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Honolulu Planning Commission
c/o Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813



Re: Application for an Amendment to Special Use Permit 2007/SUP-6 (LUC File No. SP73-147) (“SUP”) Makakilo Quarry—Tax Map Keys: 9-2-3-82; 9-2-3-74; and 9-1-16-4; Proposed Revisions to Conditions in Director’s Report

Dear Messrs. Meatoga, Kamo, Alomar, Kraut, May, Hayashida, Kinney, and Kimura:

This firm represents Grace Pacific LLC (“**Grace Pacific**”) with respect to the above-mentioned application, which is set for hearing before the Planning Commission (“**Commission**”) on March 6, 2024, at 1:30 p.m. I write to request that the Commission consider revisions to Recommended Conditions Nos. 18, 19, and 20 of the Department of Planning and Permitting (the “**Department**”), Director’s Report, Findings of Fact, Conclusions of Law, And Recommendation (“**Director’s Report**”) dated January 31, 2024. The proposed revisions address practical concerns relating to the Recommended Conditions while maintaining the spirit and purpose of the conditions. Grace Pacific worked with the Department on the revisions, and we understand that the Department supports them.

The proposed revisions are set forth below in Ramseyer format along with the justification for each revision. Language proposed to be added is underlined and language proposed to be removed is bracketed and stricken. Please note that Recommended Conditions Nos. 18, 19, and 20 are new proposed conditions to Grace Pacific’s Special Use Permit in the Director’s Report and, therefore, Grace Pacific is not asking the Planning Commission to revise any existing condition.

Condition No. 18

18. The Applicant shall submit a traffic circulation plan for review and approval by the Director of the DPP to ensure that all [~~material~~] truck loading and truck [~~traffic~~] circulation in the quarry pit and throughout the [~~Project~~] quarry operational area need not reverse, thereby triggering their safety alarms [~~especially~~] during night time (dusk to dawn) operations. Trucks with safety alarms will be outfitted with the “white noise” sounding alarms.

The proposed revisions to Condition No. 18 are intended to reflect quarry operations and to clarify the condition.

Condition No. 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 archaeological inventory survey shall be submitted to the DPP prior to issuance of any building permit in the Project Area.]~~

19. Prior to conducting quarry excavations in the proposed excavation expansion area, the Applicant shall submit written correspondence to the DPP that an archaeological inventory survey ("AIS") has been accepted in writing by the State Historic Preservation Division ("SHPD") which indicates that the quarry excavation process in the proposed excavation expansion area may proceed. The Applicant shall implement the approved mitigation protocols identified in the AIS for all historic properties, including burials, identified within the proposed excavation expansion area.

The proposed revisions to Condition No. 19 follow the requirements of HRS chapter 6E by clarifying that State Historic Preservation Division ("SHPD") must accept the Archaeological Inventory Survey ("AIS") and that Grace must implement all mitigation protocols identified in the AIS for all historic properties and burials.¹ The proposed revisions also clarify that the condition only applies to excavation in the proposed expansion area and does not apply to other quarry operations, such as excavating in areas that are approved for excavation under the current permit, or to areas that are currently used for processing, recycling and sales.

Condition No. 20

~~20. [Develop an established protocol should disturbance of iwi kupuna 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) in normal due diligence within [for] the proposed expansion area [and planned changes to operations] as they relate to identified historic properties for the proposed expansion and planned changes to operations during annual reports and PC presentations pursuant to Condition No. [6] 9 above. The Applicant shall c[C]ontinue community consultation regarding~~

¹ No burial sites were identified in the AIS.

potential impacts and mitigation plans for any identified historic properties throughout the duration of the Project [~~development~~] and convey information about impacts to any identified historic properties in annual reports and PC presentations pursuant to Condition No. [6]9 above.

The proposed revisions to Condition No. 20 clarifies the information to be presented in annual reports and if necessary with the community. The provision regarding notification following the inadvertent discovery of a burial is removed because HRS chapter 6E and related administrative rules set out the reporting requirements.

We respectfully request that the Commission adopt the foregoing revisions to the Recommended Conditions. A clean copy of the revised conditions is enclosed. We look forward to discussing this matter with you further at the March 6 hearing.

Very truly yours,



Calvert G. Chipchase

for

CADES SCHUTTE

A Limited Liability Law Partnership

Enclosure

Condition No. 18

18. The Applicant shall submit a traffic circulation plan for review and approval by the Director of the DPP to ensure that all truck loading and truck circulation in the quarry pit and throughout the quarry operational area need not reverse, thereby triggering their safety alarms during night time (dusk to dawn) operations. Trucks with safety alarms will be outfitted with the “white noise” sounding alarms.

Condition No. 19

19. Prior to conducting quarry excavations in the proposed excavation expansion area, the Applicant shall submit written correspondence to the DPP that an archaeological inventory survey (“AIS”) has been accepted in writing by the State Historic Preservation Division (“SHPD”) which indicates that the quarry excavation process in the proposed excavation expansion area may proceed. The Applicant shall implement the approved mitigation protocols identified in the AIS for all historic properties, including burials, identified within the proposed excavation expansion area.

Condition No. 20

20. Include dissemination of information to community members regarding other required environmental testing (and their results) in normal due diligence within the proposed expansion area as they relate to identified historic properties for the proposed expansion and planned changes to operations during annual reports and PC presentations pursuant to Condition No. 9 above. The Applicant shall continue community consultation regarding potential impacts and mitigation plans for any identified historic properties throughout the duration of the Project and convey information about impacts to any identified historic properties in annual reports and PC presentations pursuant to Condition No. 9 above.