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**STATE OF HAWAII
LAND USE COMMISSION**

Meeting held on August 21, 2024

9:00 a.m.

Held at

Filipino Community Center

Flores Ballroom

94-428 Mokuloa Street

Waipahu, HI 96797

I. CALL TO ORDER

II. ADOPTION OF MINUTES

August 8, 2024

III. TENTATIVE MEETING SCHEDULE

IV. SP73-147 Grace Pacific LLC, Formerly Pacific Concrete & Rock Co., Ltd. (Makakilo Quarry) (Oahu)

Applicatoion to amend SP73-147 (SUP No. 2007/SUP-6) conditions of approval;

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 operatoin hours of certain activities in teh quarry to 24 hours a day, seven days a week

Operate a ready-mix concrete plant in the quarry pit

V. ADJOURNMENT

BEFORE :

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LUC MEETING PARTICIPANTS

LUC COMMISSIONERS:

- Brian Lee
- Bruce U'u
- Dan Giovanni, Chairman
- Mel Kahele
- Michael Yamane
- Myles Miyasato
- Nancy Carr Smith

LUC STAFF:

- Daniel Orodener, Executive Director
- Scott Derrickson, Chief Planner
- Martina Segura, Staff Planner
- Ariana Kwan, Chief Clerk
- Miranda Steed, Esquire, Deputy Attorney General

GRACE PACIFIC:

- Calvert Chipchase, Esquire
- Jarrett Dempsey, Esquire
- Scott Komatsu

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PARTICIPANTS (CONT'D)

DEPARTMENT OF PLANNING AND PERMITTING "DPP",

CITY AND COUNTY OF HONOLULU:

Patricia Sendao, Esquire, Deputy Corporation Counsel

Franz Krintz

OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT "OPSD":

Allison Kato, Esquire, Deputy Attorney General

Katia Balassiano, Planning Program Administrator

PUBLIC TESTIMONY:

Dr. Keoni Dudley

Ana Tuiasosopo

Peter Iriarte

Gino Soquena

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HAWAII LUC MEETING

HELD ON

AUGUST 21, 2024

9:00 A.M.

CHAIRMAN GIOVANNI: It's 9 o'clock, and we'll commence. Aloha mai kakou. Good morning, everyone. This is the August 21, 2024 Land Use Commission Meeting. This is an in-person meeting, which is physically being held at the Filipino Community Center, Flores Ballroom, at 94-428 Mokuola Street, Waipahu, Hawaii 96797. This meeting is open to the public.

Court reporting transcriptions are being done from this Zoom recording of this meeting. For all meeting participants, I'd like to stress the importance of speaking slowly, clearly, and directly into your microphone. And before speaking each time, please state your name and identify yourself for the record.

So even though this is an in-person meeting, please be aware that all meeting participants are being recorded on the digital record of this Zoom meeting, and it will be posted to YouTube, and it will be used for court reporting

1 purposes. So your continued participation is your
2 implied consent to be part of the public record. If
3 you do not wish to be part of the public record, you
4 should exit the meeting now.

5 I also want to inform all participants and
6 attendees that from time to time we'll be taking
7 breaks. We'll take a nominal five-minute break
8 every hour, and then we'll take a lunch break
9 depending on where we stand in the meeting. That
10 will be around noontime.

11 So my name is Dan Giovanni, and I have the
12 pleasure to serve as the LUC Chair. We currently
13 have nine seated commissioners. Along with me here
14 today are Michael Yamane from Kauai, Commissioner
15 Mel Kahele, Commissioner Brian Lee from Oahu,
16 Commissioner Bruce U'u from Maui, Commissioner Nancy
17 Carr Smith from Kona, Big Island, and Commissioner
18 Myles Miyasato, also from Hawaii Island.

19 Excused from today's meeting are
20 Commissioner Kamakea-Ohelo and Commissioner Ken
21 Hayashida, so seven of the nine commissioners are
22 here today.

23 Also in attendance are the LUC Executive
24 Officer Daniel Orodener, LUC Chief Planner Scott
25 Derrickson, LUC Staff Planner Martina Segura, and

1 LUC Chief Clerk Ariana Kwan. The LUC Attorney
2 General is Miranda Steed. Again, court reporting
3 transcriptions are being done from this Zoom
4 recording.

5 So our first order of business is the
6 adoption of minutes from our meeting of August 8th,
7 2024.

8 **COMMISSIONER YAMANE:** Mr. Chair?

9 **CHAIRMAN GIOVANNI:** Commissioner Yamane?

10 **COMMISSIONER YAMANE:** Mr. Chair, I will be
11 abstaining from this vote as I was not present
12 during this meeting. Thank you.

13 **CHAIRMAN GIOVANNI:** Understood.

14 Ms. Kwan, has there been any written
15 testimony submitted on this matter?

16 **MS. KWAN:** Not on the minutes, Chair.

17 **CHAIRMAN GIOVANNI:** Has there been any --
18 has anyone signed up to testify on this?

19 **MS. KWAN:** Not regarding the minutes,
20 Chair.

21 **CHAIRMAN GIOVANNI:** Okay. Commissioners,
22 are there any corrections or comments on the
23 minutes?

24 The Chair would like to make a comment. I
25 think the minutes accurately reflected the details

1 of the meeting. The transcripts, in my mind, are
2 accurate. But, however, there's one paragraph in
3 there I'd like to call attention to it. Again, it
4 accurately cited what occurred during the meeting.
5 The paragraph I'm talking about it says:
6 Commissioner Lee questioned Mr. Orodenker and --
7 about not disclosing that he had applied for a job
8 on Maui. It continues, and it ends with the words
9 "to these circumstances."

10 My concern is that I thought this was out
11 of place at this meeting. It was lacking decorum.
12 It was unhelpful and unproductive, and it appeared
13 to me to improperly or intentionally be aimed at
14 embarrassing Executive Officer. So I'd like it to
15 be reflected my concern on the matter, so hopefully
16 we can avoid such interactions as we go forward.

17 So do I have a motion to adopt the minutes
18 of August 8th, 2024?

19 **COMMISSIONER KAHELE:** Chair, Mel Kahele.
20 I move.

21 **CHAIRMAN GIOVANNI:** Thank you,
22 Commissioner Kahele.

23 Do I have a second?

24 **COMMISSIONER U'U:** Second. Bruce U'u.

25 **CHAIRMAN GIOVANNI:** Commissioner U'u,

1 thank you.

2 All in favor of adoption of the minutes,
3 please indicate by saying, "aye."

4 **(All said, "aye.")**

5 **CHAIRMAN GIOVANNI:** Any opposed? No.

6 And it's noted that Commissioner Yamane
7 abstained. The minutes are adopted. Thank you very
8 much.

9 The next agenda item is the tentative
10 meeting schedule. Mr. Orodanker?

11 **MR. ORODENKER:** Thank you, Mr. Chair.

12 Tomorrow we will be holding a Zoom meeting for the
13 SP09-403 Waimanalo Gulch Sanitary Landfill adoption
14 of order. On September 4th we will be holding a
15 Zoom meeting to adopt the order for SP73-147
16 Makakilo Quarry, the matter that we're hearing
17 today. Hopefully, we'll be able to accomplish that
18 on September 4th.

19 On September 11th to September 13th we're
20 on the Big Island at the Westin Hapuna Beach Resort
21 for the Hawaii Conference of Planning Officials.
22 September 25th and 26th is currently open. On
23 October 9th and 10th -- on October 9th we will be
24 hearing DR24-77, the RK II Partners declaratory
25 ruling request.

1 And on October 10th we will be getting in
2 -- it will be held by Zoom. We're getting an OPSD
3 presentation. On October 23rd and 24th we will be
4 hearing SP21-412, which is the Mahi solar matter at
5 a location to be determined. That is on Oahu.

6 On November 6th we will be on Maui for the
7 A&B Properties, Inc. motion to amend. And on
8 October 7th we will be on Maui again for the
9 Emmanuel Lutheran status report. Both of those
10 meetings will be held at the Maui Arts and Cultural
11 Center.

12 **CHAIRMAN GIOVANNI:** You said October or
13 November 7th?

14 **MR. ORODENKER:** November. Excuse me. I -
15 - my bad.

16 On November 20th we will -- at a location
17 to be determined, we will be on Maui for SP97-390, a
18 motion to add and remove IAL designation. And we
19 have a tentative meeting scheduled for the 21st. We
20 may need that for an adoption of order. If we do
21 so, that will be a Zoom meeting. December is
22 currently open. That will take us through the end
23 of the year.

24 **CHAIRMAN GIOVANNI:** Commissioners, any
25 comments or questions on the tentative schedule?

1 Commissioner Carr Smith?

2 **COMMISSIONER CARR SMITH:** Chair, at the
3 last meeting I commented that on October 10th I
4 wouldn't be available, and I requested the Zoom
5 option, which I think initiated this original
6 thought of that, but my conflict no longer exists.
7 So if it's an in-person option, I would prefer that.

8 **CHAIRMAN GIOVANNI:** Thank you. Thank you
9 for that clarification.

10 So can we still offer that by Zoom? Is
11 that the intention?

12 **MR. ORODENKER:** That's up to the
13 Commission itself. We can do it either by Zoom --
14 we can do a hybrid meeting. We can have an in-
15 person location and we can also, for commissioners
16 who don't want to travel to Oahu, we can also do it
17 by Zoom.

18 **CHAIRMAN GIOVANNI:** Katia? Please state
19 your full name. I --

20 **MS. BALASSIANO:** Good morning. Katia
21 Balassiano with the Office of Planning and
22 Sustainable Development. On behalf of my director,
23 Mary Alice Evans, I know that she would prefer an
24 in-person meeting.

25 **CHAIRMAN GIOVANNI:** It will definitely be

1 an in-person meeting. We're just going to give some
2 people the option to Zoom in if they can, but I'll
3 be here.

4 **MS. BALASSIANO:** Okay. Thank you. Great.

5 **CHAIRMAN GIOVANNI:** Commissioner Lee?

6 **COMMISSIONER LEE:** Earlier in the year we
7 were introduced to the development facilitator
8 personnel. I'm not sure exactly what his title is.
9 And it was discussed that we would be getting an
10 update from him periodically, I think, maybe
11 quarterly or so on. I would ask that that be placed
12 on a future upcoming agenda.

13 **CHAIRMAN GIOVANNI:** Could you clarify
14 again who we're talking about, for me?

15 **COMMISSIONER LEE:** Mr. Arnold Wong.

16 **CHAIRMAN GIOVANNI:** Oh, okay. So we're
17 requesting -- Commissioners are requesting to put on
18 the agenda a periodic update from Mr. Wong for the
19 work that he's doing?

20 **MR. ORODENKER:** That is possible, Mr.
21 Chair.

22 **CHAIRMAN GIOVANNI:** Okay. So I am
23 absolutely unavailable September 25 and 26. It's
24 currently showing as open, so keep it open or don't
25 book something in there if you have to. And also,

1 October 23 and 24 I'm not available. If there's
2 some flexibility to move that earlier in that week,
3 I am available if you move to 21-22. Is that
4 possible?

5 **MR. ORODENKER:** Thank you, Mr. Chair.
6 Yes, we -- it -- we'll do a roll call and find out
7 the rest of the Commission's availability, but I
8 would point out that if that SP gets filed when we
9 expect it to, we're under a 45-day timeframe.

10 **CHAIRMAN GIOVANNI:** Yeah. I'm asking to
11 move it forward -- up earlier two days in the week.

12 **MR. ORODENKER:** Yeah.

13 **CHAIRMAN GIOVANNI:** Instead of Wednesday-
14 Thursday, do it Monday-Tuesday, and I can be here.

15 **MR. ORODENKER:** Okay. We will do a roll
16 call and make a determination.

17 **CHAIRMAN GIOVANNI:** But definitely can't
18 make the September, so don't plug it in there. I
19 mean, Commissioner Yamane could step up for me so
20 I'm -- at any time that he's willing, so --

21 **COMMISSIONER YAMANE:** Mr. Chair --

22 **CHAIRMAN GIOVANNI:** Yes.

23 **COMMISSIONER YAMANE:** I'm also not
24 available on that September --

25 **CHAIRMAN GIOVANNI:** Oh, you're also not

1 available?

2 **COMMISSIONER YAMANE:** Yeah, on the 24th,
3 25th.

4 **CHAIRMAN GIOVANNI:** The Chair and Vice-
5 Chair are not available in September, so no more
6 tentative, please.

7 **MS. KWAN:** You guys just make my life so
8 easy.

9 **CHAIRMAN GIOVANNI:** It's mutual, Ms. Kwan.
10 Commissioners, anything further on the
11 schedule?

12 Okay. So our next order of business is
13 SP73-147, Grace Pacific, LLC. This was formerly
14 Pacific Concrete & Rock Company, Limited, of
15 Makakilo Quarry, Oahu. It's an application to amend
16 the conditions of approval. Those conditions are:
17 To extend the life of the Makakilo Quarry resource
18 extraction and processing operations by 15 years to
19 the year 2-0-4-7, 2047.

20 Secondly, to reshape the area that's
21 approved for resource extraction. Thirdly, to
22 expand the operating hours of certain activities in
23 the quarry to 24 hours a day, seven days a week.
24 And lastly, to operate a ready-mix plant in the
25 quarry pit.

1 At this time I'd like the parties to
2 identify themselves, starting with Petitioner.

3 **MR. CHIPCHASE:** Good morning, Chair,
4 Members. Cal Chipchase for the Petitioner. With me
5 is Jarrett Dempsey and Scott Komatsu.

6 **CHAIRMAN GIOVANNI:** Thank you.
7 County of Hawaii (sic)?

8 **MS. SENDAO:** Good morning, Chair and
9 Commissioners, Patricia Sendao, Deputy Corporation
10 Counsel on behalf of the City and County of Honolulu
11 Department of Planning and Permitting, and with me I
12 have Franz Kraintz, Branch Chief of our Community
13 Planning.

14 **CHAIRMAN GIOVANNI:** Thank you. And let me
15 correct myself. It's the City and County of
16 Honolulu. It's not the County of Hawaii. Thank
17 you.

18 OPSD, State?

19 **MS. KATO:** Good morning. Alison Kato,
20 Deputy Attorney General for the Office of Planning
21 and Sustainable Development. Also here with me is
22 Katia Balassiano from OPSD. Thank you.

23 **CHAIRMAN GIOVANNI:** Thank you.

24 So now I'd like to talk about the
25 reimbursement policy. Mr. Chipchase, have you

1 reviewed HAR 1515-45.1, regarding reimbursement of
2 hearing expenses?

3 **MR. CHIPCHASE:** Yes, Chair. And we
4 accept.

5 **CHAIRMAN GIOVANNI:** Thank you.

6 At this time I'd like to address whether
7 or not we have any disclosures and/or conflicts of
8 interest. And let me note for the record that
9 Commissioner Ken Hayashida has recused himself from
10 today's meeting. He felt it was a conflict because
11 he had participated previously at the county
12 planning level.

13 So in accordance with HRS 84-14,
14 commissioners are not allowed to take any official
15 action affecting a business in which they are --
16 they or a member of their family has a financial
17 interest. They must therefore recuse themselves
18 from this matter if there is any benefit, monetary
19 or otherwise, to themselves or members of their
20 family.

21 Also in accordance with legal ethical
22 standards, commissioners should disclose any
23 relationship, business, social, or otherwise, that
24 they may have with the petitioner or its
25 representatives or any other parties to this

1 proceeding that may give rise to an allegation of
2 bias or impropriety.

3 Commissioners, do you have any conflicts
4 of interest or disclosures to make at this time
5 relative to this matter? Seeing none. And also let
6 me repeat. Commissioner Hayashida has recused
7 himself.

8 So let me explain the procedure for today.
9 First, I will recognize written public testimony
10 that has been submitted in this matter. Next, I
11 will call among members of the public who wish to
12 provide oral testimony in this matter. After
13 completion of the public testimony portion of the
14 proceedings, the Chair would like the petitioner to
15 make their presentation.

16 After the completion of the petitioner's
17 presentation, we will receive any public comments
18 from the city and county Department of Planning and
19 Permitting, DPP, City and County of Honolulu, or the
20 state Office of Planning and Sustainable
21 Development. The commissioners will also ask
22 questions of the parties at the conclusion of each
23 of their presentations.

24 At the conclusion of the parties'
25 testimony and commissioners' questions, the public

1 will be given a second opportunity to provide
2 testimony in the same manner that they had
3 originally. Then the parties will be given an
4 opportunity for closing arguments, and after that
5 the commission will conduct its public
6 deliberations.

7 Reference of the record. Please be
8 informed that the relevant records and documents
9 pertaining to this matter can be accessed for the
10 review on the LUC website. I'm going to say this
11 twice. The website is [https://luc.hawaii.gov/sp73-](https://luc.hawaii.gov/sp73-147)
12 [147](https://luc.hawaii.gov/sp73-147). The second time I'm saying it,
13 <https://luc.hawaii.gov/sp73-147>.

14 Public testimony. I will recognize
15 written public testimony submitted in this matter.
16 Ms. Kwan, has there been any written public
17 testimony?

18 **MS. KWAN:** Yes, Mr. Chair. For the month
19 of August we received 13 written testimonies that
20 have all been published to the website. However,
21 this morning one was removed or rescinded for
22 Teamsters and Allied Workers. So there's 12 total.

23 **CHAIRMAN GIOVANNI:** They've all been
24 posted? Thank you. Ms. Kwan, are there any members
25 of the public that wish to testify on this matter?

1 **MS. KWAN:** Yes, Mr. Chair. We have four
2 signed up for oral testimony today. Are you ready
3 for the first one?

4 **CHAIRMAN GIOVANNI:** Yes. I just -- let me
5 state I'm going to give each testifier three
6 minutes. Please try to confine your remarks to that
7 three minutes. If you start to run over, I'll just
8 give you a polite urging to summarize and complete.

9 So who's the first witness?

10 **MS. KWAN:** First we have Keoni Dudley.

11 **CHAIRMAN GIOVANNI:** Mr. Dudley, will you
12 please -- or are you able to go to the microphone?

13 **DR. DUDLEY:** Aloha, Chair Giovanni and
14 Commission Members.

15 **CHAIRMAN GIOVANNI:** One second, please.

16 **MS. KWAN:** Can I ask you to put the mic
17 closer to your -- yeah. That way it gets you.
18 Thank you.

19 **CHAIRMAN GIOVANNI:** Okay. So for each
20 public testifier, when you come forward I'd like you
21 to state your name and the zip code in which you
22 live. And then I will swear you in. So please
23 state your name and your zip Code.

24 **DR. DUDLEY:** My name is Dr. Keoni Dudley.
25 My zip code is 96707.

1 **CHAIRMAN GIOVANNI:** So Mr. Dudley, do you
2 swear your testimony today will be the truth?

3 **DR. DUDLEY:** Yes.

4 **CHAIRMAN GIOVANNI:** Okay. Please proceed.
5 You have three minutes.

6 **DR. DUDLEY:** Thank you. I am Dr. Keoni
7 Dudley. I am the second vice-chair of the Makakilo
8 Kapolei in Honokai Hale Neighborhood Board. I'm
9 also the person who first suggested that the Grace
10 Pacific and future owners be required to create a
11 Hawaiian carving on the Makakilo back wall, the
12 Makakilo Quarry back wall, before closing the
13 quarry.

14 You know, on the west side we're just the
15 dumping ground for this island. If people don't
16 want something, it gets put out here. We got the
17 city dump, not one dump but two. We got the
18 industrial park. We got the ugly quarry. We get
19 two smelly sewage treatment plants. All of our high
20 voltage lines are above ground. You don't see any
21 of these things in Hawaii Kai or the eastern side of
22 the island. We'd like something nice out here, too.

23 For decades, the operators of the quarry
24 have carved away at that rock hill, Pu'u Makakilo.
25 Until today there is an ugly straight up and down

1 sheer back wall of rock hundreds of feet high and
2 twice as wide at the back of the quarry. That gross
3 looking rock wall is seen by thousands of people on
4 the west side every day. There is no way to avoid
5 it. It's a huge ugly scar on the flowing beauty of
6 the surrounding mountains.

7 Our people want to see that unsightly wall
8 beautified. We want to see that back wall
9 transformed into some kind of carving large enough
10 to be seen from Ka Makana Ali'i that will
11 beautifully depict a person or persons or an event
12 that is special in Native Hawaiian culture and
13 tradition. A breath-taking carving that our people
14 can enjoy, the tourists can come to see, and
15 something that for thousands of years will tell ever
16 new waves of very different settlers about the
17 original people who discovered and settled these
18 islands.

19 Thus, the neighborhood board and I are
20 asking the LUC as a formal condition of approval of
21 the extension of the quarry life, one, to require
22 Grace Pacific and its new owner nonincorporated and
23 all future owns of the quarry to work with the
24 neighborhood board and the chairpersons of the
25 various Hawaiian homesteads in Kapolei to decide

1 what person or persons or event will be depicted in
2 the carving and its size and overlook -- outlook,
3 the overall look of it.

4 We ask you to, number two, require the
5 owners to begin the carving by July 1st, 2027.
6 Number three, we ask the LUC to require the owners
7 to give annual updates on the progress of the
8 project to the Land Use Commission, to the full
9 Makakilo Kapolei Honokai Hale Neighborhood Board and
10 the Kapolei Hawaiian Homestead Association
11 chairpersons, each year in January, to give us a
12 report.

13 And four, we ask you to require the owners
14 to finish the carving project by 2047 or by the
15 closing of the quarry, whichever comes earlier.
16 Again, the Land Use Commission is being asked to put
17 all of the above into a formal requirement as a
18 condition of approval at the request to extend the
19 life of the quarry.

20 This meeting today is so terribly
21 important because it is truly a one chance in a
22 lifetime to bring a marvelous thing of beauty to
23 Hawaii. If you don't vote in support today, there
24 will never be another chance to require such a gift
25 for our people and future generations. Thank you.

1 **CHAIRMAN GIOVANNI:** Thank you, Mr. Dudley.

2 Please stand by for questions.

3 Petitioner, questions for this witness?

4 **MR. CHIPCHASE:** Cal Chipchase. No

5 questions, Chair.

6 **CHAIRMAN GIOVANNI:** Thank you.

7 City and County of Honolulu?

8 **MS. SENDAO:** No questions from the City.

9 **CHAIRMAN GIOVANNI:** State your name,
10 please, when you --

11 **MS. SENDAO:** Patricia Sendao. No
12 questions from the City.

13 **CHAIRMAN GIOVANNI:** Thank you.

14 OPSD?

15 **MS. KATO:** Alison Kato. No questions.

16 Thank you.

17 **CHAIRMAN GIOVANNI:** Okay. Commissioners?

18 Mr. Dudley, I have just one quick. Has

19 this -- your proposal been put forth to the

20 petitioner?

21 **DR. DUDLEY:** I didn't hear that, sir.

22 **CHAIRMAN GIOVANNI:** Has your suggested

23 condition been put forth privately to the

24 petitioner?

25 **DR. DUDLEY:** Have we -- we've talked about

1 it with them at a neighborhood board meeting. This
2 was about a year and a half ago, maybe, a little
3 longer since then. We haven't had any real
4 discussions about it, no.

5 **CHAIRMAN GIOVANNI:** Okay. But this is not
6 the first time they've heard about it?

7 **DR. DUDLEY:** No, no.

8 **CHAIRMAN GIOVANNI:** Okay. Thank you very
9 much.

10 Who's next witness, please?

11 **MS. KWAN:** Next we have Ana Tuiasosopo.

12 **CHAIRMAN GIOVANNI:** Ms. Kwan, is something
13 going on that we should know?

14 **MS. KWAN:** They're working on it.

15 **MR. TUIASOSOPO:** Thank you.

16 **CHAIRMAN GIOVANNI:** Thank you. So would
17 you please state your name and your zip code and
18 then I'll swear you in.

19 **MR. TUIASOSOPO:** My name is Ana
20 Tuiasosopo. My zip code is 96706.

21 **CHAIRMAN GIOVANNI:** Mr. Tuiasosopo, do you
22 swear your testimony today will be the truth?

23 **MR. TUIASOSOPO:** Yes.

24 **CHAIRMAN GIOVANNI:** So please proceed.
25 You have three minutes.

1 **MR. TUIASOSOPO:** Okay. My name is Ana
2 Tuiasosopo. I'm the district representative of
3 Operating Engineers Local 3. I'm a trustee. I'm a
4 constitutional officer of four states, Utah and
5 Nevada, California, and Hawaii. I'm also the
6 president of the Alliance of the Four Basic Crafts.

7 I'm here in support of Grace Pacific to
8 extend their permit up in the quarry. You know,
9 Grace Pacific has been good to our community.
10 They've always been giving back, you know. A lot of
11 stuff that Grace has done with their golf
12 tournaments, with their movie nights that they have
13 given back. Grace Pacific, we have over 200 members
14 of our union members that works in the quarry.
15 That's all our union members that, you know, work
16 hard up there. We have HC and D that's up there,
17 too, so that's all union work for us, our people
18 here in Hawaii.

19 You know, I'm here in support for Grace
20 Pacific to have done a lot for members. You know,
21 these are union workers. You talk about the cost of
22 living in Hawaii, we just had an agreement with
23 these guys for a five-year agreement. They've been
24 taking care of our members.

25 You know, you guys got to remember our

1 union members are the backbone of our economy here
2 in Hawaii. We're the people that pays our taxes,
3 you know. Our members here in Hawaii, you know, we
4 always talk about people leaving Hawaii. If you
5 close this plant down, our people here in Hawaii
6 will leave Hawaii because they can't afford to live
7 here in Hawaii.

8 So I'm here in support of Grace Pacific to
9 make sure that they continue to have work for our
10 future. We talk about our future. That is our
11 future. I don't want my kids to live here in Hawaii
12 or my grandchildren to live here in Hawaii, and I'm
13 thankful for Grace Pacific. They all are union
14 members to live here in Hawaii. So I hope you guys
15 understand, please, to support this extension for
16 Grace Pacific. And with that, if you guys have any
17 questions, I'd be able to answer. Thank you.

18 **CHAIRMAN GIOVANNI:** Thank you very much.

19 **MR. TUIASOSOPO:** And also, you know, the
20 Planning Commission already passed it, so I just
21 want to let you guys.

22 **CHAIRMAN GIOVANNI:** Thank you. So stand
23 by for questions.

24 Mr. Chipchase?

25 **MR. CHIPCHASE:** Cal Chipchase. No

1 questions, Chair.

2 **CHAIRMAN GIOVANNI:** Thank you.

3 **MS. SENDAO:** Patricia Sendao. No

4 questions.

5 **CHAIRMAN GIOVANNI:** Thank you.

6 **MS. KATO:** Alison Kato. No questions.

7 **CHAIRMAN GIOVANNI:** Thank you.

8 Commissioners?

9 Mr. U'u?

10 **COMMISSIONER U'U:** (Inaudible) Tuiasosopo.

11 I heard you mention four basic crafts.

12 **MR. TUIASOSOPO:** Yes.

13 **COMMISSIONER U'U:** Who are the four basic

14 crafts?

15 **MR. TUIASOSOPO:** Four basic crafts are the

16 operating engineers, the carpenters, the laborers,

17 and the masons, and the bricklayers. Bricklayers

18 and the masons are the same. So I'm the president

19 of that.

20 **COMMISSIONER U'U:** My second question is:

21 How much members would they amount to?

22 **MR. TUIASOSOPO:** Total?

23 **COMMISSIONER U'U:** Total.

24 **MR. TUIASOSOPO:** I think we have at least

25 over 20,000, I think.

1 COMMISSIONER U'U: Thank you.

2 MR. TUIASOSOPO: Yeah.

3 CHAIRMAN GIOVANNI: Commissioner Lee?

4 COMMISSIONER LEE: Aloha, Mr. Tuiasosopo.

5 I guess I should declare that you and I were
6 classmates for two years in high school. But -- and
7 -- but I wasn't on the football team like you.

8 Can you give us an idea how much hourly
9 that members make so that they can live in Hawaii?
10 Just typical range for your members?

11 MR. TUIASOSOPO: I don't have it with me,
12 but base specific contribution gives a million
13 dollars every month, just as June -- from January to
14 June we have a report, they give us over \$6 million
15 of revenue for our members in contribution.

16 You know, we talk about the west side,
17 yeah. You know, I look at our members putting back
18 into this community, putting back into Ka Makana.
19 You know, I see -- you know, the only way we can
20 survive here in Hawaii is our people getting good
21 pay. These guys pay our -- a good pay for our
22 members and, for me, the pride and the joy for me to
23 see the west side, Makana and all this, our families
24 are about to get ahead, you know.

25 And you know, there's only three quarries,

1 I think, left. You know, the Halawa one, I think,
2 is going to expire. We have the Kapaa one right
3 now. And Grace Pacific, without them, I ask for --
4 paving companies are not -- you know, they supply
5 all the aggregates that goes out to the community.
6 Even with the City and County jobs, these guys,
7 Grace Pacific, does a lot for the community.

8 So that's why I say it's -- it's a big
9 thing for us to have this, and it's going to be
10 detrimental if we don't pass this because our
11 families cannot survive. And for us, you know, as a
12 union, we always believe that a family should have
13 one job and make sure that they're still home and
14 take care of their family. Hawaii, everybody's
15 working two, three jobs and can't stay home to take
16 care of their family. With Grace Pacific, I'm
17 grateful for, you know, we just -- you know, like I
18 told you guys, we just had a five-year agreement
19 with these guys. They're taking care of our
20 members.

21 You know, they're taking care of -- I
22 always say, we're the middle class. We pay the
23 taxes. And we're the backbone of this economy. So
24 with that, if you guys do support Grace Pacific with
25 this, you're supporting all the people on the west

1 side. 80 percent of our members from operating
2 engineers live on this side of the island, so with
3 that, yeah. Any other questions?

4 **COMMISSIONER LEE:** Thank you.

5 **CHAIRMAN GIOVANNI:** Thank you,
6 Commissioner Lee.

7 Thanks for your answer.

8 Commissioners, anything further?

9 Thank you very much. You're excused.

10 **MR. TUIASOSOPO:** Okay. Thank you.

11 **CHAIRMAN GIOVANNI:** Thank you.

12 Ms. Kwan, who's next?

13 **MS. KWAN:** Next we have Peter Iriarte.

14 I think, Scott, do you want to wipe the
15 mic?

16 **CHAIRMAN GIOVANNI:** Mr. Iriarte, please
17 state your name and zip code.

18 **MR. IRIARTE:** My name is Peter Iriarte.
19 And my zip code is 96782.

20 **CHAIRMAN GIOVANNI:** Thank you. Do you
21 swear the testimony today will be the truth?

22 **MR. IRIARTE:** Yes.

23 **CHAIRMAN GIOVANNI:** Please proceed.

24 **MR. IRIARTE:** Good morning, Chair. Good
25 morning, Commissioners. My name is Peter T.

1 Iriarte. I am the business manager, financial
2 secretary/treasurer for the Mason's Union Local 630.
3 We represent the cement finishers and the plasterers
4 in the State of Hawaii.

5 We here today -- I'm here today to show
6 support for Grace Pacific in the expansion of this
7 quarry. Basically, you know, without these
8 aggregates -- we definitely participate in
9 construction, and without these aggregates that are
10 coming out of there, we won't be able to get jobs.
11 So jobs is very important for us here.

12 And you know, I don't want to repeat what
13 Ana just said except that I'm part of that alliance.
14 I'm on of the basic craft in the construction
15 alliance, Hawaii Construction Alliance Group, which
16 is the basic craft. And basically, our job out
17 there is to finish concrete, do curbing gutters on
18 the side of the road that are being paved by Grace
19 Pacific.

20 Grace Pacific's been there for many years.
21 They're an icon to the island. And so is our union,
22 the Mason's Local 630. So we are definitely in
23 support of this expansion with Grace Pacific. Thank
24 you.

25 **CHAIRMAN GIOVANNI:** Thank you so much.

1 Please stand by for questions.

2 Cal Chipchase?

3 **MR. CHIPCHASE:** Thank you, Chair. Cal

4 Chipchase. No questions. Thank you.

5 **CHAIRMAN GIOVANNI:** Thank you.

6 City and County?

7 **MS. SENDAO:** Patricia Sendao. No

8 questions.

9 **CHAIRMAN GIOVANNI:** Thank you.

10 Ms. Kato.

11 **MS. KATO:** Alison Kato. No questions.

12 Thank you.

13 **CHAIRMAN GIOVANNI:** Thank you.

14 Commissioners?

15 Thank you very much.

16 **MR. IRIARTE:** Thank you.

17 **MS. KWAN:** Last we have Gino Soquena.

18 **CHAIRMAN GIOVANNI:** Good morning, Gino --

19 Mr. Soquena. Could you please state your name and

20 your zip code.

21 **MR. SOQUENA:** Gino Soquena, 96707.

22 **CHAIRMAN GIOVANNI:** And will your

23 testimony today be the truth?

24 **MR. SOQUENA:** I do.

25 **CHAIRMAN GIOVANNI:** Please proceed.

1 **MR. SOQUENA:** Good morning, Chair,
2 Commissioners. My name is Gino Soquena, a 47-year
3 resident of Makakilo and Executive Director of the
4 Hawaii Building and Construction Trades Council,
5 which represents 18 of the 19 construction trade
6 unions here in Hawaii.

7 I'm here in support of Grace Pacific's
8 application to extend the quarry. Grace Pacific's
9 quarry is one of three major quarries here on the
10 island and is very vital to our construction
11 industry. And as I said, you know, in representing
12 18 of the construction trade unions, construction is
13 vital -- the quarry would be vital to our
14 construction industry and our over 30,000 members,
15 which we represent. So I think that's it. That's
16 all I have. Thank you.

17 **CHAIRMAN GIOVANNI:** Thank you very much.
18 Stand by for some questions.

19 Petitioner?

20 **MR. CHIPCHASE:** Cal Chipchase. No
21 questions, Chair.

22 **CHAIRMAN GIOVANNI:** Thank you. State -- I
23 mean, City and County of Honolulu?

24 **MS. SENDAO:** Patricia Sendao. No
25 questions.

1 **CHAIRMAN GIOVANNI:** Thank you.

2 State?

3 **MS. KATO:** Alison Kato. No questions.

4 Thank you.

5 **CHAIRMAN GIOVANNI:** Thank you.

6 Commissioners?

7 Sure.

8 **COMMISSIONER:** Good morning,

9 Commissioners.

10 **COMMISSIONER:** Did you state that you are
11 a resident of Makakilo?

12 **MR. SOQUENA:** Correct.

13 **COMMISSIONER:** In the vicinity of this
14 quarry up above?

15 **MR. SOQUENA:** Well, the quarry's in the
16 front part, but the Makakilo there's a valley that
17 comes up and Makakilo, yeah.

18 **COMMISSIONER:** Okay. Would you say that
19 there's any impact to your home as far as noise or
20 dust?

21 **MR. SOQUENA:** No. Where the -- as a
22 Makakilo resident, I can't speak for the residents
23 of Kopolei, but we -- we can't see the -- the quarry
24 because the backside of the mountain is what's --
25 what I would see from my house.

1 **COMMISSIONER:** Okay. Thank you.

2 Thank you, Chair.

3 **CHAIRMAN GIOVANNI:** Thank you.

4 Commissioners?

5 Thank you, sir.

6 **MR. SOQUENA:** Thank you.

7 **CHAIRMAN GIOVANNI:** Any other testifiers?

8 **MS. KWAN:** That was the last one, Chair.

9 **CHAIRMAN GIOVANNI:** Okay. So just let me
10 remind all the public that you will be given a
11 second opportunity to testify after hearing from all
12 the parties and their remarks and before we
13 deliberate on a decision. So that wasn't your only
14 chance.

15 Okay. We now have presentations by the
16 parties, starting with petitioner. Mr. Cal
17 Chipchase, will you please tell me an idea of about
18 how long you need for your presentation?

19 **MR. CHIPCHASE:** Yes, Chair. Cal
20 Chipchase. I have about a 20-minute presentation.

21 **CHAIRMAN GIOVANNI:** And will the gentlemen
22 that are with you today be any part of that
23 presentation or be available to answer questions?

24 **MR. CHIPCHASE:** They will not be part of
25 the presentation. They will be available to answer

1 questions depending on the question asked.

2 **CHAIRMAN GIOVANNI:** Why don't we swear
3 them in now, and then it will all go smoother later.

4 **MS. KWAN:** Can I remind everyone to speak
5 closer to the microphone. Thank you.

6 **MR. CHIPCHASE:** You got it, Ms. Kwan.

7 Yes, Chair. So I would suggest that we
8 swear in Scott Komatsu because if anyone is called
9 upon to answer questions, he's the most likely
10 candidate. We do have some of the substantive
11 experts who worked on the reports that are before
12 you in the room as well. I wouldn't suggest we take
13 the time to swear them in now because I think it's
14 unlikely they'll be needed. But if they are needed,
15 they are available.

16 **CHAIRMAN GIOVANNI:** So let's swear in Mr.
17 Komatsu, and that will be good for now.

18 **MR. CHIPCHASE:** Very good.

19 **CHAIRMAN GIOVANNI:** Mr. Komatsu, will you
20 please state your name and zip code for the record,
21 and then I'll swear you in.

22 **MR. KOMATSU:** My name is Scott Komatsu.

23 **CHAIRMAN GIOVANNI:** You need to turn it
24 on.

25 **MR. CHIPCHASE:** Scott, push the button.

1 **MR. KOMATSU:** Got it. Got it. Sorry.

2 **CHAIRMAN GIOVANNI:** No worries.

3 **MR. KOMATSU:** My name is Scot Komatsu, and
4 my zip code is 96744.

5 **CHAIRMAN GIOVANNI:** Thank you. Do you
6 swear the testimony you may give today will be the
7 truth?

8 **MR. KOMATSU:** Yes, it will be.

9 **CHAIRMAN GIOVANNI:** Thank you.
10 Mr. Chipchase, please proceed.

11 **MR. CHIPCHASE:** Thank you, Chair.

12 Commissioners, as the Chair explained at
13 the beginning of this agenda item, this is a
14 petition to amend an existing special use permit,
15 and it's to amend it in very limited ways. One is
16 to extend the operation, period, by another 15
17 years. Another is to allow certain specific
18 activities within the quarry pit to continue beyond
19 the current authorized hours. Another is to reshape
20 the pit to reach high quality aggregate so that we
21 can continue to supply material to the City and
22 County of Honolulu, sometimes the broader state of
23 Hawaii and other islands, and keep those trades
24 doing what those trades do. The last is to confirm
25 that we are authorized to operate a ready-mix

1 concrete plant in the quarry pit.

2 The quarry began operating in 1973, and it
3 is a source of A and B grade aggregate used to make
4 concrete, asphalt, and fill. The quarry supplies
5 about a million tons of aggregate every year, and
6 all of that output stays in Hawaii.

7 Millions of tons of aggregate are needed
8 every year to meet our construction and paving
9 demands. And even with Makakilo and the two other
10 quarries, we still have to import some material from
11 the mainland United States and from Canada. So
12 without this quarry, Hawaii, and Oahu in particular,
13 would be in a very negative supply state for our
14 aggregate needs. The quarry is in a central location
15 which reduces the need for transportation of the
16 workers, as we've heard but also for the trucks,
17 particularly for operations and work on the west
18 side.

19 The local source of stone benefits the
20 economy in numerous ways not only through the
21 employment, with good jobs and good wages but by
22 keeping costs lower for the City and County of
23 Honolulu, for the state of Hawaii, and for private
24 operators and if we had to import this much material
25 from the mainland and from Canada.

1 The parcels, and we put the map up on the
2 screen outlining them, are parcels 82 and 74. That
3 is where the current operations exist. That's the
4 excavation area, the berms, the buffer areas, the
5 processing areas. Parcel 4, which you see down
6 below, a smaller parcel, is a former site of some of
7 the operations. It is no longer an operational
8 site. We do not seek to use it as an operational
9 site in this petition to amend. It is maintained
10 instead as open space. All of these parcels are in
11 the agricultural -- state agricultural district.

12 In day-to-day operations, rock is mined
13 and then processed. In addition to the mining and
14 the processing of rock, about 100,000 tons of
15 material from concrete and asphalt is recycled each
16 year in the operations. That recycling reduces
17 waste to the landfills, saves energy and carbon
18 emissions, and allows us to extend the useful life
19 of the quarry by reusing material where possible.

20 In the petition to amend we seek the 15-
21 year extension to the year 2047 because that is our
22 best estimate of the remaining high quality A and B
23 rock in the area. That would allow us to reach
24 seams that haven't been tapped and to reshape the
25 quarry is our second request to achieve greater

1 efficiency and better access to that material.

2 The modification of the operating hours is
3 to allow a 24-hour asphalt and concrete production,
4 sales in the pit of the quarry, receipt of recycling
5 materials, and general maintenance. We do not seek
6 to extend the operating hours for the mining or
7 crushing activities that are currently authorized
8 under the permit.

9 We also seek, lastly, the approval of the
10 ready-mix concrete plant in the quarry pit. That
11 operation has been in place, and there's some
12 question under the permit whether it was allowed.
13 We seek to clarify that to ensure that there's no
14 question that the operation continues to be allowed
15 in the quarry pit.

16 As I mentioned for the extension, moving
17 us out another 15 years gives us access to more than
18 27 million times of aggregate in the combined
19 existing and expansion area. Together, this
20 material will keep Grace Pacific, keep the quarry in
21 operation through 2047 is our best estimate today.

22 We put up on the screen an image showing
23 the adjustment of the approved mining areas. The
24 expansion is about 15 acres to compensate for the
25 expansion that reshaping of the quarry area. We've

1 reduced the excavation and berming areas by
2 approximately the same amount, so there's no net
3 increase in the active operation areas of the
4 quarry. You can see that more clearly, and the
5 image we put on the screen is Exhibit G-3 of the
6 application.

7 The red area is the proposed new
8 delineation of the quarry pit expansion area. And
9 you can see in the blue both the hash marked and the
10 straight colored blue the buffer areas around the
11 quarry pit.

12 Exhibit I, which is coming up on the
13 screen now, is the closure grading plan that would
14 show the final closure grades. It's a little slow
15 to load, I think. I will move on and maybe we'll
16 come back to the closure grading plan.

17 The expansion in the hours of operation
18 we've put upon the table the hours that would be
19 unchanged and the hours that would move. As I
20 mentioned, sales, maintenance, receipt of recycling
21 materials, the operation of a hot mix asphalt plant,
22 and the operation of the ready-mix concrete plant,
23 we would ask the Commission allow those to operate
24 without restriction as to time. That's important,
25 in part, because of the ability or the need to

1 supply material 24 hours a day.

2 As we put up on the screen, much of the
3 paving and other work takes place overnight.
4 Without the ability to supply those materials
5 overnight to meet the construction need, Grace needs
6 to operate a second plant that adds to costs
7 substantially. It also adds to trucks and traffic
8 on the road and increases operational difficulties
9 not only for Grace but for the folks who are
10 receiving and using the asphalt and the concrete.

11 We recognize at Grace that it's not enough
12 to operate, to supply a necessary product which we
13 do. It's not even enough to employ good workers at
14 good wages, which we do. We also have to be a good
15 neighbor. And the process for this application has
16 been ongoing for several years, beginning with
17 extensive consultation, community meetings at the
18 neighborhood board, individual outreach to
19 homeowners, both directly through mail and in
20 conversation in other meetings, in addition to the
21 hearings before the Planning Commission.

22 The application itself was the subject of
23 many rigorous studies covering dust, noise,
24 vibration, traffic, biological resources, view
25 planes, lighting, cultural resources and practices,

1 archaeological impacts, and socioeconomic effects.
2 All of those issues were studied and reported on in
3 the material attached to the application that is
4 part of the record before the Commission.

5 As I mentioned, several of those experts
6 not only attended the Planning Commission, were
7 available for questions there, they've been able to
8 attend this meeting as well if this commission has
9 substantive questions that either I or Scott can't
10 answer for you.

11 As the testifiers noted, the Planning
12 Commission did recommend approval. The commission
13 operated on the same standard that this commission
14 operates under Chapter 205-6. The same five
15 guidelines apply that the proposed special permit
16 use not be contrary to the objectives sought to be
17 accomplished by a state land use law, that the
18 desired use would not adversely affect surrounding
19 property, that the proposed use would not
20 unreasonably burden public infrastructure and
21 agencies, that unusual conditions and trends have
22 arisen since the boundaries were set, and that the
23 land upon which the use is sought is unsuited for
24 uses within the agricultural district.

25 The Planning Commission found on each of

1 those items that petitioner had met its burden of
2 production and its burden of persuasion, and cited
3 to specific evidence in the record. So if we look
4 at the first guideline, the area of the current
5 operation and the proposed expansion do not exhibit
6 a high utility for agriculture in addition to the
7 absence of available water for that use. There is
8 also the presence of E-rated soils and prior
9 disturbance not only from the quarry but from a
10 planned golf course operation that initiated work
11 seven years ago and did not complete it. And so the
12 area is not suited for, or would not be contrary to,
13 the purposes of the district.

14 The second guideline that the use will not
15 affect surrounding property. The Planning
16 Commission specifically found that if the mitigation
17 measures that we proposed and that were implemented
18 through the conditions are continued, the life of
19 the operation that there will not be an adverse
20 effect on the surrounding property.

21 With respect to the third guideline, which
22 looks at burden on agencies and infrastructure, the
23 Planning Commission also concluded that there would
24 be no impact to those agencies or to the
25 infrastructure. I'll note with respect to traffic,

1 we expect that the traffic will be substantially
2 mitigated by closing the separate plant that is
3 necessary for overnight operations as one example of
4 an effort to reduce the impact that the quarry may
5 have.

6 With respect to the unusual conditions or
7 trends that have arisen since the boundaries were
8 established, as I noted, the quarry's been in
9 operations since 1973. That long history operating
10 at the same sites, applying a necessary material is
11 certainly consistent with the purpose of a special
12 use permit to authorize reasonable and unusual uses
13 within the agricultural district.

14 And lastly, that the land upon which the
15 proposed use is sought is not suited for the
16 districted land, the agricultural land, as I noted,
17 among other reasons, the soil quality for the pit,
18 and the expansion area are both at the lowest
19 possible soil quality rating.

20 The permit, both as it exists and as
21 proposed to be amended, comes with a series of
22 conditions that are designed to ensure that operates
23 within those five guidelines that we mentioned in
24 particular, having no effect on the surrounding
25 community. And so the conditions on the 2007 permit

1 that this Commission approved will be carried
2 forward as modified.

3 There will be a new site plan, a revised
4 closure grading plan, we'll continue to report
5 annually to both Planning Commission or the DPP,
6 Department of Planning and Permitting, as well as to
7 the LUC. And then there are a series of conditions
8 that we have proposed to be revised and that the
9 Planning Commission accepted that are consistent
10 with the amendments that we sought in the
11 application.

12 Those conditions include five new
13 conditions, one of which is a nighttime outdoor
14 lighting plan to ensure that nighttime operations
15 don't adversely affect the surrounding community
16 through illumination. One is operational
17 restrictions related to tree trimming to ensure that
18 we do not impact the 'ope'ape'a. One is a traffic
19 circulation plan for the quarry and its operations
20 and the use of white noise reversing alarms to
21 ensure that there's no nighttime noise disturbance.

22 We looked significantly, substantially at
23 the potential to impact archeological and cultural
24 resources, worked with SHPD and a state-certified
25 archeologist as one of our conditions they ask must

1 be accepted by SHPD before quarrying operations can
2 continue or move into the expansion area. And of
3 course, we would require compliance with all laws
4 related to historic properties and burials if any
5 happen to be or were inadvertently identified in the
6 expansion area.

7 We've agreed with all of these conditions.
8 It was a substantial collaboration between Grace
9 Pacific, the Department of Planning and Permitting,
10 and the Planning Commission to reach appropriate
11 conditions for the requested modification of the
12 application.

13 In reviewing the staff -- LUC Staff memo
14 to the Planning Commission, I note that the Staff
15 also noted that DPP and the Planning Commission have
16 recommended approval of the project. I reviewed the
17 OPSD recommendation, which also recommends approval
18 of the application, the amendment of the permit.

19 OPSD, the Office of Planning and
20 Sustainable Development has suggested certain
21 revisions to condition 2. I'd like to spend a
22 little bit of time on those proposed revised
23 conditions. I put them up on the screen, and I
24 couldn't read them from where I sit. I don't know
25 if you can read them from where you sit. If you

1 have them available on your screens, it might be
2 easier. I know it looks a little messy, the
3 presentation of the condition. We're trying to
4 capture the original condition, our proposed
5 amendment to the conditions, OPSD's proposed
6 amendments to the condition, and then highlight what
7 we can accept and we agree to and what we would
8 respectfully ask the Commission not adopt in OPSD's
9 proposed change.

10 So if I begin with the first series of
11 changes, OPSD and the applicant are in agreement as
12 to all changes shown in this condition up through
13 the word "displaying slopes." So if you look at the
14 sentence that begins, "the revised grading plan
15 shouldshall -- shall provide cross-sections of the
16 pit displaying slopes," we are in agreement as to
17 those changes. OPSD would like to make two changes
18 substantively in the remaining portion of that
19 provision.

20 The first is that no slopes can be greater
21 than 75 percent. Along with that, no benching of
22 the slopes would be allowed. The second is OPSD
23 would like to expand or keep the current size of the
24 proposed Kunia Berm. If we look back at the slide
25 showing the revised plan, and we will in a moment,

1 the Kunia Berm was reduced in size as part of a
2 reduction in the land-altering activities as part of
3 the quarry, so that the total area brought in or
4 reshaped and the total area removed equal roughly
5 15, 15.6 acres. OPSD proposes to keep the original
6 larger grading berm.

7 If I start with that requested change,
8 we've put up on the screen a figure showing the
9 difference between the berm that we proposed under
10 our amended final closure grading plan and the
11 current larger berm that OPSD has asked to retain.
12 We looked at the difference in -- for our consulting
13 engineers, Bowers and Kubota, looked at the volume
14 difference and the volumetric difference between the
15 berm that we've proposed and the berm that OPSD
16 would like us to retain. The difference is
17 significant, roughly 500,000 cubic yards of
18 material.

19 That material has to come from somewhere,
20 and that material has to be placed -- well,
21 designed, placed, sited, graded. We've
22 conservatively estimated that additional cost at
23 roughly \$3.5 million. That cost assumes -- that
24 estimated cost assumes that most of the material can
25 be obtained onsite. It also assumes that there are

1 no complications with the site design, compaction,
2 or placement of that material.

3 If the material had to be obtained offsite
4 or if there are any complications with any of those
5 issues, we estimate that the cost for the expansion
6 area that OPSD has recommended would exceed \$5
7 million. Our visual study, which I put the relevant
8 image up on the screen where you can see the view of
9 where that berm area would be, took into account our
10 reduced or narrowed berm.

11 And as you can see, even with the reduce
12 or narrowed berm, there's no anticipated visual or
13 other impact from the quarry. Remember, this is a
14 closure, and so we're looking principally at a
15 visual impact. There is no anticipated visual
16 impact because the berm height is unchanged. It is
17 only the berm width that has been reduced. And so
18 it continues to provide the same screen from the
19 quarry that is currently required in the permit.
20 But because the area of the operations have been
21 adjusted, there's no need for it to be as wide as
22 originally designed and proposed. And so we
23 respectfully submit that retaining the reduced berm
24 area is appropriate.

25 The second change that I mentioned that

1 OPSD has requested relates to the slopes and the
2 benching. I said we'd come back to our closure
3 grading plan. I was hoping it would load for me the
4 second time. It hasn't. It's Exhibit I to the
5 application. Maybe I'll talk long enough that it
6 pops up.

7 The revised grading plan creates or
8 contemplates benches on the quarry wall as you move
9 up in elevation. We worked with the consulting
10 engineers of Bowers and Kubota to come up with that
11 design for several reasons. One, since the last
12 amendment in '07, drainage and runoff have become
13 more pronounced or known issues that need to be
14 addressed.

15 The benching as opposed to a smooth quarry
16 wall allows water to collect on the benches rather
17 than pooling entirely on the quarry floor. It also
18 reduces erosion because instead of a straight quarry
19 face, you have these intermittent benches that are
20 able to retain and collect any material that may
21 slough off or may fall, particularly during high
22 weather events or high rain events.

23 The related component of that is that the
24 overall slope from pit to ceiling is about a grade
25 of about 58 percent, so a lower overall grade, even

1 though individual slopes between benches may exceed
2 75 percent. So you may have some slopes that are
3 greater than 75 percent, but your overall grade is
4 substantially less than 75 percent. Our engineers
5 estimated it at about 58 percent. That has the
6 added benefit of being more stable than a straight
7 slope with a 75 percent maximum grade.

8 So with our proposed revised grading plan
9 we've improved stability, reduced the impact from
10 runoff, and improved operational efficiency because
11 we can access better quality aggregate through the
12 use of those benches and other means while not
13 sacrificing any of the concerns that OPSD expressed,
14 which were principally in 2007 the reason for the
15 condition related to visual impacts.

16 Because of the distance because of our
17 proposed closure plan, because of the berm that I
18 mentioned, we don't anticipate any impacts from -- a
19 visual impact from the benching of the quarry wall.
20 Instead, we obtained all of those good operational
21 and closure benefits through that benching and
22 through the slope structure.

23 The last part of that -- it never came up.
24 I do have a hard copy if anybody would like to look
25 in detail, perhaps, on a recess. The last part of

1 that is what the vegetation would look like around
2 that berm area that I mentioned at the beginning, to
3 ensure that the area is restored or retains a
4 natural look. That is a recent aerial image or
5 satellite image of the area where the berm will be.

6 And as you can see, it's substantially
7 naturally revegetating, so it's effectively a
8 permascape, a natural vegetation that would occur
9 there is occurring there and would continue to occur
10 there, and so if we consider this photograph with
11 the visual impact study that I referenced, we don't
12 anticipate any changes or impact from the visual --
13 visual impacts at closure with our revised grading
14 and berm plan.

15 We took an opportunity to review the
16 community concerns. And I'll pause here, Chair. I
17 know I'm a little longer than 20 minutes. If you
18 would like to take a break now, I certainly can
19 before I address the community questions.

20 **CHAIRMAN GIOVANNI:** Thank you. I would
21 like to take a break. It's 10:05. We'll come back
22 at 10:15.

23 **MR. CHIPCHASE:** Very good.

24 **(A recess was taken from 10:05 a.m. to**
25 **10:17 a.m.)**

1 **CHAIRMAN GIOVANNI:** Back on the record.

2 It's 10:17.

3 Mr. Chipchase, would you please continue.

4 **MR. CHIPCHASE:** Cal Chipchase. Will do,
5 Chair.

6 Where I left off, Commissioners, is with
7 respect to community questions. And as I noted
8 earlier in the presentation, just for this
9 application there were three neighborhood board
10 meetings, as well as the Planning Commission
11 proceedings.

12 In addition to those, more formal
13 outreaches, letters went out to the members of the
14 community. Grace Pacific also, not even in
15 connection with this application, but also maintains
16 a hotline where neighbors or any concerned
17 individuals can report problems, issues, whatever
18 they'd like to Grace Pacific. That's by phone and
19 it's also by email. And Grace Pacific keeps a
20 record of those outreaches.

21 We also had an opportunity to review both
22 in those public forums and in the public testimony
23 here, including the oral testimony today, questions
24 that members of the community have raised with
25 respect to the application and continued operations.

1 And one of those, as you've heard from Dr. Dudley
2 today, relates to the closure of the quarry and how
3 it will look when it is closed.

4 Dr. Dudley was instrumental in advancing a
5 resolution at the neighborhood board to require the
6 applicant to require Grace to work with selected
7 members of the neighborhood board at closure, to
8 design and implement a carving. An example of the
9 carving, I think, that's been given is a Mt.
10 Rushmore-like carving on the back of the quarry or
11 on one of the quarry walls.

12 As the Chair asked Mr. Dudley, we have had
13 an opportunity to talk to him about that, and we
14 have heard the idea presented. With respect, it's
15 not an idea that we would accept or ask you to
16 implement. We -- from a technical standpoint, the
17 rock that is on that face is a basalt rock. Most of
18 it is a B-grade rock that would not be suitable for
19 carving it. In other words, it wouldn't be
20 effective. You couldn't create a Rushmore-like
21 carving from the type of rock that is available on
22 that face.

23 We also looked at it from a distance
24 perspective. It's so far from any public vantage
25 point that it really wouldn't be anything that would

1 be enjoyed or respected or appreciated by the
2 public. From a process standpoint, we're looking at
3 closure, if the Commission approves our application,
4 in 2047, so 23 years from now. The members of the
5 neighborhood board that are on today and would be
6 appointed potentially to this committee will not be
7 the members that are serving in 23 years on the
8 committee. And it seems not appropriate to bind
9 future committees, future neighborhood boards with
10 the decisions that members might want to make today.

11 Also, from a standpoint, this is not
12 merely a neighborhood board issue. This is an issue
13 -- or a closure of the quarry is something that
14 concerns City and County of Honolulu, concerns this
15 Land Use Commission. It strikes me as it is the
16 function of this Land Use Commission and the City
17 and County of Honolulu to implement closure grading
18 requirements for the benefit of all citizens, not
19 for one neighborhood area.

20 And consistently, and as you see in the
21 application today, this Commission and the Honolulu
22 Planning Commission have recommended grading closure
23 conditions that look to conceal and beautify the
24 quarry rather than to transform it into a monument
25 of some sort. And so you know, for those reasons,

1 and we put just for a reminder, an image from our
2 visual study on the screen, so you can see the
3 distances and some of the rock type, the red rock
4 type that we're talking about that would need to be
5 carved up. Again, we don't believe that it would be
6 effective that it could be done, and certainly from
7 a process point we have concerns about that
8 requirement.

9 Noise is always a question when it comes
10 to the operation of a quarry. We respect that. As
11 I mentioned with respect to our request to expand
12 operations or certain operations at night, we have
13 implemented even a traffic circulation plan with
14 white noise reverse mechanisms to address that.
15 But, as the Planning Commission found, based on the
16 noise study that we conducted, where is our
17 activities audible from?

18 What can you hear when you leave the
19 quarry pit? The activities are not audible,
20 generally speaking, from the quarry. There's no
21 material noise impact associated with these
22 operations, and there won't be any increased noise
23 impact from the requested expansion of their
24 realignment of the quarry area or from the proposed
25 expansion of the operating hours.

1 Safety is always a question not only for
2 the community but for our workforce, for the folks
3 who are down there doing the mining, doing the
4 crushing, doing the processing of materials. As the
5 Planning Commission found, at Finding 85, there have
6 been no reported rock fall events associated with
7 vibrations from drilling, blasting, or other
8 operations that have affected any surrounding area.
9 We are subject to the State Department of Health and
10 regulations regarding air quality. And we are
11 subject to a covered source permit and to regular
12 stack tests to ensure that all parts of our
13 emissions from those portions of plant remain within
14 state and federal requirements.

15 Vibrations are also always a question when
16 you're dealing with quarry operations. Rock does
17 need to be blasted in a controlled mean -- manner
18 through placed charges and then collected, and so
19 we're very sensitive to the concern over blasting
20 and any risks that could be posed from those
21 vibrations. And so we operate under guidelines
22 related to quarry operations and blasting. We
23 operate well below the operational thresholds, or
24 ceilings, I should say, for those operations.

25 In addition, we conducted a fresh

1 vibration study, a blasting study to ensure that
2 existing operations and proposed operations remained
3 well within available guidelines. And so as the
4 Planning Commission found, there is no risk of
5 damage to property as long as we continue to operate
6 within those guidelines.

7 Dust is probably the other question that
8 we get most frequently, and you can certainly see
9 why from a quarry operation. I think it would be
10 safe to say Grace Pacific is obsessed with dust.
11 The trucks that they operate to control dust are
12 robust, and they are constantly wetting down the
13 area to ensure that there is no fugitive dust that
14 would escape the quarry.

15 In addition to that, we did a dust
16 evaluation report to see how our operations were
17 being conducted, whether we were operating within
18 the standards that we think, you know, the standards
19 that we put on ourselves to make sure that we
20 control dust as well as with our expanded
21 operations. And I'm pleased to report that the
22 study concluded that there should be no impact from
23 dust as long as the mitigation measures that we
24 employ and have proposed remain in place, and so the
25 Planning Commission reached that same finding.

1 A question that is somewhat new to us in
2 the operation of the quarry but has certainly become
3 more prominent after the experience in West Maui
4 last year is emergency access. And we are in active
5 talks with the City and County of Honolulu and other
6 landowners to provide access in the event of an
7 emergency. We don't own all of the land that would
8 be needed to access. It will be a multi-party
9 agreement if one is ultimately reached, and we'll
10 certainly require substantial involvement from the
11 City in order to achieve the best location and other
12 parameters for an emergency access road. But that
13 is a commitment that I've been authorized to make to
14 you today, that we are in active discussions with
15 the City and the other landowners on emergency
16 access, and that those discussions will continue.
17 Our every expectation is that we will be able to
18 reach an agreement on an emergency access route.

19 And so I end where I began by thanking the
20 Commission for its time to review the application,
21 to listen to the public testimony, to hear my
22 presentation, and we make ourselves available for
23 questions. Thank you.

24 **CHAIRMAN GIOVANNI:** Thank you, Mr. Cal
25 Chipchase.

1 City and County, any questions for the
2 petitioner?

3 **MS. SENDAU:** Patricia Sendao. I do have
4 one question for petitioner. This is for regarding
5 the proposed changes to condition 2 submitted by
6 OPSD. I'm not sure if I heard your position
7 regarding -- sorry -- the last sentence reads, "the
8 revised site plan shall be established from the
9 approved revised final grading plan." And we had a
10 question sort of about the timing, if that was to be
11 adopted.

12 The -- currently reads that "the grading
13 plan is to be done within one year and the site plan
14 within six months." And so we had a question if
15 there was an issue regarding the timing with that
16 proposal if the site plan is to be established from
17 the grading plan but the grading plan is to be done
18 within a year, and also, I wasn't sure if you had a
19 position on that proposal as well.

20 **MR. CHIPCHASE:** I appreciate that. So we
21 viewed that additional sentence as unnecessary
22 because the other portion of OPSD's proposed
23 revision would require a revised plan, in other
24 words, a grading plan different than what we've
25 submitted, and since we have already -- we would ask

1 that the Commission not require a revised plan in
2 line with OPSD's comments, so we viewed that last
3 sentence as unnecessary.

4 If -- maybe the simplest way to explain
5 that, too, is if we look back at the Planning
6 Commission's proposed condition, condition 2, we're
7 entirely in agreement with that condition. There's
8 one typo in it. It references a visual study from
9 four points. It should be five. We agree with
10 OPSD's correction on that, and so that would be an
11 easy way to amend that condition just to put five in
12 there instead of four.

13 OPSD, in the first part of its proposed
14 conditions or proposed revisions that I said we
15 agreed to, specify those locations; in other words,
16 took the five and then broke it out into the
17 individual areas, that's okay, too. We're happy to
18 specify those vantage points if the Commission would
19 require, but we believe that after that, the rest is
20 unnecessary, which makes that last sentence not
21 objectionable, just unnecessary.

22 **MS. SENDAO:** Thank you for that
23 clarification.

24 **CHAIRMAN GIOVANNI:** Thank you.

25 Ms. Kato, do you have any questions on the

1 presentation?

2 **MS. KATO:** Alison Kato. No questions.

3 Thank you.

4 **CHAIRMAN GIOVANNI:** Thank you.

5 Commissioners?

6 Thank you, Mr. Chipchase.

7 **MR. CHIPCHASE:** You're welcome, Chair.

8 **CHAIRMAN GIOVANNI:** Okay. We'll have a

9 presentation from City and County.

10 **MS. SENDAO:** Patricia -- excuse me.

11 Patricia Sendao on behalf of the City and County.

12 We have no further presentation to provide other

13 than that we recommend that the LUC adopt the

14 findings of fact, conclusions of law, and decision

15 and order dated May 29th, 2024, as submitted by the

16 Planning Commission. Thank you.

17 **CHAIRMAN GIOVANNI:** Thank you.

18 Any questions for this -- for the County,

19 Mr. Chipchase?

20 **MR. CHIPCHASE:** Cal Chipchase. No

21 questions, Chair.

22 **CHAIRMAN GIOVANNI:** Ms. Kato, any

23 questions?

24 **MS. KATO:** Alison Kato. No questions.

25 Thank you.

1 **CHAIRMAN GIOVANNI:** Thank you.

2 Commissioners, any questions?

3 Thank you.

4 OPSD?

5 **MS. KATO:** Thank you. Alison Kato. OPSD
6 recommends approval with -- of the modification of
7 the four requests by petitioner. The first request
8 is to extend the life of the quarry by 15 years to
9 2047 because Makakilo Quarry provides a local source
10 of rock aggregate, concrete, asphalt, and recycling
11 services necessary to support construction
12 activities in West Oahu. OPSD finds this to be
13 desirable to the state.

14 Petitioner estimates that the exhaustion
15 of aggregate in the existing expanded excavation
16 area be about 2047. Because of this and because of
17 petitioner's satisfactory compliance with permit
18 conditions and promises made in 2008, OPSD agrees
19 that the extension to 2047 is reasonable.

20 The third and fourth requests involve
21 processing facilities in upper quarry. Currently,
22 the aggregate has to be transported offsite for
23 processing due to the time sensitive nature of the
24 process for concrete and asphalt and due to the
25 limitations of the special permit on operating

1 hours, so the ability to operate the concrete and
2 asphalt plants in the quarry pit 24 hours a day will
3 negate the need to transport offsite, leading to
4 both reduction in truck traffic on the H1 freeway
5 and to cost savings to both the City and the State,
6 particularly for road work done outside of the
7 current permitting operating hours. OPSD believes
8 that these changes would be beneficial to the state,
9 and that potential impacts have been addressed as
10 discussed by the petitioner.

11 With respect to the second request,
12 reshape the area for resource extraction, OPSD
13 supports that request as well as it will open up a
14 large amount of high quality aggregate. You know,
15 as stated in our written response, OPSD does have
16 concerns regarding the potential impact this change
17 may have involving the final closure grading plans
18 and re-naturalization commitments that were made
19 previously. I'm going to turn it over to Katia
20 Balassiano from OPSD to discuss this in further
21 detail.

22 **MS. BALASSIANO:** Hello.

23 **CHAIRMAN GIOVANNI:** Ms. Balassiano, have I
24 sworn you in yet today?

25 **MS. BALASSIANO:** No, not yet.

1 **CHAIRMAN GIOVANNI:** Okay. Please state
2 your name and affiliation, and then I'll swear you
3 in.

4 **MS. BALASSIANO:** Katia Balassiano, Office
5 of Planning and Sustainable Development.

6 **CHAIRMAN GIOVANNI:** Ms. Balassiano, will
7 your testimony today be the truth?

8 **MS. BALASSIANO:** Yes, it will.

9 **CHAIRMAN GIOVANNI:** Okay. Please proceed.

10 **MS. BALASSIANO:** Thank you. We wanted to
11 speak to revised condition 2, and Mr. Chipchase had
12 shown the proposed language on the screen. We
13 understand the importance of the quarry, and we've
14 heard people today, members of the public, speak
15 about the aesthetics of what it will look like upon
16 closure, and we understand that those same
17 conversations had taken place in 2008.

18 In 2008, there was a finding, number 40,
19 that spoke to screening berm of up to 40 feet at
20 finish grade and extending from the quarry pit
21 access road to an elevation of 725 feet along the
22 northern ridge. A smaller quarry -- a smaller berm
23 between the quarry pit and H1 freeway,
24 naturalization of grades of the former golf course
25 driving range located in the upper valley to

1 replicate conditions that existed prior to the mass
2 grading for the golf course.

3 Item 40 went on to say, post-quarry
4 operations also include the incorporation of final
5 landforms that will have slopes no greater than 75
6 percent, to promote long-term soil retention and
7 landscaping. Under the plan, there are no vertical
8 cuts, horizontal benches, or exposed rocks.

9 So we wish to go back to that 2008 and
10 remind the Commission what representations were made
11 at that point in time that were intended, we
12 believe, to satisfy concerns associated with what
13 the aesthetics of the quarry would look like upon
14 closure. And we believe that the representations
15 made at that time were intended to satisfy guideline
16 number 2 that the proposal would not adversely
17 impact surrounding properties.

18 We do understand that commitment to a
19 regrading plan that has more gentle slopes upon
20 which grass and vegetation could grow is more
21 costly; however, we believe that it is closer to the
22 intention of what had been reached back in 2008 and
23 what we think the community is interested in when
24 they talk about, you know, at this point in time,
25 you know, the carving of the rock wall. An

1 alternative would be to bring that slope back to
2 what it looked like before the quarry was there. So
3 that is why we introduced some changes to condition
4 number 2. Thank you.

5 **MS. KATO:** Additionally, because we are
6 recommending changes to -- that would require
7 changes to the final grading plan, we also -- and
8 this is not included in our written submission, but
9 we recommend modification of the Planning
10 Commission's condition number 1 to extend the six-
11 month deadline to submit a new site plan to one
12 year, and that would be to align the deadline with a
13 revised final closure grading plan and re-
14 naturalization plan. That's all. We are available
15 for any questions. Thank you.

16 **CHAIRMAN GIOVANNI:** Thank you.
17 Mr. Chipchase, do you have any questions
18 or comments?

19 **MR. CHIPCHASE:** Cal Chipchase. No
20 questions, Chair.

21 **CHAIRMAN GIOVANNI:** Thank you.
22 City and County?

23 **MS. SENDAO:** Patricia Sendao. No
24 questions.

25 **CHAIRMAN GIOVANNI:** Thank you.

1 Commissioners, any questions?

2 Commissioner Lee?

3 **COMMISSIONER LEE:** Thank you. For OPSD,
4 what do you think of the petitioner's position that
5 their plan presents a more stable solution for the
6 slope?

7 **MS. BALASSIANO:** I am not an engineer, so
8 I cannot comment directly on the stability of the
9 slope; however, certainly the State would want that
10 slope to be stable and manage storm water and manage
11 erosion.

12 **COMMISSIONER LEE:** Thank you.

13 **CHAIRMAN GIOVANNI:** Thank you.

14 Anybody else? Okay.

15 Thank you.

16 So now it's opportunity for a second round
17 of public testimony based on new information. If
18 you want to testify for a second time today, you
19 should direct it to new information that has been
20 put on the record since you testified the first
21 time. Do we have anybody that wishes to testify at
22 this time?

23 **MS. KWAN:** Double-checking, is anyone
24 interested? We have Dr. Keoni Dudley interested in
25 a second round of public testimony.

1 **CHAIRMAN GIOVANNI:** So Mr. Dudley, please
2 come forward, and while you're doing that I'll just
3 remind you that you're still under oath. Once
4 you're settled, you can proceed. Push the button
5 that says "talk."

6 **DR. DUDLEY:** Okay.

7 **CHAIRMAN GIOVANNI:** There you go. Mr.
8 Dudley, why don't you start over. Start over.

9 **DR. DUDLEY:** Okay. Unfortunately, when
10 the spokesman over here was talking about the
11 quarry, I was not here, so I just caught the very
12 end of it. Let me say, though, that he showed a
13 picture of the back of the quarry from very far
14 away, but -- and it looked like, oh, you can't
15 really see that very well. But if you were to go to
16 Ka Makana Ali'I or come back up the street to where
17 the Kroc Center is, the view of that big wall is
18 just terribly big and ugly, and we're asking that
19 something be done to make it beautiful.

20 You know, it also is said that the quarry,
21 you know, people aren't going to be able to see it,
22 but the quarry work will be over. The quarry will
23 be empty. That could be a beautiful place for
24 tourists to come and look up and to see the carving
25 on the wall. And it could be a big attraction, and

1 it could do an awful lot to put you people down
2 through history, too.

3 You know, as the creators of this thing,
4 there's all kinds of ways to identify yourselves in
5 doing such a thing that will last for thousands of
6 years. So it could be then something for a tourist
7 to see. And it could -- and we want something
8 beautiful. And I appreciate the fact that the
9 people at the end down here were talking about our
10 idea. This is the neighborhood board. This is the
11 people of the area.

12 I do want to say that the Grace Pacific
13 has come to the neighborhood board and, you know,
14 when we first of all discussed this with them, they
15 seemed quite open to it. The second time they came
16 back, they were unwilling to talk about it. And I
17 don't know why that was. I just think they weren't
18 prepared. But if we are given some kind of
19 condition of approval that something has to be done
20 there, and it has to be worked with the neighborhood
21 board, we need that. We're not going to have the
22 chance ever again to do this.

23 I did want to say, too, something was said
24 about the board changes all the time and views will
25 change. That really isn't true. I've been on the

1 board for 25 years. You know, other people can be,
2 too. I think that it's quite possible for the
3 community to work with the quarry folks to have
4 something come up that is absolutely beautiful that
5 will honor the first people of these islands and
6 will last for thousands of years. And I ask you
7 don't pass up this chance, please, to put that
8 requirement in there. Thank you.

9 **CHAIRMAN GIOVANNI:** Thank you. Please
10 stand by.

11 Mr. Chipchase, any questions?

12 **MR. CHIPCHASE:** Cal Chipchase. No
13 questions, Chair.

14 **CHAIRMAN GIOVANNI:** Thank you.
15 City and County?

16 **MS. SENDAO:** Patricia Sendao. No
17 questions.

18 **CHAIRMAN GIOVANNI:** Thank you.
19 OPSD?

20 **MS. KATO:** Alison Kato. No questions.
21 Thank you.

22 **CHAIRMAN GIOVANNI:** Thank you.
23 Commissioners, anything further?

24 **COMMISSIONER KAHELE:** Chair, I got a
25 question.

1 **CHAIRMAN GIOVANNI:** Commissioner Kahele?

2 **COMMISSIONER KAHELE:** So Mr. Dudley, so
3 the neighborhood board, they came out with a
4 resolution establishing a permitted interaction
5 group, you know, I guess to meet with the
6 petitioner, with Grace. So has there been any
7 results in your meetings?

8 **DR. DUDLEY:** Say it again.

9 **COMMISSIONER KAHELE:** Your permitted
10 interaction group that you included in your
11 resolution that you passed at the neighborhood board
12 in '24?

13 **DR. DUDLEY:** Yes.

14 **COMMISSIONER KAHELE:** Has there been any
15 meetings that was established with your group to
16 discuss about your painting or your carvings?

17 **DR. DUDLEY:** No. No. Everything has
18 been done in the regular board meetings. So the
19 interaction group that -- the permitted interaction
20 group has not really ever had a separate meeting at
21 all, no. Nor have we met with Grace Pacific.

22 I think when the Chair wrote the
23 resolution, he wanted to make sure that there was
24 somebody that would work with Grace Pacific on this
25 and that's why it was put in there.

1 **COMMISSIONER KAHELE:** Keoni, just for
2 clarification, the neighborhood board is not against
3 the expansion or the extension. They just want to
4 include a condition to do a painting or do a
5 carving, is that right?

6 **DR. DUDLEY:** Yes. People did come to the
7 neighborhood board and did have real concerns. One
8 party said that their house shakes all the time.
9 Another party said that they can't take the noise at
10 nighttime that they were going to anticipate coming
11 and so forth. But basically, the answer to that was
12 Grace Pacific really does work with the community
13 quite well and will really try to work with the
14 community, and I believe they will.

15 Your question was --

16 **COMMISSIONER KAHELE:** My question
17 basically is the Neighborhood Board 24, the Kapolei
18 Neighborhood Board is not against the project or the
19 extension?

20 **DR. DUDLEY:** No, we are not.

21 **COMMISSIONER KAHELE:** You just want to
22 include that condition?

23 **DR. DUDLEY:** Right. We're just looking to
24 see something beautiful afterwards in 2047.

25 **COMMISSIONER KAHELE:** Thank you.

1 DR. DUDLEY: Thank you.

2 CHAIRMAN GIOVANNI: Commissioners,
3 anything further?

4 Thank you, Mr. Dudley.

5 DR. DUDLEY: Thank you.

6 CHAIRMAN GIOVANNI: Anybody else?

7 MS. KWAN: Was anyone else interested in
8 one last testimony? Final call.

9 I think we're good, Chair.

10 CHAIRMAN GIOVANNI: Thank you.

11 Okay. Last round for comment. I would
12 like to -- let me encourage the parties to speak to
13 this condition 2 issue again because I'm confused by
14 it, and I'm sure other people are as well,
15 especially since I couldn't read it up on the
16 screen, and I couldn't follow your dialogue very
17 well. So to the extent that you could attempt to
18 clarify what the issue is, that would be very
19 helpful.

20 MR. CHIPCHASE: Cal Chipchase. I'll do my
21 best, Chair, and I'll use the first part of my
22 closing to do exactly that. The Planning
23 Commission's proposed condition 2, so as drafted in
24 the Planning Commission's proposed findings of fact,
25 conclusions of law, and decision and order, we

1 believe is correct.

2 The only change that we would submit is
3 necessary to that is a reference in number four in
4 terms of the visual analyses should be five So if
5 the word "four" were changed to "five," the Planning
6 Commission's condition 2 is entirely correct in our
7 view.

8 The OPSD's two substantive changes are
9 restoring a berm to the wider footprint it would
10 occupy under the 2008 approval and to prohibit a
11 grading plan, a final grading plan that allows
12 benching and requires all slopes to be no greater
13 than 75 percent.

14 As Katia explained, entirely accurately,
15 those conditions related to a finding that dealt
16 with visual impact, and so the slope, the absence of
17 benching, and the berm were all related to
18 anticipated visual impacts in 2008. Since then, we
19 have looked at the engineering for the slope, and
20 the best approach for slope stability, for drainage,
21 for access to the material that would be approved
22 through this expansion, both in terms of time and
23 the modified area, and we have concluded that
24 allowing benching creates a more stable slope, is
25 better for drainage, and provides better operational

1 access to material for the quarry operations.

2 We then looked at whether --

3 **CHAIRMAN GIOVANNI:** When you say "we," you
4 mean?

5 **MR. CHIPCHASE:** Grace Pacific --

6 **CHAIRMAN GIOVANNI:** Grace Pacific.

7 **MR. CHIPCHASE:** -- through the consulting
8 engineers Bowers and Kubota, as well as its own
9 operational experience. We then looked at whether
10 that benching would result in an overall slope that
11 is greater than 75 percent. The engineers concluded
12 it does not. It results in a 58 percent overall
13 slope even though individual slopes may exceed 75
14 percent.

15 Then we looked at whether there would be
16 any anticipated visual impact from that -- allowing
17 benching or from that slope ratio. We concluded
18 there is not. And Dr. Dudley referenced one vantage
19 point being from the Kroc Center. That is actually
20 the vantage point that I used in discussing this
21 issue and in discussing the carving with the
22 Commission, so that is the vantage.

23 And it's one of the advantages that all
24 parties, OPSD, the City and County of Honolulu, and
25 Grace Pacific agree is a relevant vantage point from

1 the quarry. So we don't believe that there is any
2 visual impact and that there's substantial both
3 operational and environmental benefits from allowing
4 the benching and from allowing slopes to exceed 75
5 percent as long as the overall slope ratio does not.

6 The second point that OPSD made is the one
7 I referenced with respect to the berm. That is a
8 berm on the Kunia side known as the Kunia Berm. The
9 original or the 2008 proposed mitigation had a wider
10 berm than we proposed through our plan. That wider
11 berm took into account a difference for a shape
12 alignment than we proposed here.

13 It was also the same height as the berm
14 that we propose here, and so having changed the
15 quarry operation and having retained the berm
16 height, we believe that the narrower, not smaller in
17 terms of height, but narrower berm still
18 accomplishes the purpose of Finding 40, protect the
19 public from visual impacts upon closure, while
20 recognizing the slightly modified site, recognizing
21 that now we're leaving an equal amount of area
22 undisturbed as we would propose to disturb through
23 the modified site plan and recognizes, as I showed
24 on the screen, that even without actively vegetating
25 that specific area, the permascape is able to take

1 over when the area is undisturbed and leave it in a
2 green, natural state.

3 We looked at the visual impact through the
4 same studies of the proposed berm, the narrower
5 berm, and concluded, as we showed on the screen,
6 that from those agreed vantage points there is no
7 greater impact visually for the community. And so
8 we find ourselves, with respect to the berm, in a
9 situation where narrowing the berm allows us to
10 disturb less land area. We don't have to make a
11 bigger berm in that area because of the revised
12 grading plan allows us to have 15 acres added,
13 roughly, and 15 acres excluded, essentially, from
14 operational areas without impacting the public in
15 any way.

16 To impose the wider berm, then, would
17 serve no benefit that anyone has identified because
18 the visual impact is the same, would instead require
19 us to disturb more area than we propose, because now
20 we would have to grade and shape that area for the
21 wider berm, and would impose an additional cost of
22 somewhere between 3.5 and in excess of \$5 million
23 without any corresponding benefit.

24 And for those reasons, we've respectfully
25 pushed back against OPSD's proposed condition with

1 respect to berming and ask the Commission not to
2 adopt that but instead adopt the Planning
3 Commission's proposed condition 2 with that one
4 exception, changing the word "four" to "five."

5 Chair, did I do okay explaining the
6 condition?

7 **CHAIRMAN GIOVANNI:** Yeah, good start. So
8 I should conclude. Are you asking me to conclude,
9 or are you suggesting that I conclude from your
10 remarks that what all of the "we conclude, we
11 decide, we evaluated" is consistent with what the
12 City and County has put forth as condition 2 subject
13 to that one correction.

14 **MR. CHIPCHASE:** Yes, Chair. And if there
15 are any further questions on condition 2, I would be
16 happy to address them now or, if you'd like, I can
17 continue with my closing.

18 **CHAIRMAN GIOVANNI:** Continue.

19 **MR. CHIPCHASE:** Very good, Chair.

20 The question of the rockface, and Dr.
21 Dudley testified again and explained, you know,
22 sincerely what his view and the view of the
23 neighborhood ought to be upon closure, and we
24 certainly respect his views and the time that he has
25 invested in this issue and his time to be here

1 today. For the reasons that I explained earlier,
2 including the material is unsuitable for the type of
3 carving that he would envision, as well as the
4 distance and the visibility of any carving of the
5 magnitude that he would envision, we respectfully
6 suggest that that condition is not appropriate.

7 Also, with respect to the process point
8 that I mentioned earlier, again, just touching again
9 on the visual impact, Dr. Dudley referenced the Kroc
10 Center. Again, that is an image that we provided.
11 And as you can see from that study, it would be
12 incredibly difficult to view meaningfully any
13 carving or painting even if the rock surface were
14 suitable for it, which it is not. And so that
15 condition would be, in effect, imposing on Grace
16 something it can't do and it won't benefit anyone.
17 And it may not be what the public, either in that
18 area or in any area in the City and County of
19 Honolulu, want to see in 2047.

20 Hopefully, I won't still be doing this
21 proceeding in 2047 and so --

22 **CHAIRMAN GIOVANNI:** I know I won't be
23 here, but that's okay.

24 **MR. CHIPCHASE:** I would leave those
25 decisions to --

1 **CHAIRMAN GIOVANNI:** Others, yeah.

2 **MR. CHIPCHASE:** -- a future body if they
3 were to change what has historically been required
4 in the grading and closure plans.

5 My last point on closure, Chair and
6 Members, would be to say that you know an applicant
7 from the company it keeps. The company we heard
8 testify today in support of the application,
9 including Dr. Dudley referencing Grace Pacific's
10 commitment to working with the community, is good
11 company.

12 You know an applicant and
13 operator/property owner from the actions it takes.
14 And as you heard from some of the union
15 representatives who testified, Grace Pacific is
16 committed to its community, to its workers, to the
17 area. And you know an applicant and
18 operator/property owner from its reputation. And as
19 you heard today, and as we've experienced in these
20 proceedings, Grace's reputation as an operator, as a
21 neighbor is one of commitment, one of respect, one
22 of access, one of responsibility.

23 And for those reasons and for the
24 conditions that we've proposed as part of this
25 application, we believe that the standards for a

1 special use permit extension or amendment, in this
2 case, have been met, and that it is appropriate to
3 allow Grace to continue operating for an additional
4 15 years so it can access that material, reshape the
5 quarry so it can access that material, to modify the
6 operational hours, as we've requested, to be more
7 efficient, to be more accessible, to be more
8 available for nighttime operations, and to continue
9 to allow concrete batching in the quarry pit. And
10 so we would ask the Commission to agree with the
11 Planning Commission and approve the amendment.

12 Thank you.

13 **CHAIRMAN GIOVANNI:** Thank you.

14 City and County, any questions for the
15 petitioner?

16 **MS. SENDAO:** Patricia Sendao. No
17 questions for petitioner.

18 **CHAIRMAN GIOVANNI:** Thank you.

19 OPSD?

20 **MS. KATO:** Alison Kato. No questions.

21 Thank you.

22 **CHAIRMAN GIOVANNI:** Thank you.

23 Commissioners?

24 Commissioner Lee?

25 **COMMISSIONER LEE:** For the petitioner,

1 just to clarify, on condition 2, other than changing
2 from four to five, the other two items you
3 mentioned, the slope and the benching, and the width
4 of the berm, you agree with the Department of
5 Planning and Permitting or the Planning Commission's
6 conditions or their take on it?

7 **MR. CHIPCHASE:** Cal Chipchase. Yes,
8 Commissioner, I do.

9 **COMMISSIONER LEE:** Okay. Thank you.

10 **CHAIRMAN GIOVANNI:** Thank you.

11 Anybody else?

12 **COMMISSIONER CARR SMITH:** Chair?

13 **CHAIRMAN GIOVANNI:** Commissioner Carr
14 Smith?

15 **COMMISSIONER CARR SMITH:** Thank you.

16 Mr. Chipchase, I'm just trying to
17 understand a little bit. I obviously am not overly
18 familiar with quarry operations. But it seems to me
19 like in a quarry you would extract and make your
20 products, and they would come in and out, and then
21 when it's time to be pow (phonetic), then you grade
22 or do any fine-tuning that you need to do to turn it
23 back over to the community or whatever.

24 So I get confused when you talk about the
25 grading closure plan and the benches, and you say

1 that the benches are helpful because you can access
2 material. So I'm just a little -- so with the
3 benches, it's almost like as you're doing your
4 operations, you're also at the same time planning
5 for the closure grade? Okay.

6 **MR. CHIPCHASE:** Cal Chipchase. That is
7 correct. That is, one, operationally the most
8 efficient way to proceed. It would be
9 extraordinarily difficult to grade without -- or to
10 extract without regard to your final grading plan
11 and the attempt to meet it at the end. If you could
12 even do that, it would be herculean, I think, would
13 be the best way to say it.

14 Also, the other point I would make is that
15 it is the most responsible. The final grading plan
16 is intended to represent what the quarry walls and
17 pit area will look like upon closure. We should be
18 working toward that because that is the most stable,
19 the most respectful of drainage, and the least
20 impactful during the operational period.

21 **COMMISSIONER CARR SMITH:** Thank you for
22 clarifying.

23 **MR. CHIPCHASE:** You're welcome.

24 **CHAIRMAN GIOVANNI:** Anything further?

25 So I have a general question probably for

1 Grace Pacific. And I'm not sure it's subject to
2 this particular matter, but in 2047, this place is
3 going to be closed. Let's just make that
4 assumption. But yet, there's still demand for
5 aggregate in high quantity in the state. What's the
6 future look like? Is it other new quarries or are
7 other quarries expanding? What's the game plan
8 beyond 2047? I don't think it's importing aggregate
9 from outside the state unless we have to. But is
10 that the plan?

11 **MR. CHIPCHASE:** Cal Chipchase.

12 Scott, are you able to generally address
13 Chair's question?

14 **MR. KOMATSU:** I think so. Scott Komatsu.
15 Yes, definitely in 2047, part of why we asked for
16 that extension, we think that's what -- based on the
17 material we have there now, that's how long it will
18 -- you know, how long it will last and to continuing
19 to provide.

20 To answer your question, there's multiple
21 possibilities what we want to do with the property
22 at the end. You know, we have some options based on
23 our permit. One of them definitely would be the
24 most expensive, the biggest impact to the state of
25 Hawaii and the economy is if we import. 2008,

1 around there, we had a big delay in getting our
2 extension, so we actually imported, and it nearly
3 tripled the cost to do business for what we do on
4 the asphalt and construction aggregate side of it.

5 The other option is, of course, continuing
6 the quarry. You know, it's being going on since
7 1971. We're still really far from all the
8 neighbors, but you know, that's just options that we
9 think we might have in 2047.

10 **CHAIRMAN GIOVANNI:** But the representation
11 was that you would exhaust the aggregate at this
12 particular location in 2047.

13 **MR. KOMATSU:** That we would exhaust the
14 aggregate in the permitted areas that we can extract
15 and excavate. Like for example, I think we have
16 approximately 200 acres where we operate our quarry.
17 The area that encompasses what Grace Pacific owns is
18 about 550 acres, around there.

19 **CHAIRMAN GIOVANNI:** Okay. So this is a
20 little different than what I thought so my -- based
21 on the presentations, my takeaway -- and the
22 evidence in the record -- was that once we -- 2047
23 comes, there's no more aggregate to be acquired from
24 this site.

25 **MR. KOMATSU:** Unfortunately, we don't know

1 that right now. We have to do studies and do
2 additional borings and --

3 **CHAIRMAN GIOVANNI:** Well, you've got 300
4 more acres to potentially be new quarry?

5 **MR. KOMATSU:** Yeah, but it's put --
6 unfortunately, we need A grade aggregate. A grade
7 aggregates is what's used in concrete and asphalt.
8 So although there will be rock, if you don't have
9 that high quality rock, it won't be useful as a
10 quarry, so you know, and that's why right now we
11 can't -- you know, it takes half a million dollars
12 to do that study, so we're not in the process of
13 doing that yet. So right now our options are kind
14 of open for what we're going to do in 2047.

15 **CHAIRMAN GIOVANNI:** But the possibility
16 exists you'll come back to the City and County and
17 the Land Use Commission and ask for new acreage to
18 be put into quarry. That's a potential option?

19 **MR. KOMATSU:** I want to say yes, that's
20 one possibility.

21 **CHAIRMAN GIOVANNI:** Okay. I understand.
22 Thank you.

23 **MR. KOMATSU:** Thanks.

24 **CHAIRMAN GIOVANNI:** Okay. I'm going to
25 ask -- no more questions? No? Sure. You're still

1 under oath.

2 **MR. KOMATSU:** Yeah, I'm still under oath.
3 Scott Komatsu. One of the things, you know, for --
4 you know, I was born and raised, I've been working
5 for Grace Pacific for 35 years now, so we love the
6 community. We understand the issues with our
7 natural limited resource. The quarry rock is a
8 natural limited resource, so we're one of very few
9 companies that do recycling.

10 You know, we recycle concrete. We
11 recycled hot mix asphalt, the millings from the road
12 when we pave, and we make construction aggregates
13 out of it. In the last four to five years we had
14 huge strides with the state of Hawaii where they
15 finally put it in -- they helped us out and they put
16 it into the specs so we can use it in all state
17 projects now. And because of that, it dramatically
18 increase the longevity of the quarry. So you know,
19 that's another one that -- you know, I might come
20 here and say I need another five more years even
21 without expanding yet, but recycling diverts waste
22 from the landfills and it also get much better
23 carbon footprint and, of course, expands the limited
24 resource that we have in aggregates.

25 Sorry about that. Thank you.

1 **CHAIRMAN GIOVANNI:** No. Thank you.

2 Okay. Go to the City and County, and I'd
3 like you to also address and confirm the
4 representations by the petitioner about regarding
5 condition 2.

6 **MS. SENDAO:** Patricia Sendao. Again, the
7 City and County and Department of Planning and
8 Permitting still respectfully requests and
9 recommends that the Land Use Commission adopt the
10 Planning Commission's findings of fact, conclusions
11 of law, and decision and order dated May 29th, 2024,
12 with the conditions as approved by the Planning
13 Commission.

14 We'll break this down the same way
15 petitioner did with respect to OPSD's proposed
16 condition 2, and we'll start with the typographical
17 issues, I'll describe it. We concur that changing
18 the number of lines of site from four to five more
19 accurately represents the findings of fact and have
20 no issue with naming the lines of site specifically
21 by name, as OPSD did.

22 On the substantive conditions, we
23 recommend the Planning Commission's condition number
24 2 as they proposed it because they made extensive
25 findings and are more closely aligns with the 2008 D

1 and 0 and as a mitigation to the various potential
2 impacts from the project for these four proposed
3 amendments to the special use permit. I'm available
4 for any questions from the commissioners. Thank
5 you.

6 **CHAIRMAN GIOVANNI:** Thank you.

7 Mr. Chipchase, anything?

8 **MR. CHIPCHASE:** Cal Chipchase. Chair, no
9 questions.

10 **CHAIRMAN GIOVANNI:** Ms. Kato?

11 **MS. KATO:** Alison Kato. No questions.

12 Thank you.

13 **CHAIRMAN GIOVANNI:** Thank you.

14 Commissioners?

15 Thank you very much.

16 Ms. Kato?

17 **MS. KATO:** Alison Kato. I just wanted to
18 state it, I guess, a little more simply what the
19 difference is for the Commissioners. Basically, in
20 2008, the final closure grading plan proposed a
21 gradual vegetated slope with a wide berm,
22 presumably, to address -- we assumed to address
23 community concerns regarding aesthetics.

24 And in connection with this application,
25 petitioner has a revised closure grading plan that

1 narrows the berm and introduces benches, which would
2 have vertical slopes between the benches. So our
3 recommended revisions to condition 2 are based on
4 this. Petitioner's position is based more on other
5 considerations such as cost. So that's the basic
6 difference.

7 So we still recommend our proposed
8 revisions to condition 2. The decision is up to the
9 Commissioners' discretion. Thank you.

10 **CHAIRMAN GIOVANNI:** Thank you.

11 Mr. Chipchase?

12 **MR. CHIPCHASE:** Cal Chipchase. No
13 questions, Chair.

14 **CHAIRMAN GIOVANNI:** City and County?

15 **MS. SENDAO:** Patricia Sendao. No
16 questions.

17 **CHAIRMAN GIOVANNI:** Thank you.

18 Commissioners?

19 So Mr. Chipchase, she said that the only
20 reason you didn't -- that you went to the benching
21 as opposed to the gradual slope was cost. But I
22 heard that there was a very different reason
23 additionally, and that was -- and maybe Scott can
24 address it. It had to do with how you operate, but
25 the benching facilitates a more efficient operation,

1 is that correct?

2 **MR. CHIPCHASE:** That is correct, and Scott
3 can confirm that and Scott was with me when we spoke
4 to the engineers yesterday, and so perhaps you can
5 address slope stability and drainage as well. And
6 if we need to call the engineer up, we can do that,
7 too.

8 **CHAIRMAN GIOVANNI:** Yeah. What I'm
9 looking for is non-cost reasons why the alternative
10 that you're proposing now, as opposed to what was
11 interpreted in 2008, why it make sense.

12 **MR. CHIPCHASE:** Understood, Chair.

13 **MR. KOMATSU:** Scott Komatsu. So she kind
14 of said it herself where we cannot -- we're not just
15 mining. We have to create access. We create
16 benches. And our goal is to achieve our final
17 grading plan at the end of 2047.

18 To do so -- to do it in, you know, just
19 maximum 75 percent slope would make the operation
20 extremely inefficient, but you know, what Cal
21 mentioned also is that these benches -- when you
22 have sloping, you know, just continuous slopes,
23 water hits it. It picks up speed, and it just
24 creates erosion. And it's not as -- you know, back
25 in the day, we didn't think about storm water that

1 much. So versus a bench, and these benches are
2 wide, the water hits it. It has time to percolate,
3 and it's a much more efficient method of drainage
4 for even at the end in 2047.

5 Did I miss something?

6 **MR. CHIPCHASE:** Slope stability?

7 **MR. KOMATSU:** Oh, yeah. Slope stability.
8 You know, the rock that we have there, you know,
9 Bowers and Kubota probably can be better to explain
10 it, but it's definitely not an issue to have these -
11 - I mean, it's more sturdy, I guess you can say, to
12 have these bench faces than to have just the slopes,
13 and mainly because, like I said, of rain, you know,
14 big rain events or erosion.

15 **CHAIRMAN GIOVANNI:** So a little bit
16 different question. So the -- this bench face
17 structure that you're talking about, is that the
18 same face that Mr. Dudley is talking about for the
19 carving?

20 **MR. KOMATSU:** Benches is just essentially
21 access areas that where we can drill and blast and
22 create new materials, feed materials --

23 **CHAIRMAN GIOVANNI:** Into the microphone.

24 **MR. KOMATSU:** I'm sorry, that creates feed
25 material. I'm sorry, what was your question again

1 on that?

2 **CHAIRMAN GIOVANNI:** Are we talking about -
3 - you guys are both using the word "face."

4 **MR. KOMATSU:** Yeah.

5 **CHAIRMAN GIOVANNI:** You're using it to
6 describe the -- it's not a uniform slope. It's a
7 benched staggered slope, and Mr. Dudley's talking
8 about a face to put a carving there. Are we talking
9 about the same face?

10 **MR. KOMATSU:** Yeah. So -- and I
11 understand it can be extremely difficult to see it
12 from far away, but our rock face now is not just one
13 tall face like you guys see at Manoa parking
14 structure. Like that one is huge, you know -- ours
15 is stepped down to different benches, and that's
16 part of -- also, it's a big safety issue. Mines --
17 OSHA and -- MSHA is what regulates Grace Pacific's
18 quarry, and that's like literally OSHA on steroids.
19 Their level of what we got to do and how we do
20 things is -- and they come -- they don't come when
21 there's accidents. They come inspect us three,
22 four, five times a year, and you know, part of these
23 benches and stuff, it's require to be -- to mine
24 safely.

25 **CHAIRMAN GIOVANNI:** Okay. Thank you.

1 Commissioner Lee?

2 **COMMISSIONER LEE:** Mr. Komatsu, can you
3 tell us how many benches would be on the face and
4 about how wide they might be?

5 **MR. KOMATSU:** You mean at the end of the -
6 -

7 **COMMISSIONER LEE:** Right, at closure.

8 **MR. KOMATSU:** I did not study the final
9 closure grading plan, so I don't have the answer to
10 that.

11 **MR. CHIPCHASE:** Scott, am I right that the
12 benches are about -- this is Cal Chipchase. Am I
13 right the benches are about 15 feet?

14 **MR. KOMATSU:** Yes, yes, correct.

15 **MR. CHIPCHASE:** 15 feet wide. So we can
16 at least answer that. I don't know, Commissioner,
17 the answer to the question how many benches would be
18 in the final grading plan. We can take a moment and
19 try to find that out if you'd like.

20 **CHAIRMAN GIOVANNI:** No, that's okay. Or
21 do you want them to pursue it?

22 **COMMISSIONER LEE:** Yeah.

23 **MR. CHIPCHASE:** Oh, I think Scott got an
24 answer.

25 **MR. KOMATSU:** Our president mentioned that

1 it could be like four to five benches, you know,
2 from top to the bottom, yeah. It does change -- you
3 know, the highest point in our quarry is like 800
4 feet, and it goes down to like 300, 400 feet, yeah.

5 **CHAIRMAN GIOVANNI:** So just to be clear,
6 when you use the word "final" or like "final closing
7 plan" or "final landscape plan," that's with the
8 assumption you're actually going to close in 2047,
9 but if you explore options and decide to come back
10 for more, you're not going to close -- it's not
11 going to be final in 2047, is that correct?

12 **MR. CHIPCHASE:** I'll field that, Chair.
13 Cal Chipchase. So as I mentioned in my
14 presentation, the current best study we have is
15 that's when we exhaust the material. If through
16 recycling efforts or through other studies it is --
17 there's more material that is available to meet
18 Oahu's needs, then we would need to come back
19 through the same process and we would develop a new
20 final closure plan based on any revised quarry
21 operations plan that we would propose.

22 **CHAIRMAN GIOVANNI:** Okay.

23 Mr. U'u?

24 **COMMISSIONER U'U:** Yeah. Just a comment
25 on the benching. I think that OP -- for myself, the

1 safety standard that I think should be included in B
2 and Ps if that's the case. It should be -- I think
3 the benching is for safety for the workers, for
4 runoff, all of those matters, but to me, it should
5 be placed in best managed practices as part of
6 condition, not a condition but part of as the safety
7 guidelines that we see all the times that we deal
8 with D and Ps, right? I think this -- I don't think
9 the cost -- for me, it's not a cost issue. It's
10 safety standard, and -- and as you see all the
11 members working, that's a safety platform that they
12 got, so I would not want to risk helping safety over
13 anything else. And I think the bench is -- the
14 benchmarks brings that safety part to -- for our own
15 people, so thank you for that.

16 **CHAIRMAN GIOVANNI:** Thank you.

17 **COMMISSIONER U'U:** I think it should be a
18 part of B and Ps for clarity, if possible. Not at
19 this time. I just -- for use in the future.

20 **CHAIRMAN GIOVANNI:** Okay. Thank you.

21 Anything further?

22 Okay. I'm going to take a five-minute
23 break, and we'll come back in five minutes and go in
24 deliberations. So return at 11:22.

25 **(A recess was taken from 11:17 a.m. to**

1 **11:27 a.m.)**

2 **CHAIRMAN GIOVANNI:** Okay. 11:27, we're
3 back on the record.

4 So we will commence with deliberations on
5 this matter. These are public deliberations. Just
6 a quick reminder this application is to amend
7 conditions of approval for the Makakilo Quarry,
8 extend the life to 2047, reshape the area, expand
9 the operating hours, and to make -- to get clarity
10 that the ready-mix concrete permit may operate
11 onsite.

12 There's also some question about condition
13 number 2 or the amendment of that condition number
14 2, and it's been stipulated between the County and
15 the Petitioner of a form of that condition that has
16 also been stated by the State that they disagree
17 with that, and they ask us to change it back to what
18 existed in 2008 or something to that effect.

19 So Commissioners, what's your pleasure?

20 **COMMISSIONER KAHELE:** You know, Chair, I
21 got to, you know -- I listened to all of the
22 testimony. I read most of the testimony that was
23 either in writing or was submitted. I've heard Mr.
24 Dudley that sits on the neighborhood board, has been
25 there for 25, 26 years. He's an icon there. I've

1 sat on many of the neighborhood board meetings.

2 I -- I basically am very interested in
3 what the statements that the petitioner have stated,
4 Scott, and I -- I am kind of like interested in the
5 operation of the ready-mix concrete plant that
6 they're including in their permit. With the city's
7 sustainability plan that I believe they are looking
8 at 27 to 34 percent of Honolulu's population living
9 on the west side of the island, I believe it would
10 be beneficial to us that live on the west side of
11 the island and to the city with all of the homes and
12 all of the construction that they're looking at
13 building there on the west side of the island and in
14 the Kapolei plains.

15 I believe with the support of our current
16 representative, Representative Kanani Souza who's
17 also inquired about conditions regarding the
18 emergency access which the company has currently
19 agreed on.

20 I'm going to make a motion that we accept
21 the petitioner's application.

22 **CHAIRMAN GIOVANNI:** That we approve it?

23 **COMMISSIONER KAHELE:** We approve it.

24 **CHAIRMAN GIOVANNI:** Is your motion to
25 approve it as conditioned with -- from the Planning

1 Commission, meaning relative to condition number 2?

2 **COMMISSIONER KAHELE:** Well, if condition
3 number 2 is going to be required and if they're
4 going to be using the old condition, I don't see a
5 problem with -- I actually don't see a problem with
6 that.

7 **CHAIRMAN GIOVANNI:** I'm a little confused.
8 So the petitioner has stated they're in agreement
9 with the conclusion of the city and county Planning
10 Commission for the language of condition 2 and vice
11 versa.

12 **COMMISSIONER KAHELE:** Yes. That would
13 include condition number 2.

14 **CHAIRMAN GIOVANNI:** Is that the one you
15 are in --

16 **COMMISSIONER KAHELE:** Yes, that's the one
17 I'm referring to.

18 **CHAIRMAN GIOVANNI:** Okay.
19 Do I have a second to that motion?
20 Commissioner Lee?

21 **COMMISSIONER LEE:** Chair, I just wanted to
22 clarify. So the motion is to approve the
23 petitioner's application to amend on the conditions
24 of approval in accordance with the Honolulu Planning
25 Commission and correcting the --

1 **CHAIRMAN GIOVANNI:** Four to five.

2 **COMMISSIONER LEE:** -- four to five public
3 site lines. Is that your motion?

4 **CHAIRMAN GIOVANNI:** Yes.

5 **COMMISSIONER LEE:** -- Mr. Kahele?

6 **COMMISSIONER KAHELE:** Yes, yes.

7 **COMMISSIONER LEE:** Okay. I will second
8 that motion.

9 **CHAIRMAN GIOVANNI:** So the motion is moved
10 by Commissioner Kahele and seconded by Commissioner
11 Lee.

12 So Commissioner Kahele, I think you kind
13 of spoke in favor of your motion before you actually
14 made it, but do you have any additional commentary
15 you'd like to make?

16 **COMMISSIONER KAHELE:** Well, I'm -- I'm
17 only assuming with all the testimony that came out
18 that Grace Pacific has been a good neighbor. I
19 believe with all the construction projects as coming
20 out with all of the employment opportunities, with
21 all of the employees that they currently are
22 employed there at Grace Pacific, it's not only going
23 to be economically beneficial to the state but for
24 all of the monies that they're going to be
25 generating in revenues for the city and for the

1 state in taxes, and, of course, the 200-plus
2 operators/engineers that's currently working there,
3 I think it's going to be beneficial to labor and
4 beneficial to the state, and it's going to be
5 beneficial to the community.

6 **CHAIRMAN GIOVANNI:** Thank you.

7 Commissioner Lee, would you like to speak
8 to your second?

9 **COMMISSIONER LEE:** Thank you, Chair.

10 Yeah. I'm going to support this because although I
11 understand what OPSD is saying, if I go by the
12 lovely slide on page 26, things look actually much
13 better than they are currently. And benching is an
14 important safety thing for construction. And absent
15 any other reasoning, except from the engineers and
16 their assertion that it's more stable and safer, I
17 have to go along with that.

18 And as far as the community on the west
19 side, point taken about how everything is done on
20 that side that's detrimental and supports the rest
21 of the island, but Waimanalo Gulch will close. PVT
22 Land is not going to get their extension right now.
23 And something like that which is a public good which
24 you're looking for, I think that should be done with
25 the cost and the resources of the -- of the City and

1 County of Honolulu to provide something that will
2 benefit the community. And it shouldn't be imposed
3 on a private business to do something like that, not
4 to say it's not worthy, but I think it's more
5 appropriate for the legislators and the councilmen
6 to decide and to fund that for the rest of the
7 community. And so I will be supporting this motion.
8 Thank you.

9 **CHAIRMAN GIOVANNI:** Thank you,
10 Commissioner.

11 Commissioners, anybody else want to speak
12 to the motion?

13 Commissioner Carr Smith?

14 **COMMISSIONER CARR SMITH:** Thank you,
15 Chair. I'll be supporting the motion. I have great
16 respect for OPSD's wishes for the land to be
17 returned to the way it was found, and hopefully,
18 that will be taken into consideration when it
19 reaches that stage. But I also feel like the
20 petitioner's intentions, both in terms of safety and
21 the finished product, are sincere, and it's a long
22 time from now, so I support the motion. Thank you.

23 **CHAIRMAN GIOVANNI:** Thank you. Anybody
24 else?

25 **COMMISSIONER YAMANE:** Mr. Chair?

1 **CHAIRMAN GIOVANNI:** Commissioner Yamane?

2 **COMMISSIONER YAMANE:** Thank you, Mr.

3 Chair.

4 I also will be supporting the motion. I
5 want to thank the petitioners. I thought your
6 presentation was very well organized and appreciated
7 that it made it a lot easier for me to understand.
8 I also want to resonate with Commissioner Kahele.
9 Listening to -- he's here. You know, I'm from Kauai
10 so -- but I need to rely on the Oahu people to tell
11 me what they're hearing and what they're seeing. So
12 for those reason, I'll be supporting this motion.

13 Thank you, Mr. Chair.

14 **CHAIRMAN GIOVANNI:** Thank you.

15 Anybody else? So the Chair will also
16 support the motion. I want to commend Grace Pacific
17 for being a good industrial partner of the
18 community, doing great work with a consciousness of
19 what it means to be a good neighbor.

20 It's an industrial enterprise. It's a
21 critical and needed industrial enterprise. I still
22 hate the thought of having to import aggregate from
23 3,000 miles away to meet our growing needs.

24 I also had a takeaway. Maybe it was
25 accurate, maybe mistaken, but I think there's been a

1 lot of engineering going on in the last several
2 years. I heard the reference to the firm Bowers and
3 Kubota. I've worked with them previously, and on
4 many occasions they did great work. I trust them.

5 So I think things are being done properly
6 and well and I think it's a very reasonable ask to
7 modify with -- as stated. And I agree with I am
8 respectful of the intent of where OPSD is coming
9 from on condition number 2. You're looking down the
10 road, and you're looking at what it's going to look
11 like if and when, and you don't want -- you don't
12 want it to look like an industrial mess. You want
13 it to look good.

14 And at the same time, I think that there
15 has been care put into that consideration. Again, I
16 reference the engineering that's been done. And I
17 also -- if you agree with Commissioner U'u, if you
18 stack up the important criteria, you always put
19 safety number one. If you're telling me that safety
20 is a major consideration for the approach you're
21 taking with the benching, then that sells it for me.
22 So thank you for that.

23 So Commissioners, last round, any comment?

24 **COMMISSIONER KAHELE:** You know, I have one
25 more.

1 **CHAIRMAN GIOVANNI:** Okay. Commissioner
2 Kahele.

3 **COMMISSIONER KAHELE:** You know --

4 **CHAIRMAN GIOVANNI:** You're doing a Columbo
5 on me.

6 **COMMISSIONER KAHELE:** You know, it's a
7 request, Scott. You know, maybe in the future you
8 can possibly sit with Mr. Dudley and some other
9 members of the Kapolei Neighborhood Board and see
10 what you guys can do to try to maybe look at
11 beautifying the place besides, you know, doing a
12 carving. You know, I don't know, maybe trees would
13 do. I don't know. Mr. Dudley probably has a
14 thousand ideas. But anyway, just a request. Thank
15 you.

16 **MR. CHIPCHASE:** Chair, if you'll indulge
17 me. Cal Chipchase.

18 So Commissioner, I had an opportunity to
19 sit with Dr. Dudley in the recess and I actually
20 committed Scott to doing that, to sitting down with
21 Dr. Dudley. He didn't know that until now, but we
22 certainly understand the request, and we'll make it
23 happen.

24 **COMMISSIONER KAHELE:** Yeah. Please follow
25 through with that. That's a great suggestion,

1 Commissioner Kahele.

2 Mr. Orodenker, please take a roll call
3 vote.

4 **MR. ORODENKER:** Thank you, Mr. Chair. The
5 motion is to approve the petitioner's application to
6 amend with the conditions as proposed by the
7 Planning Commission, with the exception of a change
8 from four to five in condition 2.

9 Commissioner Kahele?

10 **COMMISSIONER KAHELE:** (Inaudible.)

11 **MR. ORODENKER:** Commissioner Lee?

12 **COMMISSIONER LEE:** Aye.

13 **MR. ORODENKER:** Commissioner Miyasato?

14 **COMMISSIONER MIYASATO:** Aye.

15 **MR. ORODENKER:** Commissioner U'u?

16 **COMMISSIONER U'U:** Aye.

17 **MR. ORODENKER:** Commissioner Yamane?

18 **COMMISSIONER YAMANE:** Aye.

19 **MR. ORODENKER:** Commissioner Carr Smith?

20 **COMMISSIONER CARR SMITH:** Aye.

21 **MR. ORODENKER:** Commissioner Hayashida has
22 recused himself, and Commissioner Kamakea-Ohelo has
23 -- is excused.

24 Chair Giovanni?

25 **CHAIRMAN GIOVANNI:** Aye.

1 **MR. ORODENKER:** Thank you, Mr. Chair. The
2 motion passes unanimously.

3 **CHAIRMAN GIOVANNI:** Thank you.

4 And thanks to the parties for your work.
5 Appreciate it.

6 **MR. CHIPCHASE:** Thank you, Chair, and
7 thank you, Members. Appreciate it very much.

8 **CHAIRMAN GIOVANNI:** So that concludes our
9 scheduled elements of our meeting.

10 Commissioners, do you have any further
11 business you want to bring up? Hearing none, this
12 meeting is adjourned.

13 **(The Hawaii LUC meeting adjourned at 11:40**
14 **a.m.)**

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CERTIFICATE

I, Jodi Dean do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 26th day of August, 2024.

A handwritten signature in black ink, appearing to be 'Jodi Dean', is written over a horizontal line.

Jodi Dean