by the LUC related to the Pālailai Landfill.

In 1985, the Applicant acquired the resource extraction operations at Makakilo Quarry from PCR. Quarry activities continued beyond the permitted closure date of 20 years, which expired in 1993. On October 5, 2007, the Applicant filed to modify the SUP and extend the life of Makakilo Quarry and expand the area approved for excavation into Parcel 74.

By this time, residential communities were developed around the quarry. In particular, the subdivisions of Kapolei Knolls and Malanai Iki were developed geographically adjacent and leeward of Parcel 4, where much

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<sup>5</sup> Corresponds to LUC Special Permit Docket No. SP73-147.

<sup>6</sup> The site is owned by Kapolei Infrastructure, LLC, an affiliate of James Campbell Company LLC.



of the processing activities were occurring. Expecting that quarry operations would terminate by 1993, residents of these communities were quite vocal about the associated impacts from the quarry such as dust, odor, views, and noise. A beneficial re-use plan for the quarry pit and surrounding area upon final closure was also sought.

To address these concerns, the Applicant proposed relocating the major processing operations at Parcel 4, the primary cause of the dust and noise affecting nearby residents into the quarry pit or to Campbell Industrial Park. The Applicant also proposed final grades that would create a natural sloping quarry face that would support the re-growth of vegetation. Re-vegetation was to occur in continuous stages as rock is harvested, rather than at the end of the quarry's life.

The proposed final grades are reflected in the final grading plans, dated June 5, 2008 as part of the application submitted to the Planning Commission (PC) as well as approved by the LUC under Docket No. SP73-147 on November 6, 2008. The approved LUC Docket No. SP73-147 D&O imposed 16 conditions of approval which included the Applicant's proposed mitigation measures, the PC's recommendations, and the LUC's additional conditions of approval.

Notable LUC Docket No. SP73-147 D&O conditions are summarized as follows:

- The submission of a site plan, fire protection plan, re-naturalization plan, drainage plan, and beneficial re-use plan for the DPP's review and approval. The beneficial re-use plan must be updated every five (5) years.
- The termination of excavation, processing, and recycling activities by December 31, 2032. Implementation of the beneficial-reuse plan to begin immediately.
- Limitation of uses in the quarry pit.
- The processing site on Parcel 4 to be returned to landscaped open space within six years.
- Hours of operation prohibiting nighttime operations.
- Dust control measures such that no visible fugitive dust cross the property boundaries of Parcels 74 & 82.

- The annual submission of compliance reports involving current aerial imagery of the Application Area along with itemized citizen complaints and actions taken to satisfy those complaints.
- Pālailai Landfill conditions still remain in effect.

## 2. Conditional Use Permits

The City Council Resolution No. 95 (1973) approved Conditional Use Permit (CUP) File No. 72/CUP-15, pursuant to the Comprehensive Zoning Code.<sup>7</sup> The CUP conditions and allowances were identical to the SUP.

On February 14, 1989, the Department of Land Utilization approved 88/CUP1-30, proposed by Finance Realty, Ltd., for the development of an 18-hole golf course and clubhouse on Parcel 74. The project was 50% complete when it was abandoned in 1993. The property was acquired by the Applicant in 1995 and the CUP for the golf course was rescinded in 2006 upon request.

On July 2009, 2007/CUP-91 was granted for the Upper Quarry pursuant to the Land Use Ordinance, Chapter 21, of the 2021 Revised Ordinances of Honolulu. Parcel 4 was not included in the CUP since the lot was to return to landscaped open space. The request to modify the conditions of operations for the quarry is subject to obtaining a major modification to 2007/CUP-91 if modification of the existing SUP is approved by the LUC.

## 3. Zoning Variances

On September 13, 2002, Zoning Variance File No. 2002/VAR-51 for asphalt and concrete recycling facilities, along with finish crushing of B-Grade basalt products, was approved for Parcels 4 & 82.

On December 27, 2011, Zoning Variance File No. 2011/VAR-28 allows various structures and equipment approved by 2007/CUP-91 to exceed the height limit of 25 feet in the AG-2 General Agricultural District, on Parcels 74 & 82. Building heights approved by the variance exceed underlying zoning by up to 110 feet. However, these structures are located inside the Quarry Pit and do not exceed the heights of the quarry walls. Of note, 2011/VAR-28 approves height allowances for concrete batch plant equipment in the quarry pit.

On April 23, 2018, Zoning Variance 2017/VAR-13 was granted to allow a maintenance facility to exceed the height limit on Parcel 82.

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<sup>7</sup> The Comprehensive Zoning Code is the predecessor to the 2021 Revised Ordinances of Honolulu, Chapter 21, the Land Use Ordinance.

#### 4. Environmental Impact Statement (EIS)

On January 13, 1973, the Governor accepted the EIS for the establishment of the quarry and processing facility. The current application is not subject to environmental disclosure requirements of the EIS law, Chapter 343, HRS. As the two triggers for requiring the EIS in 1973, i) use of State land for a tunnel underneath the H-1 Freeway to transport aggregate from Parcel 82 to Parcel 4 for processing and the maintenance of power and water lines, and ii) involving Pālailai Landfill were no longer part of quarry operations or tied to this SUP, further environmental disclosure is not mandated by Chapter 343. The absence of a trigger was recognized by the DPP in 2007 when the Applicant sought extensions of the SUP and the CUP at that time.

#### D. **Public Agency Comments**

**Agency Comments.** On July 25, 2023, a request for comment was sent to local, state, and federal government agencies to evaluate the Application. The agencies contacted and whether written comment was received is provided in **Table 3**, below. All written responses received prior to the signing of this Report are included in **Attachment 1**.

TABLE 3 – Public Agencies Contacted for Comment

Agency / Organization	Written Comment
<b>City Agencies</b>	
Board of Water Supply (BWS)	
City's Agricultural Liaison	
Department of Budget and Fiscal Services (BFS)	
Department of Community Services (DCS)	
Department of Design and Construction (DDC)	
Department of Emergency Management (DEM)	
Department of Environmental Services (ENV)	
Department of Facility Maintenance (DFM)	
Department of Land Management (DLM)	
Department of Parks and Recreation (DPR)	
Department of Transportation Services (DTS)	
Honolulu Emergency Services Department (HESD)	
Honolulu Fire Department (HFD)	
Honolulu Police Department (HPD)	
Office of Climate Change, Sustainability, & Resiliency (OCCSR)	
Office of Economic Revitalization	
Office of the Managing Director (MD)	

<b>Agency / Organization</b>	<b>Written Comment</b>
<b>State Agencies</b>	
Department of Agriculture (DOA)	
Department of Business, Economic Development & Tourism (DBEDT)	
Office of Planning & Sustainable Development (OPSD)	
Land Use Commission (LUC)	
Department of Education (DOE)	
Department of Hawaiian Homelands (DHHL)	
Department of Health (DOH)	X
Department of Land and Natural Resources (DLNR)	
Commission on Water Resource Management	
Engineering Division	
Division of Fish and Wildlife (DOFAW)	
Land Division – O’ahu District	
Historic Preservation Division (SHPD)	X
Department of Transportation (HDOT)	X
Hawai’i Emergency Management Agency/ State Civil Defense (HEMA)	
Office of Hawaiian Affairs (OHA)	X
O’ahu Metropolitan Planning Office (OMPO)	
University of Hawai’i, Mānoa	
<b>Federal Agencies</b>	
Department of the Interior (DOI) – Fish and Wildlife Service (USFWS)	X
Federal Aviation Administration	
Department of Agriculture	
Department of the Army	

No objections to the Application were raised by public agencies. However, the DPP received written comment from the OHA exploring the question of whether the proposed amendment requires a Supplementary Environmental Impact Statement (SEIS). As previously mentioned, the Chapter 343, HRS triggers for the initial SUP request were the Pālailai landfill and the use of the State-owned tunnel under the H-1 Freeway. Since both have been discontinued, a SEIS is not required.

#### **E. Community Concerns**

Community Concerns. On July 25, 2023, the DPP requested comments from the ‘Ewa Neighborhood Board (NB) No. 23, the Makakilo/Kapolei/Honokai Hale NB No. 34, community groups, and landowners within 300 feet of the Application Area. Comments received from these groups are provided as **Attachment 2**. The neighborhood boards did not take action on the application material

transmitted to them by the DPP. However, Grace Pacific presented the proposed changes to the Makakilo/Kapolei/Honokai Hale NB on August 24, 2022. The minutes of the meeting are located in the Application as Exhibit K. No major objections were raised at the meeting.

However, twenty-five (25) individuals and two (2) organizations provided written testimony in opposition to the Application. Residents expressing opposition live in the residential subdivisions of Kahiwelo at Makakilo, Kapolei Malanai, Kapolei Knolls, and the Villages of Kapolei to the west and south; and in Anuheia at Makakilo and Wai Kalo'i to the northwest.

Opposition to the Application involved accounts of adverse impacts associated with the quarry involving dust, noise, ground vibrations, and property values. Some residents to the northwest reported being able to feel the blasts, which they contend has resulted in cracks and foundation damage to their dwellings. Most of the comments in opposition came from homeowners in the Kahiwelo community, located to the immediate southwest and downwind from the Upper Quarry. The DPP also received written testimony from the Kahiwelo at Makakilo Community Association.

Testimony was largely against the proposed 24/7 hours of operation for processing and trucking operations, as well as the continuation of quarrying activities after the permitted 2032 closure date. Many homeowners purchased their homes thinking the quarry would terminate by 1993, or by 2032 depending on when the home was purchased. The sentiment is that the Applicant should be looking for alternative sites and working towards closure of the Makakilo Quarry by 2032.

Additionally, the DPP communicated with some homeowners who were concerned the proposed action involved quarrying the entire 536.9-acre Application Area, including the "buffer area". Some residents from Kapolei Knolls were also concerned that a resumption of processing activities on Parcel 4 was being proposed. After quelling misunderstandings, most of the homeowners who fell under this category expressed they were no longer opposed to the Application.

Finally, Makakilo Bluffs, LLC, the owners of TMK 9-2-003: 009, an approximately 85-acre undeveloped parcel immediately adjacent on the west side of Parcel 74, provided written testimony in opposition to the Application. Makakilo Bluffs, LLC, intends to develop housing on their property and opposes the Application due to potential impacts on future residential development of their property.

### III. ANALYSIS

#### A. Laws and Public Policies

##### 1. State Land Use Law, Chapter 205, HRS.

The Application area is within the State Land Use Agricultural District. Section 205-6, HRS, allows the “county planning commission to permit certain unusual and reasonable uses within the agricultural and rural districts other than those for which the district is classified. The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objective of this chapter.”

In determining whether a proposed use is deemed “unusual and reasonable,” Rules of the Planning Commission, Section 2-45, established five guidelines to be applied. These guidelines are also found in Hawai‘i Administrative Rules, Title 15-15, for the LUC.

An analysis of the five guidelines Section 2-45 of the Rules of the Planning Commission are provided below.

**Guideline 1: Such use shall not be contrary to the objectives sought to be accomplished by the state land use law and regulations.**

Chapter 205, HRS seeks to protect good agricultural land and ensure their continued availability for agricultural use. It also recognizes some lands in the State Agricultural District may not be suitable for the uses permitted in the district and provides relief through the Special Permit. The area proposed for expansion of resource excavation does not exhibit a high capacity for intensive agricultural cultivation due to unfavorable soil classifications, topography, climate, and water availability. Additionally, significant ground disturbance has occurred within the Application area from golf course construction and quarry operations. Therefore, the Applicant’s proposal would not impede the agricultural goals of the State of Hawai‘i.

**Guideline 2: The desired use would not adversely affect surrounding property.**

The DPP determined that the proposed Project, with mitigative measures in place, would not adversely affect surrounding property as follows:

When the Makakilo Quarry was established in 1973, the majority of lands surrounding the quarry consisted of sugarcane fields, pastureland, and open space. Since then, significant urban development has transformed the once undeveloped character of the surrounding area.

The 2008 LUC approval of Docket No. SP73-147 imposes commitments the Applicant made with the surrounding communities and public agencies to mitigate adverse impacts from quarry operations. This includes i) a re-naturalization and closure grading plan to enhance and expand the buffer area (Condition Nos. 2 and 6); ii) relocating all activities off of Parcel 4 and return to natural state (Condition No. 4); iii) limit hours of operation to mostly daytime hours (Condition No. 5); iv) place additional dust control measures as needed (Condition No. 7); v) establish a community hotline to register and respond to complaints or inquiries (Condition No. 9c); and vi) provide a beneficial re-use plan (Condition No. 10).

The Applicant has significantly reduced impacts to surrounding communities upon implementation of 2007/SUP-6 conditions of approval, particularly with the relocation of processing activities into the quarry pit, the creation of a buffer area between the quarry operations and surrounding residential communities, and the construction of screening berms along the H-1 Freeway. The dedicated Community Hotline for receiving and recording complaints related to quarry and recycling operations has aided responsiveness and understanding of the concerns residents experience.

This Application to modify the existing SUP conditions contains various studies which analyze the potential additional impacts that might be caused by the proposed action. The view plane, noise, lighting, and dust evaluation studies are contained in Appendix P, U, V, and W of the Application, respectively, and are further discussed below:

The studies collectively conclude that with the recommended mitigation measures, the additional operations at the quarry would not have notable adverse impacts to the surrounding area. To ensure that good faith efforts will be made and kept by the Applicant, a condition of approval is recommended that the Applicant return to the PC to provide monitoring reports and updates on the mitigation measures taken to minimize any impacts. This is especially important considering the proposed expansion of hours of operation.

Natural Views and Final Grading Plans. A View Planes Analysis was prepared by Bowers and Kubota Consulting and is included in the Application as Exhibit P. The View Planes Analysis assesses the visual impact of the Project on the surrounding environment. This study

evaluated the aesthetic effects of the proposed changes to the extent of quarry excavation, berming and operations area. Five prominent lines of sight were selected due to their visual relationship with the quarry and frequency it may be viewed by the public. They are:

- i) H-1 Westbound
- ii) University of Hawai'i at West O'ahu/(Skyline guideway)
- iii) The Salvation Army Kroc Center
- iv) Kanehili subdivision
- v) Kealanani Avenue

The aesthetic impact of the Project on nearby lines of sight is an important consideration for residents, as well as protecting Pu'u Makakilo, a noted visual landmark in the region ('Ewa Development Plan – Objective B, Policy 2). Overall, the implementation of the final grading plan will mitigate the adjusted footprint of the quarry operations by matching the topography adjacent to the site. Visible portions of the excavated hillside and exposed rock faces, so prominent from those areas to the south looking māuka, will be blended by matching the natural appearance of the surrounding slopes and adjacent hillsides. The implementation of the final grading plan will eliminate the steep faces of the hillside within the quarry by replacing them with more gradual slopes matching those of Pu'u Makakilo to provide a more consistent appearance.

Re-naturalization for the quarry site will consist of planting of native shrubs such as ma'o, 'iliahi, naio, 'a'ali'i, and pōhinahina as well as a hydroseed mix composed of common bermuda, buffel grass, and annual rye on the finished slopes of the site. Temporary irrigation fixtures may be used to establish the vegetation. The re-naturalization will integrate the slopes of the quarry into the surrounding hillside due to the similar vegetation.

Along with 303 acres of buffer area surrounding the operational quarry area, softening the mounds of overburden, and implementing the final grading plan, the quarry site will have minimal visual impact from the areas where it can be seen.

Noise. A Noise Impact Study was prepared by Censeo AV+Acoustics and is included in the Application as Exhibit U. The study provides an assessment of existing and predicted noise levels at the quarry for surrounding residential neighborhoods. Currently, there are five noise receptors located in the closest neighborhoods to the quarry. Table 4 displays a list of the noise sensitive receiver locations and their proximity to the industrial quarry operations and the H-1 Freeway.



Table 4 – List of Noise Sensitive Receiver Locations<sup>8</sup>

Receptor ID	Neighborhood	Receiver Type	Closest Distance (ft.) from Neighborhood to Plant and Freeway Noise Sources	
			Prim/Sec Plant	H-1
R1	Kulihi Street/Ohio Street	Single Family Residences	3,500	200
R2	Nemo Street	Single Family Residences	2,500	4,500
R3	Pueonani Street	Single Family Residences	2,500	3,200
R4	Kapolei Knolls	Single Family Residences	3,400	300
R5	UH West Oahu	University/Commercial	3,500	1,600

The Noise Impact Study concludes adverse noise impacts to the communities surrounding the Project Area are expected to comply with the DOH maximum permissible noise limits defined by Hawai'i Administrative Rules, Title 11, Chapter 46. It also concludes that Pu'u Makakilo provides the neighborhoods to the north and northwest a natural barrier which blocks audible noises emanating from the quarry. Phone conversations with residents from the Wai Kalo'i and Anuheia subdivisions validate the Noise Impact Study's conclusion that Pu'u Makakilo serves as an effective noise barrier for residential subdivisions to the north and northwest.

Residential and commercial areas to the south and southwest are exposed to H-1 vehicular traffic, which likely masks operational noise of the quarry. In addition, if the request to modify quarry operations is approved, the reduction of an estimated 900 fewer round-trip truck trips on H-1 between the quarry and Campbell Industrial Park should lessen noise impacts especially late at night. The Kahiwelo Subdivision is much closer to the H-1 Freeway so fewer truck trips should benefit that subdivision.

The closest aggregate processing facility in the quarry to the Kahiwelo Subdivision is located approximately a half mile from the nearest residential structure. However, comments received from residents mention quarry operations are currently audible from their home. The Noise Impact Study conducted as part of this Project concludes that the hot-mix asphalt and concrete batch plants are not expected to significantly contribute to the overall quarry operational noise levels. The Applicant intends to implement additional noise mitigation measures, including the use of white noise reversing alarms on all trucks and management of traffic through the quarry to avoid the need to reverse. A condition of approval is recommended to include submittal of a traffic circulation plan.

<sup>8</sup> Receptor R1 is located at Kahiwelo, R2 at Anuheia, R3 at Wai Kalo'i, R4 at Kapolei Knolls, and R5 at UH West O'ahu.

Lighting at Night. The proposed expansion of quarry hours of operation will require nighttime outdoor lighting for 24 hour operations. Exhibit V of the Application includes a Light Assessment Report, conducted by Ronald N. S. Ho & Associates, Inc., which evaluates the impacts of added illumination necessary to support night operations.

The Light Assessment Report concludes that nighttime operations have the potential to increase spillover light to surrounding properties from two situations. The first involves refraction of light off rain fall, which may cause a noticeable illumination over the quarry. The second situation involves the use of portable generator lighting systems. These systems currently involve 5000k high-intensity discharge flood lights which are unshielded and capable of being aimed along the horizontal and vertical axis.

As such, a condition of SUP approval is being recommended to require all exterior light fixtures to be a correlated light temperature of 3000 degrees Kelvin or less with full cutoff of light fixtures to prevent illumination above the horizontal plane. The portable generator lighting systems are to be located on the southern side of each work area so floodlights will only be pointed towards berms or walls in the north, east, and west direction, away from Kapolei. Since Condition No. 4.c. of the existing 2007/CUP-91, already required submission of an outdoor lighting plan, any updates to the outdoor lighting plan can be incorporated into the new CUP as well.

Dust and Odors. Written testimony from neighboring landowners provide accounts of dust from quarry operations adversely impacting air quality, private property, and general quality of life. The Applicant is subject to State DOH regulations governing air quality. On a site visit, the DPP staff observed the standard practice of spraying the blast area with water before and after the blast. Staff also observed a watering truck spraying internal roads and the watering of stockpiled aggregate.

According to the 2022 Annual Compliance Report, six complaints were received during the 2021-2022 reporting period related to dust and overgrown vegetation. The complaints were promptly addressed and resolved by the Applicant.

Additionally, to address potential odors from operating the hot-mix asphalt plant, the Applicant indicates the new hot-mix asphalt plant they intend to bring in contains double barrel drums, which reduces emissions by reintroducing smoke generated during asphalt processing back into the flame where any particulates and fumes causing odors are burnt. The hot-mix asphalt plant also contains a bag house that captures dust and reintroduces it into the processed asphalt. The hot-mix asphalt plant operates under Covered Source Permit 071-01-CT, which requires

compliance with federal and state air pollution laws and regular DOH inspections. The hot-mix asphalt plant was previously located in the quarry pit and is currently an approved use.

Stormwater. All stormwater will continue to be retained on-site. A Drainage Report conducted by Wilson Okamoto Corporation was included as Exhibit R-2 in the Application. Upper Quarry has two major retention basins, named the Kunia basin and the Wai'anae basin. The hydrology of the quarry is designed so that the Kunia basin collects runoff from approximately 163 acres, fills up, then spills into the Wai'anae basin. The Wai'anae basin will then eventually fill up and spill out of the project parcel. The Drainage Report concludes that the Kunia basin alone has capacity to accommodate water flows from a 1000-year storm event. A Stormwater Pollution Prevention Plan is provided in the Application as Exhibit R-3, even though stormwater discharge from the quarry is not anticipated.

Vibrations and Rockfall Hazards. There have been no reported rockfall events associated with vibrations from drilling, blasting, or other quarry operations that have affected the surrounding residential properties during the life of the quarry. The Applicant indicated, in a letter dated November 16, 2023, that any rockfall concerns should be reported to the quarry public hotline. The same letter provides pictures of the north and northwest perimeter of the upper quarry. (**Attachment 3**).

In 2004, a large boulder fell onto the H-1 Freeway. Subsequently, the Applicant hired a contractor to remove all boulders along a 2,000-foot stretch of the H-1 Freeway deemed to be a potential hazard.

Post Closure. The 2022 Beneficial Re-Use Plan was submitted pursuant to Condition No. 10 of the 2007/SUP-6 D&O as well as Condition No. 3 of the CUP 2007/CUP-91. The Beneficial Re-Use Plan will be followed by updates every five years until expiration of the permit and quarry closure.

At this time, no change in this condition is anticipated. As the date for the quarry closure draws nearer, it is anticipated that the re-use of the site will become more definitive. Whether the site is used for more passive uses or actual urban re-use development, the Applicant intends to transition use of the quarry area in a manner consistent with the regional land use plans and values of the surrounding community.

**Guideline 3: The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.**

The Project would not require additional public infrastructure services. Public agencies that responded did not have objections to the Application.

Roads and Streets. The HDOT and DTS did not have objections to the Application. A Mobility Analysis Report, prepared by Fehr and Peers, was included in the Application as Exhibit N. The assessment of mobility and access associated with the Application addresses existing vehicular access to the site via Pālehua Road at the H-1/Kualaka'i Parkway interchange and that access is proposed to be maintained within the proposed Application Area.

The proposed Project is expected to generate a total of 137 net new daily vehicle trips, including 35 net new vehicle trips during the AM peak hour (19 inbound/16 outbound) and 19 net new vehicle trips during the PM peak hour (five inbound/14 outbound). Vehicle trip generation for the facility was determined based on future employee and truck estimates provided by Grace Pacific, as well existing counts taken at the site driveway for existing land uses. Note that this analysis conservatively does not consider the reduction in existing trips that would result from current trips between the quarry site and a hot-mix asphalt plant in Kalaeloa staying internal to the quarry site with the Project in place. Nevertheless, processing the hot-mix asphalt and ready-mix concrete in the quarry pit rather than continuing the hauling between the quarry and Campbell Industrial Park, reduces overall truck noise at night and eases the traffic burden on local roads and highways.

The mobility analysis determined that the project will have no significant impacts to any roadway segments or intersections. Based on a multimodal evaluation of mobility effects from the project, no potential impacts to pedestrian facilities, bicycle facilities, and transit facilities are anticipated.

Wastewater. The Makakilo Quarry is not connected to the City's wastewater system. Portable toilets are provided for employees.

Water Supply. Non-potable water is available to Parcel 74 and Parcel 82 via a water line from a well in the Upper Quarry. The well is designated State Well #3-2103-006 and the Applicant is allowed to extract 256,000 gallons per day or 7,680,000 per month. In 2022, the Applicant's monthly average water usage was 4,400,000 gallons. The water is used on Parcel 82 for dust control, for concrete batching, and for landscaping. Dust control is accomplished using water tank trucks, which spray water on the roadways, stockpiles, and excavated areas.

No changes to the existing water facilities or the allocations for Parcel 82 are anticipated under this proposal. The existing placement of the ready-mix concrete plant in the quarry has resulted in water usage of 25,480 gallons per month. Taking this current use into account, the Applicant expects that the plant's annual water usage will be 305,770 gallons. If the requested expansion of hours is approved, the Applicant anticipates that the concrete plant will be operated primarily at night instead of during the day, which would focus the plant's water usage to the evening hours but would not result in a net change in water usage. The remaining SUP amendments are not anticipated to materially affect the water usage on Parcel 82. This includes the relocation of the hot-mix asphalt plant to the quarry pit.

School Improvements. The proposed action is not anticipated to have an adverse impact on public school capacity. The State DOE did not provide comments on the Application.

Police. There are no expected adverse impacts on police services due to the proposed SUP amendment. The Makakilo Quarry falls within the HPD's Patrol District 8, which extends from Ka'ena Point to Iroquois Point. The main police station for District 8 is located in Kapolei, approximately 1.5 miles away from the Upper Quarry. HPD provided comment and have no concerns with the proposed Project.

Fire Protection. Condition No. 1.b. of 2007/SUP-6 requires the submission and approval of a Fire Protection and Control Plan. The plan was approved in 2010 and Grace Pacific actively maintains firebreaks in the "buffer area". A map showing existing firebreak roads is included in the Application as Exhibit O.

Additionally, Makakilo communities have been subdivided in such a way as to have only one ingress/egress, Makakilo Drive. With the recent emphasis on safety from wildfires, the City and County of Honolulu has been exploring an agreement with the Applicant to provide emergency access on the haul route located at the northeastern property line.

**Guideline 4: Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.**

In approving the SUP in 1973 and the quarry expansion in 2008, the PC and the LUC recognized the uniqueness of the quarry and its importance in development of infrastructure on O'ahu. The extension of the permit to 2047 and the expansion of the quarry operating hours, which are based on new identification of resources and changing market demand, would result in continued local production of A-Grade and B-Grade aggregate,

thereby reducing the need to import aggregate from other locations (including the mainland) and avoiding transportation and other costs associated with importing aggregate or transporting aggregate from quarries that are situated further from worksites.

Good quality rock is available at higher elevations of Pu'u Makakilo and the Applicant indicates that extracting this material is more economically feasible than importing from other sites due to transportation costs. If Makakilo Quarry were closed, rock supplies from other quarries (such as Kapa'a and Hālawā) would need to be dramatically increased, probably at higher costs, as these sources are located farther away from job sites in 'Ewa, Kapolei, and central O'ahu. It has not been established that rock from other local quarries is sufficient to economically replace this loss or whether another local source can be timely established to replace Makakilo Quarry.<sup>9</sup>

Thus the Makakilo Quarry plays an important role in supplying local aggregate on O'ahu. The quarry is in a centralized location and is therefore able to supply aggregate and aggregate products to job sites while incurring less transportation costs than other local quarries or from imported aggregate sources. With approximately 50 percent of paving work done on O'ahu occurring between 6:00 p.m. and 6:00 a.m., expanding quarry operations, including the production of ready-mix concrete and hot-mix asphalt, to 24 hours a day to accommodate this timeframe would result in: 1) eliminating dump truck trips between the quarry and Campbell Industrial Park; 2) lower asphalt and concrete costs for road and building projects.

**Guideline 5: The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

The State DOA did not provide comments on the Application.

Expansion of the excavation area further up Pu'u Makakilo would not have an adverse impact on the agricultural industry as the Project site and expansion area's soils have poor crop productivity ratings. Lands to the east of the pit and along the lower slopes of the Pu'u continue to be available for cattle grazing. The land has been previously rated for agricultural use, but since then, adjoining uses, existing and proposed, are expected to be urban in nature with irrigation water no longer readily available. It is likely that intensive agricultural use of the mauka site is no

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<sup>9</sup> According to the 2007/SUP-6 Director's Report, industry experts indicate that "Grade A rock is also available from Kapa'a Quarry which is estimated to have [20+] years of reserves. Alternate known sources of good quality rock in large supplies have been found in Helemano north of Wahiawā and Kamananu adjacent to Kaukonahua Gulch. Besides known location of reserves, the siting of quarries also takes into account other major factors such distance to market and community impacts."

longer possible due to a significant disturbance of topsoil due to resource extraction and processing activities. Thus, the proposal would have little to no adverse effect on the agricultural suitability of the site as it has poor potential for agricultural uses.

2. State Coastal Zone Management, (CZM) Chapter 205A, HRS

With regards to Chapter 205A, HRS, the CZM Program, all lands of the State, including the area extending seaward of the shoreline to the limit of the State Jurisdiction, are included in the CZM. Relevant objective and policies are discussed below:

Objective 3 - Scenic and Open Space Resources

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

(c) Policy (3) Scenic and Open Space Resources

(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline.

The Application requests the reshaping of approved areas of excavation to extract high quality resource further up the slopes of Pu'u Makakilo. Given the depletion of high quality rock within the existing area approved for resource extraction by year 2040-2042, and the existence of high quality rock reserve further up the slopes of Pu'u Makakilo, the reshaping the area of resource extraction to include 15.6 additional acres is reasonable.

However, converting 12.4 acres of the "Kunia Berm" from "Berming, Landscape, and Grading Area" into "Buffer Area" suggests a benefit that offsets the visual impacts of the quarry for surrounding residents. The View Planes Analysis in Exhibit P of the Application asserts that the final grading will have the desired outcome of screening and buffering the visual impacts of the quarry from surrounding areas. Therefore, in light of the State objectives to preserve scenic and open space resources, submittal of a new final grading plan that includes the expanded excavation area, a visual model of quarry activity in five-year stages, and a re-naturalization plan, is recommended as a condition of approval.

3. Hawai'i State Plan

The Hawai'i State Plan (Chapter 226, HRS as amended) provides the overall theme, goals, objectives, policies, and priority guidelines for statewide planning. The proposed Project is consistent with the following objectives and policies of the Hawai'i State Plan.

**Section 226-6, HRS. Objective and policies for the economy – in general.**

- (a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:
- (b)(6) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.

**Section 226-11, HRS. Objectives and policies for the physical environment-land-based, shoreline, and marine resources.**

- (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:
- (b)(8) Pursue compatible relationships among activities, facilities, and natural resources.

**Section 226-103, HRS. Economic priority guidelines.**

- (a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii's people and achieve a stable and diversified economy:
  - (8) Provide public incentives and encourage private initiative to develop and attract industries which promise long-term growth potentials and which have the following characteristics:
    - (A) An industry that can take advantage of Hawai'i's unique location and available physical and human resources.

The proposed modification of 2007/SUP-6 would allow the continued extraction of local aggregate to support a wide variety of Hawai'i's industries through the creation and maintenance of infrastructure such as roads and airport runways.



4. O'ahu General Plan (GP)

The GP was first adopted in 1977 and was most recently amended in 2022. The GP provides long-range social, economic, environmental and design objectives for the general welfare and prosperity of the people of O'ahu. The GP also provides the most desirable population distribution and regional development pattern to guide all of the regional plans for each of the eight regions of O'ahu.

Part I. Population

Objective A: To promote diversified economic opportunities that enable all the people of O'ahu to attain meaningful employment and a decent standard of living.

Part II. Balanced Economy

Objective A: To promote diversified economic opportunities that enable all the people of O'ahu to attain meaningful employment and a decent standard of living.

Part IV. Housing and Communities

Objective A: To ensure a balanced mix of housing opportunities and choices for all residents at prices they can afford.

Objective C: To provide residents with a choice of living environments that are reasonably close to employment, schools, recreation, and commercial centers, and that are adequately served by transportation networks and public utilities.

The Makakilo Quarry provides an important source of local aggregate for O'ahu's, needed to support Hawai'i's housing, infrastructure, economic and recreational needs, among others. Local sources of aggregate are extremely important to Hawai'i, providing significant benefits, as they limit the need to import aggregate from nonlocal sources, which would result in increased costs to residents and the government, increased stress and burden on Hawai'i's local transportation systems (harbors and highways) and reduce the fuel consumption and emissions associated with the unnecessary import of goods to Hawai'i.

5. 'Ewa Development Plan ('Ewa DP)

The Application area is located within the 'Ewa DP planning region. The most recent comprehensive review of the 'Ewa DP was conducted in

2013. In 2020, the 'Ewa DP was further amended to create consistency with the development guidelines envisioned in the draft version of the East Kapolei Neighborhood Transit-Oriented Development Plan. The 'Ewa DP omits narrative describing long-range plans for the Makakilo Quarry.

However, it recognizes the presence of the existing quarry with a symbol on the Urban Land Use Map. The land comprising the Upper Quarry is also designated as an "Agricultural and Preservation Area" in the Urban Land Use Map. The lands comprising the Lower Quarry is designated as "Residential and Low-Density Apartment" in the Urban Land Use Map.

The Application Area is also located within the 'Ewa DP Community Growth Boundary (CGB). The CGB defines and contains the intended extend of developed areas of urban and urban fringe communities.

The 'Ewa DP recognizes Pu'u Makakilo as a historic and cultural resource to be preserved and enhanced as a visual landmark and part of a significant vista when viewed from Kapolei.

6. Revised Ordinances of Honolulu (ROH) Chapter 21, Land Use Ordinance (LUO)

Pursuant to the LUO, the Project is located within the AG-2 General Agricultural District, the AG-1 Restrictive Agricultural District, and is classified as resource extraction. The Project is subject to modifying the existing CUP, File No. 2007/CUP-91.

7. ROH Chapter 25, Special Management Area (SMA)

The Application Area is not located within the SMA.

8. ROH Chapter 18A, Grading Soil Erosion, and Sediment Control

A grading permit is not required for resource mining or quarry operations. However, the construction of screening berms are subject to grading permit approvals.

**B. Cultural and Historical Impacts**

1. Ka Pa'akai Analysis

A Ka Pa'akai analysis was conducted by Pacific Legacy and is included as Exhibit "S" of the Application. The analysis assesses the identification and protection of any cultural, historical, or natural resources in the Application area, including traditional and customary Native Hawaiian rights pursuant to Ka Pa'akai v. Land Use Commission, 94 Hawai'i 31, 7 P.3d 1068,

(2000). The Court in Ka Pa‘akai held that the following analysis is to be conducted for land use approvals:

- a. The identity and scope of valued cultural, historical, or natural resources in the Application Area, including the extent to which traditional and customary native Hawaiian rights are exercised in the Application Area;
- b. The extent to which those resources - including traditional and customary native Hawaiian rights - will be affected or impaired by the proposed action; and
- c. The feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

The Ka Pa‘akai Analysis concludes that the uplands of Honouliuli were likely an important area for pre-contact activities that included the gathering of traditional plants for medicinal and other uses, catching birds for feather work, and hunting pigs in the uplands. However, the area became restricted starting in the 19th century and the impacts of cattle grazing and intensive sugarcane cultivation likely denuded the landscape of many traditional resources.

Those interviewed for the analysis did not comment on ongoing cultural practices in the proposed Project area. However, several participants emphasized the cultural importance of the area, with emphasis on spiritual activities and the role of Pu‘u Makakilo in celestial observations and as a navigational landmark. The analysis identified no potential impact to resources and traditional and customary Native Hawaiian rights but recommends the Applicant maintains positive relationships with communities of Makakilo and the wider region encompassing the Honouliuli Ahupua‘a.

Recommended actions include development of an established protocol should disturbance of iwi kūpuna occur during quarrying activities, which includes immediate notification of the SHPD, an O‘ahu Island Burial Sites Specialist, and the development of a burial treatment plan in consultation with the SHPD, the O‘ahu Island Burial Council, the OHA, identified cultural and/or lineal descendants, and community stakeholders. Additionally, dissemination of information to community members regarding other required environmental testing (and their results) for the proposed expansion and planned changes to operations. Finally, continue community consultation regarding potential impacts and mitigation plans for historic properties throughout the duration of the project development.

## 2. Archaeological Resources

A literature review and field inspection for the proposed 15.6-acre expansion area was conducted by Cultural Resources Consultants, and is included as Exhibit T of the Application. The literature review found there had already been significant disturbance within the Application Area from agricultural and quarrying activities, as well as the modern development of a golf course in the 1990s. The field inspection identified five potential historic properties in the greater Makakilo area. The field inspection identified five potential historic properties: a concrete ditch, two modified outcrops, and two terrace/wall segments, all with likely post-contact associations related to soil retention and water drainage along the lower slopes of Pu'u Makakilo.

A draft Archaeological Inventory Survey (AIS) is included in the Application as Exhibit Z, and has been submitted to the SHPD for review and approval. The AIS concluded all five component features have been thoroughly documented and further archaeological testing does not have potential to reveal additional information about the past.

A condition of SUP approval will require receipt from the SHPD that the AIS report and any required mitigation plans are accepted prior to issuance of any building permit.

## C. Protection of Endangered Species.

A Biological Survey Report, conducted by Ko'olau Ecological Services, LLC, was included as Exhibit Q in the Application. The Biological Survey Report concludes that no threatened or endangered plants or animals were observed during field investigation and that the degraded habitats in the Application Area are unlikely to support populations of threatened or endangered species. However, endangered birds and bats may be present intermittently or may transit through the Application Area.

According to the DOI USFWS, the endangered 'ōpe'ape'a (Hawaiian hoary bat); endangered 'ua'u (Hawaiian petrel), endangered Hawai'i distinct population of the 'akē'akē (band-rumped storm-petrel), and threatened 'a'o (Newell's shearwater) may traverse the Application Area. Endangered or threatened Hawaiian seabirds may also traverse the Project area at night during breeding season. No seabird nestings are located within the proposed Project site, but use of outdoor lights could have a potential impact to birds, as lighting can disorient seabirds which can result in their downing and cause harm. Exterior facility lighting will be shielded to reduce the potential for interactions of

nocturnally flying seabirds with external lights or other structures. Automatic motion sensor switches and controls on all outdoor lights can be installed or lights manually turned off when human activity is not occurring in the lighted area.

An outdoor lighting plan is recommended as a condition, as well as recommended measures to protect 'ōpe'ape'a that include refraining from disturbing, removing or trimming woody plants greater than 15 feet tall during bat birthing and pup rearing season (June 1 through September 15) and not using barbed wire for fencing.

**D. Social Impacts**

A Socio-Economic Impact Assessment is included in the Application as Exhibit Y. The Project will have minimal impact on population increases or decreases in the area and minimal adverse impact, if any, on the area's farming community. Positive impacts of the Project would result in: 1) less truck traffic between the quarry and Kalaeloa; 2) reduced construction costs, and maintaining jobs. The assessment mentions Makakilo Quarry provides around 45 jobs. It is estimated that 12 additional staff will be relocated to the Upper Quarry for the operation of the hot-mix asphalt plant.

The recycling plant in operation at the Makakilo Quarry processes salvaged concrete and asphalt from construction sites into recycled material that are then sold to customers. From 2017-2021, more than 110,000 tons of concrete and asphalt were accepted at the plant, resulting in nearly 87,000 tons of recycled material sold to customers.

## **IV. CONCLUSION**

The Application addresses the impacts typically associated with quarry operations. The Applicant has extensive history working to control the environment surrounding their operations to mitigate possible impacts before they occur, or, as their record reflects, addressing them promptly. The expansion of operations is vital to the ongoing needs of the construction industry for the island's road and building projects, as well as the overall economy. Agriculture on the Project site is no longer a viable use and no major infrastructure improvements are needed for the Project. Furthermore, the proposal is also in compliance with relevant State and City policies. Thus, the proposed Project to allow the expansion of operations outlined in this Application on agricultural land is "unusual and reasonable" as set forth in Chapter 205-6, HRS, and the five (5) guidelines established by the Planning Commission, pursuant to Section 2-45 of the "Rules of the Planning Commission."

## V. RECOMMENDATION

The Director of the DPP recommends the conditions of approval set forth in File No. 2007/SUP-6, and by the LUC Findings of Fact, Conclusion of Law, and D&O for SUP File No. SP73-147, dated November 6, 2008, shall remain in full force and effect except as AMENDED as follows using the Ramseyer format for existing conditions where added language will be underlined, and deleted language will be shown in strikethrough font.

1. Within six (6) months of the Land Use Commission's Decision and Order approving the Special Use Permit, the Applicant shall submit:
  - a. A new site plan with metes and bounds map and description delineating the approximately 536.9541-acre Property, including the boundaries of the quarry excavation and berming areas, the processing site and conveyor tunnel, and the buffer area to the Director of Planning and Permitting for review and approval. The site plan shall also be submitted to the Land Use Commission.
2. Within one (1) year of the Land Use Commission's Decision and Order approving the Special Use Permit, the Applicant shall submit to the Director of Planning and Permitting for review and approval a renaturalization plan in coordination with ~~the proposed Closure Grading Plan for the quarry site and buffer area mauka of the H-1 Freeway~~ showing a revised final Closure Grading Plan, showing a visual model of quarry activity in five-year stages from all four approaches to the quarry. The revised grading plan should provide cross-sections of the pit displaying slopes and elevations. The grading plan should also show landscaping details including plant types, sizing and spacing, irrigation facilities, and distribution systems.
3. All resource extraction, related aggregate processing and concrete and asphalt production activities, including recycling activities shall cease by December 31, ~~2032~~ 2047. Final beneficial re-use plans as approved by the DPP shall be implemented immediately upon the cessation of said resource extraction and related quarrying activities.
5. Beginning January 1, 2012, quarry operations shall be limited to the following days/hours:
  - a. Quarry excavation, crushing, stockpiling, ~~equipment maintenance,~~ and recycling facility- 6:00 a.m. to 6:00 p.m., Monday to Saturday.

- b. ~~Hot-mix asphalt plant – 6:00 a.m. to 6:00 p.m., Monday to Friday.~~  
Operation of ready-mix concrete and hot-mix asphalt plants, receiving recycled materials, equipment maintenance, and sales – 24 hours a day, 7 days a week.
  - c. ~~Unloading of cold-planed asphaltic concrete during re-paving jobs – 6:00 p.m. to 10:00 p.m., Sunday to Friday.~~
- 9. On each anniversary date of the Land Use Commission's Decision and Order, the Applicant or its successor shall file with the Department of Planning and Permitting and the Land Use Commission a report and supporting documentation demonstrating the status of compliance with each of the conditions of the Special Use Permit approval. The Applicant will report in-person to the City and County of Honolulu Planning Commission quarterly during the first year, annually during the second and third year, and annually thereafter if requested by the Planning Commission. The following items shall also be a part of the supporting documentation:
  - a. Observations of fugitive dust, night-time operations of lighting, noise, and odors.
  - b. A report on replanting activities, including the areas replanted, and the type of vegetation planted.
  - c. A report of any citizen's complaints relating to the operation along with the actions taken to ameliorate those complaints.
  - d. An updated rectified aerial imagery of the quarry, buffer area and processing site and dust control management plan.

The Director may present its analysis and recommendations on the annual report to the Planning Commission and the State Department of Health for further action pursuant to the Rules of the Planning Commission.

- 15. The uses in the quarry excavation area shall be limited to rock excavation, crushing, stockpiling, a new hot-mix asphalt plant, a ready-mix concrete batching plant, recycling of concrete rubble, glass, and asphaltic concrete pavement, equipment maintenance, employee support, parking, administration, and a water well and pump. No other uses shall be permitted without the approval of the Land Use Commission.

In light of the new activities and to take additional precautions, the Director of the DPP recommends the following additional conditions of approval.

16. The Applicant shall submit for review and approval from the Director of the DPP, an outdoor lighting plan showing all existing and proposed outdoor lighting fixtures and their correlated color temperature being at or below 3000 Kelvin. The portable generator lighting systems are to be located on the southern side of each work area so floodlights will only be pointed towards berms or walls in the north, east, and west direction, away from Kapolei. The outdoor lighting plan shall also include a photometric plan showing that the spread of light from the exterior lighting in the quarry is fully shielded to prevent glare and light spillage onto surrounding lots and public rights-of-way. Lighting for night time operations shall be directed away from adjoining residential uses and be turned off upon completion. The outdoor lighting plan shall apply that night-time lighting, when not in use, shall be turned off.
17. The Applicant shall take sufficient measures to protect 'ōpe'ape'a that include refraining from disturbing, removing or trimming woody plants greater than 15 feet tall during bat birthing and pup rearing season (June 1 through September 15) and not using barbed wire for fencing.
18. The Applicant shall submit a traffic circulation plan for review and approval by the Director of the DPP to ensure that all material loading and truck traffic in the quarry pit and throughout the Project area need not reverse, thereby triggering their safety alarms especially during night time operations. Trucks with safety alarms will be outfitted with the "white noise" sounding alarms.
19. An approved archaeological monitoring plan meeting the requirements of the Hawai'i Administrative Rules, Section 13-279-4, for the proposed excavation expansion area. Evidence of the SHPD's approval of the monitoring plan and archeological inventory survey shall be submitted to the DPP prior to issuance of any building permit in the Project Area.
20. Develop an established protocol should disturbance of iwi kūpuna occur during quarrying activities, which includes immediate notification of the SHPD O'ahu Island Burial Sites Specialist. Develop a burial treatment plan in consultation with the SHPD, the O'ahu Island Burial Council, the OHA, identified cultural and/or lineal descendants, and community stakeholders. Include dissemination of information to community members regarding other required environmental testing (and their results) for the proposed expansion and planned changes to operations during annual reports and PC presentations pursuant to Condition No. 6 above. Continue community consultation regarding potential impacts and mitigation plans for historic properties throughout the duration of the project development.



Former Condition No. 16 is renumbered with the inclusion of these 5 new conditions.

~~16~~21. The Applicant shall establish the quarry expansion in substantial compliance with the representations made to the Land Use Commission in obtaining the Land Use Commission Special Use Permit. Failure to do so may result in the revocation of the permit.

Dated at Honolulu, Hawai'i this 31st day of January 2024.

DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII

By



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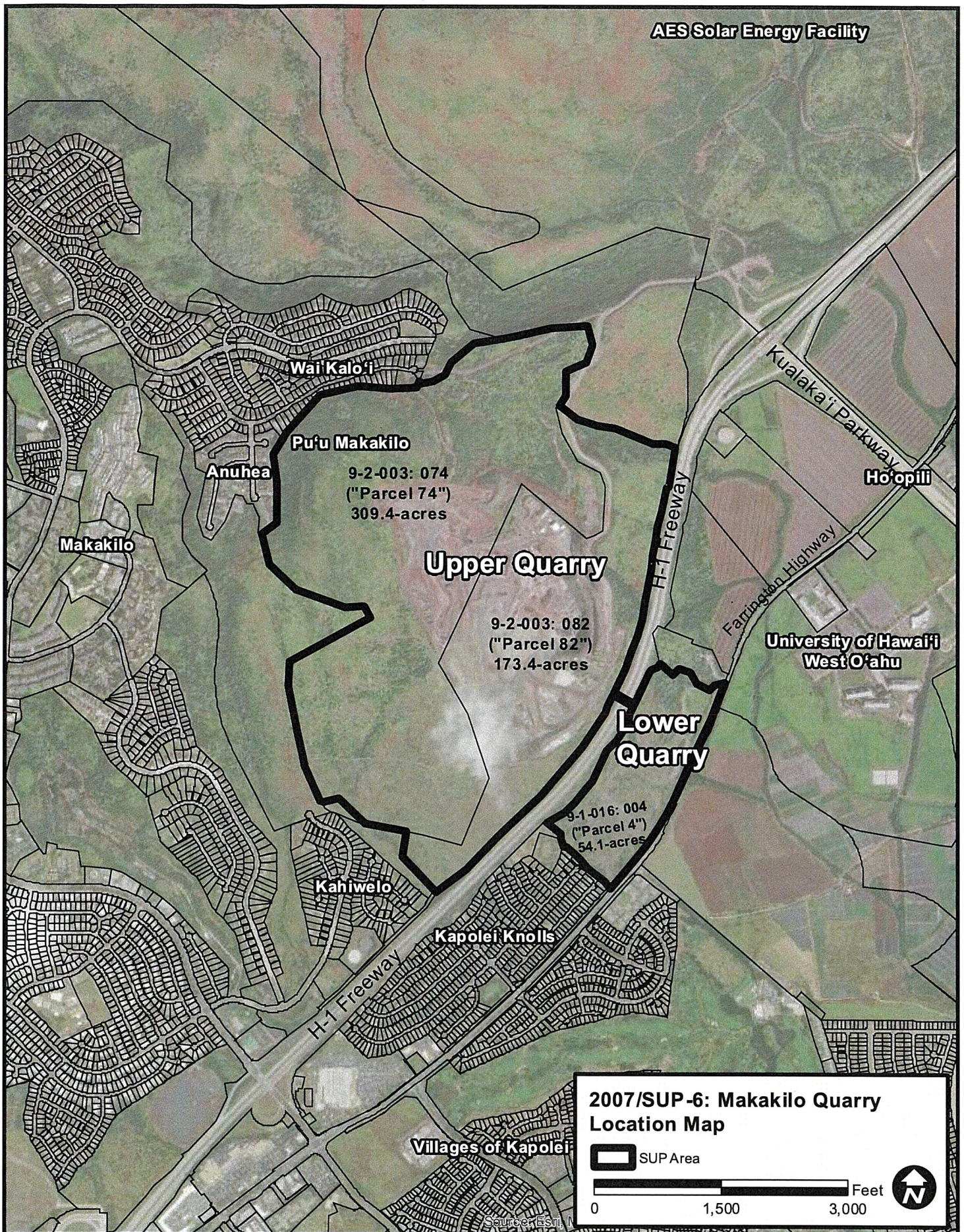
Dawn Takeuchi Apuna, Director  
Department of Planning and Permitting

DTA:ah

Attachments

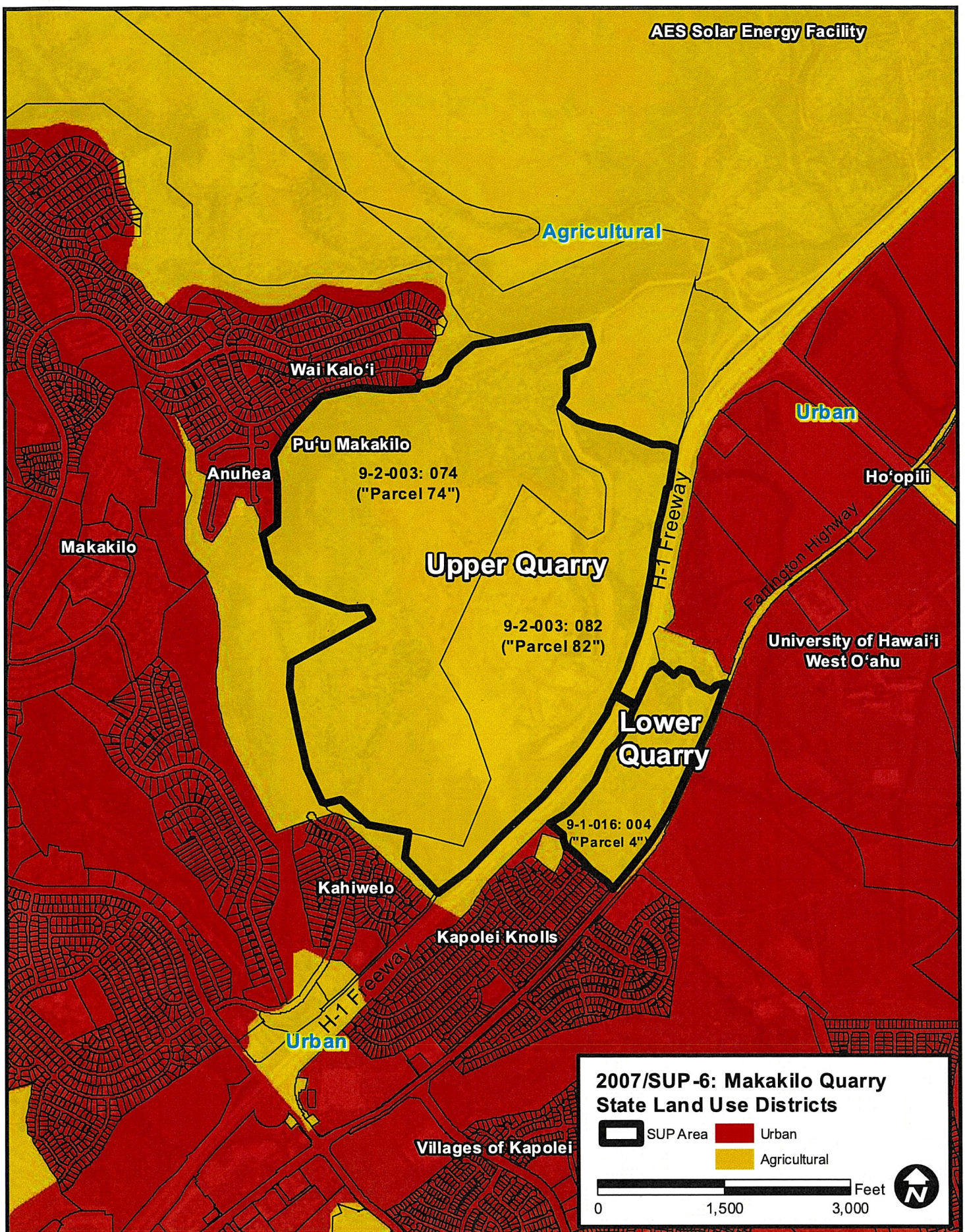
# EXHIBITS



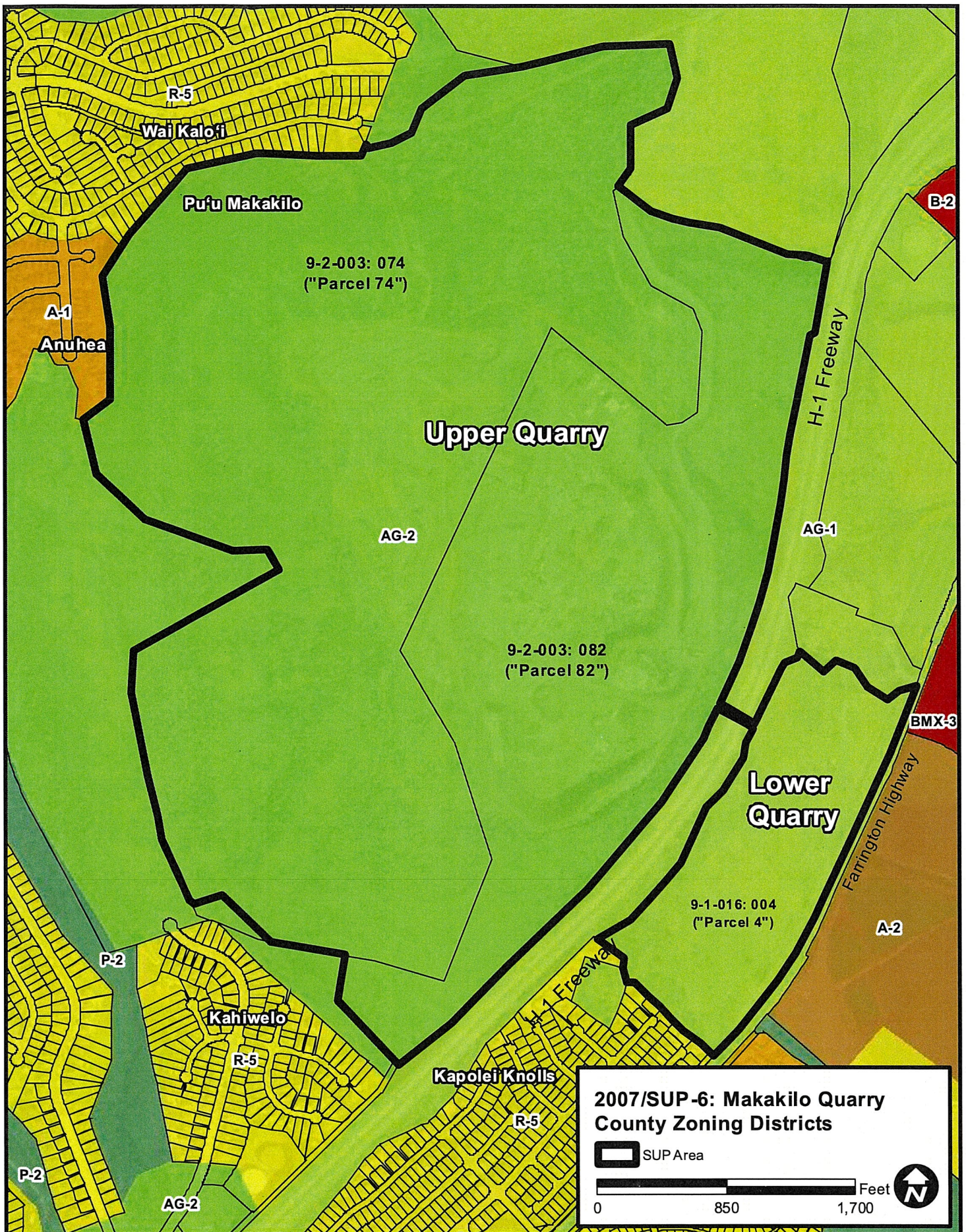


**EXHIBIT 1**

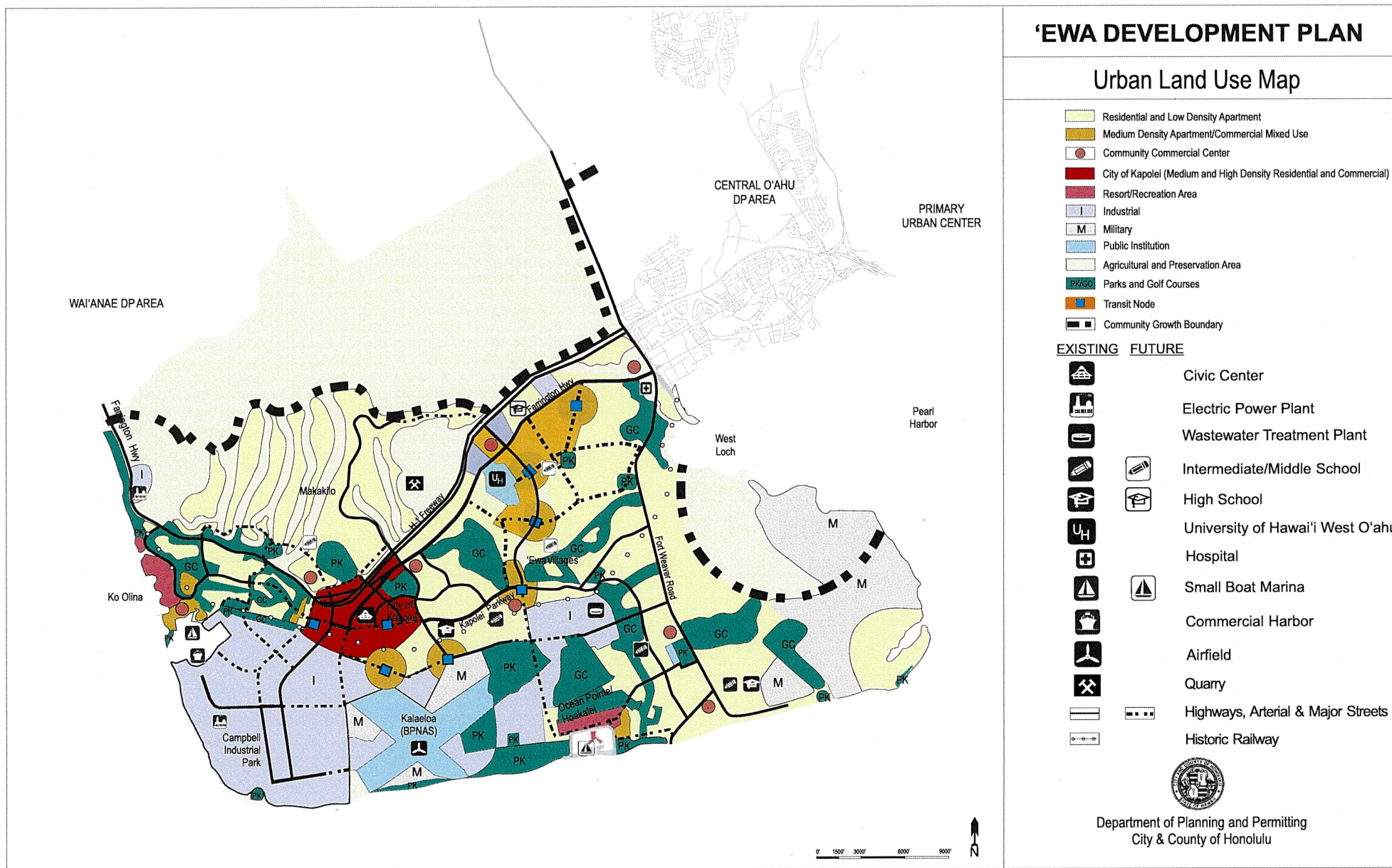




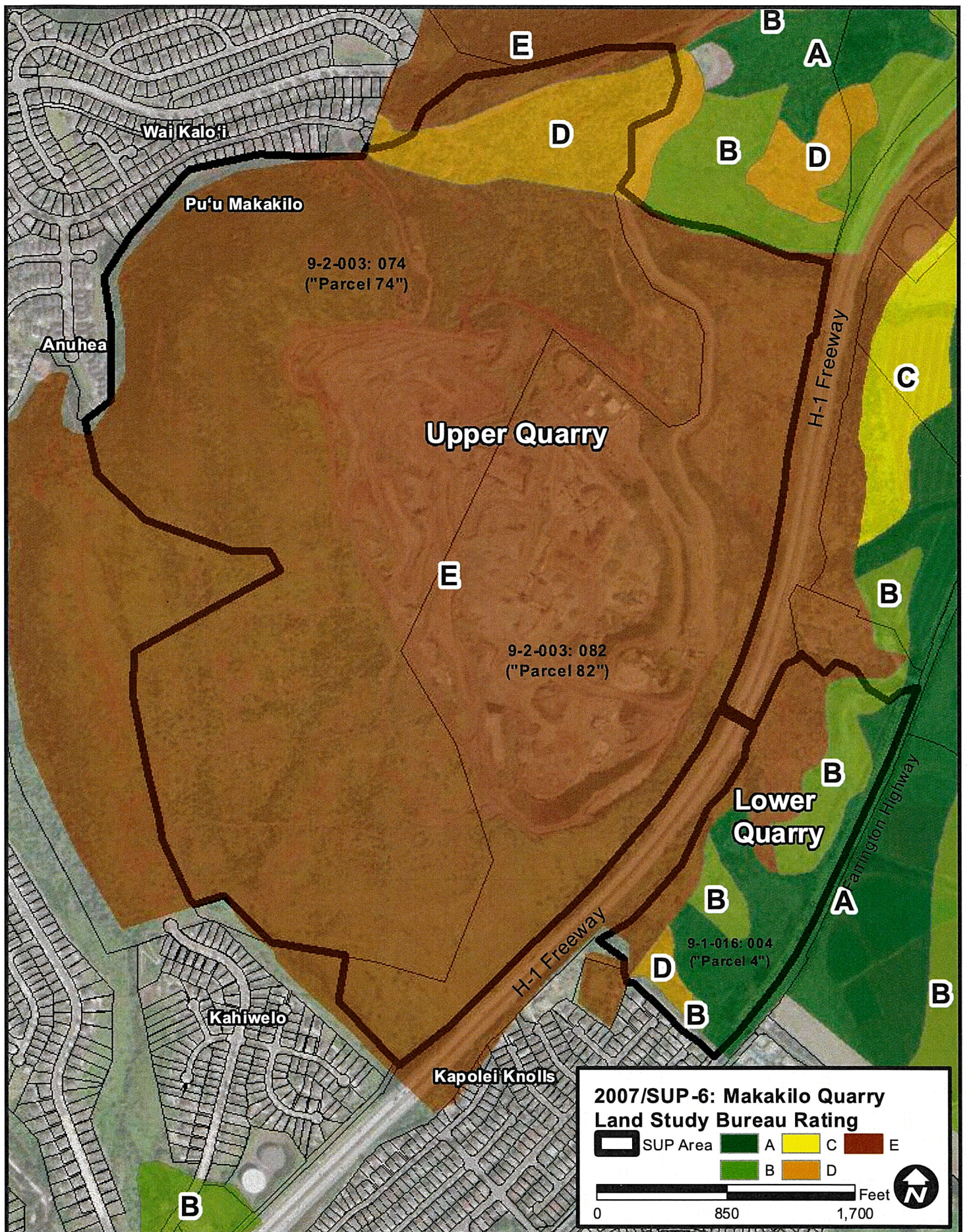












**EXHIBIT 5**





NORTH



SCALE IN FEET

Makakilo Quarry Existing Conditions

**EXHIBIT 6**



APPROVED SPECIAL USE PERMIT AREA "MAUKA" OF H-1 IS 482.8 ACRES,  
"MAKAI" OF H-1 IS 54.0 ACRES AND CONVEYOR TUNNEL EASEMENT IS  
0.1 ACRE THE OVERALL AREA TOTAL IS 536.9 ACRES

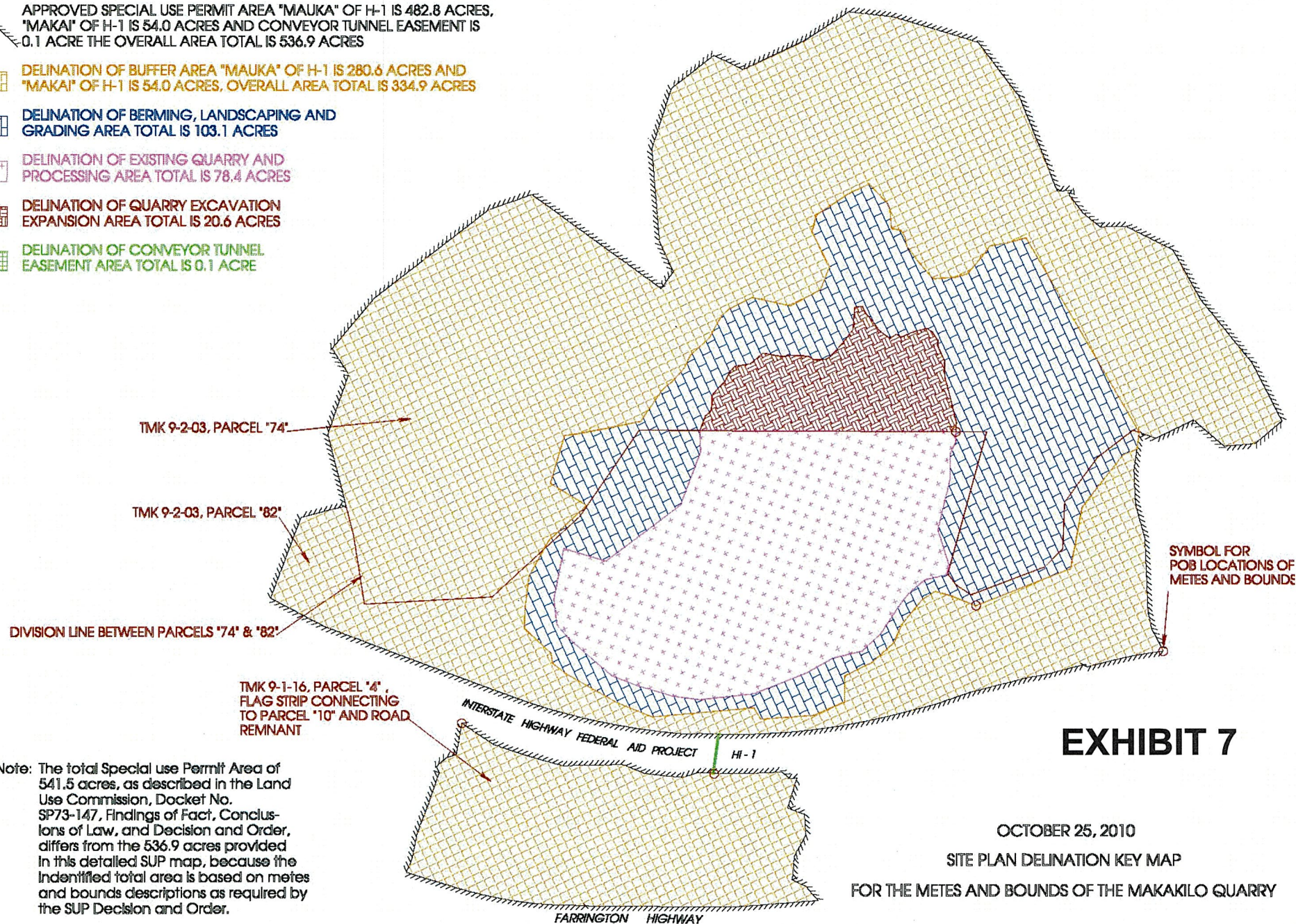
 DELINATION OF BUFFER AREA "MAUKA" OF H-1 IS 280.6 ACRES AND  
"MAKAI" OF H-1 IS 54.0 ACRES, OVERALL AREA TOTAL IS 334.9 ACRES

 DELINATION OF BERMING, LANDSCAPING AND  
GRADING AREA TOTAL IS 103.1 ACRES

 DELINATION OF EXISTING QUARRY AND  
PROCESSING AREA TOTAL IS 78.4 ACRES

 DELINATION OF QUARRY EXCAVATION  
EXPANSION AREA TOTAL IS 20.6 ACRES

 DELINATION OF CONVEYOR TUNNEL  
EASEMENT AREA TOTAL IS 0.1 ACRE



Note: The total Special use Permit Area of 541.5 acres, as described in the Land Use Commission, Docket No. SP73-147, Findings of Fact, Conclusions of Law, and Decision and Order, differs from the 536.9 acres provided in this detailed SUP map, because the identified total area is based on metes and bounds descriptions as required by the SUP Decision and Order.

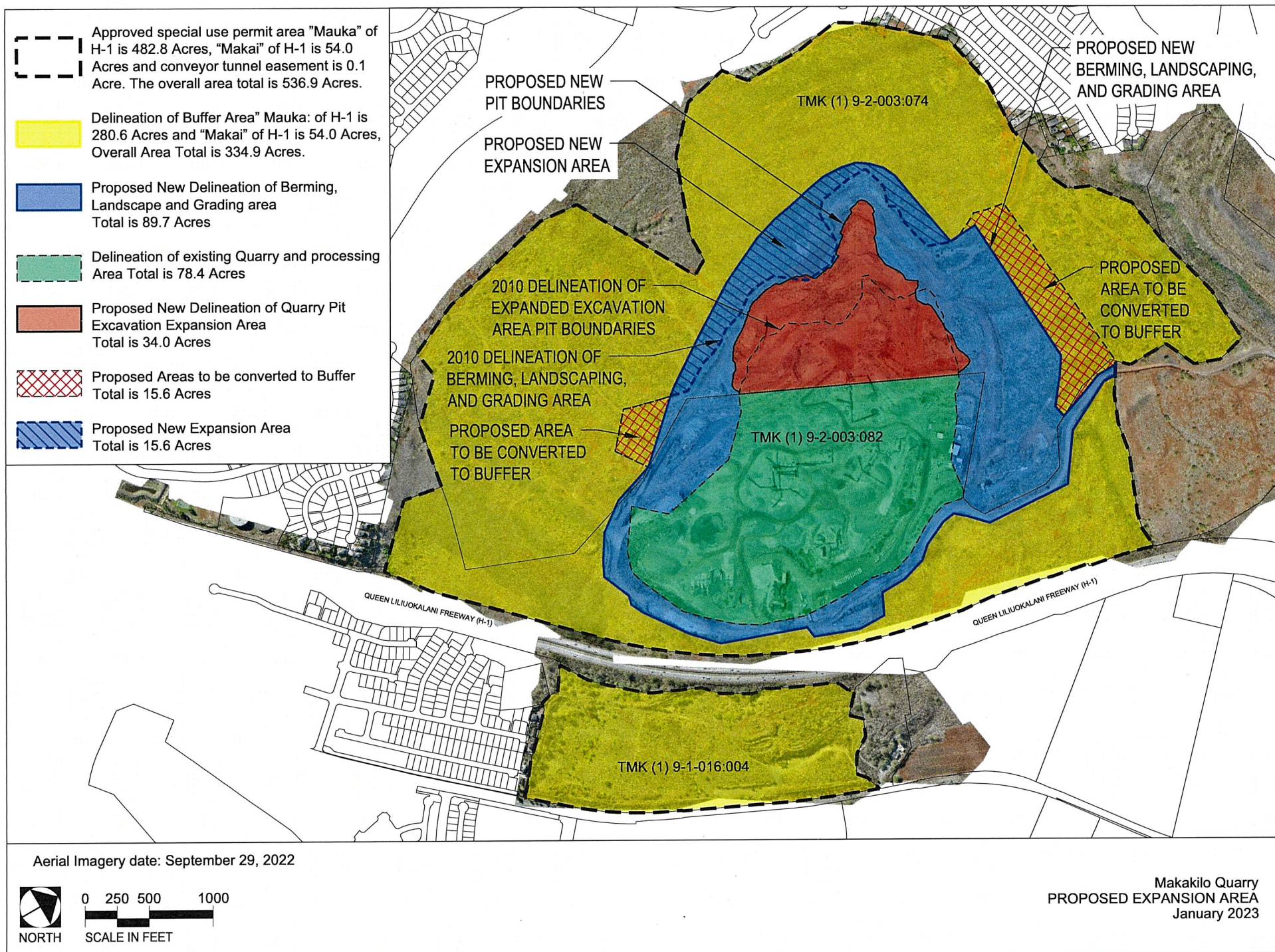
## EXHIBIT 7

OCTOBER 25, 2010

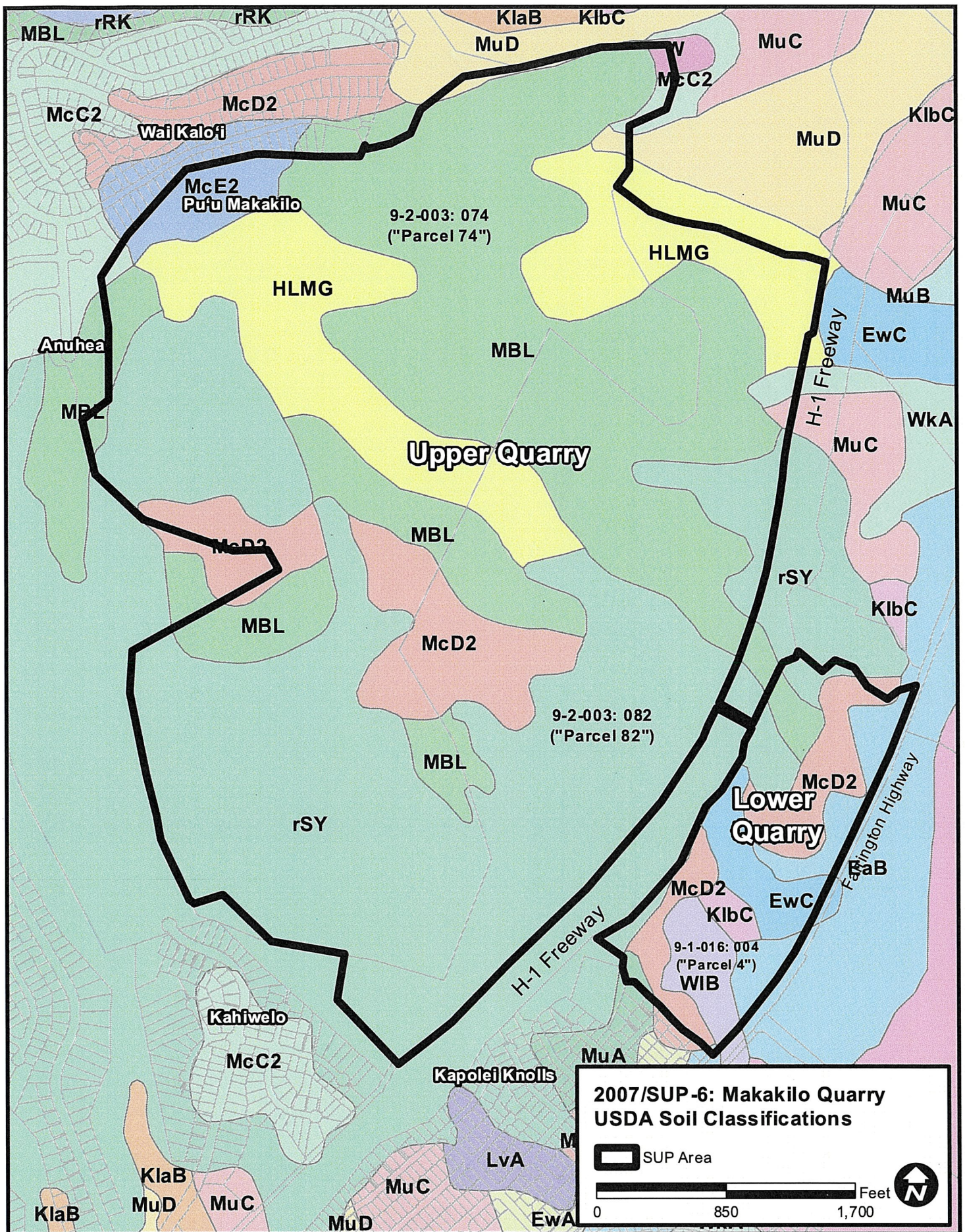
SITE PLAN DELINATION KEY MAP

FOR THE METES AND BOUNDS OF THE MAKAKILO QUARRY









**EXHIBIT 9**





# **ATTACHMENT 1**

## **AGENCY COMMENTS**



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

10001CEC.22

October 7, 2022

**MEMORANDUM**

SUBJECT: Clean Water Branch Standard Project Comments

TO: Agencies and Project Owners

FROM: ALEC WONG, P.E., CHIEF  
Clean Water Branch

*Alec Wong*

**This memo is provided for your information and sharing. You are encouraged to share this memo with your project partners, team members, and appropriate personnel.**

The Department of Health (DOH), Clean Water Branch (CWB) will no longer be responding directly to requests for comments on the following documents (Pre-consultation, Early Consultation, Preparation Notice, Draft, Final, Addendums, and/or Supplements):

- Environmental Impact Statements (EIS)
- Environmental Assessments (EA)
- Stream Channel Alteration Permits (SCAP)
- Stream Diversion Works Permits (SDWP)
- Well Construction/Pump Installation Permits
- Conservation District Use Applications (CDUA)
- Special Management Area Permits (SMAP)
- Shoreline Setback Areas (SSA)

For agencies or project owners requiring DOH-CWB comments for one or more of these documents, please utilize the DOH-CWB Standard Comments below regarding your project's responsibilities to maintain water quality and any necessary permitting. DOH-CWB Standard Comments are also available on the DOH-CWB website located at: <http://health.hawaii.gov/cwb/>.

### **DOH-CWB Standard Comments**

The following information is for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with the Hawaii Administrative Rules (HAR), Chapters 11-53, 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program.

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for point source water pollutant discharges into State surface waters (HAR, Chapter 11-55). Point source means any discernible, confined, and discrete conveyance from which pollutants are or may be discharged.

For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for a NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

The DOH, Environmental Health Administration (EHA) e-Permitting Portal received Cross-Media Electronic Reporting Rule (CROMERR) certification by the Environmental Protection Agency (EPA) for electronic signature. Currently, Applicants and Permittees may now certify and submit EHA Electronic Signature Forms electronically through the EHA e-Permitting Portal without the need to physically send in an ink signature and CD/DVD/flash drive.

Beginning January 31, 2023, the DOH-CWB will only utilize electronic signature e-Permitting forms and discontinue the hard-copy signature forms. All hard-copy signature certification e-Permitting forms, including compliance forms, will be inactivated.

The electronic signature forms will require electronic signature approval to submit a form to the CWB. For details on how to obtain the electronic signature approval please visit CWB website located at:

<https://health.hawaii.gov/cwb/announcements/cwb-announces-new-requirement-for-electronic-signature-approval-for-all-submissions-beginning-january-31-2023/>.

The NPDES NOI or application will be processed after the filing fees submitted and payable to the "State of Hawaii in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director is received by the CWB.

Some of the activities requiring NPDES permit coverage include, but, are not limited to:

a. Discharges of Storm Water

- i. For Construction Activities Disturbing One (1) or More Acres of Total Land Area.

By HAR Chapter 11-55, an NPDES permit is required before the start of the construction activities that result in the disturbance of one (1) or more acres of total land area, including clearing, grading, and excavation. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale.

- ii. For Industrial Activities for facilities with primary Standard Industrial Classification (SIC) Codes regulated in the Code of Federal Regulations (CFR) at 40 CFR 122.26(b)(14)(i) through (ix) and (xi). If a facility has more than one SIC code, the activity that generates the greatest revenue is the primary SIC code. If revenue information is unavailable, use the SIC code for the activity with the most employees. If employee information is also unavailable, use the SIC code for the activity with the greatest production.
- iii. From a small Municipal Separate Storm Sewer System (along with certain non-storm water discharges).



- b. Discharges to State surface waters from construction activity hydrotesting or dewatering
- c. Discharges to State surface waters from cooling water applications
- d. Discharges to State surface waters from the application of pesticides (including insecticides, herbicides, fungicides, rodenticides, and various other substances to control pest) to State waters
- e. Well-Drilling Activities

Any discharge to State surface waters of treated process wastewater effluent associated with well drilling activities is regulated by HAR Chapter 11-55.

Discharges of treated process wastewater effluent (including well drilling slurries, lubricating fluids wastewater, and well purge wastewater) to State surface waters requires NPDES permit coverage.

NPDES permit coverage is not required for well pump testing. For well pump testing, the discharger shall take all measures necessary to prevent the discharge of pollutants from entering State waters. Such measures shall include, if necessary, containment of initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices (BMPs) shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of the storm drain prior to discharge. Furthermore, BMPs shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

- 3. A Section 401 Water Quality Certification (WQC) may be required if your project/activity:
  - a. Requires a federal license or permit; and
  - b. May result in a discharge into waters of the United States (WOTUS).

"License or permit" means any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by an agency of the federal government to conduct any activity which may result in any discharge.

The term "discharge" is defined in Clean Water Act, Subsections 502(16), 502(12), and 502(6).

Examples of "discharge" include, but are not limited to, allowing the following pollutants to enter WOTUS from the surface, or in-water: solid waste, rock/sand/dirt, heat, sewage, construction debris, any underwater work, chemicals, fugitive dust/spray paint, agricultural wastes, biological materials, industrial wastes, concrete/sealant/epoxy, and washing/cleaning effluent.

Determine if your project/activity requires a federal permit, license, certificate, approval, registration, or statutory exemption by contacting the appropriate federal agencies (e.g. Department of the Army (DA), U.S. Army Corps of Engineers (COE), Pacific Ocean Division Honolulu District Office (POH) Tel: (808) 835-4303; U.S. Environmental Protection Agency, Region 9 Tel: (415) 947-8021; Federal Energy Regulatory Commission Tel: (866) 208-3372; U.S. Coast Guard Office of Bridge Programs Tel: (202) 372-1511). If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the COE-POH regarding their DA permitting requirements.

To request an individual Section 401 WQC, you must complete and submit the Section 401 WQC application together with \$1,000 filing fee made payable to the "State of Hawaii" in the form of a check or other method specified by the department. This application is available on the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>.

The processing of a Section 401 WQC application will begin after the CWB has received filing fee. The processing of a Section 401 WQC application is also subject to the compliance with 40 CFR §121 requirements.

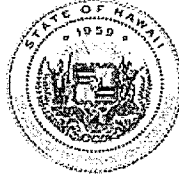
Beginning January 31, 2023, the DOH-CWB will only utilize electronic signature e-Permitting forms and discontinue the hard-copy signature forms. All hard-copy signature certification e-Permitting forms, including compliance forms, will be inactivated.

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Please see HAR, Chapters 11-53 and 11-54 for the State's Water Quality Standards and for more information on the Section 401 WQC. HAR, Chapters 11-53 and 11-54 are available on the CWB website at: <http://health.hawaii.gov/cwb/>.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapters 11-53 and 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation and up to two (2) years in jail.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
  - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.
  - b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g. minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
  - c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.

- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP00266.23  
STP 8.3648

August 23, 2023

**VIA EMAIL:** brandon.soo@honolulu.gov

Ms. Dawn Takeuchi Apuna, Director  
City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Attention: Mr. Brandon Soo

Dear Ms. Takeuchi Apuna:

Subject: Special Use Permit (File No. 2007/SUP-6) and (LUC File No. SP73-147)  
Makakilo Quarry Expanded Operations  
Kapolei, Oahu, Hawaii  
Tax Map Key: (1) 9-1-016: 004 and 9-2-003: 074 (por.), 082 (por.)

Thank you for your email, dated July 26, 2023, requesting the Hawaii Department of Transportation's (HDOT) review and comments on the amendments to the existing Special Use Permit for the subject project. HDOT understands Grace Pacific, LLC is proposing to extend the life cycle of the Makakilo Quarry resource extraction, expand the permitting mining area, and extend the operational hours for processing, recycling, and maintenance activities, as well as operating a ready-mix concrete plant in the quarry pit.

HDOT has the following comments:

1. The proposed project is approximately 2.1 miles from the boundary of Kalaeloa Airport. All projects within 5 miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link:  
[http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports\\_08-01-2016.pdf](http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf).
2. Federal Aviation Administration (FAA) regulation requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or Alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9, if the construction or alteration is within 20,000 feet of a public use or military airport that exceeds a 100:1 surface from any point on the runway of each airport with its longest runway of more than 3,200 feet.

Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal. The form and criteria for submittal can be found at the following website:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Please provide a copy of the FAA response to the Part 77 analysis to the HDOT Airport Planning Section.

3. The HDOT requires that the proposed development does not provide landscape and vegetation that will create a wildlife attractant, which can potentially become a hazard to aircraft operations. Please review the FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On Or Near Airports for guidance. If the development creates a wildlife attractant, the developer shall immediately mitigate the hazard upon notification by the HDOT and/or FAA.
4. Based on the project information provided, the HDOT does not anticipate a significant impact to the State highway system directly or indirectly and therefore has no objections to the proposed amendments.

Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at [DOT.LandUse@hawaii.gov](mailto:DOT.LandUse@hawaii.gov).

If there are any questions, please contact Mr. Blayne Nikaido, Planner, Land Use Section of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at [blayne.h.nikaido@hawaii.gov](mailto:blayne.h.nikaido@hawaii.gov).

Sincerely,



EDWIN H. SNIFFEN  
Director of Transportation



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

August 21, 2023

Brandon Soo

Planner

City & County of Honolulu, Department of Planning and Permitting  
650 South King St, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Re: Amendment to Special Use Permit No. 2007/SUP-6  
Makakilo Quarry Expanded Operations  
Honouliuli Ahupua'a, 'Ewa Moku, O'ahu Mokupuni  
Tax Map Key: (1) 9-2-003:082 (por.) and 074 (por.); 9-1-016:004

Aloha e Mr. Soo:

The Office of Hawaiian Affairs (OHA) is in receipt of your letter dated July 25, 2023, seeking agency comments on the amendment to Special Use Permit (SUP) 2007/SUP-6 proposing to extend Makakilo Quarry operations at 91-920 Farrington Highway. Specifically, the amendment seeks to 1) extend the life of resource extraction and processing operations by 15 years to 2047; 2) reshape the area approved for resource extraction; 3) expand operating hours of certain activities in the quarry to 24-hours a day; and, 4) allow operation of ready mix concrete plant in the quarry pit. The SUP application has been prepared by Cades & Schutte LLP on behalf of Grace Pacific LLC.

The Makakilo Quarry has been in operation since 1973 and initially operated under SUP No. 72/SUP-1. A new SUP was sought in 2007 (No. 2007/SUP-6) to expand operation life and the excavation area further up the slopes of Pu'u Makakilo. As part of the approval for the SUP in 2007, the Land Use Commission (LUC) imposed 14 conditions on the applicant, which notably included closure of Parcel 4 by 2012, limitations on operating hours (from 6am to 6pm), landscaping open space, and requirements for development of a beneficial reuse plan.

Historically, the neighboring residents have been quite critical of the project and presented numerous concerns (i.e., noise, dust, general health, property values, view-planes, runoff) when the 2007 SUP was sought. However, since this time, it appears many of these concerns may have been addressed as the applicant has been able to meet the LUC's 2007 SUP conditions. Notably, feedback at the August 2022 Neighborhood Board meeting for the current SUP amendment was reportedly positive.

However, OHA does still have questions pertaining to whether or not the project should be subject to a Supplement Environmental Impact Statement (SEIS).

## Environmental Review

The original 1972 SUP relied upon a 1972 Environmental Impact Statement (EIS) to establish the quarry and was granted pursuant to specific conditions by the City Planning Commission on February 28, 1973. While OHA has tried to obtain a copy of the Final EIS cited in the current SUP amendment application, only the Draft EIS was locatable on the State's Environmental Review Program website<sup>1</sup> and through direct inquiry to Cades & Schutte. This draft 1972 EIS was to cover a 260-acre area for a 20-year period,<sup>2</sup> with work operations commencing 10 hours a day for 6.5 days of the week. The EIS goes on to assume that "after 20 years, the quarry will have ceased all operations and removed all installations." In the spirit of HRS 343, the 1973 SUP conditions further called for the regular submission of reports regarding any citizen complaints, fugitive dust, and replanting activities every 6 months to ensure the public's welfare was adequately protected and surrounding properties weren't being adversely affected.

Given the specific operational period, OHA assumed that at some point an extension would have perhaps been sought or a re-evaluation of environmental components done prior to the expiration of the original 20-year timeframe in the Draft EIS. However, OHA does not see any request for extension other than what was put forth in 2007. Within the 2007 SUP application packet, an explanation was provided stating that the 2007 SUP was not subject to HRS Chapter 343 review. In contrast, the current SUP amendment application cites an exemption from HRS Chapter 343 for the State-owned tunnel (utilized by the applicant for quarry operations) that runs under the Interstate H-1.<sup>3</sup> HRS Chapter 343 applicability aside, OHA expects that the DPP would have ensured compliance with the original SUP conditions and kept records of the 6-month reports of any citizen complaints and respective amelioration of those complaints. At this time, OHA would like to request such records for our review to see how possible environmental impacts were mitigated over the years in the absence of a more up-to-date HRS 343 document.

Since 1972, methods to assess the environment have improved and laws have changed to include additional criteria on both the Federal and State levels. In the case of Federal level environmental review, certain applications of environmental review have required re-evaluations of previously completed EIS's.<sup>4</sup> In the case of HRS Chapter 343 environmental review for the State of Hawai'i, cultural impact assessments (CIA) weren't even required until after 2000, with the passing of Act 50 (SLH 2000). Fortunately, in this

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<sup>1</sup> [https://files.hawaii.gov/dbedt/erp/EA\\_EIS\\_Archive/1972-07-DD-OA-DEIS-Quarry-Relocation-From-Palailai-to-Makakilo.pdf](https://files.hawaii.gov/dbedt/erp/EA_EIS_Archive/1972-07-DD-OA-DEIS-Quarry-Relocation-From-Palailai-to-Makakilo.pdf)

<sup>2</sup> 72 acres of the 260 acres would be quarried for resource extraction at Pu'u Makakilo.

<sup>3</sup> Exemption Class 1, Comprehensive Exemption List for the City and County of Honolulu Department of Land Utilization as approved by the Environmental Quality Commission, dated August 12, 1981.

<sup>4</sup> See 23 CFR 771.1129.



particular case, the applicant did have a CIA done in 2008 and recently completed an addendum in December 2022.

The HARs governing the HRS 343 process were recently amended too in August 2019 to in-part take into consideration the “shelf life” of an EIS and provide clear guidance on how to assess when a SEIS should be required.<sup>5</sup> Certainly this was an important matter to address as community unrest and litigation has arisen over projects that tended to rely on older EIS’s completed decades ago (i.e., 2009 Turtle Bay Expansion Improvements)<sup>6</sup>. More importantly, the lands and community around Makakilo have changed tremendously in the last 50 years. Where previous lands were vacant, neighborhoods now stand. Further, environmental components like water, flora and fauna have all likely been altered in some way due to rapid development in the ‘Ewa moku. Yet, these environmental components and new neighborhoods have not been afforded environmental oversight and review as envisioned under HRS Chapter 343. Arguably, a SEIS would appear to make sense to remedy these concerns.

Pursuant to Hawai‘i Administrative Rules (HAR) 11-200.1-30, a SEIS should be required if there is substantive change to project timing and an applicable HRS Chapter 343 trigger still exists. As the current application cites an exemption for HRS Chapter 343, we assume the HRS Chapter 343 trigger still technically exists as it would be moot to exempt something from a statute it was not subject to. In this particular case, OHA observes the Final EIS to establish the quarry has not been located and continued expansion in the resource extraction area and operational hours have ensued over the years. Rather than simply deeming the original Final EIS as being moot on an exemption technicality, OHA believes it should be necessary to minimally locate a Final version of the 1972 EIS (as it was part of the underpinning of the original SUP) and ensure that a record exists for all the 6-month reports of citizen complaints generated pursuant to the 1973 SUP conditions. Should a Final EIS and report records not be locatable, arguably this could raise some doubt on whether DPP can assure the environmental breadth of the EIS adequately covers current operations and that citizen complaints were properly ameliorated over the years; thus, potentially strengthening the argument to have a SEIS done or at least a determination issued by the approving agency pursuant to HAR 11-200.1-30.

OHA does note that the current SUP amendment application packet prepared by Cades & Schutte is rather robust and put together in a way that somewhat mirrors an EIS document. Thus, perhaps it would not be so difficult or onerous to convert it to a SEIS should it be determined that one is needed. In turn, full environmental review of the project to current standards would be assured, and public review and comment opportunities would be afforded pursuant to HRS Chapter 343.

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<sup>5</sup> See page 62, [https://files.hawaii.gov/dbedt/erp/Laws/v2.0-Proposed-HAR-11-200.1-Rules-Rationale\\_Final.pdf](https://files.hawaii.gov/dbedt/erp/Laws/v2.0-Proposed-HAR-11-200.1-Rules-Rationale_Final.pdf).

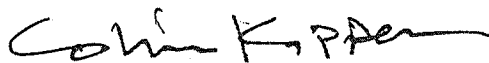
<sup>6</sup> See *Unite Here! Local 5 v. City and County of Honolulu*, 231 P.3d 423, 430 (Haw. 2010).

Brandon Soo, Planner – CCH DPP  
Amendment to 2007/SUP-6, Makakilo Quarry Expanded Ops.  
August 21, 2023  
Page 4 of 4

### Closing Remarks

Mahalo for the opportunity to comment. We look forward to seeing our comments taken into consideration and perhaps a determination issued on whether a SEIS is required or not. If the Final EIS from 1972 and 6-month reports required by SUP conditions are located, OHA respectfully requests to also be provided with copies. Should you have any questions, please contact OHA's Lead Compliance Specialist, Kamakana C. Ferreira at (808) 594-0227 or by email at [kamakanaf@oha.org](mailto:kamakanaf@oha.org).

'O wau iho nō me ka 'oia 'i'o,

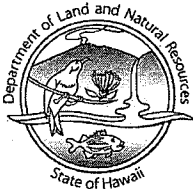


Colin Kippen  
Interim Ka Pouhana, Chief Executive Officer

CK:kf

CC: Kalei Akaka, OHA O'ahu Island Trustee  
Calvert Chipchase, Partner, Cades & Schutte  
Jarret Dempsey, Associate, Cades & Schutte

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD., STE 555  
KAPOLEI, HI 96707

October 17, 2022

Ms. Dawn Takeuchi-Apuna, Acting Director  
Department of Planning and Permitting  
City and County of Honolulu  
Planning Division  
Community Planning Branch  
650 S. King Street  
Honolulu, HI 96813  
c/o Brandon Soo, [brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)

Dear Ms. Takeuchi-Apuna:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –  
Conditional Use Permit (CUP) – 2007/CUP-91  
Special Use Permit (SUP) – SP73-147  
Makakilo Quarry, Makakilo – Expansion  
Honouliuli Ahupua‘a, Ewa District, Island of O‘ahu  
TMK: (1) 9-2-003:074**

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

IN REPLY REFER TO:  
Project No.: 2022PR01199  
Doc. No.: 2210LS20  
Archaeology

This letter provides the State Historic Preservation Division's (SHPD's) HRS 6E-42 review of the proposed modifications to the current Conditional Use Permit (CUP) and Special Use Permit (SUP) to allow for expansion of the quarrying area of Makakilo Quarry located on Pu'u Makakilo. The SHPD received the project submittal via HICRIS on September 22, 2022, which included an HRS 6E Submittal Form, a summary of proposed modifications, a Pacific Legacy letter summarizing the project, an archaeological literature review and field inspection report (LRFI) (Swift et al., June 2022), construction plans, and photos of the project area. The project area comprises of a 15.6-acre portion of the 312-acre subject parcel.

According to the submittal, Grace Pacific, LLC is requesting modifications to their existing CUP and SUP to expand the quarry by approximately 15.6 acres on the northwest side of the current Makakilo Quarry footprint. The proposed expansion will provide Grace Pacific, LLC with access to high-quality rock for use in concrete and asphalt paving. The modifications to the current quarry permit would extend the permit 15 years beyond its current expiration of December 21, 2032 to December 21, 2047, modification of the existing operating hours from 6 a.m. to 6 p.m. for hot mix asphalt production and sales in the pit of the quarry 24 hours per day, 7 days per week. However, mining would continue to be restricted to daytime use only. In addition, Grace Pacific, LLC plans to expand the footprint of the Hot Mix Asphalt Plant within the existing quarry and install a new recycle sub-feed plant on the Quarry floor, adjacent to the B-Rock Finishing Plant.

A review of SHPD records indicates that an archaeological inventory survey (Mooney and Cleghorn, May 2008) for the Makakilo Quarry Expansion (TMK: (1) 9-2-003:018) was reviewed and accepted in a letter dated November 17, 2009. Due to the negative findings, the final report was submitted as an archaeological assessment (AA) report.

Pacific Legacy's LRFI report (Swift et al., June 2022) submitted in support of the expansion project identified five archaeological historic properties which included a concrete ditch running northeast to southwest located in a cleared area at the northwest corner of the project area (Temporary Site T-01), a terrace/retaining wall (Temporary Site T-02), a modified outcrop consisting of a few small boulders placed on top of natural basalt outcrop (Temporary Site T-03), a modified outcrop consisting of a few small boulders placed on top of natural basalt outcrop (Temporary Site T-04), and a retaining wall running north to south (Temporary Site T-05) which may represent a previously recorded

Ms Takeuchi-Apuna  
October 17, 2022  
Page 2

historic property (Site 50-80-12-01795). Swift et al. (June 2022) recommends that an archaeological inventory survey be completed to identify and document all historic properties prior to the expansion of the quarry.

At this time, SHPD has insufficient information to make a determination regarding the potential for the subject project to impact historic properties. **SHPD requests the following:**

1. Formally request an SIHP number for all significant historic properties within the project area.
2. Convert the archaeological LRFI report (Swift et al., June 2022) to an AIS report and revise the report to meet the requirements of HAR §13-276-5 and submit it to the SHPD for review and acceptance.

**SHPD shall notify** the City and County of Honolulu when the AIS report and any required mitigation plans are accepted, and the permit issuance process may proceed.

When completed, please submit the draft AIS report and associated submittal review fee (\$450) to our office via HICRIS to Project No. 2022PR01199 using the Project Supplement option.

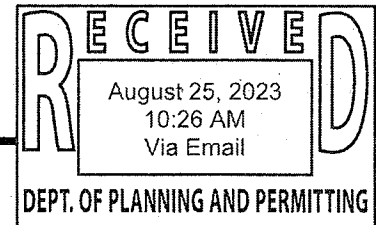
Please contact Susan A. Lebo, Archaeology Branch Chief, at [Susan.A.Lebo@hawaii.gov](mailto:Susan.A.Lebo@hawaii.gov) for any matters regarding archaeological resources or this letter.

Aloha, *Alan Downer*

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Jodie Cordero, [jcordero@gracepacific.com](mailto:jcordero@gracepacific.com)  
Krickette Pacubas, [pacubas@pacificlegacy.com](mailto:pacubas@pacificlegacy.com)  
Mara Mulrooney, [mulrooney@pacificlegacy.com](mailto:mulrooney@pacificlegacy.com)

**Hipolito, Ailene**



**From:** Dang, Charmian I <charmian\_dang@fws.gov>  
**Sent:** Thursday, August 24, 2023 1:57 PM  
**To:** Soo, Brandon A; Hipolito, Ailene  
**Subject:** 2023-0109958-S7-001 Technical Assistance for the Proposed Makakilo Quarry Expanded Operations Special Use Permit Project, O'ahu  
**Attachments:** IPaC Info Letter\_Species List Instructions\_PIFWO\_20Apr2022\_Final.pdf; 2023-0109958-S7-001 Makakilo Quarry Project Oahu.pdf

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Dear Ms. Takeuchi Apuna,

Attached you will find the FWS Pacific Islands Fish and Wildlife Office's response to your Technical Assistance request for the above named project.

We thank you for your efforts to conserve listed species and native habitats. Please contact me should you have any questions pertaining to this response or require further guidance. When referring to this project, please include this reference number: 2023-0109958-S7-001.

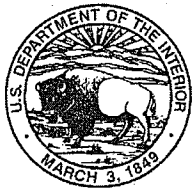
The Pacific Island Fish and Wildlife Office (PIFWO) is transitioning to the use of the Information for Planning and Consultation (IPaC) online portal, <https://ipac.ecosphere.fws.gov/>, for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species and designated critical habitat in your project area. Using IPaC expedites the process for species list distribution and takes minimal time. Therefore, the IPaC list would fulfill your request for a species list. Since we have already written a response, you can use the response provided for this project and disregard the IPaC species list. Please find step by step instructions attached to use IPaC for future projects, and feel free to share with additional project partners.

For recommended avoidance and minimization measures, you can visit the following webpage <https://www.fws.gov/office/pacific-islands-fish-and-wildlife/library>

Aloha,  
Charmian Dang

---

Charmian Dang  
U. S. Fish and Wildlife Biologist  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850  
808-792-9400



# United States Department of the Interior

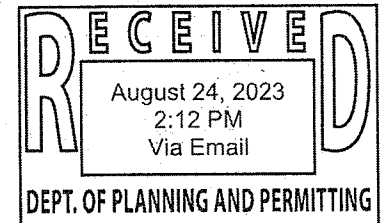
FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawai'i 96850



In Reply Refer To:  
2023-0109958-S7-001

August 24, 2023

Ms. Dawn Takeuchi Apuna  
Attn: Mr. Brandon Soo  
Department of Planning and Permitting  
City and County of Honolulu  
Honolulu, Hawai'i 96813



Subject: Technical Assistance for the Proposed Makakilo Quarry Expanded Operations  
Special Use Permit Project, O'ahu

Dear Ms. Takeuchi Apuna:

Thank you for your July 26, 2023 letter, requesting technical assistance for the proposed Makakilo Quarry Expanded Operations Project located at 92-1130 Pueonani Street and 91-920 Farrington Highway, on the island of O'ahu [TMKs: (1) 9-2-003: portions 082, 074 and (1) 9-1-016:004]. We understand that the Department of Planning and Permitting is reviewing a Special Use Permit (SUP) application (2007/SUP-6 (LUC File No. SP73-147) for Grace Pacific LLC to extend the life of the Makakilo Quarry resource extraction and processing operations by 15 years to the year 2047; reshape the area approved for resource extraction; expand the operation hours of certain activities in the quarry to 24 hours a day, seven days a week; and operate a ready mix concrete plant in the quarry pit.

Our letter has been prepared under the authority of and in accordance with provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (ESA). We have reviewed the information you provided and pertinent information in our files, as it pertains to federally listed species in accordance with section 7 of the ESA. Our data indicate the following species may occur or transit through the vicinity of the proposed project area: the endangered 'ōpe'ape'a (Hawaiian hoary bat, *Lasiurus cinereus semotus*); endangered 'ua'u (Hawaiian petrel, *Pterodroma sandwichensis*), endangered Hawai'i distinct population segment (DPS) of the 'akē'akē (band-rumped storm-petrel, *Hydrobates castro*), and threatened 'a'o (Newell's shearwater, *Puffinus newelli*) (hereafter collectively referred to as Hawaiian seabirds). We provide the following to assist you in your review of the SUP application.

## PACIFIC REGION 1

IDAHO, OREGON\*, WASHINGTON,  
AMERICAN SAMOA, GUAM, HAWAI'I, NORTHERN MARIANA ISLANDS

\*PARTIAL

‘Ōpe‘ape‘a

‘Ōpe‘ape‘a roosts in woody vegetation across all islands and will leave their young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, June 1 through September 15, there is a risk that young bats could inadvertently be harmed or killed, since they are too young to fly or move away from disturbance. ‘Ōpe‘ape‘a forage for insects from as low as 3 feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.

To avoid and minimize potential project impacts to the endangered ‘ōpe‘ape‘a, we recommend the following measures be incorporated into the proposed project:

- Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).
- Do not use barbed wire for fencing.

Hawaiian Seabirds

Hawaiian seabirds may traverse the project area at night during the breeding, nesting, and fledging seasons, March 1 through December 15. Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable to light attraction.

To avoid and minimize potential project impacts to Hawaiian seabirds we recommend the following measures be incorporated into the proposed project:

- Fully shielded all outdoor lights so the bulb can only be seen from below.
- Install automatic motion sensor switches and controls on all outdoor lights or turned off lights when human activity is not occurring in the lighted area.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

We appreciate your efforts to conserve protected species. If you have questions regarding this response, please contact Charmian Dang, Fish and Wildlife Biologist (phone 808-792-9400, email: [Charmian\\_Dang@fws.gov](mailto:Charmian_Dang@fws.gov)). When referring to this project please include this reference number: 2023-0109958-S7-001.

Sincerely,

JINY  
KIM

Digitally signed  
by JINY KIM

Date: 2023.08.24  
13:25:47 -10'00'

Acting Island Team Manager  
O‘ahu, Kaua‘i, Northwest Hawaiian Islands and  
American Samoa



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawai'i 96850



Subject: IPaC generated official species list for the Pacific Islands Fish and Wildlife Office

Dear Action Agency or Applicant:

The Pacific Islands Fish and Wildlife Office (PIFWO) is transitioning to the Information for Planning and Consultation (IPaC) online portal, <https://ipac.ecosphere.fws.gov/> for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species, designated critical habitat, and avoidance and minimization measures to consider in your general project design. IPaC has been used by continental USFWS offices to provide official species lists and avoidance and minimization guidance since 2017. Using IPaC expedites the process for species list distribution. Obtaining a species list in IPaC is relatively straightforward and takes minimal time to complete. Step by step instructions are included below.

Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of your species list should be verified after 90 days. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change the species list. Verification can be completed by visiting the IPaC website at regular intervals during project planning and implementation. An updated list may be requested through the IPaC system by completing the same process used to obtain the initial species list.

We hope this process provides efficiencies to our partners in obtaining a species list. For federal action agencies, it also opens additional IPaC functionality that the PIFWO office is still working on, such as the use of Determination Keys for informal section 7 programmatic consultations. We will let our agency partners know when that functionality becomes available.

If you have questions about a species list obtained through the IPaC system or need assistance in completing an IPaC species list request, please contact the Service at 808-792-9400 or via email at [pifwo\\_admin@fws.gov](mailto:pifwo_admin@fws.gov). We appreciate your efforts to conserve listed species across the Pacific Islands.

INTERIOR REGION 9  
COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA\*, OREGON\*, WASHINGTON

\*PARTIAL

INTERIOR REGION 12  
PACIFIC ISLANDS

AMERICAN SAMOA, GUAM, HAWAII, NORTHERN  
MARIANA ISLANDS



## Instructions for Action Agencies and partners to obtain an official species list in IPaC

- Navigate to <https://ipac.ecosphere.fws.gov/>
- You can get an unofficial species list without logging in. However, if you want an official species list you will need to log in first using your Login.gov account. If you don't have an IPaC account, they are easy to create.

### Log in



#### LOGIN.GOV LOGIN

You can use your Login.gov profile as your IPaC account. You will need to allow IPaC to read your basic profile information.

LOG IN WITH  LOGIN.GOV

#### IPAC LOGIN

> [Why do I need an IPaC account?](#)

Select Log in with Login.gov and sign in using your email and password.

Email address

Password

☐ Show password

Sign in

Create an account

[Sign in with your government employee ID](#)

If you have a PIV or CAC card, you can sign in using that method as well.

## Sign in with your PIV or CAC

Make sure you have a [Login.gov](#) account and you've set up PIV/CAC as a two-factor authentication method.

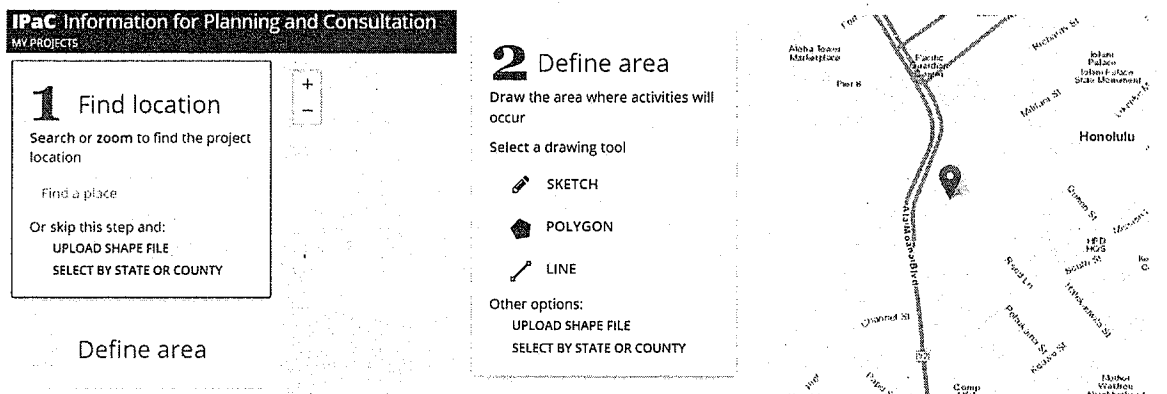
**Insert your PIV/CAC**

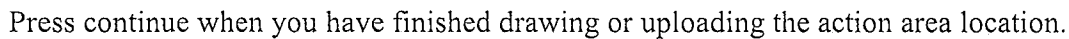
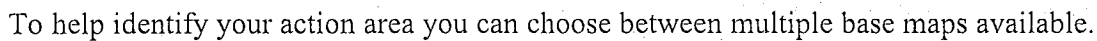
[Cancel](#)

- Once you log in, select “Get Started”.



- Define the action area: Identify the location of the proposed action by uploading an existing shapefile or by entering an address or coordinates of the action area. Once identified on the map, you can manually draw the action area using the drawing tools.





- The species information on the page that follows is not official. However, it identifies the project County, local Fish and Wildlife Field Office, species covered under NOAA Fisheries as well as Migratory Bird Treaty Act species. The list can be viewed in Thumbnail or List format.
- Once the species list populates you will see images of the species that may occur on, near, or transgress across your project. Click on SPECIES GUIDELINES on your top right to see Avoidance and Minimization measures to incorporate into your General Project Design Guidelines.

## Resources

ENDANGERED SPECIES	20
MIGRATORY BIRDS	5
FACILITIES	
WETLANDS	1
<a href="#">PRINT RESOURCE LIST</a>	

What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

[DEFINE PROJECT](#)

## Endangered species

Listed species and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact [NOAA Fisheries](#) for species under their jurisdiction.

Additional information on endangered species data is provided [below](#).

The following species are potentially affected by activities in this location:

[THUMBNAILS](#) [LIST](#)

[SPECIES GUIDELINES](#)

## Mammals



- Continue with the following steps to comply with the requirements of ESA section 7 to obtain an official species list.
- Select Define Project

## Define project

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

[DEFINE PROJECT](#)

Project name

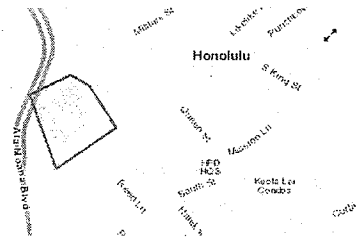
Project description

[SAVE](#)
[CANCEL](#)

Enter the Project Name and a brief description of the project (a description is not mandatory, but recommended for future coordination with the Service). Click SAVE at bottom of page.

- At the bottom of the What's next box on the right, click Request Species List

## Testing



**LOCATION:** Honolulu County, Hawaii

CREATED March 17, 2022

1 MEMBER 2 DOCUMENTS

## ES - REVIEW

Review this project's effects on listed species pursuant to the Endangered Species Act (ESA), as part of the overall regulatory review.

**START REVIEW**

## SPECIES LIST:

Requesting an official species list is now part of iPaC's ESA Review.

REQUEST SPECIES LIST

## Pacific Islands Fish And Wildlife Office

- on the following screen, click Yes, Request Species List

◀ BACK      EXIT REVIEW

- 1 Request an official species list
- 2 Evaluate determination keys  
No Dkeys for project
- 3 Analyze project (optional)
- 4 Download documentation

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under Section 7 of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" (Section 7 of the Endangered Species Act).

This requirement applies to projects that are conducted, permitted, funded, or licensed by any Federal agency.

**YES, REQUEST A SPECIES LIST**      **SKIP / DOES NOT APPLY**

- Fill out the contact information for yourself or your agency. Contractors, state partners, and any other project proponents may request a species list and should be covered using the dropdown menus.

## Tell us about the project and your organization or agency

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

- ☐ Yes
- ☐ No

What kind of organization are you working for directly?

Federal Agency
Tribe
State Agency
Federal Agency
Territory Agency
City
County
Non-Governmental Organization

- From the pull-down menu for Classify Type of Project, select the project type that best fits the proposed action.

### Enter your project information

Project name

Test Project

Project description

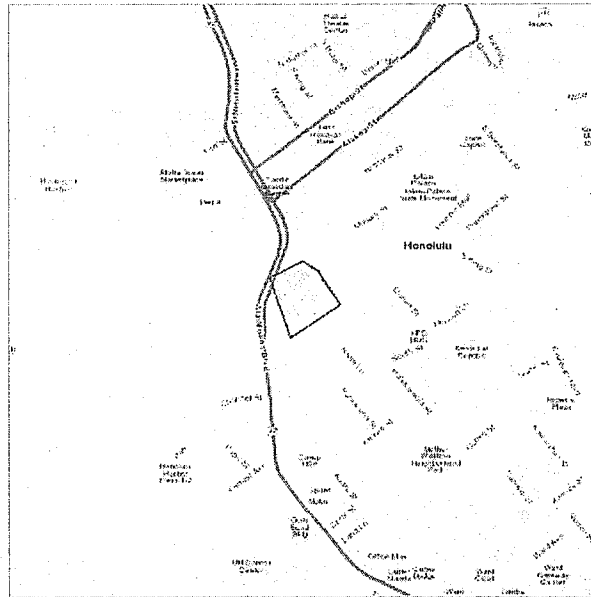
Testing

Select your project type

Abandonment of Rail Line  
Acquisition of Lands  
Airport - Maintenance/Modification  
Airport - New Construction  
Animal Control  
Aquaculture  
Beach nourishment  
Biological Control  
Boat Ramp - Maintenance/Modification  
Boat Ramp - New Construction

- Once all required sections are filled out, press **SUBMIT OFFICIAL SPECIES LIST REQUEST**

## Location



## SUBMIT OFFICIAL SPECIES LIST REQUEST

- An Official Species List should be generated and available for download in a couple of seconds.
- If you need additional information on a species, click on their name that is hot-linked to their species information page. A brief overview of the species' status, description and critical habitat will appear as well as a link to their ECOS species profile.

### Resources

**ENDANGERED SPECIES** 20

**MIGRATORY BIRDS** 5

**FACILITIES**

**WETLANDS** 1

[PRINT RESOURCE LIST](#)

**What's next?**


Define a project at this location to evaluate potential impacts, select official species list, and make species determinations.

[DEFINE PROJECT](#)

## Tiwi

Directed by: 2010/10/10

X




**STATUS**

Threatened; A species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

**DESCRIPTION**

The Tiwi is an Hawaiian forest bird in the endemic honeycreeper subfamily of the Fringillidae (finch family). Tiwi are medium-sized forest birds (total body length is approximately 14 centimeters (cm) (5.5 inches (in)) with bright scarlet feathers, black wings and tail, and a small white patch on the inner secondary flight feathers. The bill is long, deeply



Hawaii Akopu  
Akopu curvirostris  
Hawaii Akopu

# **ATTACHMENT 2**

## **LANDOWNER COMMENTS**





Richard S. Ekimoto  
John A. Morris  
Gwenaelle Bratton  
Dan C. Oyasato  
Jill M. Tsuchitori  
Nikki Y. Sen  
Kenny YH. Baik

August 22, 2023

**VIA E-MAIL ([brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov))  
AND FIRST-CLASS MAIL**

Mr. Brandon Soo  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Re:	Special Use Permit Application for:
Project Name:	Makakilo Quarry Expanded Operations
Applicant/Landowner:	Grace Pacific LLC

Dear Mr. Soo:

We are responding on behalf of the Kahiwelo at Makakilo Community Association (the "association") to the enclosed notice of application for a special use permit. Members of the association have serious concerns about the proposed expansion. In particular, members are concerned about (i) the proposal to expand the hours of operation for the quarry to 24 hours a day, 7 days a week, and (ii) to allow the operation of a ready-mix concrete plant in the quarry.

Owners of homes adjacent to the quarry already experience quarry residue discoloring their houses. Expanding the plant operations to 24 hours a day, seven days a week and adding a concrete plant will only make the problem worse.

In particular, an industrial facility like the proposed ready-mix concrete plant should not be operated adjacent to a residential area but rather in an industrial park, such as Campbell. Allowing the quarrying of rock because it is located in a particular location has some logical basis. In contrast, allowing an industrial plant to operate in that same location has no such basis.

Expanding the operation of the quarry and the plant or even just the quarry to 24 hours a day is not appropriate when the location abuts a residential housing area. At least, at the current time, the noise from the quarry operations occurs during the day. Allowing 24-hour operation adjacent to a housing area will increase noise pollution in the evenings and at night when most of the residents of the neighboring area will be trying to relax and sleep. Of course, allowing an industrial plant and quarry to operate 24 hours a day, 7 days a week will adversely affect property values for the homeowners in the vicinity.

Mr. Brandon Soo  
Department of Planning and Permitting  
City and County of Honolulu  
August 22, 2023  
Page 2

The association members are also concerned about expanding the life of the quarry and the proposal to "reshape" the area approved for resource extraction.

As far as how those concerns impact the guidelines in section 2-45, there seem to be several problem areas:

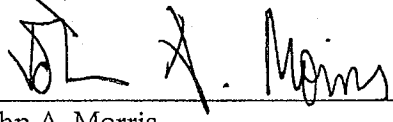
- Arguably, after approving residential use so close to a quarry, DPP should be focusing on reducing, not expanding the operations of the quarry. The association members assume that the original intent was that the quarry would gradually cease operations as the residential area expanded, thereby reducing the obvious conflict between the two types of property use.
- Clearly, the proposed use of the quarry does adversely affect surrounding property because a large portion of the surrounding property is now a residential subdivision. To the extent that the residential development is a "trend," the shift to residential use seems to be a trend that should be recognized under the criteria of rule 2-45. Similarly, the land on which the proposed use is to be expanded is so close to residential areas that the proposed use is unsuited for the area and should not be permitted within the district.

The association members hope that the Department of Planning and Permitting will carefully consider the adverse effect that the proposed expansion of the quarry and the addition of a concrete plant will have on the surrounding residential neighborhood and not allow this proposal to proceed.

Very truly yours,

EKIMOTO & MORRIS  
A Limited Liability Law Company LLC

By

  
John A. Morris

Enclosure as stated

cc: Kahiwelo at Makakilo Community Association  
% Justyna Fic, Hawaiiana Management Company, Ltd.

# DAMON KEY LEONG KUPCHAK HASTERT

A LAW CORPORATION

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Attorneys at Law

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Kenneth R. Kupchak  
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David P. McCauley  
Casey T. Miyashiro  
Mark M. Murakami  
Anna H. Oshiro  
Christopher H. Pang  
Laurel E. Pepe  
Douglas C. Smith  
Ross Uehara-Tilton  
Toren K. Yamamoto  
Amber M. Yonamine  
Cheyne I.Y. Yonemori  
Michael A. Yoshida  
Madeleine M.V. Young

Of Counsel  
Jed Kurzban

R. Charles Bocken  
(1921-2020)  
C.F. Damon, Jr.  
(1926-2017)  
Charles W. Key  
(1929-2008)  
Denis C.H. Leong  
(1942-2023)



Providing business clients  
worldwide access to  
sophisticated legal advice  
and exceptional service.

August 30, 2023

**VIA EMAIL:** [brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)

Director Dawn Takeuchi-Apuna  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813

Re: Application for an Amendment to Special Use Permit 2007/  
SUP-6 (LUC File No. SP73-147) – Makakilo Quarry  
Expanded Operations – Grace Pacific LLC – Tax Map Keys:  
9-2-3-82; 9-2-3-74; and 9-1-16-4

Dear Director Takeuchi-Apuna:

Our office represents Makakilo Bluffs, LLC (“MB”), a Delaware limited liability company authorized to do business in the State of Hawaii. MB owns the property identified as Tax Map Key (“TMK”) (1) 9-2-3-98 (“Parcel 98”), an approximately 85-acre parcel of land that is immediately adjacent to the west of TMK (1) 9-2-3-74 (“Parcel 74”). Parcel 74 contains the existing quarry excavation area and a portion of the existing buffer zone. Immediately to the east of Parcel 74 is TMK (1) 9-2-3-82 (“Parcel 82”), which contains the existing processing area. MB purchased Parcel 98 with the goal of eventually developing the land to provide housing for the people of Hawaii, either as an agricultural development or as a rezoned Hawaii Revised Statutes Section 201H-38 affordable housing project. Any expansion or intensification of operations at the Makakilo Quarry (“Quarry”) would make it more difficult for MB to achieve this goal, and have an immediate and harmful effect on MB’s property and its future inhabitants.

For the reasons set forth below, MB **opposes** Grace Pacific LLC’s (“GP”) application for an amendment to Special Use Permit 2007/SUP-6 (the “SUP”) and offers the following comments for the Department’s consideration:

**1. The proposed amendment to the SUP involves extensive physical and temporal expansion of operations at the Quarry, far beyond the reasonable limits imposed upon approval of the previous amendment.**

DAMON KEY LEONG KUPCHAK HASTERT

Ms. Dawn Takeuchi-Apuna  
Department of Planning and Permitting  
August 30, 2023  
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Expanded Quarry: GP's proposed reshaping of the area approved for resource extraction would expand the total area of land affected by GP's quarrying operations. It would also bring quarrying operations much closer to MB's land. GP proposes to allow mining in 15.6 acres along the northwestern and western rim of the quarry pit, purportedly to access a seam of high-quality rock. Although GP also intends to remove an equivalent acreage from the existing permitted SUP area along the northern and southwestern rim of the quarry pit, the removed area has already been affected by mining. The reshaping would thus ultimately expand the affected area.

Expanded Life: GP proposes to extend the end date of the SUP by 15 years from December 31, 2032 to December 31, 2047. As a result GP's resource extraction, aggregate processing, manufacturing of asphaltic concrete, concrete batch plant operations, and concrete and asphaltic pavement recycling operations will remain close to residential areas and a busy highway for 15 years longer than originally anticipated. Moreover, further extension of the end date of the SUP is likely, as GP will likely continue to exploit Quarry resources until it is economically unfeasible, potentially into the next century. MB's land would also be subject to the effects of GP's operations for this additional period of time.

Expanded Operations: GP proposes to expand the operating hours for production of hot-mix asphalt and ready-mix concrete, sales, maintenance, and the unloading of permitted recycle materials to 24 hours per day, seven days per week. The proposed expansion represents an increase in weekly operating hours of between 108 and 150 hours for each activity. This is significantly more than the slight increase in operating hours approved in the previous amendment of the SUP.

**2. The proposed amendment to the SUP also involves a large intensification of GP's use of the Quarry and of its operations. GP proposes to expand the operating hours for the nonpermitted ready-mix concrete plant. GP also proposes to add an additional hot-mix asphalt plant to the Quarry with extended hours.**

Non-permitted Ready-Mix Concrete Plant

The ready-mix concrete plant is not a permitted use at the Quarry. When GP applied for the previous amendment of the SUP and of Conditional Use Permit 2007/CUP-91 (the "CUP"), it was represented that GP would terminate the ready-mix concrete plant

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by June 2009. This understanding is reflected in the respective Findings of Fact, Conclusions of Law, and Decision and Order (“FOF-COL”) for the CUP<sup>1</sup> and the SUP<sup>2</sup>.

In violation of this representation, GP built a concrete plant within the Upper Makakilo Quarry, which has been in operation since April 2022. GP deliberately misinterprets the FOF-COL for the SUP as allowing relocation of *all* uses on TMK (1) 91-1-16-4 (“Parcel 4”) (rather than uses other than the ready-mix concrete plant) to Campbell Industrial Park or the quarry pit. GP thus disingenuously proposes to amend the SUP to confirm that a ready-mix concrete plant is permissible in the quarry pit, when it clearly is not permissible there. GP further proposes that the ready-mix concrete plant be allowed to operate 24 hours per day, seven days per week.

Hot-Mix Asphalt Plant

GP proposes to add an additional hot-mix asphalt plant to the Quarry and extend the operating hours for the plants. Instead of only one hot-mix asphalt plant operating from 6:00 a.m. to 6:00 p.m., Monday to Friday, there would be two hot-mix asphalt plants operating 24 hours per days, seven days per week. In the FOF-COL for the previous SUP amendment application, the Land Use Commission (“LUC”) purposely tried to mitigate the impacts of the hot-mix asphalt plant by providing that the hot-mix asphalt plant in the quarry pit would be for day operations only, with night operations relocated to Campbell Industrial Park.<sup>3</sup> The proposed change would undo this and exacerbate the impacts of the hot-mix asphalt plants.

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<sup>1</sup> See Exhibit B of the SUP Application (“Application”), DPP Findings of Fact, Conclusions of Law, and Decision and Order, 2007/CUP-91, at 4 (“To mitigate the impacts of industrial processing uses on surrounding neighbors, the applicant will terminate the ready-mix concrete plant and relocate all other uses from the processing site [Parcel 4] either to the quarry pit or to Campbell Industrial Park (CIP) by December 31, 2012.”)

<sup>2</sup> See Attachment I to Exhibit B of the Application, LUC Findings of Fact, Conclusions of Law, and Decision and Order, Docket No. SP73-147, at Findings of Fact nos. 23-24 (making no specific provision for the ready-mix concrete plant after removal from the processing site [Parcel 4]), Decision and Order no. 15 (“The uses in the quarry excavation area shall be limited to rock excavation, crushing, stockpiling, a new hot-mix asphalt plant, recycling of concrete rubble, glass, and asphaltic concrete pavement, equipment maintenance, employee support, parking, administration, and a water well and pump. No other uses shall be permitted without the approval of the Land Use Commission.”) (not including a ready-mix concrete plant as a permitted use).

<sup>3</sup> See *id.* at Finding of Fact no. 24.

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**3. The proposed expansion of operations does not meet guidelines for an SUP, because it would adversely affect surrounding properties, particularly MB's property, with increased traffic, dust, and noise.<sup>4</sup>**

The proposed expansion would significantly increase traffic to the quarry pit, passing near to MB's property, especially during the nighttime hours between 6:00 p.m. and 6:00 a.m., when trucks would come to the quarry pit to purchase and pick up hot-mix asphalt and ready-mix concrete for use in night road work.<sup>5</sup> GP anticipates that vehicle round trips to the quarry pit would increase by 42% due to the combined impact of the hot-mix asphalt plants and the ready-mix concrete plant.<sup>6</sup>

The proposed expansion would almost double the concentration of dust in the air in residential areas that are near to the Quarry, approximately one-quarter mile away. MB's property would be directly affected, as the prevailing wind blows dust towards MB's land.<sup>7</sup> With the expansion of quarry operating hours, ready-mix concrete plant, and the hot-mix asphalt plant, the estimated 24-hour average concentration at one-quarter mile is projected to increase from 36.31  $\mu\text{g}/\text{m}^3$  to 73.64  $\mu\text{g}/\text{m}^3$ .<sup>8</sup> Even with the current operations at the Quarry, there have been complaints to GP's Community Hotline reporting fugitive dust at least every other year over the past few years.<sup>9</sup>

The proposed expansion would likely increase the amount of noise at MB's property and in residential areas that are near to the Quarry, especially at night. The increase in noise would result from additional traffic to the quarry pit, as well as from the operation of the ready-mix concrete plant and the hot-mix asphalt plant. However, information in GP's Noise Impact Report is not sufficient to determine how much the noise would increase. The Noise Impact Report does not address the noise impact of

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<sup>4</sup> See HAR 15-15-95(c)(2).

<sup>5</sup> See Application at 12-13, 25.

<sup>6</sup> See Exhibit N of the Application, Mobility Analysis Report, at Appendix B: Trip Generation Calculations.

<sup>7</sup> See Exhibit W of the Application, Dust Evaluation Report, at 2-1, Figure 1.

<sup>8</sup> See *id.* at 5-1, Table 5-1. These concentrations are still less than the National Ambient Air Quality Standards maximum 24-hour average concentration for particulate matter of 150  $\mu\text{g}/\text{m}^3$ .

<sup>9</sup> See, e.g., 2019 Annual Compliance Report, Makakilo Quarry, Kapolei, Oahu, Hawaii ("Compliance Report") at Exhibit D, 2020 Compliance Report at Exhibit D, 2022 Compliance Report at Exhibit D, <https://luc.hawaii.gov/completed-dockets/special-permits/oahu/sp73-147/>.

DAMON KEY LEONG KUPCHAK HASTERT

Ms. Dawn Takeuchi-Apuna  
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increased traffic to the quarry pit.<sup>10</sup> The Noise Impact Report also does not directly address the noise level at MB's property, which is mostly west of the Quarry, but it does state that "[o]verall operational activities are not expected to be audible at the residential neighborhoods to the north and northwest of the project site due to the topographical features that block the line-of-sight into the quarry from these north and northwest locations."<sup>11</sup>

**4. The proposed expansion of operations is not necessary to meet Oahu's need for construction materials. It mainly serves GP's desire to make more money through cost savings and additional business volume.**

GP makes much of how the proposed expansion of operations at the Quarry would better serve the needs of road construction on Oahu by offering a more centralized location for pickup of hot-mix asphalt and ready-mix concrete at night.<sup>12</sup> Yet, GP's existing operations are already more than sufficient to serve Oahu's needs. In reality, the proposed expansion would primarily serve GP's needs by decreasing costs and increasing business volume.

Allowing night hot-mix asphalt operations in the Quarry would eliminate GP's need to transport materials to Campbell Industrial Park for night processing. GP would also no longer need to pay rent for the processing site there. These changes would result in cost savings to GP. GP claims that it intends to pass along some of these cost savings to customers, including the City and County of Honolulu, but there is no guarantee that GP would actually do so.<sup>13</sup> The expanded operating hours and addition of another hot-mix asphalt plant in the quarry pit would in turn yield increased business volume, as GP would be able to serve more customers over an extended time period.

The proposed reshaping of the excavation area does not significantly expand the life of the Quarry. It would only allow GP to supply aggregate for an additional five to

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<sup>10</sup> See Exhibit U of the Application, Noise Impact Report, at 14 ("[N]oise impacts can be evaluated by comparing existing truck volumes to/from the quarry to the future predicted truck volumes. Future truck volumes were not available for this noise study and, therefore, truck traffic noise outside of the quarry was not evaluated.")

<sup>11</sup> See Exhibit U at 14.

<sup>12</sup> See Application at 12-13.

<sup>13</sup> See *id.* at 13.

DAMON KEY LEONG KUPCHAK HASTERT

Ms. Dawn Takeuchi-Apuna  
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seven years until 2047, as compared with the existing excavation area's supply of aggregate that is sufficient to supply aggregate until between 2040 and 2042.<sup>14</sup> However, the proposed reshaping would provide higher quality rock that yields a higher price. The proposed new portion of the excavation area is expected to contain mostly higher quality A-Grade and B-Grade aggregate as opposed to the lower quality B-Grade rock and overburden in the area that is proposed to be removed from the SUP.<sup>15</sup> This higher quality rock yields a higher price than B-Grade rock and overburden.<sup>16</sup>

**5. Further expansion of the Quarry requires a District Boundary Amendment.**

In 1982, the Hawaii Supreme Court held that a proposed 100 acre theme park in Waianae could not be permitted in the Agricultural district by a special permit, but required a district boundary reclassification from Agricultural to Urban. *Neighborhood Bd. No. 24 v. State Land Use Comm'n*, 64 Haw. 265, 273 (1982) (stating "We do not believe that the legislature envisioned the special use technique to be used as a method of circumventing district boundary amendment procedures to allow the ad hoc infusion of major urban uses into agricultural districts."). That reasoning is directly applicable to GP's proposed Quarry expansion. Expansion of the Quarry area, the addition of multiple concrete and asphalt plants, and expansion of the hours of operation and the life of the Quarry, all effectively result in the ad hoc infusion of major urban uses into the Agricultural district in violation of the requirement that the district boundary amendment procedures be followed.

For the reasons set forth above, MB opposes GP's application for an amendment to the SUP. MB appreciates the opportunity to offer comments on GP's application for amendment to its SUP, an application that will affect surrounding properties for decades to come. The comments above are guided by MB's desire for a process that thoroughly and fully considers the adverse impacts of the Quarry as well as the need for the construction materials it provides.

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<sup>14</sup> See *id.* at 11-12.

<sup>15</sup> See *id.* at 12.

<sup>16</sup> See Exhibit Y of the Application, Makakilo Quarry Socio-Economic Impact Assessment at 10-12 and Figures 5-7 (price data for various Grade A and Grade B basalt products).

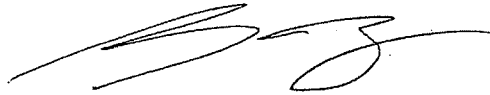


DAMON KEY LEONG KUPCHAK HASTERT

Ms. Dawn Takeuchi-Apuna  
Department of Planning and Permitting  
August 30, 2023  
Page 7 of 7

Very truly yours,

DAMON KEY LEONG KUPCHAK HASTERT

A handwritten signature in black ink, appearing to be a stylized combination of the names Gregory W. Kugle and Christopher H. Pang.

Gregory W. Kugle  
Christopher H. Pang

GWK/CHP:rm  
802079\_2

**Kraintz, Franz**

---

**From:** Chase Johnson <chaselkj@gmail.com>  
**Sent:** Monday, September 4, 2023 8:13 PM  
**To:** Soo, Brandon A  
**Subject:** Makakilo quarry

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CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

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Please do not expand the size, extend the lease or extend the hours of the makakilo quarry. The people trust that you will do the right thing for the community.

Local resident,

Chase Johnson

**Kraintz, Franz**

---

**From:** Deborah Agles <deborahagles@gmail.com>  
**Sent:** Monday, August 28, 2023 12:21 PM  
**To:** Soo, Brandon A  
**Subject:** Grace Pacific quarry expansion

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

I just found out about this issue this morning as it was in the star advertiser. I hope that you will accept my comments even though I am a few days past the comment. Since it was only made known to the public today. I can tell you from living in Makakilo, that I am totally against any expansion of the quarry, the extension of their lease on the quarry, or an increase on operations to 24 hours a day seven days a week to include an asphalt plant as asphalt is very toxic and we do not need any smells particulate matter, or any additional risk in a residential area. Thank you, Deborah Agles, 92-1 297 Alahoi St., Kapolei/Makakilo HI. 808-291-3535

Sent from my iPad

## Kraintz, Franz

---

**From:** John Pacheco <ax2grine@hawaii.rr.com>  
**Sent:** Tuesday, August 29, 2023 8:26 AM  
**To:** Repsouza@capitol.hawaii.gov; Soo, Brandon A  
**Subject:** Grace Pacific petition

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Aloha Rep. Souza & Mr. Soo,

GP mines its products from the mountains directly upwind of us and have been since we moved in. We knew they were doing it before we bought. However, there was a promise their activities would end, which made this arrangement somewhat palatable.

This situation is looking like the Waimanalo Gulch landfill, with irresponsible promises made years ago by actors who knew they wouldn't be around to deal with it. But we are. I have had dirt and rock dust all over my house/cars since the beginning. Got to wonder how much of that gets into lungs and how that chronic exposure might affect residents. And now, with light at the end of the tunnel, they want to move the goalpost. Auwe! Need to stop kicking the can down the road.

GP should aggressively pursue other sites and decommission this one, as promised, instead of coming up with reasons to justify further impact to our health and QoL. The land and people here have done our part and borne this incursion long enough.

Please stop this. They have already admitted to exhausting the class A material at the current site. They need to keep their promise and look harder for other viable sites instead of using the affected community to bear their cost of remaining at this site, to boost their bottomline.

Mahalo.

John Pacheco

28 yr Makakilo/Kapolei resident

Sent from my iPhone

**Kraintz, Franz**

---

**From:** John Ricks <sricks9@icloud.com>  
**Sent:** Sunday, August 27, 2023 8:47 PM  
**To:** Soo, Brandon A  
**Subject:** Fwd: Makakilo Quarry Expanded Operations

---

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

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Brandon,

I realize that this is after the deadline of the 24th, but forwarding my email I previously sent to representative Kanani Souza with my comments regarding the Makakilo Quarry Expansion application. Please let me know if you have any questions.

V/R,

John Ricks

Sent from my iPhone

Begin forwarded message:

**From:** John Ricks <sricks9@icloud.com>  
**Date:** July 31, 2023 at 9:33:31 PM HST  
**To:** repsouza@capitol.hawaii.gov  
**Subject:** Makakilo Quarry Expanded Operations

Representative Souza,

I'm contacting you as a concerned resident of your district in Makakilo. I recently received notice of application special use permit: Makakilo Quarry Expanded Operations (2023/GEN-5(BS) dated 7/25/23) on 7/29/23. The permit requests to

- (1) Extend the life of the quarry by 15 years to 2047
- (2) Reshape the area approved for resource extraction
- (3) Expand operations to certain parts of the quarry to 24 hours a day 7 days a week
- (4) Operate a ready mix concrete plant in the quarry.

The quarry is currently a nuisance (to say the least) to the community as it causes a lot of red dirt to be dispersed throughout the air that our children are outside playing in, it stains our homes and causing home owners to wash and paint more frequently, enters into our houses through open windows and AC systems, and is a major "eye sore" for those driving west or looking towards the Makakilo from Kapolei.

Expanding operations closer to residential neighborhoods, as outlined in the map, is only going to make things worse for those who live in the surrounding areas. Couple that with operating 24/7, and adding a ready mix concrete plant and there is a lot of potential to decrease our homes' value. In addition to the irreparable damage that will continue being done to the land. This is for the most part a working class neighborhood, and we've all worked very hard to acquire and



maintain the homes that we have. Allowing a business to expand operations, literally into our backyards, is a huge slap in the face.

This district is an agricultural district, and I do not feel that the quarry meets the zoning requirements of that. I would say a quarry's intent is exactly the opposite of what an agricultural district is zoned for. You as a member of the State Land and Water committee I would hope opposes this extension and expansion of operations. It also seems that this would rule out any hope of the Makakilo drive extension through 2047, which from my understanding you are a proponent of.

I'm asking you to please be a voice for our district, your district, and help to represent us by stopping this extension and expansion of the Makakilo Quarry. If Kapolei is truly the "second city" then why would anyone allow a quarry and ready mix concrete plant to operate 24/7 between the 2 primary neighborhoods?

Thank you for your time, and I look forward to hearing your response.

Sincerely,

John Ricks

<image3.jpeg>

<image4.jpeg>

<image5.jpeg>

Sent from my iPhone

## Kraintz, Franz

---

**From:** Kahala Dotson <tdotson911@gmail.com>  
**Sent:** Tuesday, September 5, 2023 12:55 PM  
**To:** Soo, Brandon A  
**Subject:** Kahiwelo resident against Grace Pacific expansion in makakilo

---

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Hi

As a resident in the Kahiwelo community I am not in favor of the GP expansion. I live on Opalipali pl. and continue to experience problems with particles of red dirt filtering into my home AC unit, clogging it and causing regular clogging and covering the outside of my home and property with unusual amounts of dirt and dust.

The current plan to increase excavating hours is not appropriate for community living. Not just for Kahiwelo and my family but for all living and working in this Ewa and Leeward community. I am also concerned that the combination of radiant heat from the increased solar panel installations and 24/7 excavating is detrimental to us all. I ask that reconsideration and alternatives be considered during this time.

Mahalo,

Kahala and Troy Dotson  
92-852 Opalipali Place  
Kapolei, HI 96707

## Kraintz, Franz

---

**From:** Mark Barnes <markbbarnes@yahoo.com>  
**Sent:** Monday, August 28, 2023 6:59 PM  
**To:** Soo, Brandon A  
**Subject:** Grace Pacific application - Makakilo

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Aloha, Mr. Soo. Please consider re-opening public comment period on the Grace Pacific application pending with DPP. We residents of Makakilo first learned of this in today's newspaper and it seems that the comment period may have already closed. Without knowing more, I am opposed to the grant of this application on grounds of safety and health of the residential neighborhoods surrounding this site.

Mahalo,  
Mark Barnes, Makakilo

**Kraintz, Franz**

---

**From:** ROGER RUMBAUGH <rrumba1@aol.com>  
**Sent:** Tuesday, August 29, 2023 6:27 AM  
**To:** Soo, Brandon A  
**Subject:** Asphalt plant

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Why move an industrial function out of an industrial area into a residential area and bring the toxic possible where they should not be. What ever happened to the road now used solely for the cement plant that was supposed to the second access from Makakilo to the H1 freeway?

Sent from my iPhone

**Kraintz, Franz**

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**From:** Mandi P <lunnak1986@gmail.com>  
**Sent:** Friday, August 18, 2023 9:17 AM  
**To:** Soo, Brandon A  
**Subject:** Re: 2023/GEN-5(BS)

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Hello Mr. Soo,

How do we find out when the public hearing will be? I would like to attend. Also, please include the following comments for consideration:

This quarry is currently adversely affecting our housing community. Many people in our neighborhood have had to repair their house foundations due to the rumbling in the ground. The dirt in the air stirred up by the quarry stains the paint on the backs of our houses, causing us to spend more money for maintenance on our homes. The dirt stays in the air and causes skin/ eyes/nose irritation for the people and animals that live nearby. It stains the skin and clothing of children who are playing.

This permit is asking to move directly behind our homes, and to do 24/7 operations?! This is a residential housing community. We need SLEEP at night. We need peace on the weekends. We need stable ground beneath our homes. We need clean air to breathe. Allowing an industrial site to build so close next to a residential community will destroy our property values, wreak havoc on the foundations of homes, and cause health problems for the residents. Please do not allow this to happen.

- Amanda Pearson  
92-2000 Kulihi Street  
319-560-4986

On Mon, Jul 31, 2023, 08:59 Soo, Brandon A <[brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)> wrote:  
Aloha Amanda,

I'm in receipt of your position of opposition to the subject petition.

The Department of Planning and Permitting will provide a report to the Planning Commission (PC) with recommendations. Then, the PC will hold a public hearing to approve, approve with modification, or deny the petition. If approved by PC, the petition gets transferred to the Land Use Commission (LUC) for final decision-making.

You can provide comments to inform the Department of Planning and Permitting's recommendation to the PC. Those comments will be included in the record transmitted to PC and the LUC. You can also testify at the public hearings held by PC and LUC.

More information about the Special Use Permit process can be found on our website here: <[https://www.honolulu.gov/dpp/planning/applying-for-changes/special-use-permits.html#:~:text=A%20Special%20Use%20Permit%20\(or,acres%20or%20involving%20Important%20Agricultural](https://www.honolulu.gov/dpp/planning/applying-for-changes/special-use-permits.html#:~:text=A%20Special%20Use%20Permit%20(or,acres%20or%20involving%20Important%20Agricultural)> <https://www.honolulu.gov/dpp/planning/applying-for-changes/special-use-permits.html>

Let me know if you have further questions.

Mahalo,



Brandon

Brandon Soo  
Community Planning Branch  
Department of Planning and Permitting  
650 S. King St., 7th Flr.  
Honolulu, Hawaii 96813  
(808) 768-8051  
[brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)

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From: Mandi P <[lunnak1986@gmail.com](mailto:lunnak1986@gmail.com)>  
Sent: Sunday, July 30, 2023 12:44:22 PM  
To: Soo, Brandon A  
Subject: 2023/GEN-5(BS)

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Good morning,

I am emailing you in regards to a letter we received in the mail concerning expanding operations in the quarry.

I live at 92-2000 Kulihi Street. This quarry already adversely affects our housing community. Many people in our neighborhood have had to repair their house foundations due to the rumbling in the ground. The dirt in the air stirred up by the quarry stains the paint on the backs of our houses.

This permit is asking to move even closer to our houses, and to do 24/7 operations?! This is a housing community. We need SLEEP at night. We need peace on the weekends. We need stable ground beneath our homes.

I would like to know what action is available to the local residents that we can STOP this permit. Do I need to organize a protest and march to city hall? Is there a hearing I can attend? Should I contact my local representative?

Thank you in advance for any information you can provide, I appreciate time.

Respectfully,  
Amanda Pearson  
92-2000 Kulihi Street  
Kapolei, HI 96707

## Kraintz, Franz

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**From:** Goding <roscoe@hawaii.rr.com>  
**Sent:** Sunday, August 20, 2023 9:26 AM  
**To:** Soo, Brandon A  
**Subject:** SUP for Grace Pacific Makakilo

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Brandon,

We are writing to voice our opinion on the request for a special use permit by Grace Pacific in Makakilo.

We are homeowners in Kahiwelo, the neighborhood that is currently directed impacted by quarry dust, dirt, noise on a daily basis.

When we purchased our home on Kulihi St 6 years ago, we, and other neighbors, called, emailed Boyd, quarry ops mgr, and contacted our HOA about Grace Pacific's lack of consistently using their water horse to decrease dust impact to our homes. We were met with much resistance, denial and complete lack of empathy.

We were well aware of the location of the quarry upon our home purchase but nothing can prepare one for the amt of red dirt that coats EVERYTHING.

And now, to hear that not only do they want expansion but 24/7 operation, is a travesty to even consider this when so close to neighborhoods!

We can't even enjoy our backyards due to the dust, dirt and noise. And now the Anuhea neighborhood in Makakilo will definitely be more affected.

We are adamantly opposed to this and we are sincerely asking you to imagine if this was YOUR neighborhood, how would you feel?

Please represent us and reject this application. They can expand toward the freeway or southern areas where there are no homes.

I am willing to discuss this with you at anytime.

Bill and Pat Goding

808-221-0216

## Kraintz, Franz

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**From:** Briana lucas <itsmebri@me.com>  
**Sent:** Monday, July 31, 2023 9:27 AM  
**To:** Soo, Brandon A  
**Subject:** Re: Notice of Application SUP MAKAKILO QUARRY EXPANDED OPS

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Thanks again.

Briana Kawata

> On Jul 31, 2023, at 9:07 AM, Soo, Brandon A <brandon.soo@honolulu.gov> wrote:  
>  
> Aloha James & Briana,  
>  
> We just started the public and agency comment period, which will inform our position. But I cannot speak for DPP on a position at this time. Our position will be provided in the report to the Planning Commission 30 days before the hearing. Its availability, along with the PC hearing date, will be published in the Star-Advertiser.  
>  
> You can read more about the Special Use Permit process here: <https://www.honolulu.gov/dpp/planning/applying-for-changes/special-use-permits.html>  
>  
> Thank you,  
> Brandon  
>  
>  
> Brandon Soo  
> Community Planning Branch  
> Department of Planning and Permitting  
> 650 S. King St., 7th Flr.  
> Honolulu, Hawaii 96813  
> (808) 768-8051  
> brandon.soo@honolulu.gov  
>  
> \_\_\_\_\_  
> From: Briana lucas <itsmebri@me.com>  
> Sent: Monday, July 31, 2023 8:59:23 AM  
> To: Soo, Brandon A  
> Subject: Re: Notice of Application SUP MAKAKILO QUARRY EXPANDED OPS  
>  
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>  
>  
> Thank you, we appreciate your response.  
> Where does the DPP stand on recommendations?  
>

> James & Briana Kawata

>

>> On Jul 31, 2023, at 8:41 AM, Soo, Brandon A <brandon.soo@honolulu.gov> wrote:

>>

>>

>> Aloha James & Briana,

>>

>> I'm in receipt of your position of opposition to the subject petition. Homeowners within proximity to the Makakilo Quarry have been notified by mail. The Department of Planning and Permitting will provide a report to the Planning Commission (PC) with recommendations. Then, the PC will hold a public hearing to approve, approve with modification, or deny the petition. If approved by PC, the petition gets transferred to the Land Use Commission (LUC) for final decision-making.

>>

>> Essentially, the PC and the LUC have the ability to deny the petition if the project does not meet the five guidelines for determining "unusual and reasonable use" in the State Agricultural District. I provided the five guidelines in the Notice of Application that was mailed out to landowners.

>>

>> Let me know if you have further questions.

>>

>> Thank you,

>> Brandon

>>

>>

>> Brandon Soo

>> Community Planning Branch

>> Department of Planning and Permitting

>> 650 S. King St., 7th Flr.

>> Honolulu, Hawaii 96813

>> (808) 768-8051

>> brandon.soo@honolulu.gov

>>

>> From: Briana lucas <itsmebri@me.com>

>> Sent: Sunday, July 30, 2023 8:25:59 PM

>> To: Soo, Brandon A

>> Subject: Notice of Application SUP MAKAKILO QUARRY EXPANDED OPS

>>

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>>

>> Mr. Soo,

>> We are in opposition of this SUP.

>> Specifically the length of time and the negative effect that a 24hr/7 day per week operations will have.

>> Have all homeowners been notified, and what's required to have this SUP denied?

>> Thank you,

>> James & Briana Kawata

>> Kapolei Knolls

## Kraintz, Franz

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**From:** Darcy Lynn Pierce <darcylynn2015@gmail.com>  
**Sent:** Tuesday, August 22, 2023 11:41 AM  
**To:** Soo, Brandon A  
**Subject:** Purposed expansion

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Brandon

We are new homeowners on Kulihi street and don't want to see and hear this expansion. You have the option to expand towards the freeway which would not affect the home owners near by.

We are new to the area and are responding on behalf of Bill and Pat Goding, we certainly don't want our property disrupted.

If you would like to inform us further feel free to Email me, as we are currently off island for a couple weeks.

Thank you,

Darcy Denola

Sent from my iPhone



## Kraintz, Franz

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**From:** daveo . <hawaiiidaveo@hotmail.com>  
**Sent:** Thursday, August 24, 2023 2:11 PM  
**To:** Soo, Brandon A; daveo .  
**Subject:** RE: Letter "2023/GEN-5(BS)"

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August 24, 2023

Dear Mr. Soo,

I am writing this letter in response to a letter attributable to Mr Franz Kraintz of the State of Hawai'i Department of Planning and Permitting dated July 25, 2023, and identifiable as "2023/GEN-5(BS)."

"2023/GEN-5(BS)" was recently sent to landowners in the Makakilo area regarding proposed amendments to the Special Use Permit "2007/SUP-6" for operations overseen and conducted by Grace Pacific LLC at the "Makakilo Quarry." (NOTE: For brevity, this underlined statement will hereto be referred as "Operations.")

My letter seeks to encourage a reconsideration of some of the proposed amendments to "2007/SUP-6" by raising awareness not only to concern resulting from past and current "Operations," but also to what arguably has been a violation of guideline "Item 'b'" under Section 2-45 of the Rules of the Planning Commission (i.e., "Rules") in effect for the Operations.

NOTE: As documented in "2023/GEN-5(BS)," item "b" in these Rules states "That the desired use would not adversely affect surrounding property."

I am a full-time owner-occupant of the residence bearing Tax Parcel ID "RP 1-9-2-042-047," and bearing mailing address "92-461 Ohio St," and located in the Constructed Phase of the "Kahiwelo" development that is geographically adjacent to the "Operations" area. Because of my residency status and because of the location of my residence being certainly near, and arguably "in," the "surrounding property" of the "Operations," I thank you for acknowledging that the purpose and content of this letter represents an individual having a justified vested interest in the "surrounding property" of the "Operations" area, and therefore also an interest in any activities therein that could "adversely affect" this same property.

There is no shortage of evidence borne by residential structures both on Ohio St as well as on nearby streets in the Kahiwelo development (i.e., in the "surrounding property" of the "Operations") of an "adverse effect" in the form of particulate matter (i.e., "PM") that routinely accumulates on the exteriors, and even in the interiors, of the East-facing areas of the structures. Because of these characteristics, it is reasonable to conclude confidently that the origin of the "PM" accumulations is not from within the residences but is external to them. Furthermore, taking into account the prevailing winds over Kahiwelo and Oahu moving East to West, and taking into account routine "PM"-generating activities on Oahu between Kahiwelo and the Eastern shore of Oahu, there are only three reasonable areas that could routinely generate such "PM:" The Kapa'a Quarry in Kailua, the Halawa Quarry, and the Makakilo Quarry. Finally, if the terrain of Oahu is taken into account, as well as distances between Kahiwelo and all three of these candidate sources, then only one of these sources emerges as the most likely: Makakilo Quarry. Now, if the ground in the Makakilo Quarry had never been disturbed due to the "Operations," it is unlikely that the area therein would generate any airborne "PM." Therefore, we must acknowledge that the most likely cause of the "adverse affects" of airborne "PM" being

deposited around the "surrounding property" of the "Operations" - i.e., on and in the residences of the Kahiwelo development - is the "Operations."

Acknowledging this, it is reasonable for those of us residing in this "adversely affected surrounding property" (i.e., "We") to request a reconsideration, or at the very least a suspension of the approval, of two of the proposed amendments (i.e., "the Amendments") in "2023/GEN-5(BS):" 1) To extend the life of the Operations...to the year 2047; and 2) To expand the operation hours of certain activities...to 24 hours a day, seven days a week." At the same time, "we" certainly acknowledge that the resource provided by the "Operations" is vital to the State of Hawaii efforts to address the "housing shortage" issue, and so a complete immediate termination of the "Operations" is something "we" aren't advocating. However, up until the contents of letter "2023/GEN-5(BS)" were made known to "us," "we" have found ourselves without a high enough profile cause, and without a viable forum, to advance "our" concerns and encourage a proper dialog to consider options to assist "us" in co-existing without, or with a minimum of, adversity with the "Operations" and their effects.

Furthermore, the nature of this resolution/remediation is not a point of discussion at this time between you and "us," as the "Rules" clearly focus only on the "fact of" existence of such adverse effects. However, your acknowledgement of this letter, and recognition of the request to reconsider "the Amendments," would be seen as a "gesture of good neighborly faith" between you and "us," and would greatly help "us" express "our" voice to State of Hawaii government officials to help "us" resolve this long-standing adversity in a productive and conciliatory way that has the most potential to benefit all involved.

Thank you for your time and for the opportunity to communicate "our" concerns.

David Obrzut

**Kraintz, Franz**

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**From:** Janey Yim <janeyyim07@gmail.com>  
**Sent:** Friday, August 4, 2023 1:19 PM  
**To:** Soo, Brandon A  
**Subject:** Makakilo Quarry Expanded Operations/Grace Pacific LLC

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I would like to submit my concerns regarding the quarry activities due to its close proximity to homes in the area. I live at 92-205 Pueonani Way and am able to feel the blasts. The blasting creates tremors throughout the area that shake the foundation and structure of the houses we live in. It literally feels like an earthquake each time. I have observed other homes located across the street closer to the quarry develop cracks and fractures in their interior walls. I am very concerned about the cumulative effects on our property.

Extending the duration of the permit and increasing the area will affect the general landscape. Further, increasing activities to 24 hours day for 7 days a week will cause a quality of life issue for residents near the quarry. I hope these things are under consideration during the permitting process:

Thank you.

Janey Yim

Sent from Mail for Windows

**Kraintz, Franz**

---

**From:** Jon Hake <jon.hake808@gmail.com>  
**Sent:** Sunday, August 6, 2023 11:41 AM  
**To:** Soo, Brandon A  
**Subject:** Special Use Permit - Makakilo Quarry Expanded Operations

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I'm writing as a homeowner for the last 14 years on Makakilo Drive and urge you to NOT approve the special use permit for expanded Makakilo Quarry Operations by Grace Pacific LLC.

The proposed expanded area is currently zoned as a general and restricted agricultural district and is adjacent to residences.

When we bought our home in 2009, we were aware of the quarry, but not the daily blasts that shake our home and rattle our windows and have caused our foundation and rock walls surrounding our property to develop cracks. We haven't complained, because we saw light at the end of the tunnel with the quarry permit slated to end.

This extension and expansion will, I fear, will increase the blasting cycle frequency and cause more damage to our home.

It seems disingenuous for the company seeking the permit to suggest the land is not suited for the uses permitted within the district. Farmers routinely pasture their livestock in the adjacent area and it's not unusual for cattle to graze in the area below the end of Makakilo Drive and marked 9-1-003:074. We hear the cattle see evidence of their presence (manure). Agricultural use is possible if the landowners granted access to local farmers.

Mahalo for your attention to this matter. Please DO NOT approve the Special Use Permit.

Sincerely,

Jon

Jonathan E Hake  
Makakilo Home Owner  
Wai Ka'loi Subdivision

**Kraintz, Franz**

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**From:** Bobich, Joseph <j.bobich@tcu.edu>  
**Sent:** Tuesday, August 1, 2023 4:56 PM  
**To:** Soo, Brandon A  
**Cc:** Gustafson Real Estate  
**Subject:** SUP # 2007/SUP-6

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**From:** Bobich, Joseph  
**Sent:** Tuesday, August 1, 2023 4:53 PM  
**To:** brandon.soo@honolulu.gov  
**Cc:** Gustafson Real Estate  
**Subject:** SUP # 2007/SUP-6

Dear Mr. Soo,

As an Anuhea at Makakilo homeowner (92-6047 Nemo St.), I object to granting the SUP proposed by Grace Pacific LLC. The quarry is bad enough as it is. Increasing hours of operation and area will be intolerable. Please oppose this expansion.

Sincerely,

Joseph A. Bobich, Ph. D.

Professor of Biochemistry, Emeritus



## Kraintz, Franz

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**From:** Leilani Pollard <geegeelei@gmail.com>  
**Sent:** Thursday, August 24, 2023 2:53 PM  
**To:** Soo, Brandon A  
**Subject:** Makakilo Quarry Expanded Operations

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Aloha Brandon

I hope this email finds you well.

I am responding to the letter / notice I received in the mail regarding the SUP for Grace Pacific for project name Makakilo Quarry Expanded Operations.

I am one of the first original homeowners in Kapolei Knolls since 2000 and currently still reside in my residence at 91-1092 Paaoloulou Way which is right next to the quarry in the culdesac on Farrington Highway. To give you some history, a few months after moving into my brand new home, I found myself having to clean my floors, carpets and window seals on a daily basis when I would come home from work. I decided I had to install split AC units throughout my house just to keep my windows closed all day and especially because I did not have the time to clean this mess up daily. While the AC kept the dust out, it still got in my AC filters causing some respiratory issues for everyone in my home. I didn't make a big deal about it however, I knew for a fact that this was directly related to the dust from the quarry. Prior to moving into Kapolei Knolls, my family and I did not have respiratory issues. When Grace Pacific completed their use of the quarry near Kapolei Knolls I think it was 2007, I noticed not too long after we (my kids and I) did not have the respiratory issues we once did. They were still lingering but not as bad as it was.

To add to this misery, our cars would get hammered with this dust and dirt on the daily.. Car washing became a daily task. The expenses of AC and car washing were spent out of pocket. I tried to get DH Horton, formerly Schuler, to pay for my AC unit installations, advising them that the problem of the quarry was not disclosed when I purchased my home. They in turn said it was in the Kapolei Knolls bi-laws. I did find it later in my 200+ booklet in fine fine print. So basically this was my problem

For these reasons, I would like to respectfully oppose this SUP for expanded operations citing excessive dust, dirt, rubbish, noise and potentially incurred cost for dust and dirt control on my property of house and cars. I lived through all of these horrible things once and wish to not relive them again.

As a compromise, I would absolutely prefer Grace Pacific continue operating as they are now at the top of the mountain and away from residential homes. We have a very peaceful community already struggling through today's expensive and uncertain economy. We do not need the added stress of taking this on.

Is there a specific reason why Grace Pacific would need an SUP to conduct work 24/7 365 days a year until 2047 as stated in the letter? This seems excessive. Furthermore, how does Grace Pacific come to the conclusion in this letter section marked "B. That the desired use would not adversely affect surrounding property". No one living in Kapolei Knolls on my street works for Grace Pacific and no one asked us if our properties were affected before. Unless Grace Pacific was assuming that Kapolei Knolls are all new homeowners therefore they would be unaware of the adverse effects from the quarry. On my street alone in the cul de sac we have 6 original homeowners since 1999. I can tell you I speak for my neighbors when I say we do not welcome this SUP for Grace Pacific. In fact some of my neighbors said they did not receive the letter like I did and they were upset that they were not informed. After I informed them, many of them submitted letters to you in opposition of this SUP.

I hope you are able to stop this SUP request made by Grace Pacific. If you lived here and had to potentially live through this, what outcome would you like to see for you and your family?

If you would like to have further discussions or information I can be reached at 808-620-8896. My work schedule as a Director of Sales for Anheuser-Busch brands for 31 years gets kind of crazy, however, I will make time to discuss any questions you might have for me.

Your consideration and support for our Kapolei Knolls community for strong opposition is appreciated.  
Mahalo

**Kraintz, Franz**

---

**From:** Mark Felman <makakilo\_mark@hotmail.com>  
**Sent:** Monday, August 28, 2023 1:41 PM  
**To:** Soo, Brandon A  
**Subject:** Grace Pacific expansion in Makakilo

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Dear Mr. Soo,

I oppose the relocation of the asphalt plant from Campell to Makakilo. A quick search on google regarding asphalt plant emissions yields the following facts about asphalt plants: Toxic air pollutants compounds emitted from asphalt plants include polycyclic aromatic compounds, volatile organic compounds, metals and hydrogen sulfide. These volatile organic compounds, particulate matter, and carbon monoxide can cause respiratory problems, headaches, and other health issues. Asphalt plants emit large quantities of harmful fugitive emissions at ground level. A small asphalt plant producing 100 thousand tons of asphalt a year may generate 50 tons of toxic fugitive emissions. The bulk of fugitive emissions are condensed particulates. This is not a facility that should be adjacent to a residential community. Thanks very much for your consideration. Respectfully, Mark Felman

## Kraintz, Franz

---

**From:** Mark Howard <sur44life@hotmail.com>  
**Sent:** Monday, August 14, 2023 1:22 PM  
**To:** Soo, Brandon A  
**Subject:** Makakilo Quarry Expanded Operations -- Opposed

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Aloha,

I am strongly opposed to the Makakilo Quarry Expanded Operations Special Use Permit. My residence is two houses away from the quarry area at 91-1598 Wahane St., Kapolei, Hawaii. Me and my tenants have lived with the dust and noise over 20 years. This area is now a residence area. Grace Pacific allegedly agreed to stop operations a few times in the past. I am shocked to see this request for permit. Thank you so kindly for the opportunity to express my opposition.

Mahalo,

Mark

Mark T. Howard

808 358-0682

[www.markthoward.com](http://www.markthoward.com)

Instagram @markthoward

**Kraintz, Franz**

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**From:** Merri <merri808@gmail.com>  
**Sent:** Monday, August 28, 2023 4:28 PM  
**To:** Soo, Brandon A  
**Subject:** No Asphalt!

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Dear Brandon,

I am 100 AGAINST Grace pacific expansion with 24 hour operations. I am Against an asphalt operation in Makakilo!  
I have been a resident of Makakilo since 1990.

Merri Hofherr  
840-9040

Sent from my iPhone

## Kraintz, Franz

---

**From:** Racheal Geron <toyo5@aol.com>  
**Sent:** Tuesday, August 1, 2023 9:50 AM  
**To:** Soo, Brandon A  
**Subject:** Re: Makakilo Quarry Expanded Operations

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Thank you so much!

> On Aug 1, 2023, at 9:35 AM, Soo, Brandon A <brandon.soo@honolulu.gov> wrote:

>

> Hi Racheal,

>

> As required by the existing Special Use Permit conditions, they are required to provide a community hotline to receive and address community concerns. They are also required to itemize all the complaints and submit them to DPP annually. Their community hotline is (808) 671-4722.

>

> Thank you,

> Brandon

>

> --

> Brandon Soo

> Community Planning Branch

> Department of Planning and Permitting, Planning Division

> (808) 768-8051

>

>

> -----Original Message-----

> From: Racheal Geron <toyo5@aol.com>

> Sent: Tuesday, August 1, 2023 9:30 AM

> To: Soo, Brandon A <brandon.soo@honolulu.gov>

> Subject: Re: Makakilo Quarry Expanded Operations

>

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>

>

> Thank you Brandon! Do you have the contact information for Grace Pacific or do I just google?

>

>

>

>> On Aug 1, 2023, at 9:00 AM, Soo, Brandon A <brandon.soo@honolulu.gov> wrote:

>>

>> Aloha Racheal,



>>

>> Alright, thank you. I'll include your opposition and concerns in my report, which will be transmitted to the Planning Commission. Please also notify Grace Pacific next time a blast is felt in your home.

>>

>> Mahalo,

>> Brandon

>>

>> --

>> Brandon Soo

>> Community Planning Branch

>> Department of Planning and Permitting, Planning Division

>> (808) 768-8051

>>

>>

>> -----Original Message-----

>> From: Racheal Geron <toyo5@aol.com>

>> Sent: Tuesday, August 1, 2023 8:49 AM

>> To: Soo, Brandon A <brandon.soo@honolulu.gov>

>> Subject: Re: Makakilo Quarry Expanded Operations

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>>

>>

>> Hi Brandon! We felt it in daylight. Thank you for the quick response.

>>

>> Sent from my iPhone

>>

>>>> On Aug 1, 2023, at 8:43 AM, Soo, Brandon A <brandon.soo@honolulu.gov> wrote:

>>>>

>>>> Aloha Rachael,

>>>>

>>>> Thank you for letting me know your concerns. Makakilo Quarry is currently not allowed to conduct blasting activities at night. Did the shaking occur at night?

>>>>

>>>> Thank you,

>>>> Brandon

>>>> --

>>>> Brandon Soo

>>>> Community Planning Branch

>>>> Department of Planning and Permitting, Planning Division

>>>> (808) 768-8051

>>>>

>>>> -----Original Message-----

>>>> From: Racheal Geron <toyo5@aol.com>

>>>> Sent: Monday, July 31, 2023 8:54 PM

>>>> To: Soo, Brandon A <brandon.soo@honolulu.gov>

>>>> Subject: Makakilo Quarry Expanded Operations

>>>>

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>>>>

>>>

>>> Hi! My name is Racheal Geron, part owner of a property in Pueonani Street. I oppose this project. We feel our house shakes when they use explosives. Since the pandemic I've been working from home so I've been feeling it and the shaking is getting stronger. The last time shook our house hard it even woke up my daughter who thought there was an earthquake. Thank you for your consideration.

>>>

>>>

>>>

>>

>

## Kraintz, Franz

**From:** Robert Chun <lopakachun@gmail.com>  
**Sent:** Tuesday, August 1, 2023 8:44 AM  
**To:** Soo, Brandon A  
**Subject:** Re: Makakilo Quarry Special Use Permit (No. 2007/SUP-6)

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Thank you Brandon for getting back to me.

We are not able to hear any trucks or excavation during the day but I'm pretty sure it's cause Makakilo Puu acts as a buffer for the noise.

I don't have any other concerns at this time.

Mahalo, Robert

On Tue, Aug 1, 2023 at 8:30 AM Soo, Brandon A <[brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)> wrote:

Aloha Robert,

Thank you for your comments and questions. I provided answers to your two questions below.

1. Grace Pacific (owner and operator of Makakilo Quarry) is only requesting 24 operations for some activities, but not blasting and excavation. Those activities will still stop at 6:00 p.m. See table below. The loudest noises you will hear at night are likely going to be truck noises. Are you able to hear trucks during the day now? If so, that would be useful for me to know so GP can work on further mitigation. Grace Pacific currently has noise receptors surrounding the quarry so they can monitor the noise they are generating. Their analysis in the application concludes that noise from the H-1 Freeway will be louder than any trucking or operational noise emanating from the quarry during the day and at night.

Grace Pacific conducted a light assessment report, provided in their application, which identified potential light pollution sources coming from the hot-mix asphalt plant and from light potentially reflecting off moderate rain fall. Grace Pacific has committed to eliminating these visual impacts.

Parcel	Activity	Existing Hours	Proposed Hours
82 (Pit)	Crushing (including transporting rock in-quarry for crushing)	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Recycling	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Sales	7:00 a.m. to 4:30 p.m., Monday to Saturday	<b>24 hours a day, 7 days a week</b>
	Maintenance	3:00 p.m. to 6:00 p.m., Monday to Saturday	<b>24 hours a day, 7 days a week</b>

	Receiving of permitted recycle materials	6:00 p.m. to 10:00 p.m., Sunday to Friday	24 hours a day, 7 days a week
	Operation of concrete and hot-mix asphalt plants	6:00 a.m. to 6:00 p.m., Monday to Friday	24 hours a day, 7 days a week
74 (Excavation Area)	Excavation	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged
	Blasting	6:00 a.m. to 6:00 p.m., Monday to Saturday	Unchanged

2. The area between your subdivision and the quarry pit is not being proposed to go over Puu Makakilo, which is the hill you are referring to. I've attached two maps. Exhibit G-2 is currently approved and Exhibit G-3 is what is being proposed. As you can see, there is a significant yellow "buffer area", meant to provide a buffer between the quarry operations and surrounding residential neighborhoods. The buffer area is required to remain in open space and unexcavated.

Please let me know if you have further concerns.

Mahalo,  
Brandon

--  
Brandon Soo

Community Planning Branch  
Department of Planning and Permitting, Planning Division  
(808) 768-8051

---

**From:** Robert Chun <[lopakachun@gmail.com](mailto:lopakachun@gmail.com)>  
**Sent:** Monday, July 31, 2023 8:01 PM  
**To:** Soo, Brandon A <[brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov)>  
**Subject:** Makakilo Quarry Special Use Permit (No. 2007/SUP-6)

---

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Aloha Brandon,

I live in the Anuheia Subdivision in Makakilo, which is right on the other side of the mountain of the Makakilo Quarry. I have a couple of concerns in that were stated in the letter.

1. It states that operations will be expanded to 24 hours/day, 7 days a week. It is a little concerning if operations will be 24 hours a day. I worry about noise and/or bright lights at night that would affect our sleep. Are there any laws that regulate the amount of noise and light that Grace Pacific can use at night?

2. It appears from the map that was included that the "SUP Area" goes right against the Anuheia Subdivision where I live. I worry about my property value decreasing due to being so close to a quarry site. Right now there is a hill that is blocking the quarry but it appears the "SUP Area" will go over that hill and into the subdivision. Please clarify if the plan will include quarrying the hill.

Mahalo, Robert

**Kraintz, Franz**

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**From:** Stan Oshiro <soshiro1@gmail.com>  
**Sent:** Monday, August 28, 2023 11:00 AM  
**To:** Soo, Brandon A  
**Subject:** Makakilo quarry

---

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Aloha,

I am against extension and expansion because of dust and noise problems. I am a Kapolei resident. Years ago late at night there were loud beeping noises from trucks backing up and we still have dust problems. I fear noises at night could start again and dust problems could get worse again. I know I am a few days after the deadline, but hope you can still consider my input.

Stan O



**Kraintz, Franz**

---

**From:** wayne richardson <wayne1richardson35@gmail.com>  
**Sent:** Wednesday, August 23, 2023 5:37 PM  
**To:** Soo, Brandon A  
**Subject:** Reject special permit for Grace Pacific

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hello Brandon,

I writing to voice our opinion on the request for a special use permit by Grace Pacific in Makakilo.

Me and my wife are homeowners in Kahiwelo, and we are living currently in the direction we're it will impact by quarry dust, dirt, noise on a daily basis.

When we purchased our home on Kulihi St 12 years ago, and we were well aware of the location of the quarry upon our home purchase but nothing can prepare us for the amount of red dirt that coats EVERYTHING outside yard. Now, to hear that not only do they want expansion but for 24/7 operation, is a travesty to even consider this when so close to neighborhoods! My family can't even enjoy our backyards due to the dust, dirt and noise all over the trampoline, swing and dollhouse and I see Anuheia neighborhood in Makakilo will definitely be more affected. My family REJECTS this and we are sincerely asking you to imagine if this was your neighborhood, how would you feel? Please represent us and reject this application. They can expand toward the freeway or southern areas where there are no homes. I am willing to discuss this with you at anytime.

Wayne and Divina Richardson

Wayne Richardson  
808 222-5847

**Kraintz, Franz**

---

**From:** William Albritton <kaizaru@gmail.com>  
**Sent:** Tuesday, August 15, 2023 8:40 PM  
**To:** Soo, Brandon A  
**Subject:** Makakilo Quarry Expanded Operations feedback

---

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Hi,  
It looks like y'all already made up your minds about keeping the quarry in operation.  
Since this is the case, please do what you can to keep the dust to a minimum, as we had to repaint the side of our house two years ago due to the red dust stains.  
From a planet Earth perspective, it would be best to convert this land to agriculture and/or grow Hawaiian Native plants.  
Thank you,  
William Albritton  
92-1979 Kulihi Street  
Kapolei, HI 96707-3408

# **ATTACHMENT 3**

## **APPLICANT RESPONSE TO PUBLIC COMMENTS**

# cales · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

Calvert G. Chipchase  
Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813-4212  
Direct Line: (808) 521-9220  
Direct Fax: (808) 521-9210  
Email: cchipchase@cales.com

November 16, 2023

Dawn Takeuchi-Apuna  
Department of Planning and Permitting  
City and County of Honolulu  
650 S. King Street, 7th Floor  
Honolulu, HI 96813

Brandon Soo  
Department of Planning and Permitting  
City and County of Honolulu  
650 S. King Street, 7th Floor  
Honolulu, HI 96813

Re: Application for an Amendment to Special Use Permit 2007/SUP-6 (LUC File No. SP73-147) ("**Application**") Makakilo Quarry—Tax Map Keys: 9-2-3-82; 9-2-3-74; and 9-1-16-4; Response to Public Comments

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Dear Director Takeuchi-Apuna and Mr. Soo:

Thank you for your recent correspondence regarding the above-mentioned Application. On behalf of the Applicant, Grace Pacific LLC ("**Grace Pacific**"), we respond to recent comments on the Application submitted by agencies and the public as well as additional inquiries made by the Department of Planning and Permitting, City and County of Honolulu (the "**Department**"). Grace Pacific appreciates the opportunity to respond to these comments and inquiries.

## 1. DEPARTMENT INQUIRIES

The Department requested certain additional information. We respond below.

### A. Public Access

The Department asked whether an agreement or obligation exists for Grace Pacific to provide public access through the quarry site during the event of an emergency. No such agreement or obligation exists. Grace Pacific is open to negotiating a Memorandum of Agreement with the City and County of Honolulu to provide public access over the quarry site in the event of an emergency.

## **B. Rockfalls**

The Department requested additional information regarding potential rockfall hazards to surrounding residential properties. Grace Pacific has reviewed its records and has not identified a prior rockfall event associated with vibrations from drilling, blasting or other quarry operations that affected the surrounding residential properties. On September 19, 2023, Grace Pacific conducted a review of the north and northwest perimeter of the upper quarry. No threat to surrounding properties was identified. Photographs from the perimeter survey are enclosed. See Enclosure 1 (Perimeter Photos).

Grace Pacific takes concerns related to public safety seriously. Any concerns with quarry operations, including concerns about rockfalls, may be reported to the quarry public hotline and will be investigated appropriately.

## **C. List of Anticipated Permits and Approvals**

The Department requested a list of permits and approvals anticipated to be required for quarry operation. In addition to the Special Use Permit amendment sought in the instant Application, the quarry is subject to Conditional Use Permit 2007/CUP-91 (the "**Conditional Use Permit**"). The Conditional Use Permit allows resource extraction, recycling of concrete and cold-planed asphalt, operation of a hot-mix asphalt plant and other uses and structures through the year 2032. Should the Application be granted, Grace Pacific intends to seek an amendment of the Conditional Use Permit to reflect the extension of the Special Use Permit and modifications to hours of operation and permitted uses, as applicable.

In addition to the Conditional Use Permit, Grace Pacific maintains environmental and operational permits, which it will seek to extend, as applicable, through the extended expiration date of the Special Use Permit and Conditional Use Permit. A list of these permits is enclosed as Enclosure 2 (Permit List).

## **D. Cost Savings to the City and County**

The Department requested information quantifying the savings for the City and County of Honolulu and the State of Hawai'i if the expansion of operating hours is granted. Grace Pacific currently leases a site in Campbell Industrial Park where it conducts after-hours processing of hot mix asphalt. To process asphalt at that site, aggregate produced in the upper quarry is trucked from the quarry to the site. The product is loaded at the site and transferred to job sites.

The expansion of the quarry operating hours would eliminate the need to maintain the Campbell Industrial Park site, which results in direct and indirect benefits to the

City and County and State. First, Grace Pacific currently leases the Campbell Industrial Park site. Grace Pacific also incurs a cost of approximately \$6 per ton of material hauled to the Campbell Industrial Park site at a volume of approximately 19,350 tons of material per month. The proposed expansion of the operating hours will eliminate the lease and hauling costs and thereby enable Grace Pacific to pass a portion of the savings to customers, including the City and County and State. The specific amount of savings will depend on factors such as market conditions and the details of each job.

In addition to reducing costs, the closure of the Campbell Industrial Park site will eliminate approximately 900 round trip truck loads between the quarry and Campbell Industrial Park. Fewer trucks on the road means less traffic between the two sites and less wear and tear on the roads and other resources.

Fewer trucks on the road will reduce greenhouse gas emissions as well. Hawaii Revised Statutes ("HRS") § 225P-5 establishes a target to "sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045." Consistent with this goal, using the quarry pit for aggregate processing will reduce truck loads.

#### **E. Hawaii Revised Statutes Chapter 343**

The Department requested additional information regarding whether HRS Chapter 343 applied to the Application, including information regarding the original trigger for the original 1973 Environmental Impact Statement ("1973 EIS") and additional information regarding Chapter 343.

No specific trigger is identified in the 1973 EIS. However, the 1973 EIS discusses the operation of the Palailai Landfill and use of a tunnel under the H-1 Freeway to transfer aggregate. The Palailai Landfill has been closed, and the tunnel under the H-1 Freeway is no longer used to transfer aggregate.

There is no present Chapter 343 trigger. The absence of a trigger was recognized by the Department in 2007 when Grace Pacific sought the most recent extensions of the Special Use Permit and Conditional Use Permit applicable to the quarry parcels and an expansion of the excavation area under both permits. Specifically, in recommending the approval of the SUP amendments, the Department confirmed:

On January 13, 1973, the Governor accepted the Environmental Impact Statement (EIS) for the establishment of the quarry and processing facility. The current application to expand the excavation area and extend the life of the quarry is not subject to environmental disclosure requirements of the Environmental Impact Law, Chapter 343, Hawaii Revised Statutes.



An existing tunnel and conveyor equipment beneath the H-1 Freeway was disclosed in the 1973 EIS. No changes are proposed to the tunnel that would increase the intensity of this use. Moreover, upon closure of the processing site, the conveyor equipment would be removed, and the tunnel will remain for accommodating existing water and power lines from sources located in the makai site.

See Enclosure 3 (Excerpt of 8/13/08 FOF, COL, Recommendation and Decision Re: File No. 2007/SUP-6) at 7. The Department made similar findings when it approved the Conditional Use Permit amendments in 2009. See Enclosure 4 (Excerpt of 7/17/09 FOF, COL and D&O Re: File No. 2007/CUP-91) at 9. As contemplated in these decisions, the tunnel is no longer used to transport rock from the upper to lower quarry.<sup>1</sup> The lower quarry has been closed and is maintained as open space. Accordingly, the apparent triggers for the 1973 EIS are no longer part of the proposed action.

The Department requested that Grace Pacific address the State of Hawaii, Office of Hawaiian Affairs' ("OHA") comment letter dated August 21, 2023 and, specifically, its statement that Grace Pacific's citation to Exemption Class #1 of the Comprehensive Exemption List for the City and County of Honolulu Department of Land Utilization as approved by the Environmental Quality Commission, dated August 12, 1981 suggests that Chapter 343 is applicable to the Application. As explained above, Chapter 343 has not been triggered.

Furthermore, even if Chapter 343 were triggered, Exemption Class #1 would exempt the proposed action from further review. Specifically, Exemption Class #1 exempts "[o]perations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Here, the Application seeks the continuation of the existing quarrying uses and, therefore Exemption Class #1 would apply if there were a trigger.

A Supplemental Environmental Impact Statement ("SEIS") is only required if "an applicable HRS Chapter 343 trigger still exists." OHA comment letter at 3; *see also* HAR § 11-200-1-9(a)(2). For the reasons discussed above, no trigger exists. As further discussed above, even if there were a trigger, the proposed action would be exempt from further review. Finally, even where there is a trigger and the action is not

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<sup>1</sup> As noted in the Application, existing electrical lines run through the tunnel. No change to those lines is proposed. Even if further connections were required, the connections would not trigger environmental review under Chapter 343. *Nuuanu Valley Ass'n v. City & Cnty. of Honolulu*, 119 Hawai'i 90, 103, 194 P.3d 531, 544 (2008) (holding that connection to utility lines on State land is not a "use" of state land sufficient to trigger the requirement to prepare an EIS under Chapter 343).

otherwise exempt, an SEIS is only required when there is a trigger and “when the scope of an action has been substantially increased, when the intensity of environmental impacts will be increased, when the mitigating measures originally planned will not be implemented, or where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with.” HAR § 11-200.1-30(b). The Application is to continue an existing permitted use. There is no indication that the scope of an action has been substantially increased, the intensity of environmental impacts will be increased, the mitigating measures originally planned will not be implemented or new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with. Accordingly, an SEIS would not be required in any event.

## II. PUBLIC AGENCY COMMENTS

Within the public comment period on the Application, substantive comments were submitted by the following public agencies: (1) State of Hawaii, Department of Health, Clean Water Branch; (2) United States Department of the Interior, Fish and Wildlife Service (“FWS”); (3) State of Hawaii, Department of Transportation (“DOT”); (4) OHA (discussed *supra*); and (5) State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division (“SHPD”).

### A. Clean Water Branch

By letter dated October 7, 2022, the Clean Water Branch submitted DOH-CWB Standard Comments. As set forth in the Application, the quarry is covered under a Storm Water Pollution Prevention Program (“SWPPP”) per Hawaii Administrative Rules § 11-55. As explained in the SWPPP, stormwater discharge from the quarry is not anticipated. Nevertheless, the SWPPP sets out various control measures implemented by Grace Pacific pursuant to the SWPPP.

The SWPPP and potential stormwater discharges are overseen by the Department of Health (“DOH”). Grace Pacific submits regular monitoring reports to DOH as set forth in the SWPPP and submits an annual report. Quarterly site inspections are conducted as set forth in the SWPPP. Grace Pacific will continue to comply with the recommendations set forth in the SWPPP and all other applicable Clean Water Branch Regulations.

### B. Fish and Wildlife Service

By letter dated August 24, 2023, FWS submitted a comment letter providing recommended measures for minimizing potential project impacts to ‘ōpe‘ape‘a and Hawaiian seabirds. Recommended measures for ‘ōpe‘ape‘a include refraining from disturbing, removing or trimming woody plants greater than 15 feet tall during bat

birthing and pup rearing season (June 1 through September 15) and not using barbed wire for fencing. Grace Pacific will comply with these measures.

Recommended measures for Hawaiian Seabirds include fully shielding all outdoor lights, installing motion sensors and avoiding nighttime construction during the sea-bird fledging period. As set forth in the Lighting Assessment Report attached as Exhibit V to the Application, all proposed lighting for night operations will be shielded. Lights will only be utilized when night operations are active. No nighttime construction is anticipated.

### **C. Department of Transportation**

By letter dated August 23, 2023, DOT submitted a comment letter advising Grace Pacific to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits, that a PAA Form 7460-1 for construction activities within 20,000 ft of public use or military airports may be required and that Grace Pacific review FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On Or Near Airports. Grace Pacific will review the material and make the requisite submissions, if applicable.

### **D. State Historic Preservation Division**

SHPD submitted a letter dated October 17, 2022, which was previously sent to the Department following Grace Pacific's submission of the adjusted quarrying area for HRS Chapter 6E review on September 22, 2022. SHPD recommended the conversion of Grace Pacific's archaeological literature review and field inspection report ("LRFI") submitted to SHPD to an Archaeological Inventory Survey ("AIS"). As set forth in the Application, the LRFI report has been converted into an AIS and was submitted to SHPD for approval. See Application, Exhibit Z.

## **III. COMMUNITY COMMENTS**

Nineteen members of the public submitted comments within the comment period. Seven members of the public submitted comments after the comment deadline. Public comments primarily involved concerns about vibrations, dust, noise and emissions from the hot-mix asphalt plant. Each of these subjects are extensively addressed in the Application (Vibrations at page 34 and Exhibit X; Dust at page 34 and Exhibit W; Noise at pages 31-32 and Exhibit U; and Emissions at page 14). No significant impact on the surrounding community is anticipated by the proposed changes.

Grace Pacific will continue to comply with all applicable vibrations, dust, noise, and emissions regulations. Grace Pacific will also utilize mitigation measures to ensure that there is no adverse effect on the surrounding community. This includes continuing existing practices of using water trucks during all periods of quarry

activity (including night operations), requiring use of double barrel drums and bag houses in the hot mix asphalt plant, limiting of blasting to the prescribed days and hours and restricting quarrying activities to areas not designated as buffer areas under the Special Use Permit. In addition, although no adverse impacts are expected with respect to noise during night operations, Grace Pacific intends to implement additional operational adjustments to further reduce noise during night operations. This includes the use of white noise reversing alarms on all Grace Pacific trucks and management of traffic through the quarry to avoid the need to reverse.

Finally, as conditions to the Special Use Permit, Grace Pacific is required to work with the State Department of Health to ensure that no visible fugitive dust crosses the combined property boundaries of the upper quarry and to maintain a telephone number dedicated to receiving and recording complaints relating to the quarry and recycling operations. Grace Pacific is amenable to an extension of these conditions with respect to the Application.

Thank you for the opportunity to provide this response. Please feel free to contact our office if you have questions or concerns.

Very truly yours,



Calvert G. Chipchase

for

CADES SCHUTTE

A Limited Liability Law Partnership

Enclosures 1-4







