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Item #4 WHC Ltd. (PL-SPP-2026-000107/Amend SPP No. 724)
2026-06-12 Applicant's Response to Agency Comments
Info Given at LPC 6-18-26 Meeting

June 12, 2026

Leeward Planning Commission
for the County of Hawai'i
c/o Planning Department
101 Pauahi Street, Ste. 3
Hilo, HI 96720

Re: Response to Agency Comments for Special Permit Amendment
Application PL-SPP-2025-000107
Special Permit No. 724 (Docket No. SP-89-000024)
Applicant: WHC, Ltd., dba West Hawaii Concrete
Request: Amendment to Special Permit No. 724 to Allow for the Expansion of
the Existing Permit Area by Adding 80.349 Acres, to Extend the Life
of the Permit Co-Terminus with a Proposed Lease Extension to
Extend the Proposed Use Until September 30, 2057, and an Option to
Extend the Lease Agreement an Additional Twenty Years
Tax Map Key No. (3) 6-7-001:034, and (3) 6-7-001:025 (por.), Waikoloa,
South Kohala District, Hawai'i

Dear Leeward Planning Commission:

This letter responds on behalf of the Applicant WHC, Ltd., dba West Hawaii Concrete ("WHC") to agency comments received from the State of Hawai'i Department of Transportation ("DOT"), State of Hawai'i Department of Land and Natural Resources ("DLNR"), and State of Hawaii Office of Planning and Strategic Development ("OPSD") concerning WHC's Application to amend Special Permit No. 724. The various agency comments are summarized and responded to herein.

State of Hawaii Department of Transportation. DOT raised several potential Federal Aviation Agency ("FAA") issues concerning the proximity of the proposed expansion of the quarry area to the Waimea Airport: 1) all projects within five miles of Hawaii State airports are advised to read the Technical Assistance Memorandum for guidance with development and activity that may require further review and permits; 2) FAA regulations require the submittal of FAA Form 7460-1, Notice of Proposed Construction or Alteration pursuant to Code of Federal Regulations ("CFR"), Title 14, Part 77.9 for construction or alteration within 20,000 feet of an airport; and, 3) that the project incorporate measures to minimize hazardous attractants in compliance with FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On or Near Airports.

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WHC's Response: Although the existing quarry is near Waimea Airport, long-standing quarry operations have not required FAA review or permits and have not otherwise interfered with airport operations. WHC's request to allow quarrying operations in the expansion area does not appear to require FAA review or permits as there will be no construction or alterations of existing structures and the quarrying operations do not attract wildlife. The Technical Assistance Memorandum does not appear to require further FAA review or permits for WHC's request.

WHC is not required to submit FAA Form 7460-1 pursuant to 14 CFR Part 77. The regulations state the requirements to provide notice to the FAA of the proposed construction, or the alteration, of existing structures near airports. 14 CFR § 77.1(a). The regulations state that there does not need to be a notice filed with the FAA for the construction or alteration of any object that will be shielded by natural terrain or topographic features of equal or greater height. 14 CFR § 77.9(e)(1). WHC's requested amendment will not result in the construction or alteration of any structures and the alterations made to the terrain by quarrying will be shielded from surrounding properties by the natural terrain and/or topographic features.

WHC's quarrying activities do not attract wildlife. The FAA Advisory Circular identifies various activities that may attract wildlife such as waste disposal, or sewage or water treatment. Quarrying is not mentioned as an activity that would attract wildlife in the FAA Advisory Circular.

State of Hawaii Department of Land and Natural Resources. The DLNR had comments from the Commission on Water Resource Management ("CWRM") and the Engineering Division. CWRM recommended the use of best management practices ("BMP") for stormwater management to minimize the impact of the project on the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events; and, that there may be potential ground or surface water degradation or contamination and recommended that approvals be conditioned upon a review by the State Department of Health and the acceptance of any resulting requirements related to water quality. The Engineering Division noted that the owners of the property and their representative are responsible for researching the Flood Hazard Zone designation for the project.

WHC's Response:

WHC currently utilizes BMP in existing quarry operations to minimize any impacts of quarrying operations on existing hydrology while maintaining on-site infiltration and preventing runoff from storm events. WHC has also complied with all DOH requirements in its operations but has not required permits relating to clean water such as a NPDES permit.

The project area is not in a Special Flood Hazard Zone and is located in Flood Zone X.

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State of Hawaii Office of Planning and Strategic Development. OPSD requested that WHC provide more background on the history of the permitting for the existing quarry and any State of Hawaii Land Use Commission ("LUC") Special Permits for this use. OPSD also recommended that WHC consult with DHHL regarding the proposed quarry expansion.

WHC's Response:

The LUC originally approved an existing quarry on the site in November 1976; at that time the quarry was approximately 30 acres, and had been established in 1954 and operated by Shield Pacific Ltd. WHC purchased Shield Pacific Ltd. in 1977 and has continued to operate the quarry without controversy or complaints. On May 4, 1977, the LUC approved SP 77-260, Special Permit No. 357, which included the 30-acre site, and issued the special permit to Parker Ranch. On March 16, 1990, the LUC approved the expansion of the quarry site from 30 acres to an area of over 91 acres, and issued Special Permit No. 724 to WHC for the expanded quarry. On May 4, 2000, the LUC approved of WHC's request to expand the area for SP No. 724 to 144 acres. On September 27, 2018, the LUC granted a time extension for SP No. 724 to run co-terminus with the lease agreement between WHC and Parker Ranch (expiring September 30, 2037).

WHC has contacted the District Office and Land Management for DHHL to inform DHHL of the Special Permit application and hearing before the Leeward Planning Commission, and offered to discuss the application. The District Office and Land Management have not further contacted WHC to discuss the application.

Very truly yours,

LAW OFFICES OF YEH & KIM

A handwritten signature in dark ink, appearing to be 'RONALD N.W. KIM', written in a cursive style.

RONALD N.W. KIM