Lectures
Jan 15 - Apr 29
(Apr 6)

SP73-150 - H. C. & D., LTD. (MOLOKAI)

May 10, 1973

Mr. E. D. Cheeley, Manager
Concrete Industries Division
H. C. & D., Ltd.
P. O. Box 190
Honolulu, Hawaii 96810

Dear Mr. Cheeley:

As requested, attached is a Land Use District Map for the Kaluakoi area in Molokai.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl. - Map

May 7, 1973

Mr. E. D. Cheeley, Manager
Concrete Industries Division
H. C. & D., Ltd.
P. O. Box 190
Honolulu, Hawaii 96810

Dear Mr. Cheeley:

The original of the attached letter approving your special permit (SP73-150) to allow the operation of a quarry within the Agricultural District on approximately 340 acres of land situated at Kaluakoi, West Molokai, identifiable by Tax Map Key 5-1-02: portion of 1; subject to the conditions set forth by the Maui Planning Commission, and also subject to the additional conditions that the quarrying operation be conducted at a minimum of 300 feet mauka of the shoreline and in no instance should it encroach into the Conservation District, and that any extensions of the special permit (under condition #8) must also be approved by the Land Use Commission; is on file in the office of the Planning Department, County of Maui, 200 South High Street, Wailuku, Maui.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encls.

May 7, 1973

Maui Planning Commission
200 South High Street
Wailuku, Maui 96793

Attention: Mr. Howard Nakamura
Planning Director

Gentlemen:

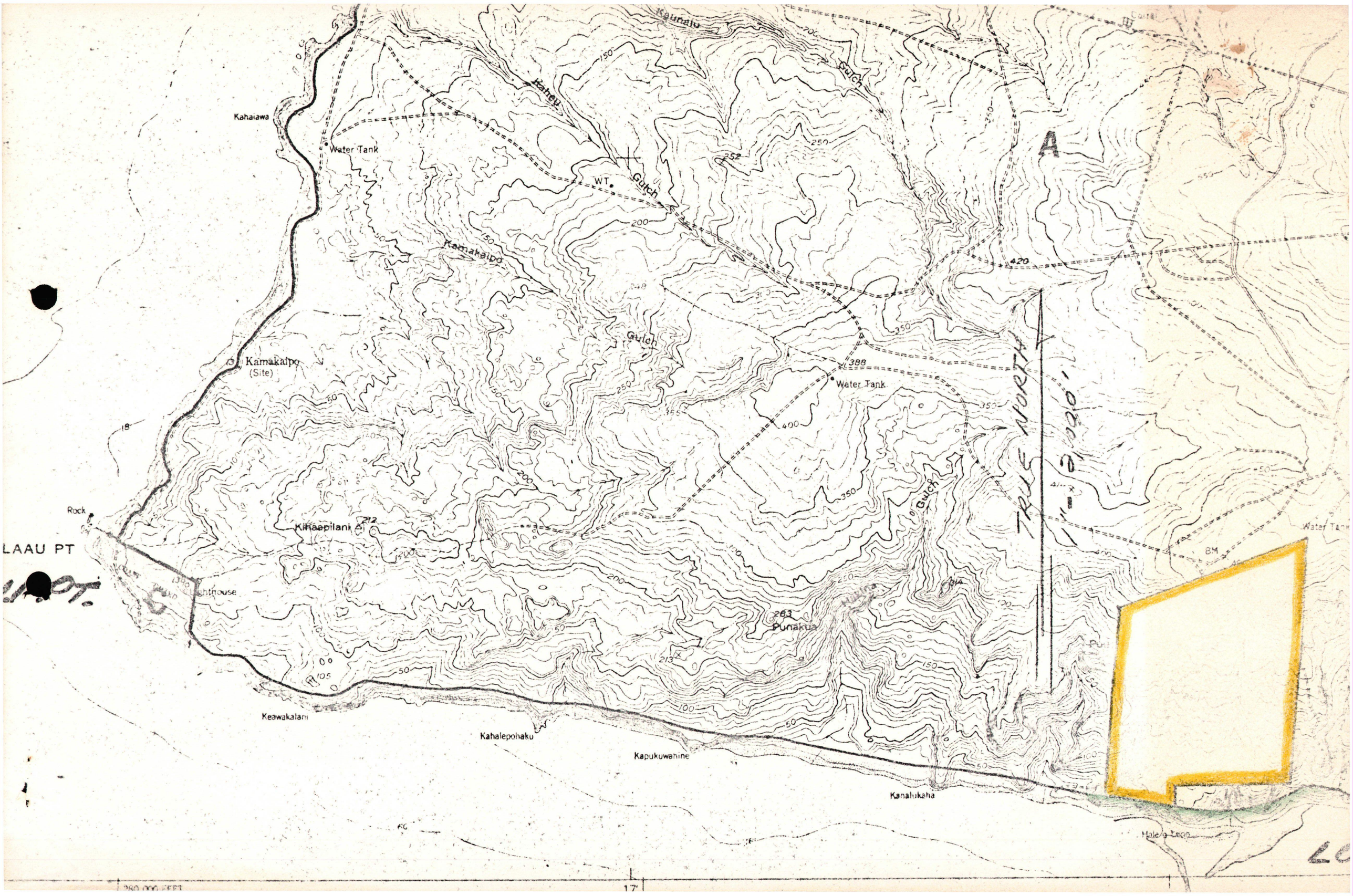
At its meeting on May 4, 1973, the Land Use Commission voted to approve a special permit to H. C. & D., Ltd. (SP73-150) to allow the operation of a quarry within the Agricultural District on approximately 340 acres of land situated at Kaluakoi, West Molokai, identifiable by Tax Map Key 5-1-02: portion of 1; subject to the conditions set forth by the Maui Planning Commission, and also subject to the additional conditions that the quarrying operation be conducted at a minimum of 300 feet mauka of the shoreline and in no instance should it encroach into the Conservation District, and that any extensions of the special permit (under condition #8) must also be approved by the Land Use Commission.

A copy of the staff report is enclosed for your information.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encls.
cc: H. C. & D., Ltd.
Dept. of Taxation, Maui
Property Technical Office, Dept. of Taxation
Tax Maps Recorder, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation



Kahaiawa
Water Tank
Kaheu
Gulch
WT
Kamakaipo
Kamakaipo
(Site)
Water Tank
Rock
LAAU PT
Kihaapilani
Punakua
Keawakalani
Kahalepohaku
Kapukuwahine
Kanalukaha
A
TRUE NORTH

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

May 4, 1973 - 1:00 p.m.

Molokai Community Center
Kaunakakai, Molokai

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Alexander Napier
Sunao Kido
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Approved
AUG 3 1973

COMMISSIONER ABSENT: Shelley M. Mark

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Benjamin Matsubara, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Persons testifying today were duly sworn in by Chairman Inaba.

ACTION

APPLICATION BY T. T. MEYER, INC. (SP73-148) FOR A SPECIAL PERMIT TO QUARRY CINDERS AND ROCK IN THE AGRICULTURAL DISTRICT AT KAPUAOKOOLAU, MOLOKAI

Mr. Ah Sung Leong, Planner, read the staff memorandum recommending approval of the special permit subject to the conditions imposed by the Maui Planning Commission, and with respect to condition #4, that any extension request also be approved by the Land Use Commission (see copy of report on file).

It was reported by Mr. Leong that, since the writing of this report, a letter had been received from the Maui Department of Water Supply regarding the subject special permit and the other two applications on today's agenda (H.C. & D., Ltd. and R & M Service Co., Ltd.), stating that the department had no objections to the subject requests. He also acknowledged the receipt of a letter from Life of the Land, dated May 3, 1973, requesting that

T. T. Meyer, Inc. and H.C. & D., Ltd. prepare an environmental impact statement, that the Land Use Commission defer a decision until an E.I.S. has been approved, and that the special permit applications be denied if the deferral is not granted.

Mr. Fujimoto, Executive Officer, advised that similar requests for an environmental impact statement had been received by the Land Use Commission in the past. However, in an informal opinion, the Attorney General's Office had advised that the Executive Order did not apply to private developments on privately owned lands.

Commissioner Kido raised a question regarding the source of water for the operation. Mr. Meyer replied that it would be supplied from their own well located on the upper side of their property.

Commissioner Yamamura moved that the special permit be approved as recommended by staff. It was seconded by Commissioner Sakahashi and unanimously passed.

APPLICATION BY H.C. & D., LTD. (SP73-150) FOR A SPECIAL PERMIT TO OPERATE A QUARRY IN THE AGRICULTURAL DISTRICT AT HALE O LONO, WEST MOLOKAI

It was the staff's recommendation that the special permit be approved, subject to the conditions imposed by the Maui County Planning Commission and the two additional conditions imposed by staff (see copy of report on file).

Mr. Emmet Cheeley, Manager of the concrete division of H.C. & D., advised that there is an existing road on the shoreline which is the access to the harbor and the quarry will be situated on the mauka side of the 300 foot level.

Commissioner Kido observed that 300 feet mauka of the shoreline was designated within the Conservation District. Mr. Leong advised that the Conservation District varied in depth, depending upon the shoreline configuration and therefore staff was recommending that the operation be restricted within the Agricultural District.

Commissioner Wung requested a clarification of the rationale for the substantial 340 acres involved in the request. Mr. Cheeley explained that back in 1958, they had explored the area extensively for rock deposits and had reached an agreement with Molokai Ranch to quarry the area sometime in the future. In 1966, in another agreement, a lesser area had been delineated for the quarry operation. It was their intention to mine small areas at a time and move on to another location within the 340 acres. Mr. Cheeley

submitted that the petitioner will be responsible for returning the excavated area to a state that will be acceptable to the Maui Planning Commission, as stipulated in condition #4 of its recommendation for approval of the special permit.

Commissioner Yamamura wondered whether additional employment will be created by the mining operation. Mr. Cheeley replied that this would depend on the rate of development on West Molokai but that he could foresee employment of at least 5 to 10 people for the quarry and concrete plant.

Vice Chairman Tangen noted, for the record, that the letter from Life of the Land also had reference to the instant special permit.

Commissioner Napier moved to approve the special permit as recommended by staff, which was seconded by Commissioner Sakahashi, and unanimously carried.

APPLICATION BY R & M SERVICE CO., INC. (SP73-151) FOR A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A CONCRETE HOLLOW TILE PLANT IN THE AGRICULTURAL DISTRICT AT WAIKAPU, MAUI

A recommendation for approval of this request as conditioned by the Maui Planning Commission was made in the staff memo presented by Mr. Fujimoto (see copy of report on file).

Mr. Fujimoto concurred with Commissioner Sakahashi that, as in the case of the two previous special permits, staff would like to recommend that any extension of time, under condition #6 stipulated by the Maui Planning Commission, also be subject to the approval of the Land Use Commission.

Commissioner Yamamura moved to approve the special permit as recommended by staff, which was seconded by Commissioner Sakahashi and unanimously passed.

ADOPTION OF MINUTES

Commissioner Sakahashi moved to adopt the minutes of November 10, 1972, February 16, 1973 (1:00 p.m.) and February 16, 1973 (7:30 p.m.) as circulated, which was seconded by Commissioner Yamamura and carried.

Since there was no further business, the meeting was adjourned.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP73-150 - HC&D, LTD. DATE May 4, 1973

PLACE Molokai Community Center TIME 1:00 p.m.
Kaunakakai, Molokai

NAME	YES	NO	ABSTAIN	ABSENT
KIDO, SUNAO	✓			
SAKAHASHI, STAN	✓			
WUNG, LESLIE	✓			
YAMAMURA, TANJI	✓			
NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
MARK, SHELLEY				✓
INABA, GORO	✓			

Comments: I move that the special permit be approved as recommended by staff.

3671

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P. O. BOX 1109
WAILUKU, MAUI, HAWAII 96793

RECEIVED
MAY 3 1973
State of Hawaii
LAND USE COMMISSION

April 30, 1973

Mr. Tatsuo Fujimoto, Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

Subject: (1) SP73-148 - T.T. Meyer, Inc., Kapuaokoolau, Molokai
(2) SP73-150 - H. C. & D, Ltd., Hale O Lono, West Molokai
(3) SP73-151 - R & M Service Company, Ltd., Waikapu, Maui

The Department of Water Supply, County of Maui, has reviewed the subject requests and finds that each one is located in an area that is not served by our water system.

Accordingly, we have no objections to the subject requests.

Sincerely,

Carl Kaiama

Carl Kaiama, Director

TI/LJ/ao

cc: Planning Director
Engr. Div.
Central Office

STATE OF HAWAII
LAND USE COMMISSION

Molokai Community Center
Kaunakakai, Molokai

May 4, 1973
1:00 p.m.

STAFF REPORT

SP73-150 - H. C. & D., LTD.

A special permit to allow the operation of a quarry within the Agricultural District has been requested by H. C. & D., Ltd. The subject site comprises approximately 340 acres and is located at Kaluakoi, West Molokai, Tax Map Key 5-1-02: portion of 1.

The subject site is approximately 3½ miles southwest of Mauna Loa Town. From the cliff area along the Lono harbor barge facility, the subject area extends inland for nearly one mile. It is generally bounded to the east and west by two unnamed gulches. Makai of the shoreline cliff area is a strip of Conservation designated lands averaging about 300 feet in depth. The site is overgrown with brush and kiawe and is presently utilized as pasture land. H. C. & D., Ltd. has an agreement with Molokai Ranch, Ltd., the owner of the subject property, to quarry rock from the site. The subject site had been used as a quarry in the construction of Hale O Lono harbor.

H. C. & D., Ltd. has an established sand and cinder mining operation several miles away from Hale O Lono harbor. The harbor is used by barges hauling sand and cinder to Honolulu, and is therefore equipped with the necessary hauling and barge loading equipment.

The proposed quarry operation would utilize mobile and portable equipment. Construction of permanent structures will be minimal; possibly a maintenance facility and office. Access to the subject property is by a well maintained dirt road from the government road serving the town of Mauna Loa. Electricity and water services are available for operating the barge loading equipment at Hale O Lono harbor.

Detailed land classification by the Land Study Bureau indicates that the subject land has a master soil productivity rating of "E", or very poor suitability for overall agricultural use.

The applicant has submitted an archaeological study of the site of the initial phase of quarrying done by Mr. Robert J. Hommon, Associate Anthropologist of Bernice Pauahi Bishop Museum. No archaeological sites were discovered in the initial quarry site. However, a sand dune burial area which is located south of the southeast corner of the initial quarry site could be indirectly affected by the proposed quarrying activities. The applicant has assured that the proposed quarrying operations would not disturb the burial site. Furthermore, the applicant plans to restrict quarrying operations to the initial quarry site which has been surveyed and archaeologically studied, and will not expand quarrying operations into a new area until the Bishop Museum has investigated it.

The following is a summary of the applicant's substantiation of his special permit request for the subject quarry operation:

1. The proposed quarry operation will provide aggregate materials for the contemplated urban development of West Molokai and the maintenance and improvement of the existing H. C. & D., Ltd.'s existing road and harbor network at Hale O Lono.

2. The proposed location is an ideal quarry site because:

   a. Quarrying operations will not be visible to the general public because of topography and isolation from urban areas.

   b. The proposed site is inaccessible to the general public since the surrounding ranch land is fenced.

   c. Distance, topography and prevailing winds will minimize any adverse effects of noise.

   d. Its proximity to Lono Harbor facilitates marine transportation and minimizes land transportation of quarry products.

3. The proposed quarry operation could create additional employment on Molokai.

4. Quarrying operations would be conducted in compliance with existing environmental protection ordinances.

5. The proposed quarry operation is compatible with Molokai

Ranch's conceptual development plan for the Kaluakoi Resort Region.

A public hearing on this request was held on February 7, 1973, by the Molokai Advisory Committee in Kaunakakai, Molokai. No verbal or written testimonies were presented at the public hearing or received by the Maui Planning Department, other than the testimony from the applicant.

The Maui Planning Commission, at its meeting of March 6, 1973, concurred with the recommendation of the Molokai Advisory Committee and voted unanimously to recommend approval of this special permit request contingent upon the following:

"1. That all applicable Federal, State and County environmental and health requirements are met.

"2. That the proposed use be conducted beyond (mauka) of the 40 foot shoreline setback area.

"3. That a shoreline map verified by the State Department of Land and Natural Resources be submitted to the Maui Planning Department.

"4. That the applicant, upon termination of the proposed use, be responsible for returning the land to a state that is acceptable to the Maui Planning Commission.

"5. That the burial site at Hale O Lono be protected from the quarry operation.

"6. That existing and finished contours be submitted to the Maui Planning Commission.

"7. That all other State and County requirements be met.

"8. That the approval be granted for five years from the date of approval and further extensions be granted upon a favorable review of the subject request by the Maui Planning Commission."

Concurring with the findings and records of the Molokai Advisory Committee and the Maui Planning Commission, staff finds that this request meets the guidelines for determining an unusual and reasonable use within the Agricultural District since:

1. It would not adversely affect surrounding property nor significantly alter the character of the surrounding area;
2. The subject land is not suited for intensive agricultural use;
3. It would make the highest and best use of the subject land; and
4. The proposed use will not unreasonably burden public agencies to provide urban improvements and services.

With respect to conditions #2 and #3 of the Maui County Planning Commission, it is noted that the applicant's map shows that the site in question is located at least 200 feet inland from the shoreline area. Therefore, except for the barge loading operation, it is questionable whether these conditions would be applicable. Moreover, since the Conservation District along the shoreline contains a depth of approximately 300 feet, staff recommends the following additional condition:

That the quarrying operation be conducted at a minimum of 300 feet mauka of the shoreline and in no instance should it encroach into the Conservation District.

Also, with respect to condition #8, it is recommended that any extensions of the special permit be subject to approval by the Land Use Commission.

Staff therefore recommends approval of the special permit, subject to the conditions imposed by the Maui County Planning Commission and the two additional conditions as described above.

3674

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

May 3, 1973

RECEIVED
1973
State of Hawaii
LAND USE COMMISSION

The Land Use Commission
1010 Richards Street
Honolulu, Hawaii 96813

Re: Special Permits 73-148 and 73-150 for the May 4, 1973 agenda of the L.U.C.

Dear Sirs,

Life of the Land respectfully requests the following:
1) An environmental impact statement to be prepared as required by the Governor's Executive Order of August 23, 1971.
2) Deferral of a decision until an e.i.s. has been approved and a public hearing held by the L.U.C.
3) Denial of the applications if deferral is not granted.

The Governor's order states that any "major State actions...that significantly affect the quality of the human and natural environment,[include] a detailed statement by the responsible official on...". A Land Use Commission decision granting approval is a major State action significantly affecting the human and natural environment. A substantial amount of land (240 and 25 acres) will be adversely affected by the quarries. Further, there are important economic consequences to the quarry operations. Future developments on the east end and west end of Molokai and the reef runway are at stake. The two applications frequently allude to how the quarries will meet an undefined and vague demand for quarry material on Molokai, it is also my understanding (after talking with several people who know about the reef runway) that material from one of the two quarries will be used for the reef runway. An environmental impact statement will provide an oppurutunity for the demand of the quarries to be carefully examined as well as affording greater oppurtunity for public comment.

We ask for a denial of the applications if no deferrment is granted. A more specific and thorough statement of need or demand for the quarrires is necessarry before the applications can be evaluated much less decided upon. Effects these projects will have on other projects such as the Kaluakoi resort for West Molokai should at least be discussed in the application so that the consequences of your decision will be clearer. Also, the two applications do not meet guidelines as set forth in the L.U.C. rules and regulations. The application file did not show that "Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.","That the proposed use will not substantially alter or change the essential character of the land and the present use." (especially since strip mining is involved) and "That the proposed use will made the highest and best use of the land involved for the public welfare. We ask for a denial since the guidelines were not met,and the need and consequences of the projects are not stated.

Sincerely Yours,
Sophie Ann Aoki

Sophie Ann Aoki
Vice-President of Life of the Land

404 PIIKOI STREET HONOLULU HAWAII 96814 TELEPHONE 521-1300

JOHN A. BURNS
GOVERNOR

FREDERICK C. ERSKINE
CHAIRMAN, BOARD OF AGRICULTURE

WILLIAM E. FERNANDES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

May 2, 1973

RECEIVED
MAY 4 1973
State of Hawaii
LAND USE COMMISSION

MEMORANDUM

TO: Mr. Tatsuo Fujimoto, Executive Officer
Land Use Commission

SUBJECT: Special Permit Applications
SP73-148 - T. T. Meyer, Inc.
SP73-150 - HC&D, Ltd.
SP73-151 - R&M Service Co., Inc.

We have reviewed subject applications and foresee no adverse effects on agriculture.

Thank you for the opportunity to comment on this matter.

Frederick C. Erskine
Chairman, Board of Agriculture

3667

UNIVERSITY OF HAWAII

Land Study Bureau

April 26, 1973

RECEIVED
MAY 1 1973
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
P. O. Box 2359
Honolulu, HI 96804

Dear Mr. Fujimoto

The following comments are in response to your special permit applications:

SP73-148 T. T. Meyer, Inc.
Kapuaokoolau, Molokai

The parcel is 606.432 acres on which the 25 acres requested has not been delineated. A cinder cone is located near the southeast corner of the parcel, about 1/3 mile from the main highway. Assuming that this is the quarry site, overall agricultural productivity is E.

SP73-151 R & M Service Co., Inc.
Waikapu, Maui

The parcel is 950.16 acres at the existing quarry site (location of proposed facilities); the overall agricultural productivity is E. The land consists of deep, very rock and bouldery talus and alluvium.

SP73-150 HC&D, Ltd.
Hale O Lono, West Molokai

The proposed quarry site cannot be identified on the basis of the TMK description given. If the site is in the immediate vicinity of Hale O Lono harbor, the overall agricultural productivity is E. Aside from this no other comment is made.

Sincerely

Harold L. Baker

Harold L. Baker
Director

Safety Loan Building · Room 301 · 2065 South King Street · Honolulu, Hawaii 96814

April 19, 1973

Mr. E. D. Cheeley, Manager
Concrete Industries Division
HC&D, Ltd.
P. O. Box 190
Honolulu, Hawaii 96810

Dear Mr. Cheeley:

The Land Use Commission next meets on May 4, 1973, at 1:00 p.m., in the Molokai Community Center, Kaunakakai, Molokai.

At that time the special permit application by HC&D, Ltd. (SP73-150) to operate a quarry in the Agricultural District at Hale O Lono, West Molokai, will be considered.

Should you have any questions regarding this matter, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

April 18, 1973

NOTIFICATION OF SPECIAL PERMIT APPLICATIONS

Please be advised that the following special permit applications within the County of Maui have been filed with the Land Use Commission.

SP73-148 - T. T. Meyer, Inc. (Kapuaokoolau, Molokai)

Special permit request to quarry cinders and rock on approximately 25 acres of land in the Agricultural District at Kapuaokoolau, Molokai. Tax Map Key 5-5-01: 11.

SP73-150 - HC&D, Ltd.

Special permit request to operate a quarry on approximately 340 acres of land in the Agricultural District at Hale O Lono, West Molokai, Tax Map Key 5-1-02: portion of 1, parcel 6-A.

SP73-151 - R & M Service Co., Inc.

Special permit request to construct and operate a concrete hollow tile plant including storage and office buildings on approximately 5 acres of land in the Agricultural District at the existing quarry site at Waikapu, Maui, Tax Map Key 3-6-04: 2.

The action meeting on these applications is scheduled for May 4, 1973*.

We would appreciate any written comments for or against these requests, or you or your agent may appear at the public hearing. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

Very truly yours,

Tatsuo Fujimoto

TATSUO FUJIMOTO
Executive Officer

*See enclosed agenda

3651

STATE OF HAWAII

DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

RECEIVED
APR 18 1973
State of Hawaii
LAND USE COMMISSION

OFFICE OF BUSINESS SERVICES

April 16, 1973

MEMO TO: Mr. Tatsuo Fujimoto, Executive Officer
Land Use Commission, D.P.E.D.

F R O M: James T. Okamura, Director
Facilities & Auxiliary Services Branch

SUBJECT: A-73-362 - Elaine Niimi
A-73-363 - Richard Clegg
SP73-148 - T. T. Meyer, Inc.
SP73-150 - HC&D, Ltd.

We have no comments on the subject applications except for the 5.156-acre Urban zoning request by Mr. Richard R. Clegg along the Waianae Valley Road.

We are attaching our letter of January 12, 1973, addressed to Reverend Eugene Connell, Chairman of the Honolulu Planning Commission. In our letter, we stated that the schools on the Waianae Coast are overcrowded. The enrollments at Makaha, Maili, Waianae Intermediate, Waianae High, and Nanaikapono exceed the permanent capacity and require the use of portable classrooms to accommodate the overload. The overcrowded conditions at Nanakuli High have necessitated staggered scheduling of classes.

The end, however, is not in sight since Urban-zoned lands, previously unused, are being intensively developed for increased density housing units. We, therefore, recommend that the Urban zoning request for the 5.156-acre land, identified by TMK: 8-5-19:7, be denied.

Furthermore, it is respectfully requested that in view of the severity of the school situation on the Waianae Coast, applications for Urban zoning involving land on the Waianae Coast should be reviewed during the mandatory five-year comprehensive review period of the State Land Use Commission.

We intend to work very closely with you in reviewing applications for Urban classification. Should you have any question on our position, please feel free to call us.

JTO:EAH:yk
Attachment

cc: Leeward Oahu District
Dept. of Accounting & Gen. Servs.
Mr. Koichi H. Tokushige

3649

JOHN A. BURNS
GOVERNOR

FREDERICK C. ERSKINE
CHAIRMAN, BOARD OF AGRICULTURE

WILLIAM E. FERNANDES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

April 12, 1973

RECEIVED
APR 17 1973
State of Hawaii
LAND USE COMMISSION

MEMORANDUM

TO: Mr. Tatsuo Fujimoto, Executive Officer
Land Use Commission

SUBJECT: Boundary Amendment Applications
A73-362 - Elaine I. Niimi (Oahu)
A73-363 - Richard R. Clegg (Oahu)
SP73-148 - T. T. Meyer, Inc. (Molokai)
SP73-150 - HC&D, Ltd. (Molokai)

We have reviewed subject applications and foresee no adverse effects on agriculture.

Thank you for the opportunity to comment on this matter.

William E. Fernandes
for Frederick C. Erskine
Chairman, Board of Agriculture

3617

HC&D, LTD. P.O. Box 190, Honolulu, Hawaii 96810 / Telephone 841-0911 / Cable Address: Honcontra

March 28, 1973

RECEIVED
MAR 29 1973
State of Hawaii
LAND USE COMMISSION

Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Attention: Mr. Tatsuo Fujimoto
Executive Officer

Re: Application for Special Use Permit (SP73-150)

Dear Mr. Fujimoto:

As per your request, we agree to a five (5) day extension for action on our application for a Special Use Permit to quarry and process rock at Haleolono, Molokai. We are very anxious to secure approval, as soon as possible, so that we can begin exploratory work in the area.

Very truly yours,

E. D. Cheeley

E. D. Cheeley, Manager
Concrete Industries Division

jdb

March 22, 1973

Mr. E. D. Cheeley, Manager
Concrete Industries Division
HC&D, Ltd.
P. O. Box 190
Honolulu, Hawaii 96810

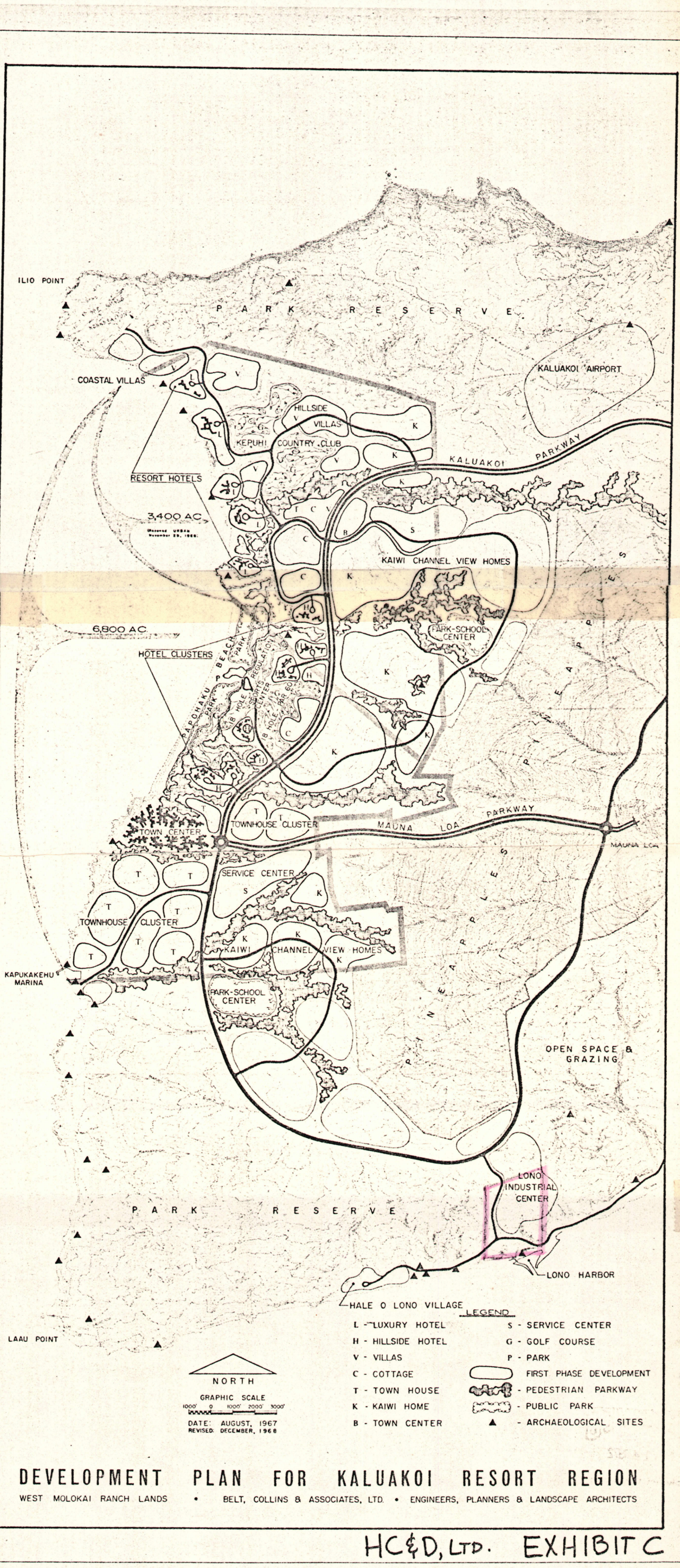
Dear Mr. Cheeley:

Pursuant to your special permit application (SP73-150) to operate a quarry at Haleolono, Molokai, we would appreciate receiving a letter from you agreeing to a 5-day extension for action on your application, from April 29, 1973, the expiration date for action on your request, to May 4, 1973, when a Land Use Commission meeting is scheduled.

We will advise you of the exact time and place of this meeting when they are determined.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer



DEVELOPMENT PLAN FOR KALUAKOI RESORT REGION

WEST MOLOKAI RANCH LANDS • BELT, COLLINS & ASSOCIATES, LTD. • ENGINEERS, PLANNERS & LANDSCAPE ARCHITECTS

HC&D, LTD. EXHIBIT C

RECEIVED
APR 24 1973
State of Hawaii
LAND USE COMMISSION

3585

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
G. Alan Freeland, Vice-Chairman
Joseph Franco
Kazuo Kage
Michael Kimura
Richard Mayer
George Murashige
Stanley Goshi, Ex-Officio
Carl Kaiama, Ex-Officio

Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Young Whee Chun, Vice-Chairman
William Hong
George Tamura
Thomas Yagi

Howard Nakamura
Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

March 8, 1973

RECEIVED
MAR 15 1973
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii

SP73-150

Dear Mr. Fujimoto:

Re: Request by H C & D Ltd. by E. D. Cheeley for approval of a Land Use Commission Special Use Permit to quarry and process rock within the State Land Use Agricultural District in West Molokai.

The Maui Planning Commission at its meeting of March 6, 1973, voted unanimously to recommend approval of the above request for Special Permit . A public hearing on the request was held on February 7, 1973, by the Molokai Advisory Committee in Kaunakakai, Molokai. Except for the applicant, no one spoke against or in favor of the subject application at the public hearing and no written testimony had been received by the Maui Planning Department.

The Maui Planning Commission in reviewing the subject request acknowledged that the proposed quarry operation is to be located in an uninhabited area with the nearest residence being located at Maunaloa Town, some 3½ miles away. The Commission also noted that additional new jobs could be created should the quarry operation become successful. Furthermore, the Commission noted that the applicant through the Bishop Museum conducted a walk-through survey of the Hale O Lono burial site which is located within the property to be used for quarrying.

The Maui Planning Commission concurred with the recommendation of the Molokai Advisory Committee and recommended approval of the Special Permit with the following conditions:

1. That all applicable Federal, State, and County environmental and health requirements are met.

2. That the proposed use be conducted beyond (mauka) of the 40 feet shoreline setback area.

3. That a shoreline map verified by the State Department of Land and Natural Resources be submitted to the Maui Planning Department.

4. That the applicant, upon termination of the proposed use, be responsible for returning the land to a state that is acceptable to the Maui Planning Commission.

5. That the burial site at Hale O Lono be protected from the quarry operation.

6. That existing and finished contours be submitted to the Maui Planning Commission.

7. That all other State and County requirements be met.

8. That the approval be granted for five years from date of approval with further extensions be granted upon a favorable review of the subject request by the Maui Planning Commission.

Enclosed for your information are the following:

1. Copy of the application.
2. Notice of Public Hearing.
3. Transcript of the public hearing.
4. Staff report.
5. Copy of Molokai Advisory Committee letter.

Please contact our office if you have any questions.

Yours very truly,

HOWARD K. NAKAMURA
Planning Director

encl.

cc Mr. E. D. Cheeley
cc Mr. E. Loy Cluney

February 28, 1973

STAFF REPORT

SUBJECT: Special Permit Application No. 67

APPLICANT: E. D. Cheeley, Manager, Concrete Industries Division, HC&S, Ltd.

LOCATION: Hale O Lono, West Molokai

TAX KEY: 5-1-02:1 (Portion of) (Parcel 6-A)

AREA: 339.8 Acres

ZONING: State Agricultural District

GENERAL PLAN: Agriculture and Industrial

REQUEST: Request by Mr. E. G. Cheeley for a Special Permit approval to quarry and process rock within the State Land Use Agricultural District in West Molokai.

EXISTING CONDITIONS

1. The subject property is located adjacent to the existing harbor at Hale O Lono. The harbor is used by barges hauling sand and cinder to Honolulu.

2. Presently, the applicant has an established sand and cinder mining operation in West Molokai with appropriate hauling and barging equipment.

3. The subject property is part of the Molokai Ranch, Ltd. holdings and is utilized as pasture land. The applicant has an agreement from Molokai Ranch, Ltd. to quarry rock from the subject property.

4. The subject property is located in a relatively dry area of Molokai and is improved--most of the property is covered with brush and keawe trees. The property has a vast supply of rocks as evidenced by the applicant's testimony and by the rock strata comprising the cliffs along the various points of the subject property.

5. The area is uninhabited and unimproved except for the applicant's mining operation. The town of Mauna Loa is about 3 1/2 miles inland from the subject property.

6. Electric power and water are available but only to serve the needs in operating the loading of sand and cinder on to the barges.

7. Access to the subject property is by an unimproved but well graded and maintained dirt road from the government road serving Mauna Loa.

8. A study conducted for the County of Maui by the Bishop Museum called "Endangered Hawaiian Archaeological Sites Within Maui County" indicated that the subject property contains the "Hale O Lono" site which the said study recommends should be investigated further.

ANALYSIS

1. The subject request conforms to the general plan designation of industrial use.

2. The surrounding area is in pasture land with the exception of the cinder mining and harbor areas. The proposed use of the subject property for Rock quarrying is compatible with the existing areas. The nearest habitation is about 3 1/2 miles away and would not be adversely affected by the proposed use. Additionally, the subject property is fenced and provides an effective means to protect the general public.

3. Vehicular access is provided by an unimproved dirt road from the government road at Mauna Loa, to serve. The Rock quarry products could also be shipped by barge through Lono Harbor to the neighboring island. Lono Harbor is located adjacent to the subject property.

4. The proposed use will not require any permanent structure except those that will be necessary for a maintenance facility and office.

5. The applicant indicated that five to ten new jobs could be created by the proposed use.

6. The applicant anticipates that the Rock Aggregates will be fulfilling the need of roads, housing, and other developments to be constructed on Molokai and other parts of the state.

7. The applicant submitted additional information relative to a "Walk Through Archeological Survey" by a member of the Bishop Museum.

8. The subject request meets the following guidelines established by the State Land Use Commission regarding Special Permits:

a. That the proposed use would not adversely affect surrounding property inasmuch as said surrounding property is unimproved.

b. The proposed use would not create additional burden on public agencies for services.

c. That the land proposed for the subject use is not well-suited for agricultural production due to its said characteristics.

d. That the proposed use will not substantially alter the existing character of the land.

February 27, 1973

Chairman and Members of the
Maui Planning Commission
County of Maui
County Building
Wailuku, Maui, Hawaii 96793

Gentlemen:

Re: Request for LUC Special Permit approval to establish Rock Quarry operation by HC&D, Ltd. in West Molokai.

The Molokai Advisory Committee at its meeting of February 7, 1973, at the Kaunakakai Community Center conducted a public hearing to consider and receive testimony on the above subject request. Except for the applicant's representative, no one spoke against or in favor of the subject request at the public hearing, and no written testimony had been submitted to the Maui Planning Department.

The Advisory Committee in reviewing the subject request acknowledged that the applicant is proposing to establish the Quarry operation in an uninhabited area with Mauna Loa town the nearest urbanized area being about 3.5 miles away. The Committee also noted that a potential of five to ten new jobs could be created should the Quarry operation become successful. Furthermore, the applicant is presently operating a cinder mining operation, and that the proposed site is adjacent to the applicant's cinder and sand hauling facility at Hale-O-Lono.

The applicant submitted supplementary information relative to the Hale-O-Lono burial site which is within the subject property. Said supplementary information clarifies the status of the burial site by a survey conducted by a member of the Bishop Museum.

The Molokai Advisory Committee upon its evaluation of the subject request unanimously recommend approval of the Special Permit with the following conditions:

1. That all applicable Federal, State, and County environmental and health requirements are met.

2. That the proposed use be conducted beyond (Mauka) of the 40 feet shoreline setback area.

3. That a shoreline map verified by the State Department of Land and Natural Resources be submitted to the Maui Planning Department.

4. That the applicant, upon termination of the proposed use, be responsible for returning the Land to a state that is acceptable to the Maui Planning Commission.

5. That the burial site at Hale-O-Lono be protected from the Quarry operation.

6. That existing and finished contours be submitted to the Maui Planning Commission.

7. That all other State and County requirements are met.

8. That the approval be granted for five years from date of approval with further extensions be granted upon a favorable review of the subject request by the Maui Planning Commission.

Very truly yours,

E. LOY CLUNEY
Chairman

js

HC&D, LTD. P.O. Box 190, Honolulu, Hawaii 96810 / Telephone 841-0911 / Cable Address: Honcontra

January 25, 1973

RECEIVED
JAN 26 1973
DEPT. OF PLANNING
COUNTY OF MAUI

County of Maui
Planning Department
200 South High Street
Wailuku, Maui 96793

Attention: Mr. Tosh Ishikawa, Deputy Planning Director

Subject: Application for Use Permit to Operate a Quarry at West Molokai

Dear Mr. Ishikawa:

In conjunction with our plans to operate a quarry at Haleolono, Molokai, we commissioned the Bishop Museum to make a field archaeological survey of the prime area to be quarried. Two copies of the museum's report on this survey are enclosed for your information. The described survey area is where we propose to start our quarry operation.

We have always been aware of the sand dune burial area described in the report, and our operations would in no way disturb it. We successfully operated a quarry at this location during the construction of Lono Harbor without disturbing the dune, and our proposed operations would be similar in nature.

We plan to restrict our operations to the areas surveyed, and will not move into a new area until the Bishop Museum has investigated it.

Should you have any questions regarding this report, please contact Robert Homman at the Bishop Museum, or myself.

Very truly yours,

E. D. Cheeley, Manager
Concrete Industries Divison

Enclosures (2)

xc: Robert Hommon

A WALK-THROUGH ARCHAEOLOGICAL SURVEY OF THE PROPOSED HC&D QUARRY AT HALEOLONO, MOLOKA'I

Prepared For
HC&D Ltd., Honolulu, Hawaii

By
Robert J. Hommon
Associate Anthropologist
B. P. Bishop Museum

On December 13th, 1972, Mr. Emmet Cheeley of HC&D Ltd. contacted the Anthropology Department of the B. P. Bishop Museum in regard to the reactivation of a rock quarry near Haleolono harbor, Moloka'i. He requested that an archaeologist be sent by the Museum to survey the area where the initial phase of quarrying will take place, so that archaeological remains would be protected from damage by the quarrying operations. In accordance with this request, I accompanied Mr. Cheeley to the area to conduct a walk-through archaeological survey of the proposed quarry area on December 21st. The results of this survey are presented below.

The survey area is bounded on the seaward (S) side by the edge of the cliff that is capped by the lava flow to be quarried, on the landward (N) side by an HC&D service road, on the E by an extension of the midline of the access road that leads to the Haleolono harbor breakwater, and on the W by a gulch located 0.1l from the E boundary (see attached map).

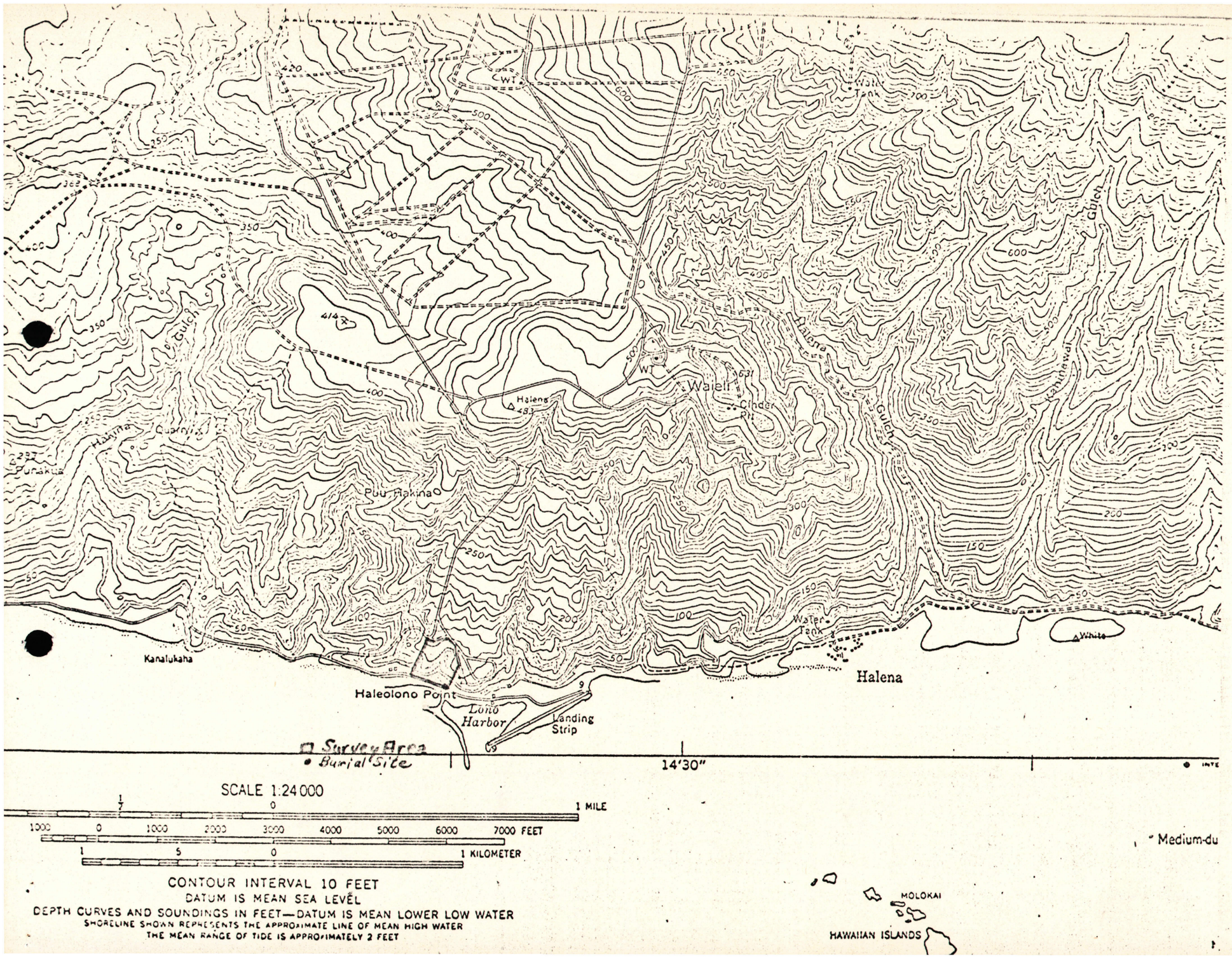
No archaeological sites were found in the survey area. However, one site, a sand dune burial area, located S of the SE corner of the survey area could be indirectly affected by quarrying activities. Skeletal remains of at least five individuals were observed to be eroding out of the top and northern side of the dune, which is about 20 ft high

and 100 ft long. Several sandstone slabs, found in association with these burials, were evidently carried to the site from nearby deposits to be used as grave covers or markers. We collected two skulls and several limb bones from the eroded side of the dune and I asked Mr. Mike DeCoite, the HC&D foreman who first called our attention to the site, to rebury them in the top of the dune, near the E end. The number and distribution of skeletal remains and sandstone slabs on the surface of the dune and the configuration of the dune itself indicates that more burials are present.

On the basis of this survey, we recommend:

1) that care be taken by HC&D Ltd. to protect the burial site from the affects of quarrying activities in the adjacent area, such as blasting and road construction, so that the site may be kept intact for archaeological investigation at some future date; and

2) that HC&D Ltd. continue the commendable practice of supporting archaeological investigations in new quarry areas before quarrying activities begin.



Water Tank
Halena
Gulch
Kahinawai
Waieli
Cinder Pit
Halena
Puu Hakina
Hakina
Quarry
Punakua
Kanalukaha
Haleolono Point
Lono Harbor
Landing Strip
Water Tank
White
Halena
Survey Area
Burial Site
14'30"
SCALE 1:24 000
1 MILE
7000 FEET
1 KILOMETER
CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET
Medium-du
MOLOKAI
HAWAIIAN ISLANDS

HC&D, LTD. P.O. Box 190, Honolulu, Hawaii 96810 / Telephone 841-0911 / Cable Address: Honcontra

November 15, 1972

RECEIVED
NOV 16 1972
DEPT. OF PLANNING
COUNTY OF MAUI

Mr. Howard Nakamura
Planning Director
County of Maui
Wailuku, Maui

Dear Mr. Nakamura

We are transmitting herewith our request for a Special Use Permit to allow quarring and aggregate producing operations within an agricultural zone on West Molokai. Copies of our Rock Option Agreement with land owner are submitted for your information as exhibits to our application.

We are making this application because we feel a quarry operation in this area would be beneficial and complimentary to the planned development of West Molokai. This concept has been an integral part of our planning since we commenced operation on Molokai in 1958. In addition to commercial requirements for aggregate products from the area, we will be requiring material for repairs and improvements to our own facilities as well.

The proposed location is ideal for our type of operation due to its remote location. It is 3 1/2 miles away from the nearest habitation, and the entire surrounding area is fenced and inaccessible to the general public. In addition, the land owners conceptual development plan for West Molokai (see Exhibit C of the Application) shows an industrial center (Lono Industrial Center) in the same general area. Our proposed use is compatible with his future plans.

We have discussed our proposal with Kaluakoi Corp., and they have agreed in principle to our plans and feel that a quarry in the area would be of benefit to them.

Our operations would probably create new jobs in the area, or at least preserve existing jobs as our sand operations are curtailed in 1975.

Your earliest consideration of our request would be appreciated.

E D Cheeley

E. D. Cheeley, Manager
Concrete Industries Division
mra

REASONS

The contemplated development of West Molokai will require large quantities of aggregate and aggregate products for the construction of roads, water and sanitary facilities, homes, hotels, etc. Our proposed operation will economically service these needs as well as providing another materials source for other areas. We will also be requiring material for repairs and improvements to our own facilities (harbor and road network) in the near future.

The proposed location is an ideal quarry site for several reasons:

1. Because of topography and its remote location (3 1/2 miles from the nearest habitation or public highway at Mauna Loa) the operation will not be visible to the general public.
2. The area is surrounded by fenced ranch land and is not accessible to the general public.
3. Distance, topography and prevailing winds will prevent any noise generated from reaching areas accessible to the general public.
4. Its proximity to Lono Harbor could provide for marine delivery of quarry products to other locations thereby reducing truck traffic, or even to other islands such as Lanai which presently must import all its requirements.

In addition to satisfying the need for an aggregate source on West Molokai, another economic advantage would be the creation of additional employment opportunities in the area.

The exact number of new jobs would depend on demand for our products, but 5 to 10 new positions would certainly be possible when development gets under way.

Our planned operations would utilize mobile and portable equipment. With the possible exception of buildings to house a maintenance facility and office, no permanent structures would be constructed.

All operations would be in compliance with existing environmental protection ordinances.

As part of this application we are submitting the following Exhibits (2 copies each):

1. Exhibit A - Portion of Lot 1, Tax Map Key: 5-1-02 Por 1 which shows the location of our proposed operation (Parcel 6-A).
2. Exhibit B - Rock Option Agreement. This is the agreement between HC&D and Molokai Ranch granting HC&D the right to remove and sell rock from the designated area. It is the complete agreement with the exception of paragraphs 3 and 5(i) which deal with the royalty payments, which we do not wish to disclose because of competitive reasons.
3. Exhibit C - Development Plan for Kaluakoi Resort Region. This shows the location of our proposed operations in relation to the conceptual development plans for the area.

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE	
Appl. & fee received	
Notice published	
Public hearing	
Recommendation to LUC	
Action by State LUC	
County & Appl. notified	

A. Description of Property: (1) Tax Map Key No. 5-1-02 por. 1, Parcel 6-A

(2) Lot Area 339.8 Ac. (3) Location Hale O Lono, West Molokai

B. Ownership: (1) Owner's name Molokai Ranch, Limited

(2) Lessee's name HC&D, Ltd. (3) Unexpired term 26 years

C. Request: (1) State request briefly and exactly: We hereby request a 5 year SPecial Use Permit to quarry and process rock within the above described area.

RECEIVED
APR 23 1973
State of Hawaii
LAND USE COMMISSION

(2) Reasons justifying granting of request: Please see attached sheets.

D. Applicant: (1) Name HC&D, Ltd.

(2) Address P. O. Box 190, Honolulu (3) Telephone 841-0911

(4) Signature E.S. Cheeley

E. Planning Commission action: _____ Date _____ Vote: ____ ____
ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC___ Supervisors___ Applicant___ Owner & Lessee_

REASONS

The contemplated development of West Molokai will require large quantities of aggregate and aggregate products for the construction of roads, water and sanitary facilities, homes, hotels, etc. Our proposed operation will economically service these needs as well as providing another materials source for other areas. We will also be requiring material for repairs and improvements to our own facilities (harbor and road network) in the near future.

The proposed location is an ideal quarry site for several reasons:

1. Because of topography and its remote location (3 1/2 miles from the nearest habitation or public highway at Mauna Loa) the operation will not be visible to the general public.
2. The area is surrounded by fenced ranch land and is not accessible to the general public.
3. Distance, topography and prevailing winds will prevent any noise generated from reaching areas accessible to the general public.
4. Its proximity to Lono Harbor could provide for marine delivery of quarry products to other locations thereby reducing truck traffic, or even to other islands such as Lanai which presently must import all its requirements.

In addition to satisfying the need for an aggregate source on West Molokai, another economic advantage would be the creation of additional employment opportunities in the area.

The exact number of new jobs would depend on demand for our products, but 5 to 10 new positions would certainly be possible when development gets under way.

Our planned operations would utilize mobile and portable equipment. With the possible exception of buildings to house a maintenance facility and office, no permanent structures would be constructed.

All operations would be in compliance with existing environmental protection ordinances.

As part of this application we are submitting the following Exhibits (2 copies each):

1. Exhibit A - Portion of Lot 1, Tax Map Key: 5-1-02 Por 1 which shows the location of our proposed operation (Parcel 6-A).
2. Exhibit B - Rock Option Agreement. This is the agreement between HC&D and Molokai Ranch granting HC&D the right to remove and sell rock from the designated area. It is the complete agreement with the exception of paragraphs 3 and 5(i) which deal with the royalty payments, which we do not wish to disclose because of competitive reasons.
3. Exhibit C - Development Plan for Kaluakoi Resort Region. This shows the location of our proposed operations in relation to the conceptual development plans for the area.

RECORDATION REQUESTED BY:

AFTER RECORDATION, RETURN TO:

RETURN BY: MAIL ( ) PICKUP ( )
REQUESTOR TO FILL ABOVE

RECEIVED
APR 24 1973
State of Hawaii
LAND USE COMMISSION

SPACE ABOVE THIS LINE FOR REGISTRAR'S USE

ROCK OPTION AGREEMENT

THIS AGREEMENT made this 28th day of February, 1969, by and between HC&D, LTD., formerly of the name HONOLULU CONSTRUCTION AND DRAYING COMPANY, LIMITED, a Hawaii corporation, hereinafter called "HC&D" and MOLOKAI RANCH, LIMITED, a Hawaii corporation, hereinafter called the "Ranch",

W I T N E S S E T H:

That in consideration of the execution by the respective parties of that certain Sand and Cinder Agreement of even date between the Ranch and HC&D, and other good and valuable consideration, the sufficiency and payment whereof is hereby acknowledged by the Ranch, the Ranch hereby grants unto HC&D the following option for a royalty license to remove and sell rock, situate within the area hereinafter described, under the following terms and conditions and for the term hereinafter set forth:

1. Parcel 6-A Option. HC&D shall have the option to remove rock from that certain 340 acre parcel situate at Hale O Lono, Kaluakoi, in Lot 1 of Land Court Application No. 1683, and as designated and shown as Parcel 6-A on Exhibit A attached hereto and made a part hereof under the following terms and conditions and at the following price; provided

HC&D, LTD. EXHIBIT B

that HC&D must give the Ranch 30 days' written notice of its exercise of this option and must commence withdrawing rock from Parcel 6-A prior to August 6, 1975; and otherwise this option and any rights hereunder shall lapse and be of no force or effect. In addition to the royalty payments, HC&D shall pay (or reimburse the Ranch upon demand in the event of payment in the first instance by the Ranch) all real property taxes on Parcel 6-A (or attributable thereto in accordance with the ratio which the area of Parcel 6-A bears to the area of the particular land actually assessed), commencing upon the exercise of the option and ending on April 10, 1998; provided, that the Ranch shall have the right to use the surface area of Parcel 6-A for agricultural purposes so long as such use does not unreasonably interfere with HC&D's operations.

2. Term. The term of the rock royalty license shall commence upon exercise of the option as provided above, and terminate April 10, 1998.

4. Rock Definition. For the purposes hereof, the term "rock" includes rock, soil, dirt, and quarry waste; but does not include such materials as cinders, black sand, sand, and similar material.

5. The following general terms shall apply to the royalty license upon exercise of the option.

(a) HC&D shall indemnify and save harmless the Ranch and Kaluakoi Corporation from all loss, costs, damages, claims or suits of whatever nature resulting from its operations hereunder or failure to comply with any of the terms, conditions, or covenants on its part to be performed or observed hereunder, and shall comply with all applicable laws, ordinances and governmental rules and

regulations now or hereafter in effect relating to the royalty license and its operations hereunder.

(b) HC&D shall have rights of way over and across other lands of the Ranch for access to and from the royalty license area over routes approved by the Ranch, Kaluakoi Corporation, or any joint venture corporation comprised of Molokai Ranch and Louisiana Land & Exploration Company, whichever shall own the land in question at the time, for road purposes, utility, water, power and telephone lines, together with the right to use water flowing, collected or developed on the royalty license area. Such approval by the Ranch or such other corporation shall not be arbitrarily withheld, and if no action is taken on a request for approval within forty-five (45) days after written request, approval shall be presumed. HC&D shall also have the right to establish a plant or plants for the conduct of its business within the royalty license area.

(c) HC&D may quarry and remove rock and such other materials or minerals from the royalty license area as are necessary to be used in the construction of its facilities pursuant to this license, without royalty payment to the Ranch.

(d) From and after the date of exercise of this option HC&D shall pay as and when due and before they become delinquent all real property taxes, rates, assessments and charges levied and assessed against it or the Ranch with

respect to the royalty license area, with appropriate proration for any fractional year.

(e) HC&D shall keep a complete set of books and accounts, including without limitation records of all rock removed hereunder, in accordance with a system to be approved by the Ranch, and said books and accounts and records of HC&D shall be made available for inspection by the Ranch or its agents at such reasonable time and place as the Ranch may designate.

(f) HC&D shall keep in force during the existence of this royalty license a general liability insurance policy with respect to the royalty license area, in which limits of public liability shall not be less than $100,000 per person and $300,000 per occurrence and in which the property damage liability limit per occurrence shall not be less than $50,000. This policy shall name the Ranch and Kaluakoi Corporation as an additional insured, and shall require the insurer to give the Ranch 30 days written notice prior to any cancellation. HC&D shall furnish the Ranch with evidence satisfactory to the Ranch of the maintenance of said policy and of the payment of all premiums due thereunder.

(g) HC&D shall at all times maintain, and upon termination of the royalty license, whether upon the expiration of the terms thereof or upon sooner determination or following an extension of the term, surrender the royalty license area in a good, clean, sufficient and safe condition,

which shall be compatible with usage of the same for resort and residential development and satisfactory to the Ranch; provided that HC&D may leave exposed rock faces of the quarry. Without limitation to the foregoing the excavated floor area shall be reasonably graded and have adequate drainage. HC&D shall have the right to remove all of its machinery, equipment and structures within 180 days after the termination of this indenture, provided HC&D is not then in default under any of the conditions or convenants herein.

(h) This option or royalty license, or any rights or interests thereunder, shall not be assigned, in whole or in part, whether outright or as security, and whether voluntary or by operation of law, without HC&D first obtaining the written consent thereto of the Ranch; and any assignment without such consent shall be void at the election of the Ranch. No such consent shall be unreasonably withheld, nor shall any payment be exacted for such consent.

PROVIDED, HOWEVER, and the grant of the option is upon this condition, that if HC&D shall fail to pay the payments or any part thereof hereunder or under the Agreement of even date by and between HC&D, relating to royalty licenses for sand and cinders, required by it to be paid

within 20 days after the same becomes due, whether the same shall or shall not have been legally demanded, or shall become bankrupt or fail faithfully to observe or perform any of the covenants or conditions herein contained and on the part of HC&D to be observed or performed, within 30 days after written notice of breach thereof, the Ranch may at once without legal process at its option terminate the option and/or royalty license for rock, and without prejudice to any other right or remedy of action for arrears of payments or for any preceding or other breach of covenant or condition. The Ranch shall have the right to at once without legal process remove any property found on the royalty license area and store the same in a public warehouse or any other place at the risk and cost and for the account of HC&D. Should the Ranch at any time terminate the royalty license and option for any breach, in addition to any other remedy it may have, it may recover from HC&D all damages it may incur by reason of such breach, including reasonable attorneys' fees.

This indenture shall be binding upon and inure to the benefit of the Ranch and its successors and assigns, including without limitation the grantees of the fee simple title to the land or lands comprising any of the royalty license areas or portions thereof, and HC&D and its successors and permitted assigns, subject to the terms herein.

IN WITNESS WHEREOF, the parties hereto have executed this indenture the day and year first above written.

HC&D, LTD.

By _____
Its _____

By _____
Its _____

MOLOKAI RANCH, LIMITED

By _____
Its _____

By _____
Its _____

MOLOKAI ADVISORY COMMITTEE MEETING
PUBLIC HEARING
February 7, 1973

(Kaunakakai Community Center--7:30 p.m.)

ATTENDANCE: E. Loy Cluney, Chairman
W. Imamura, Member
T. Abahano, Member
T. Ishikawa, Deputy Planning Director
T. Imai, County
T. Castor, County
G. Tamura
E. D. Cheeley
O. Meyer
F. Carrancho
Others

Chairman Cluney called the meeting to order by introducing the members of the Molokai Advisory Committee, Deputy Director of Planning, and others. The chairman explained the general procedure for the public hearing including a request that all persons testifying to state their names and organization they represent.

Deputy Director Ishikawa read the notice of the public hearing.

1. Request by HC&D for permission to operate a quarry at West Molokai.

Deputy Director Ishikawa explained the request for State Land Use Commission Special Permit by HC&D, Ltd.

The applicant, requested by Mr. E. D. Cheeley testified by stating that the proposed request for rock quarrying is a long range program by the company; and that the potential for rock quarry is excellent at the subject property. He stated further that the site has other natural characteristics that make it a good quarry site, and that he hopes to provide additional employment by the rock quarry operation.

Deputy Director Ishikawa stated that no letters of protest or support were received by the Planning Department.

No other testimony was presented, and the chairman closed the public hearing by stating that the matter will be taken under advisement by the Molokai Advisory Committee.

2. Request by T. T. Meyer, Inc. for approval of a Special Permit to quarry rock and cinders in Kapuakoolau, Molokai.

Deputy Director Ishikawa explained the subject request. He also stated that no letter of protest or support were received by the Maui Planning Department.

Chairman Cluney opened the hearing to the public.

Mr. Otto Meyer representing the applicant testified by stating that several requests for cinders were made to him in the past, and that the need for said cinders in East Molokai would increase in the near future.

No other testimony was presented. The Chairman closed the public hearing and stated that the subject request will be taken under advisement by the Committee.

3. Request by G. Buffandeau for a variance to waive certain requirements of the County's Subdivision Ordinance for property located at Kamiloloa, Molokai.

Deputy Director Ishikawa explained the subject request, and answered several questions raised by the Advisory Committee members pertaining to the subdivision.

Mr. Ishikawa stated that no letters of protest or support were received by the Planning Department.

Chairman Cluney opened the hearing to the public.

Neither the applicant nor his representative appeared at the hearing to testify.

No one spoke for or against the subject request.

Chairman Cluney closed the public hearing, and stated that the matter will be taken under advisement.

OLD BUSINESS

1. Request by MRS. FLORA CARRANCHO for approval of a care home in Kaunakakai.

Deputy Director Ishikawa reviewed the subject request for the Advisory Committee.

Chairman Cluney asked Mrs. Carrancho to clarify further the subject request.

Several questions were raised by the Committee, including the matter of the number of patients to be cared, and the matter of the food preparation and catering business.

Chairman Cluney requested that a letter of recommendation from the Department of Health be requested on the subject request prior to any action by the Committee. He further stated that the Committee has no jurisdiction, and cannot be a part of any dispute relative to the apparent deed restriction pertaining to operating a business on the subject property.

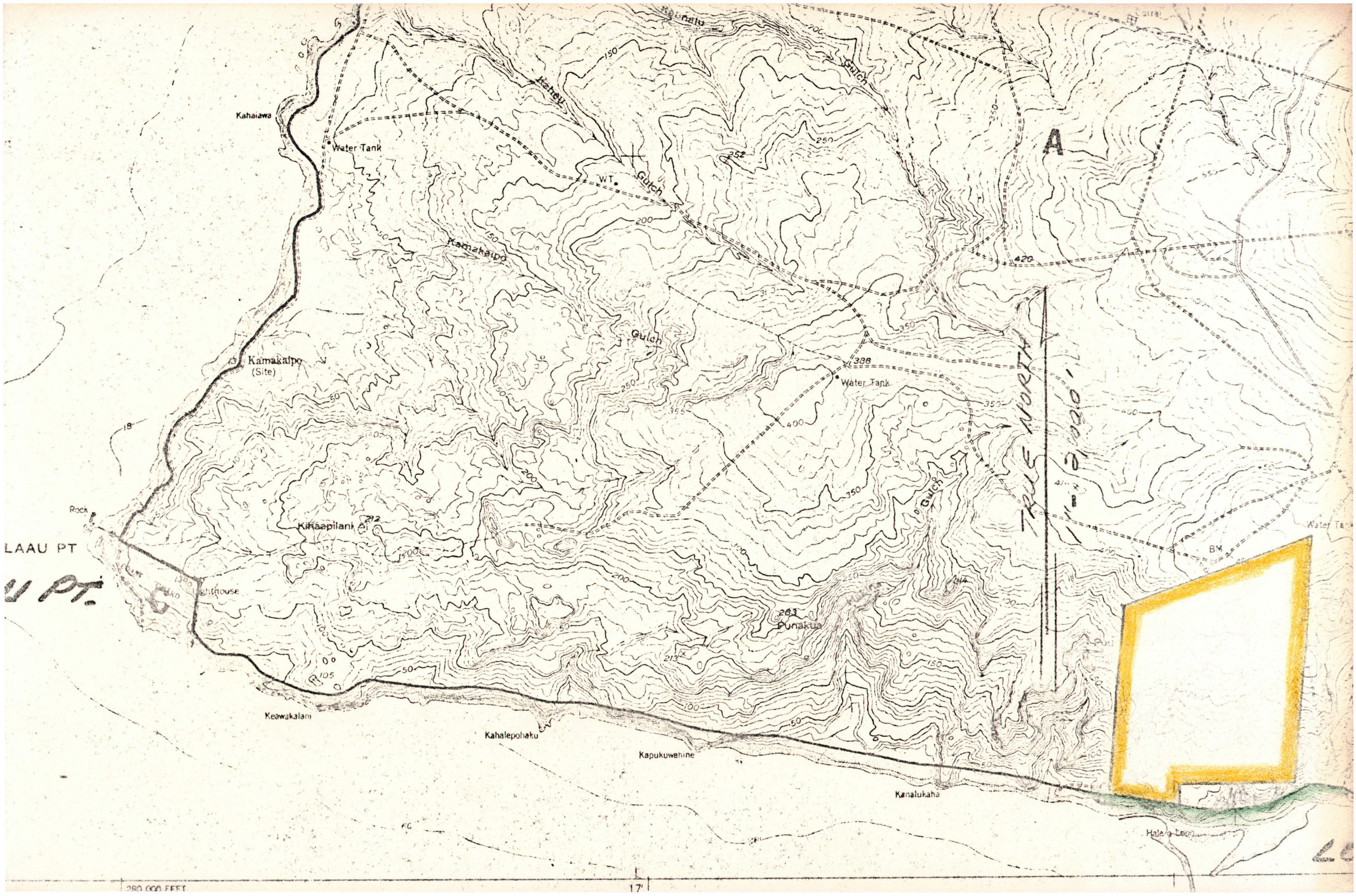
By common consent, the Advisory Committee deferred action on the subject request pending receipt of a recommendation from the Department of Health.

There being no further business before the Molokai Advisory Committee, Chairman Cluney adjourned the meeting at 8:40 p.m.

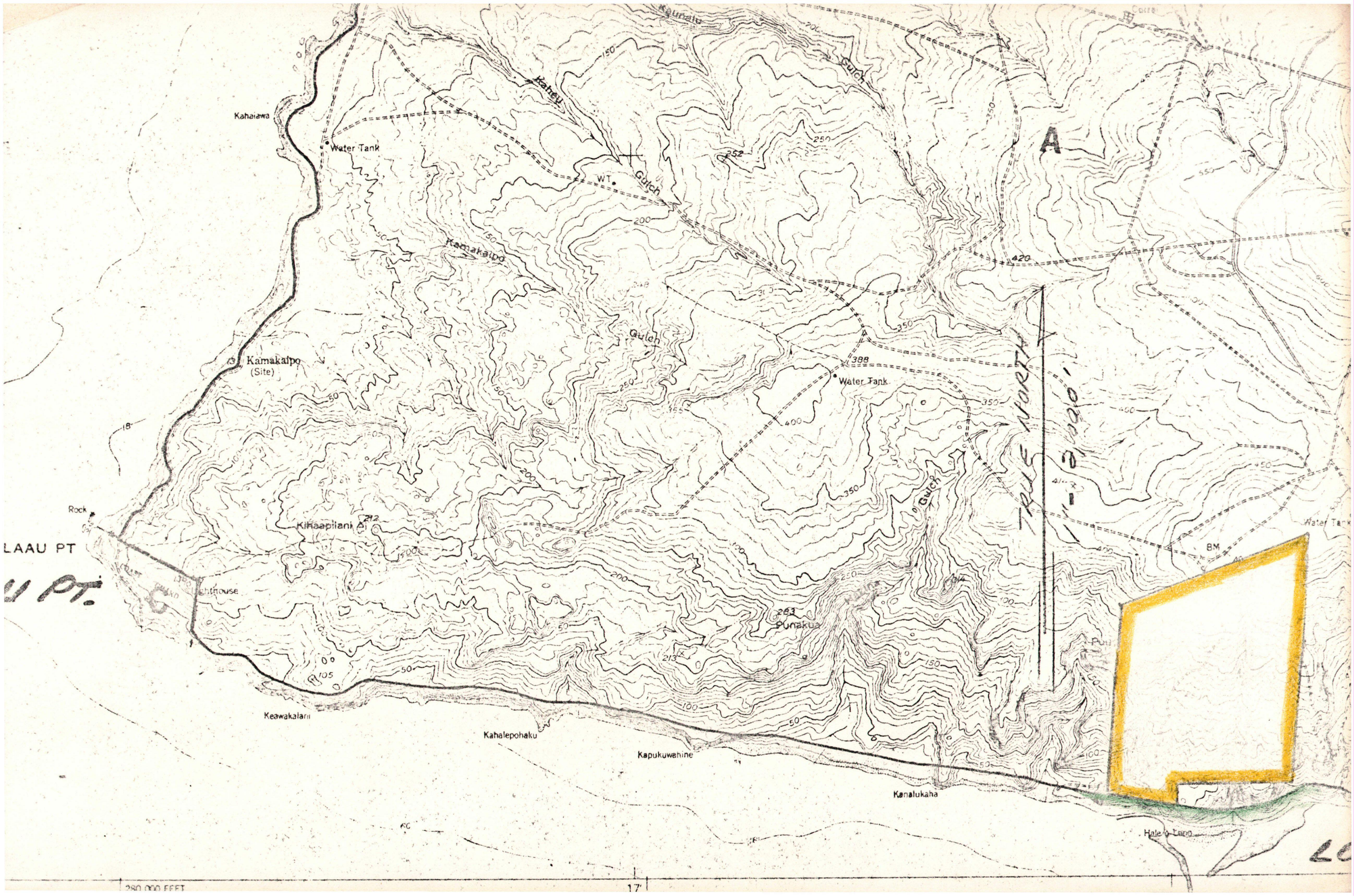
Respectfully submitted,

TOSHIO ISHIKAWA
Deputy Planning Director

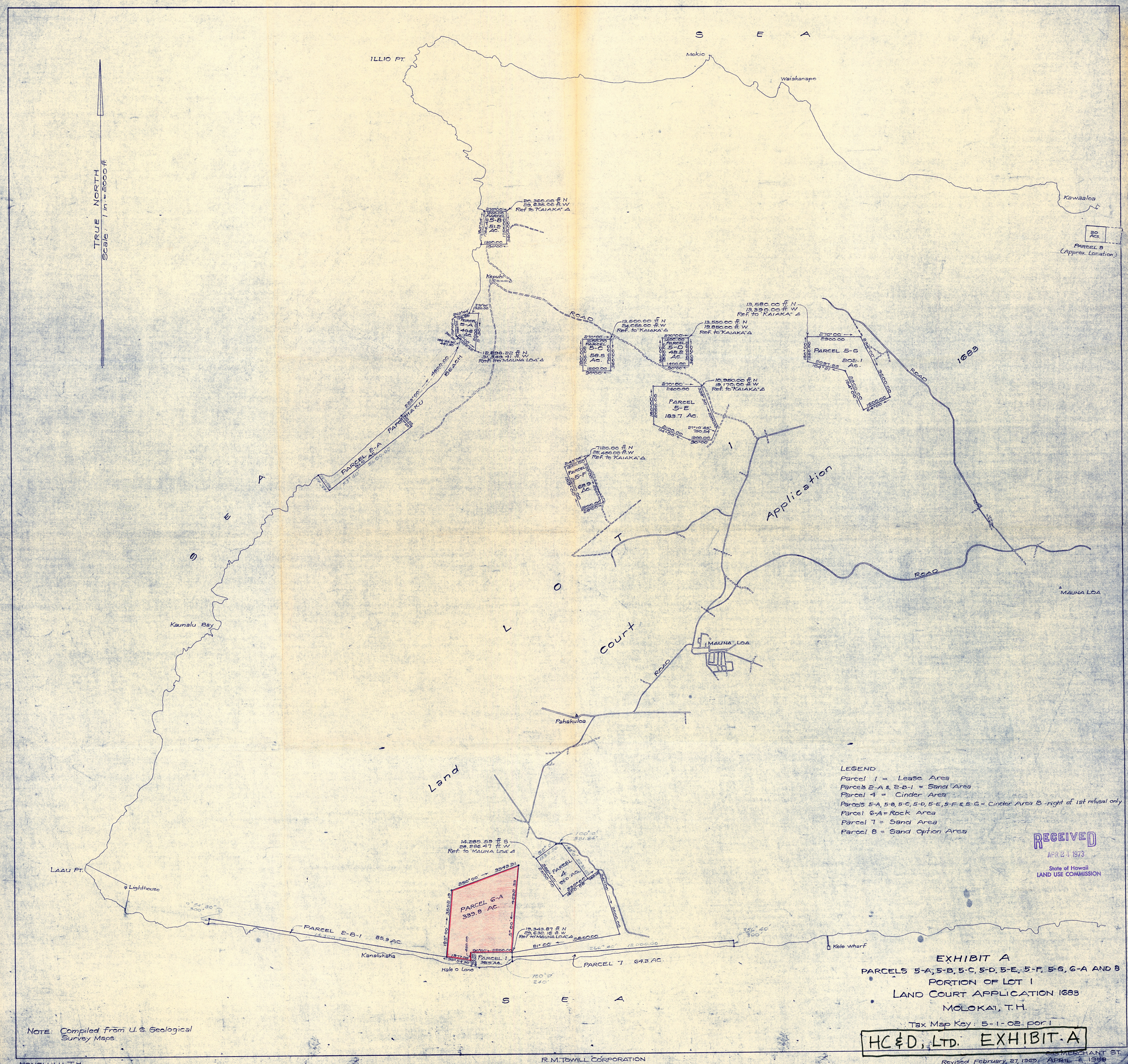
J. Meyer
Dorena Meyer
A. Abraham
George Tamura
Henry R. Meyer
Jerry Meyer
Tony Castor
Harry Nakagawa
Ah Pung Lum
Charles Kamai Jr.
Edward Kahalewai
Lynn Kahalewai
David Lima
Kenneth Thornhawk
Al Suga
Flora Carrancho
Aurelio Carrancho
Verne Fern
Michael De Caite
Edgar H Curtis
Emmet D. Cheeley
Otto S. Meyer
Walter Coelho
Hattie Lima
Eric Kam.



Kahaiawa
Water Tank
Kahey
Gulch
WT
Kamakaipo
Gulch
Kamakaipo
(Site)
Water Tank
388
Gulch
Kihaapilani
Rock
LAAU PT
Lighthouse
Punakua
Keawakalani
Kahalepohaku
Kapukuwahine
Kanalukaha
Hale o Loon
A
TRUE NORTH
1" = 2000'
BM
Water Tank
280 000 FEET
17'



Kahaiawa
Water Tank
Kaheu
Gulch
WT
Kamakaipo
Gulch
Kamakaipo
(Site)
Water Tank
Gulch
Rock
LAAU PT
Lighthouse
Kihaapiiani
Punakua
Keawakalani
Kahalepohaku
Kapukuwahine
Kanalukaha
Hale o Lono
Water Tank
BM
A
TRUE NORTH
280 000 FEET
17'



LEGEND

Parcel 1 = Lease Area
Parcels 2-A & 2-B-1 = Sand Area
Parcel 4 = Cinder Area
Parcels 5-A, 5-B, 5-C, 5-D, 5-E, 5-F & 5-G = Cinder Area B - right of 1st refusal only
Parcel 6-A = Rock Area
Parcel 7 = Sand Area
Parcel 8 = Sand Option Area

RECEIVED
APR 24 1973
State of Hawaii
LAND USE COMMISSION

EXHIBIT A
PARCELS 5-A, 5-B, 5-C, 5-D, 5-E, 5-F, 5-G, 6-A AND 8
PORTION OF LOT 1
LAND COURT APPLICATION 1683
MOLOKAI, T.H.

Tax Map Key: 5-1-02 por. 1

HC&D, LTD. EXHIBIT A

NOTE: Compiled from U.S. Geological Survey Maps

HONOLULU, T.H.
6084-0-S

R.M. TOWILL CORPORATION
CIVIL ENGINEERS-SURVEYORS

Revised February 27, 1969 — 233 MERCHANT ST. APRIL 1, 1958

7354

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

EKO-1664

LAND USE DISTRICT BOUNDARIES

DISTRICT MAP	STATE OF HAWAII	DISTRICTS
Mo-1	LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: AUG 4 1969	U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION

ILIO POINT QUADRANGLE
HAWAII-MAUI CO.
ISLAND AND DISTRICT OF MOLOKAI
8.5' X 7.5' (TOPOGRAPHIC)

ILLIO PT

SP73-150 H.C. & D., LTD.

KAIWI CHANNEL

PACIFIC OCEAN

PAPOHAKU BEACH

KALUAKOI

MAUNA LOA

LAAU PT.

LONO HARBOR

Kawaihau
Keonehanau
Anapuka
Mokio
Kealapuuakiha
Puaoao
Waiakanapo
Kahenawai
Kawakiuiki
Kawakiunui
Kepuhi
Rocks
Puu o Kaiaka
Puu Apalu
Na Puu Kuua
Papohaku
Puu Koai
Rock
Pool
Wahiauhue
Pohakumatiuih
Water Tank
BM 278
Pohakumaomao
Gulch
NAVAL RESERVATION
(BOMBING RANGE)
Kaunalu Bay
Kapuhikani
Puu Kaheu
Kaunalu
Kahaiawa
Kamakaipo (Site)
Kamakaipo
Kihaapilani
Lighthouse
Punakita
Keawakalani
Kahalepohaku
Kapukuwahine
Kanalukaha
Hale o Lono
Halena
Wahiauhue
Papohaku
Kuhuhu
Mauna Loa
Kopala
Pohakuloa
Mauna Loa Cemetery
Corral
Tower
Pumping Station
Ruins
Cairn
Cliff
Ref. Tr.
TRUE MERIDIAN
11° - 30' E
COAST GUARD RESERVATION
SAND
Beach
Molokai Airport 7 mi
Kualapuu 14 mi
Molokai Airport 17 mi
Kaunakakai 15 mi
Molokai Airport
Kolo Wharf 0.2 mi

Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and Hawaiian Territorial Survey
Topography from aerial photographs by Kelsh Plotter methods
Aerial photographs taken 1950. Field check 1952
Hydrography compiled from USC&GS Charts 4120 and 4121
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 2
Unchecked elevations are shown in brown

SCALE 1:24000
1 MILE
7000 FEET
1 KILOMETER
CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION
Heavy-duty — 4 LANE | 6 LANE — Light-duty
Medium-duty — 4 LANE | 6 LANE — Unimproved dirt

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.-1954
M R-8718

Mo-1 ILIO POINT 7355

SP73-150 H. C. & D., LTD.

KaLae O Ka Ilio

State of Hawaii
261.00 acs.

POR. GR. 3166

6

"KAEO"
N 28,736.13
W 24,577.32
("MAUNA LOA" A)

Molokai Ranch, Ltd
34,595.736 Ac.

Kawakiu Gulch

Kepuhi Camp

Kaluakoi Corporation

Puu Apuu
Papohaku

676.00 Acs.

Na Puu Kuiua

Wahialuhue Gulch

Poolau Gulch

Kaunaiu Gulch

Kaiwi Gulch

Kamakaipo Gulch

Kualapuu Road

Pipe Line

Roadway

Kamakaipo Camp

"KIHAAPILANI"
S 14,369.89
W 27,887.57
("MAUNA LOA" A)

Ka Lae O Ka Laau

U.S.A.
Lighthouse Station
5 | Acs.±

POR. GR. 3146

Lighthouse

Kahikinui Gulch

Kahiawai Gulch

Hale Ao Gulch

"WAIELI 2"
14,569.20 S.
29,102.29 W.
("Mauna Loa" A)

State of Hawaii
(Bd of Harbor Commrs.)
(H. C. & D., Ltd.) 11.
25.00 Acs.±

Molokai Ranch, Ltd.
38.5 Acs.

LONO HARBOR

KALUAKOI, MOLOKAI

SEA

"POHAKULOA"
6320.803
29976.494 W
("Mauna Loa" A)

MAUNALOA

See INSET "E"

See INSET "A"

Molokai Ranch Ltd
(Castle & Cooke, Inc.) Le.
9138.149 Acs.

8 75.00 Acs.

Molokai Ranch, Ltd.
(Castle & Cooke, Inc.) Le.
120 Acs.

Molokai Ranch, Ltd.
(Castle & Cooke, Inc.) Le.
9.45 Ac.

16

EASEMENT "B"
140 Ft. Wide

15 Molokai Ranch, Ltd.
(Castle & Cooke, Inc.) Le.
2.00 Ac.

Maunaloa Camp

Waiahawahawa Gulch

Waihili Gulch

Walakane Gulch

Ohiopalani Gulch

Kaiwi Gulch

Kaiwi Line

Kaiwi Road

Kaiwi Gulch

Kaiwi Gulch

Kaiwi Gulch