

Correspondence received by the Planning Department as of September 11, 2023, 9:00 am for the September 12, 2023, Planning Commission Meeting regarding the following item:

- H.4. Pacific Resource Partnership's Petition for Declaratory Order regarding HPM Building Supply's permit application for a Class IV Zoning Permit (Z-IV-2022-8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2-6-001-001, Koloa, Kauai.

Transmittal Memorandum

COUNTY OF KAUAI

'23 SEP -5 P3:47

PLANNING DEPT.

BY HAND DELIVERY

TO: Clerk of the Planning Commission
Planning Commission County of Kauai
4444 Rice Street, Suite 473
Lihue, HI 96766

FROM: Mauna Kea Trask, Esq.

DATE: September 5, 2023

RE: Pacific Resource Partnership's Petition for Declaratory Order.

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
<input checked="" type="checkbox"/>	12	09/05/2023	HPM Building Supply's (1) Petition for Intervention; and (2) Memorandum in Opposition to Pacific resource partnership's Petition for Declaratory Order; Declaration of Jason Fujimoto; Exhibits "1" – "4"; Certificate of Service.
<input checked="" type="checkbox"/>		09/05/2023	Cades Schutte LLP Check No. 1566 payable to the Director of Finance in the amount of \$25.00
<input checked="" type="checkbox"/>		09/05/2023	CD Containing an E-copy of HPM Building Supply's (1) Petition for Intervention; and (2) Memorandum in Opposition to Pacific resource partnership's Petition for Declaratory Order; Declaration of Jason Fujimoto; Exhibits "1" – "4"; Certificate of Service.

- ☐ For your information
- ☐ For your files
- ☐ Per your request
- ☐ Per our conversation
- ☒ For necessary action
- ☐ Are returned herewith

- ☐ For signature and return
- ☐ For signature, forwarding,
as noted below & return
- ☐ For review & comment
- ☐ For distribution
- ☐ For recording/filing

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REMARKS: HPM Building Supply's (1) Petition for Intervention; and (2) Memorandum in Opposition to Pacific resource partnership's Petition for Declaratory Order; Declaration of Jason Fujimoto; Exhibits "1" – "4"; Certificate of Service; and accompanying \$25.00 check. Please contact me at (808) 521-9297 or mtrask@ca-des.com should you have any questions.

CADES SCHUTTE
A Limited Liability Law Partnership

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Attorneys for Respondent
HPM BUILDING SUPPLY

BEFORE THE PLANNING COMMISSION
OF THE
COUNTY OF KAUAI

In the Matter of the Petition

Of

PACIFIC RESOURCE PARTNERSHIP, for
Declaratory Order.

**HPM BUILDING SUPPLY'S
(1) PETITION FOR INTERVENTION;
AND (2) MEMORANDUM IN
OPPOSITION TO PACIFIC RESOURCE
PARTNERSHIP'S PETITION FOR
DECLARATORY ORDER;
DECLARATION OF JASON
FUJIMOTO; EXHIBITS "1" - "4";
CERTIFICATE OF SERVICE**

**HPM BUILDING SUPPLY'S (1) PETITION FOR INTERVENTION;
AND (2) MEMORANDUM IN OPPOSITION TO PACIFIC
RESOURCE PARTNERSHIP'S PETITION FOR DECLARATORY ORDER**

Comes now, HPM BUILDING SUPPLY ("HPM" or "**Respondent**"), by and through its undersigned attorneys, and hereby respectfully submits this Petition for Intervention ("**Intervention**") and Memorandum in Opposition ("**Opposition**") to Pacific Resource Partnership's ("**PRP**") Petition for Declaratory Order, dated August 16, 2023, (the "**Petition**").

For the reasons stated herein, HPM respectfully requests the County of Kauai Planning Commission ("**Commission**") grant HPM intervenor status in this proceeding and either deny PRP's Petition or refuse to issue a declaratory order. This Intervention and Opposition is

submitted pursuant to the Rules of Practice and Procedure of the Kaua'i Planning Commission (as amended) ("**Commission Rules**") Rules: 1-4-1, 1-4-2, 1-4-4, 1-4-7, 1-6-11 (a), 1-6-16 (c), 1-10-3, 1-10-4, 1-10-5, and 1-10-6.

I. BACKGROUND.

HPM is a local business that was founded by local contractors Kametaro Fujimoto and Sanzo Kawasaki in 1921 as a lumber milling operation on the Big Island of Hawai'i. *See*, Declaration of Jason Fujimoto. HPM has been doing business in Hawaii for 100 years and is 100% employee owned through an Employee Stock Ownership Plan. *Id.* HPM employs local residents at all of its locations throughout the state and provides competitive wages for all of its employees based upon the cost of living on each island and reviews its wages annually to ensure competitive wages are maintained. *Id.*

HPM is making wooden trusses and wall panels for residential housing construction. HPM's operation is occurring within the pre-existing office, warehouse and electrical shop facility in the Old Sugar Mill in the ahupua'a of Pa'a, moku of Koloa, that was built after 1974 (the "**Facility**") *Id.*, and Exhibit "1". The Facility is located on a 1.175-acre portion of that certain parcel of real property owned by Mahaulepu Farm LLC and identified as Tax Map Key ("**TMK**") (4) 2-9-001-001 (the "**Property**"). The Facility is within a decades old pre-existing industrial development and is surrounded by other commercial, light industrial and renewable energy activities, including: 1) Kauai ATV tours; 2) KIUC's renewable solar energy facility; and 3) small local businesses engaged in light industrial uses.



Figure 1. Location and size of the Facility.

The Property is in the State Land Use Commission (“SLUC”) Agricultural District. The Property is in the Kauai General Plan (“**General Plan**”) Industrial Designation. The Property is within the County of Kauai Agriculture (A) zoning district. The Property is within the Industrial land use area of the South Kauai Planning District. The Property is not within the Special Management Area (“SMA”) or any Constraint of Special Treatment District. According to General Plan Figure 5-11, South Kaua’i Heritage Resource Map, the Property does not contain any registered historical sites or cultural features.

II. INTERVENTION

PRP is seeking a declaratory order that HPM’s operation is in violation of HRS § 205-4.5, Commission Rule 1-13-6, and Kaua’i County Code § 8-3.2 because HPM allegedly failed to obtain permits required for its operations. Petition at 2. PRP additionally seeks the Commission declare and order that HPM immediately cease its operations unless and until HPM obtains the required permits. *Id.*

HPM has a 10-year license from Mahaulepu Farm LLC to use the Facility, and thus holds an interest in the land. *See*, Declaration of Jason Fujimoto. The Facility is currently the only on island production facility of trusses on Kaua'i, and any interruption to HPM's production ability would be detrimental to construction on Kaua'i and overall affordability. *Id.* Further, the individuals and organizations that PRP purportedly represents obtain their building supplies from the Facility. *Id.*

If PRP's Petition is granted, not only would union contractors lose an important source of their necessary building materials, but HPM would be forced to cease operations and would be facing civil and criminal penalties without being afforded any substantive or procedural due process. For these reasons, HPM will be so directly and immediately affected by the Petition that its interest in the proceeding is clearly distinguishable from the general public, and therefore HPM shall be admitted as Parties-Intervenors. Commission Rule 1-4-1.

HPM will raise the following issues in the proceeding¹:

1. Unlike HPM's previous application for a Special Permit, Use Permit and Class IV Zoning Permit to **construct** a wooden truss and wall panel manufacturing facility, no permits are necessary because HPM's current operations are entirely contained within existing buildings that are under 50 years old;
2. HPM's operations are permitted uses under The Comprehensive Zoning Ordinance for the County of Kaua'i ("CZO");
3. A Special Permit is not required for HPM's operations in the Facility;
4. PRP's interest is not of the type that would give it standing to maintain an action if it were to seek judicial relief;
5. The issuance of the declaratory order may affect the interests of the Commission in a litigation that may reasonably be expected to arise;
6. The matter is not within the jurisdiction of the Commission; and

¹ HPM reserves the right to raise other claims and defenses during the proceeding should new information arise.

7. PRP is misusing the Declaratory Order process provided in Ch. 10 of the Commission Rules.

There are no other means available whereby HPM's interests may be protected other than being allowed to intervene in the proceeding. HPM's interests cannot be represented by PRP or the County of Kaua'i Planning Department ("**Department**"), the only other existing parties. HPM's participation can assist in development of a complete record by providing the actual facts and circumstances of its operation. HPM's participation will not unnecessarily broaden the issues or delay the proceeding.

For the foregoing reasons, Commission Rule 1-4-1 requires the Commission to grant HPM's Intervention into this proceeding.

III. OPPOSITION TO PRP'S PETITION FOR DECLARATORY ORDER.

PRP claims that HPM's operation is in violation of HRS § 205-4.5, Commission Rule 1-13-6, and CZO §8-3.2 based upon HPM's prior application for a Special Permit, Use Permit and Class IV Zoning Permit to construct a new facility on nearby vacant agricultural land, and because Kauai ATV tours needed the same permits for their commercial tour operation. However, these are false comparisons and do not create binding precedent for the Commission. HPM's operations do not include commercial recreational tourist activities and are entirely contained within a pre-existing industrial facility and as such, no permits are necessary. For the following reasons, PRP's Petition should be denied.

- A. *PRP's interest is not of the type that would give him standing to maintain an action if he were to seek judicial relief.*

PRP's standing is based upon its purported status as a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors throughout the State of Hawai'i, including approximately 250 individuals and unionized contractors on Kaua'i. Petition at 13. PRP claims, without any evidence, to have

expertise in, and is committed to, building a stronger, more sustainable Hawai'i in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawai'i. Petition at 13.

However, facts show that PRP's claimed standing is not supported by the evidence. PRP is not registered as a domestic non-profit with the State of Hawaii. Exhibit "2". Instead, and according to online records of the Department of Commerce and Consumer Affairs ("DCCA"), is an expired trade name. *Id.* According to Ballotpedia, the encyclopedia of American politics, PRP is an advocacy, consulting and representation firm for the building industry in Hawaii. Exhibit "3". This is confirmed on PRP's website. Exhibit "4". Specifically, PRP represents the Hawaii Regional Council of Carpenters, the largest construction union in the State, and over 240 contractors. *Id.* According to its own statements, PRP's main job is political advocacy in support of the construction industry and large construction projects. *Id.* at 2 and 3. It appears, PRP is most well-known for its' political advocacy in support of the Honolulu Rail project. *Id.* at 3.

PRP's status as a labor and political organization does not give it standing to Petition for a declaratory order in a land use and zoning matter. PRP identifies no adjacent lands that it holds and interest in, nor does it identify any members of any organizations that it represents that live in the vicinity of the Project. *See: Ka Pa'akai O Ka 'Aina v. Land Use Comm'n, State of Hawai'i*, 94 Hawai'i 31, 42-44, 7 P.3d, 1068, 1079-81 (2000) (plaintiff organization which sued to prevent development of a parcel of land had standing to challenge the Land Use Commission's decision because members of the organization alleged the development would impair their use and enjoyment of pristine nature, scenic views, and open coastline of the area); *Citizens for Protection of North Kohala Coastline v. Cnty. of Hawai'i*, 91 Hawai'i 94, 100-02, 979 P.2d 1120, 1126-28 (1999) (plaintiff group established standing to challenge the construction of a

coastline resort by contending that they used the area for picnics, swimming, boating, fishing, and spiritual activities, and that the proposed resort threatened the plaintiffs' quality of life through irreversible degradation of the coastline and marine environment); *Pele Defense Fund v. Puna Geothermal Venture*, 77 Hawai'i 64, 70, 881 P.2d 1210, 1216 (1994) (organizations and individuals that sued challenging an agency's decision to grant a permit for geothermal wells established standing by alleging the permits would diminish their property values, cause an odor nuisance, and reduce air quality).

PRP improperly attempts to use the lower standing standard applied by Hawai'i courts to organizations that protect the environment and native Hawaiian rights. PRP is not such an organization and does not engage in such activities. As stated above, PRP is a special interest lobbying and advocacy firm. It is not an organization that advocates for the public interest or protects native Hawaiian and environmental interests from development, in fact it supports the Honolulu rail, the largest and most expensive construction project in Hawaii and has been uncovering iwi kupuna since 2012. See, *Mottl v. Miyahira*, 95 Hawai'i 381, 393, 23 P.3d 716, 728 (2001) ("To date, the appellate courts of this state have generally recognized public interest concerns that warrant the lowering of standing barriers in two types of cases: those pertaining to environmental concerns and those pertaining to native Hawaiian rights."); *Pele Defense Fund v. Paty*, 73 Haw. 578, 614, 837 P.2d 1247, 1268 (1992), *certiorari denied*, 507 U.S. 918, 113 S.Ct. 1277, 122 L.Ed.2d 671 (1993) ("With regard to native Hawaiian standing, this court has stressed that "the rights of native Hawaiians are a matter of great public concern in Hawai ['i].").

As a non-environmental special interest group, PRP's standing depends on injury to the organization itself, not the environment. See, e.g., *Hawai'i Tourism Auth.*, 100 Hawai'i at 271, 59 P.3d at 906 (Moon, J., dissenting) (stating that organizational plaintiff must show that its

“*plaintiff members*—not the environment—have been or will be harmed”); *id.* at 251 n. 15, 59 P.3d at 886 n. 15 (plurality opinion) (stating that “ actual or threatened injury is that set forth in the affidavits of Petitioner's members[.]”); *cf. Friends of the Earth, Inc. v. Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 181, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000) (“The relevant showing for purposes of Article III standing ... is not injury to the environment but injury to the plaintiff.”).

Unlike the environmental standing cases in which organizations showed actual and threatened injury to its members, PRP provides no evidence that HPM's project negatively affects any of their clients. See, *Citizens for Prot. of North Kohala Coastline*, 91 Hawai'i at 101, 979 P.2d at 1127 (holding that citizen group had standing to challenge agency's issuance of special management area permit for construction of coastline resort because the group's members, although not owning land adjoining the project area, were “long time and frequent users” of the coastline, for such uses as fishing, “picnics, ... swimming and boating,” and therefore “injury to its members' quality of life is threatened”). PRP provides no affidavits of any alleged union's members and doesn't even include affidavits from the union organization itself.

PRP's purported standing as a political and trade advocacy organization is properly directed at other venues that deal with those types of matters, not the Commission, which administers the County of Kauai land use and zoning rules.

- B. The issuance of the declaratory order may affect the interests of the *Commission in a litigation that is pending or may reasonably be expected to arise.*

HPM will appeal any enforcement action taken against it with regard to its operation of a mill. This will affect the interests of the Commission in litigation that is guaranteed to arise.

The Commission, Zoning Board of Appeals (“ZBA”) and the Planning Director have the duty to enforce county land use and zoning rules. Charter section CZO §8-3.5(a)(2). The enforcement process begins with a determination by the Planning Director (“**Director**”) that a

person, or other applicable entity, is in violation of the CZO or other county land use law and serves the person with a notice of violation. CZO §8-3.5(b)(1). Thereafter, the Director determines if the person is not complying with the notice of violation. *Id.* If the person does not comply with the notice of violation, the Director serves the person with a notice and order to pay fines. *Id.* The CZO provides that the parties responsible for the violation may appeal the order to the Commission pursuant to its rules. CZO §8-3.5(b)(3). Appeals before the Commission are covered by the Commission Rules.

Violation of the CZO can result in civil and criminal penalties. CZO §8-3.5(a)(3). A declaratory judgement may not be employed as a device to enforce criminal statutes through the direct action of private persons. American Jurisprudence 2d, Vol. 22A, Declaratory Judgment §54; citing, *Oppenheimer v. Clifton's Brookdale*, 98 Cal. App. 2d 403, 220 P.2d 422 (1950); *Ahern v. Baker*, 148 Colo. 408, 366 P.2d 366 (1961); *Bird v. Rozier*, 948 P.2d 888 (1997).

What PRP is asking the Commission to do is to subvert the Director's authority under the Charter and the CZO and adjudicate HPM in violation of the CZO. This action necessarily involves the Commission in future litigation because any such order would first be appealable in a county administrative process and then appealable to the circuit and appellate courts. Such action is in direct violation of the law and will adversely affect the interests of the Commission in litigation that will necessarily arise.

C. *The matter is not within the jurisdiction of the Commission.*

As stated above, PRP is seeking a declaratory order that HPM's operation is in violation of HRS § 205-4.5, Commission Rule 1-13-6, and CZO 8-3.2 because HPM allegedly failed to obtain permits required for its operations. Petition at 2. PRP additionally seeks the Commission

declare and order that HPM immediately cease its operations unless and until HPM obtains the required permits. *Id.*

Under County Charter § 14.13 A. only the Zoning Board of Appeals, not the Commission, may conduct hearings in accordance with chapter 91, Hawai'i Revised Statutes regarding the violation of the zoning and subdivision ordinance and the regulations adopted thereunder.

Despite the Commission Rules and/or the CZO's provision that the Commission has the power to adjudicate violations of county land use and zoning rules, the County Charter does not and the County Charter controls. *See*, Hawaii Constitution Art. 8 section 2; and *Fasi v. C&C Hon.*, 72 Haw. 513, 823 P.2d 742 (1992) ("Ordinance in conflict with express provision in county charter was invalid."). Further, it is axiomatic that an agency administrative rule or policy that restricts or conflicts with a legislative enactment is invalid. *Agsalud v. Blalack*, 67 Haw. 588, 591 (1985); *U.S. Nat. Trans. Safety Bd.*, 888 F.2d 767 (11th Cir. 1989); *Calif. Ass'n of Psychology Providers v. Bank*, 793 P.2d 2 (Cal. 1990).

Regardless of what it's styled by PRP, the Commission simply can't take the requested action contained in PRP's Petition because it doesn't have the power to do so.

IV. CONCLUSION.

For the reasons sated above, HPM respectfully requests the Commission grant HPM intervenor status in this proceeding and either deny PRP's Petition or refuse to issue a declaratory order for the reasons stated herein.

DATED: Lihue, Kauai, Hawaii, September 5, 2023

CADES SCHUTTE LLP



MAUNA KEA TRASK

Attorneys for Respondent
HPM BUILDING SUPPLY

BEFORE THE PLANNING COMMISSION
OF THE
COUNTY OF KAUAI

In the Matter of the Petition

Of

PACIFIC RESOURCE PARTNERSHIP, for
Declaratory Order.

DECLARATION OF JASON FUJIMOTO

DECLARATION OF JASON FUJIMOTO

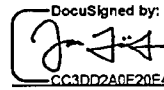
I, JASON FUJIMOTO, hereby declare as follows:

1. I am the President and CEO of Hawai'i Planing Mill, Ltd., dba HPM Building Supply ("HPM").
2. HPM is a local business that was founded by local contractors Kametaro Fujimoto and Sanzo Kawasaki in 1921 as a lumber milling operation on the Big Island of Hawai'i.
3. HPM has been doing business in Hawaii for 100 years and is 100% employee owned through an Employee Stock Ownership Plan.
4. HPM employs local residents at all of its locations throughout the state and provides competitive wages for all of its employees based upon the cost of living on each island and reviews its wages annually to ensure competitive wages are maintained..
5. HPM has a 10-year license from Mahaulepu Farm LLC to use the pre-existing office, warehouse and electrical shop facility in the Old Sugar Mill in the ahupua'a of Pa'a for making wooden trusses and wall panels for residential housing construction (the "Facility").
6. The Facility is currently the only on island production facility of trusses on Kaua'i, and any interruption to HPM's production ability would be detrimental to construction on Kaua'i and overall affordability.

7. The Facility provides building materials to union contractors and union members.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Lihu'e, Hawai'i, September 5, 2023.

DocuSigned by:

CC3DD2A0E20E469

JASON FUJIMOTO, PRESIDENT
HPM BUILDING SUPPLY

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EXHIBIT LIST

Exhibit	Description
1	Historic Survey of Koloa Mill
2	DCCA Trade name registration
3	Ballotpedia doc
4	PRP webpages

EXHIBIT 1

A Historic Resources Survey of Kōloa Mill

**Mason Architects, Inc.
July 2009**

An Historic Resources Survey of Koloa Mill

Project Background

HOH Utilities, LLC proposes to develop a privately-owned and operated regional wastewater reclamation facility and associated wastewater collection system in the Koloa-Poipu region on the south shore of the island of Kauai. The proposed wastewater collection system improvements would consist of a regional wastewater reclamation facility (Regional WRF) and four wastewater pump stations as well as gravity lines and force mains. The proposed location of the Regional WRF is off Weiwei Road on a portion of Tax Map Key 2-9-001:001, which includes the site of the sugar mill formerly utilized by Koloa Sugar Company (1913-1948), Grove Farm Plantation (1948-1974), and McBryde Sugar Company (1974-1996). The proposed project intends to incorporate and adaptively reuse the sugar mill's bagasse storage building and a water tank as part of the Regional WRF. The adaptive reuse of these buildings will most likely entail the removal of the conveyor system which transported the bagasse to and from the sugar mill building.

The present inventory survey was undertaken to gather sufficient information to assess the historic significance of the complex of buildings which constitute the former Koloa Sugar Company mill. The historic resources inventory forms were completed following a visit to the site on May 21-22, 2009, by Don Hibbard, Ph.D., and basic historic research concerning the site was undertaken, which included conversations with former McBryde Sugar Company employees Earl Smith on May 22, 2009 and Bob Bryan on May 21, 2009.

Historic Context

Ladd and Company, the predecessor to the Koloa Sugar Company although not the first to attempt to produce sugar in Hawaii, was the first to be somewhat successful in this endeavor. The story of their effort well reveals the changing character of Hawaiian society during the 1830s. Supported by a missionary desire to provide Hawaiians with "gainful" employment, Kamehameha III was influenced, in 1835, to grant Ladd and Company a fifty year lease and water rights for about one thousand acres of land in Koloa for \$300/year. This written, binding lease for such a large holding of land was unprecedented in Hawaii, as previously the monarchy only granted, in the vaguest of terms, the use of relatively small land parcels to foreigners. In addition to granting land and water rights, the lease exempted Hawaiians who worked for the plantation from paying taxes to their ali'i, thus undermining the authority of the Hawaiian rulers by giving commoners a new means of livelihood and obligation. The plantation further transformed the Hawaiian barter-based, subsistence economy by printing its own money, the first currency to be produced in the kingdom. The Koloa dollars were exchanged for goods at the plantation store, but soon circulated beyond the store, remaining in use on Kauai until at least 1850. The plantation also provided worker housing, and addressed medical needs, thereby establishing the foundations of the paternalistic plantation system which spread throughout the islands and endured for over one hundred years.

Initially, twenty five acres of sugar cane were cultivated at Koloa, and in 1836 a dam was built to provide water power for turning a mill located at Mauiili. Two years after its completion this rudimentary mill was replaced by a new mill at the same location. Ladd and Company was sufficiently successful to allow the construction of a larger sugar mill

in 1841 at Waihothonu, on lands leased to the Koloa Sugar Company by the Knudsen family. The stone stack of this mill still stands in the heart of Koloa town at the intersection of Maluhia and Koloa roads. The Waihothonu mill was updated in 1853, and in 1869 became the first steam powered mill on Kauai. It fulfilled the sugar company's needs for the remainder of the nineteenth century and into the twentieth century. (Alexander, page 69)

The present mill's location was the third and final mill site used by the Koloa Sugar Company. By 1912, it was apparent that the Waihothonu factory was outdated and required extensive repairs. In June 1912, the Koloa Sugar Company board of directors decided that rather than expend moneys on repairing and upgrading a mill that sat on leased land, it would be more prudent to construct a new mill on lands owned by the company. A site for the new factory was chosen in Paa, midway between Waita Reservoir (built 1903-1906) and Puuhi Reservoir, just below the former "Mill Ditch". At their meeting of July 18, 1912, the board accepted the offer of the Honolulu Iron Works to furnish materials, buildings, crushing machinery, and evaporating equipment for the new factory for a cost of \$242,000. Provision was made to reduce this cost, if it was found some of the old machinery could be installed in the new mill. (Alexander, pages 144-145)

Work was started in early 1913 on the foundations and various adjuncts to the factory, such as shops, warehouses, railroads and roads. Construction on the factory itself commenced on May 30, 1913 under the supervision of John Gribble, an engineer who worked for Honolulu Iron Works. The factory was completed in 1913, at an approximate cost of \$330,000. The new mill train had twelve rollers, 32" x 66" with a Krajewski crusher and automatic feeders to deliver the bagasse to the boilers. Kopke clarifiers, made in Hawaii, were initially used, but these proved unsatisfactory and in 1933 a three compartment Dorr clarifier was installed. (Garden Island, Gilmore, 1935-1936, page 170, and Alexander, pages 145-147)

The years immediately following the construction of the new mill were the most profitable for Koloa Sugar Company, in large part the result of the high sugar prices engendered by World War I. By 1919 Koloa Sugar Company was producing 9,000 tons of sugar with annual profits of nearly \$300,000. Following World War I the price of sugar dropped tremendously, but the introduction of tractors into the fields and other efficiencies resulted in greater sugar production, with 18,833 tons produced in 1933. Throughout the 1930s and 1940s, Koloa Sugar company confronted economic difficulties, and by 1946 the company found itself over one million dollars in debt. It appeared Koloa was destined to follow such other small plantations as Kipahulu, Hana, Waianae, and Waimanalo and go out of business.

At this time Koloa Sugar's neighboring plantation, Grove Farm, was also beginning to discover the economic disadvantages of a small operation. In addition, Grove Farm had no mill of its own, and Lihue Mill had raised its rates for grinding Grove Farm Plantation's cane. As a result in 1948 Grove Farm acquired Koloa Sugar Company, thereby doubling its acreage planted in cane and coming into possession of its own mill. Grove Farm constructed a tunnel through the mountain between its fields and Koloa Mill, substantially upgraded the mill, cleared the rock filled Koloa fields of enough stones to allow mechanization of the harvests, and inaugurated the use of tracks, rather than the railway, to transport the cane to the mill and the sugar to the docks.

Sugar in Hawaii continued to decline in the face of international competition. In the early 1970s Kahuku on Oahu, Kohala on the island of Hawaii, and Kilauea on Kauai, ceased operations. In 1974 Grove Farm decided to close as well, and leased its mill and surrounding lands to McBryde Sugar Company, while leasing its original Grove Farm lands to Lihue Plantation. McBryde shifted its milling operations to Koloa, as its own mill was in need of major improvements. McBryde closed its Numila mill near Eleele and transferred its best equipment to Koloa and also upgraded and expanded the Koloa Mill so that it could handle all of the company's harvest. The mill continued in operation for another twenty two years, but Hurricane Iniki destroyed much of the company's fields in 1991, and McBryde gradually phased out of sugar production, concluding its sugar operations in 1996, when it closed the mill.

The Buildings and Structures

The site visit discovered eight buildings and five structures associated with the former Koloa Sugar Company's mill site that remain standing. These included the following:

buildings:

1. bagasse storage building
2. sugar mill
3. parts warehouse
4. water pump sheds
5. office building
6. electric shop and laboratory
7. sugar bins
8. sugar storage building

structures:

1. water tank
2. molasses tank
3. day tank
4. foundations of former cleaning plant
5. stack

Of these buildings and structures, only the Bagasse Storage Building and Water Tank may be directly affected by the proposed wastewater treatment project. The remaining buildings and structures may be indirectly affected by the proposed project. All eight buildings and five structures were photographed, and historic resource forms were completed for each.

Of these buildings and structures, the sugar mill building, water pump sheds, sugar bins, sugar storage building, molasses and day storage tanks, and cleaning plant foundations are over fifty years old and appear to meet the criteria for listing in the Hawaii and National Registers of Historic Places. The bagasse storage building, water tank, stack, parts warehouse, office building, and electric shop are not fifty years old, and do not appear to meet the National Register's Criteria Consideration G for exceptional importance for properties less than 50 years old; therefore they are not considered to be historic properties.

As the proposed project will only directly involve the water tank and bagasse storage building, both of which were constructed by McBryde in the 1970s, the proposed project will have no direct effect upon historic properties. Retaining and reusing the water tank and bagasse storage building, will allow the sugar mill complex to remain intact. However, the reuse of these two components may have an indirect effect on the historic buildings and structures that comprise the sugar mill complex by introducing a new function as well as new visual and atmospheric elements to the complex, thereby reducing its integrity with regards to setting, feeling, and associations.

To mitigate any indirect effects, the client should consider providing the State Historic Preservation Division with additional digital photographs documenting the water tank and bagasse storage building, and to also provide the office with a copy of the original drawings of the bagasse storage building's conveyor system, which are presently held by Grove Farm Plantation.

Bibliography

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- Cook, Chris, *Kauai, The Garden Island, A Pictorial History*, Virginia Beach, Virginia: The Donney Company, 1999.
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- The Garden Island*
"New Mill Started," June 10, 1913, page 1.
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- Hoverson, Martha, *Historic Koloa: A Guide*, Koloa, Kauai: Friends of the Koloa Community, 1985.
- Krauss, Bob with W. P. Alexander, *Grove Farm Plantation*, Palo Alto, California: Pacific Books, 1965.

Koloa Mill
Photograph of Mill from the west, 1948



Koloa Mill
Photograph of Mill from the southeast, 1958



Site # _____
TMK 2-9-001:001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Mill Building
2. Historic Name, if known: _____
3. Street or rural address: Weliweli Road
- City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: ☐ Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:
Style utilitarian
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Shingle Other
Additional Materials Roofing Material metal Other monitors Special features
Roof: ☒ Gable ☐ Hipped ☐ metal ☐ Other monitors Special features
Roof Trim: Closed Eaves ☒ Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyebrow Other
Porch: Inset Outset Open Enclosed Facade length
Door: Wraparound Centered Inset Transom Side Panels
Double-Hung Window Openings in walls at various locations Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass pivot
Number of panes: _____
Other Features: most all of the machinery and equipment remain in the mill
or approximate acreage _____
8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings Open Land Scattered Buildings Densely Built-up
Residential Commercial ☒ Industrial Other
11. Is the structure ☒ on its original site moved unknown
12. Year of initial construction 1913 This date is ☒ factual estimated
13. Architect (if known) _____
14. Builder (if known) John Grisholm
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/ Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph May 22, 2009

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

The mill building at Koloa was initially constructed in 1913. Over time numerous additions were made to the structure to accommodate expanded needs and improved technologies and equipment. The building is comprised of a number of gable roofed sections, with each section housing distinct functions.

When viewing the building from the west the dominant four story, front facing gable roofed section which forms a backdrop for most of the building, houses the boiler house, with the shed roofed power house extending off to the north. To the south of the boiler house is another four story, gable roofed section which contains the original boiling house. To the west of the original boiling house are a number of two and three story wings and additions with lateral and front facing gable roofs which accommodated the expansion of the boiling house and also a power plant. The prominent shed roofed addition and row of evaporators along the outside of the building on the west side were constructed by McBryde. The front facing gabled structure immediately to the north of the McBryde additions held a power house constructed in 1936, while the shallow pitched front facing monitor roofed wing to the north of the power house contains the mill train and machine shop. To the left rear of this wing is the original front facing, gable roofed bagasse storage area.

Within the building much of the machinery and equipment remains intact. The cleaning plant and crusher no longer remain on site; however, the twelve roller mill train and its concluding French Press are in place. The steam turbines that powered the mill train were removed and sold to Gay & Robinson for installation in their mill at Makaweli. The reduction gears remain. The machine shop still contains its crane, lathes and several other items. The two boilers are still intact as is their stack and the power house with its two General Electric steam turbines and generators. The latter was constructed in 1964 by Grove Farm and replaced the earlier power house located on the evaporator floor. The two boilers were also installed by Grove Farm. The smaller one was added in 1953 and replaced seven old boilers. The larger, second boiler was erected in 1964 in part to provide sufficient steam for the new power house.

The boiling house is four stories high. It still contains its clarifier, scales, heaters, quadruple effect evaporators, with numbers one and two in parallel, four mud presses, high and low grade pans and their Nash vacuum pumps, crystalizers, massecuite heaters, and low and high grade centrifugals. The cup elevator is also intact as are the conveyors leading to it. The ground floor of the boiling house is criss-crossed with overhead pipes to convey the sugar juice, massecuite, steam, and condensed water to various destinations, and contains numerous pumps. In addition one heater is located on this level, as is two large caustic soda tanks, and the base of the clarifier. Also at this level, in the southwest corner, are the centrifugals, which are elevated above the floor on

metal stagings. These include a row of four continuous low grade centrifugals, one of which was sent to HCS at Pūnēne on Maui. The initial Silver centrifugal is among this group and dates from circa 1966. Running perpendicular to the continuous centrifugals is a row of nine low grade batch centrifugals, six of which have been removed. Adjoining these machines, on its own staging are four high grade centrifugals, two of which were sold and sent to Louisiana. Screw conveyors are located beneath the centrifugals. These transported the sugar crystals to the cup elevator, which in turn took the processed sugar to a conveyor which led to the sugar bins.

On the evaporator floor may be found the scales, as well as the Dorr clarifier, and Oliver mud presses. The smallest of the four mud presses was brought to the mill by McBryde from Elele. Accompanying the mud presses are two receiver tanks and a cyclone feeder which delivered bagasse for the mud presses. The mud presses sit in their own shed roofed section. To the west of the mud presses, clarifier and scales are the five evaporators. K-1 and K-2 are in parallel, with the former built by Hilo Iron Works in 1936 and the latter by the St. Mary Iron Works in Louisiana. Beyond the evaporators is the 1936 two-story powerhouse wing, which is currently vacant with its 500 k.w. General Electric turbo-generator removed, although some of its control panels remain in place. The wing contains some of the few pivot windows in the mill. These have twenty four panes with a four pane pivot flanked by twelve panes above, six below and one to each side.

The third floor of the boiling house contains twenty three continuous system crystallizers. These were installed between 1951 and 1966. Steps lead up to a mezzanine which allows serving of the crystallizers from above.

The top floor of the boiling house is the pan floor. At the east end of this room are the three high grade pans, with pans 1 and 2 manufactured in Louisiana by St. Mary's Iron Works, and pan 3 made by Honolulu Iron Works in 1986. To the south of these are rectangular syrup tanks and a fourth high grade pan. To the west of the high grade pans are five low grade pans, which include two pans manufactured by Honolulu Iron Works, one dating from 1924 and the other 1936. Low grade pan number 8 is in a shed roofed addition which McBryde constructed. This pan was also fabricated by Honolulu Iron Works. The Nash vacuum pumps and condensers, which were installed in 1966, are all still intact on this floor, and at the east end two massecuite heaters.

An office and laboratory is also within the confines of the mill building in the southeast corner, and a lime station is located beyond the laboratory to the south in a shed roofed addition.

See the historic context section of the inventory report for information on the history and operation of the mill.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

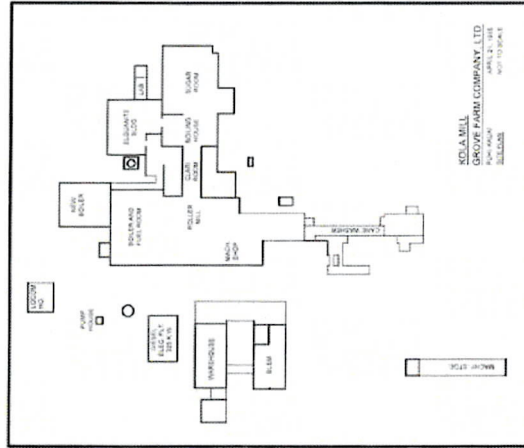
Gilmore's Hawaii Sugar Annual, 1936, 1938-39, 1947-48, 1951, and 1966.

CREDITS

Date form prepared: June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Mill Building
Overall view from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Exterior view from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Exterior view from the south, bagasse storage building on the right, 1949 sugar storage building on the left.
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Exterior view from the east
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Exterior view from the northeast, power house wing
Photographer: Don Hibbard
May 22, 2009



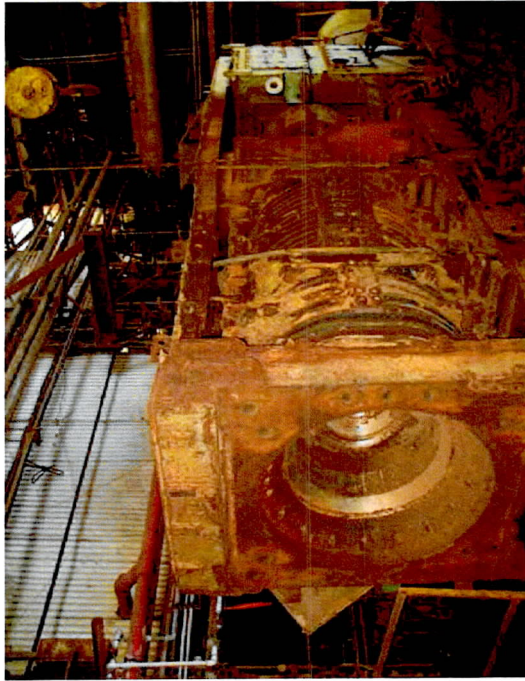
Koloa Sugar Mill: Mill Building
Interior view of mill train from the northwest
Photographer: Don Hibbard
May 22, 2009



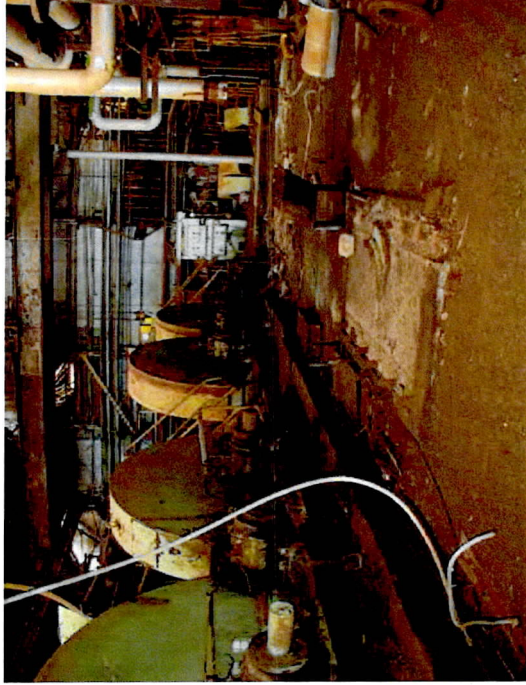
Koloa Sugar Mill: Mill Building
Interior view of mill train from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of French Press from the northwest
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of reduction gears, steam turbines have been removed, from the southwest
Photographer: Don Hibbard
May 22, 2009



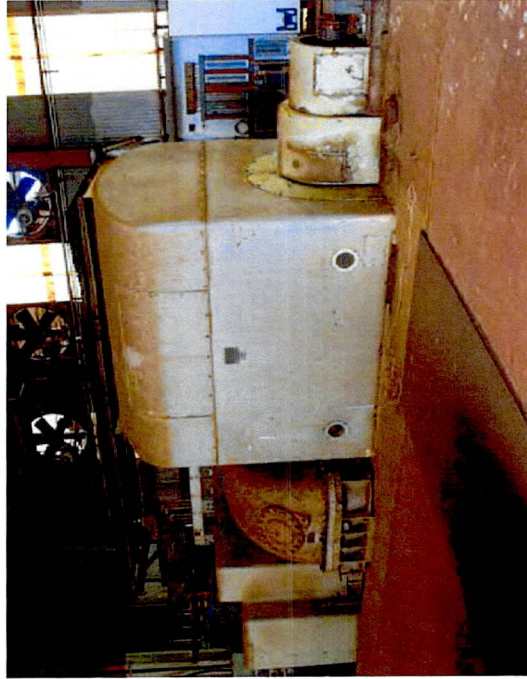
Koloa Sugar Mill: Mill Building
Interior view of machine shop from the southwest, original bagasse storage area
behind rear concrete block wall.
Photographer: Don Hibbard
May 22, 2009



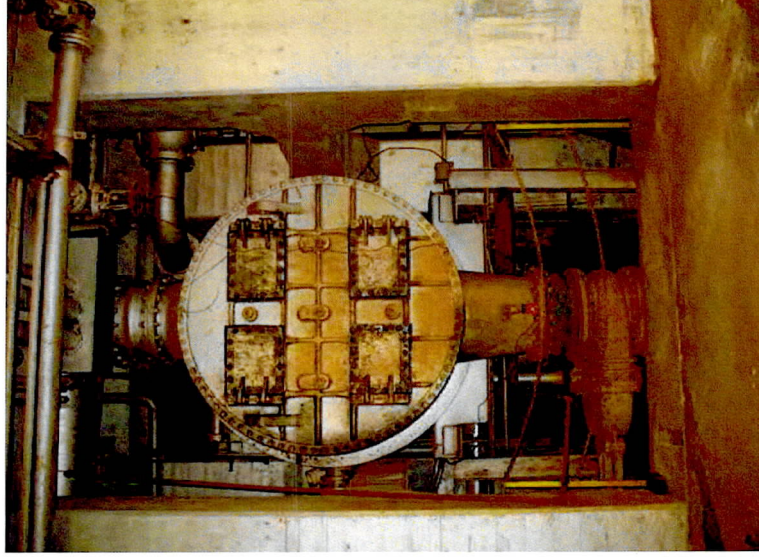
Koloa Sugar Mill: Mill Building
Interior view of original bagasse storage area from the east
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of power house, second floor with General Electric steam turbine and
generator from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of condenser on ground floor of power house, from the south
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of scales, on evaporator floor of boiling house with mud press in
background, from the southeast
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of heaters, on evaporator floor of boiling house from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of top of evaporator from crystallizer mezzanine from the southeast
Photographer: Don Hibbard
May 22, 2009



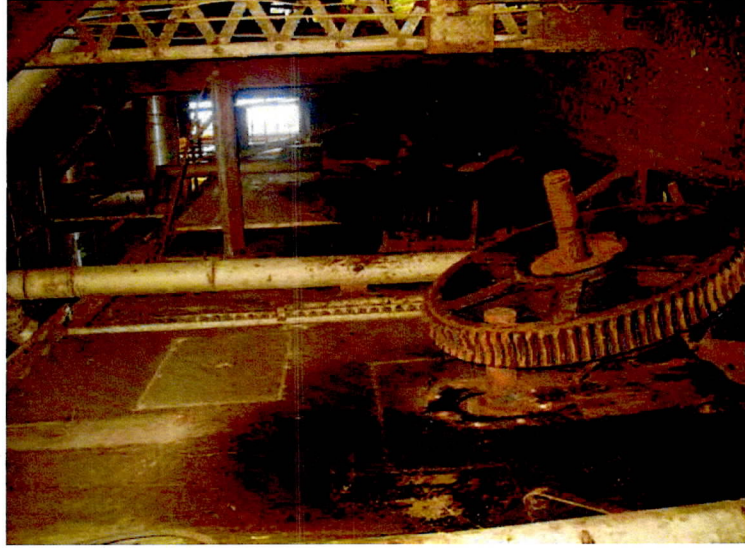
Koloa Sugar Mill: Mill Building
Interior view of old power house from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of old powerhouse from the east
Photographer: Don Hibbard
May 22, 2009



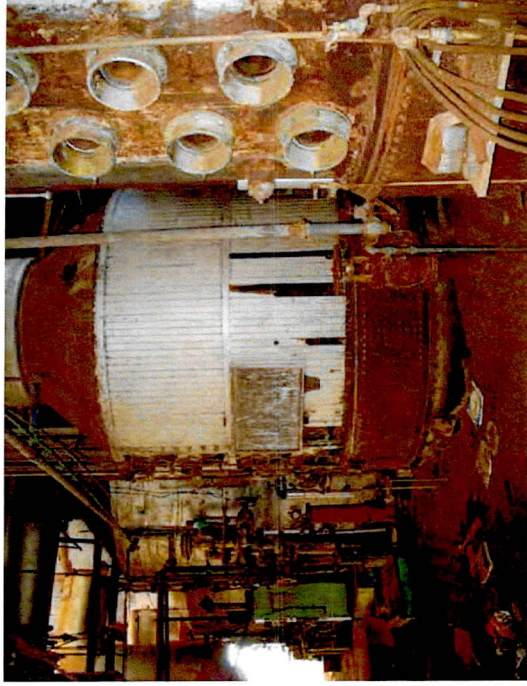
Koloa Sugar Mill: Mill Building
Interior view of crystallizers from the east
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of mud presses on evaporator floor from the north
Photographer: Don Hibbard
May 22, 2009



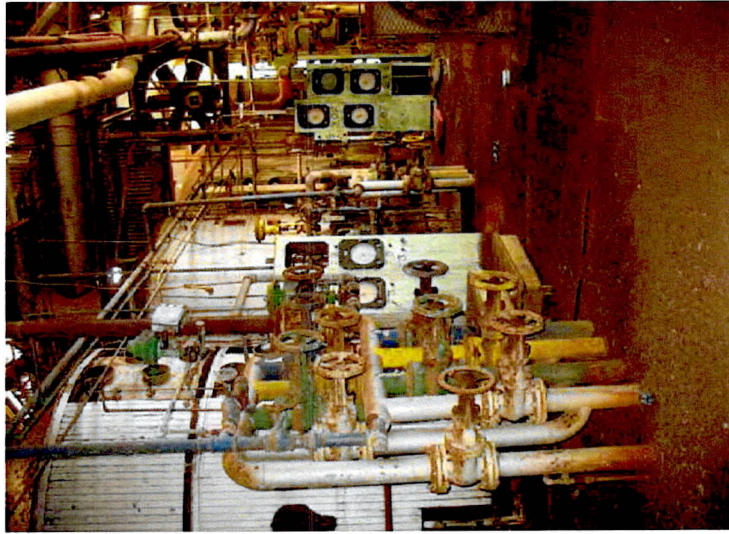
Koloa Sugar Mill: Mill Building
Interior view of pan floor from the west, Honolulu Iron Works low grade pan dating
from 1924 in immediate foreground.
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of pan floor from the northwest, High Grade Pan 4 in Foreground,
Syrup Tanks Beyond.
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of pan floor from the east, low grade pans
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of massecuite heater on pan floor from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of low grade centrifugals, Silver in the foreground from the north
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of high grade centrifugals from the east
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of cup elevator and screw conveyor from the southeast
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of boiler number one from the northeast
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Mill Building
Interior view of lime station from the west
Photographer: Don Hibbard
May 22, 2009



Site # 2-9-001-001
TMK 2-9-001-001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Bagasse Storage Building
2. Historic Name, if known: _____
3. Street or rural address Welliweli Road
- City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
- Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:

Style utilitarian

Primary Exterior Building Material: Stone Stucco Adobe concrete and metal Other

Wood: Clapboard Shiplap Vertical Board Board and Batten

Additional Materials

Roof: X Gable X Hipped metal Other Special features

Roofing Material metal

Roof Trim: Closed Eaves X Overhanging Eaves Brackets

Dormers: Gabled Hipped Shed Eyebrow Other

Porch: Inset Outset Open Enclosed Facade length

Door: X Wraparound Centered Offset

Windows: Double-Hung Sliding Casement Awning Jalousies

Other Features: Number of panes: _____
bagasse conveyor system
8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature Altered X Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up Other
Residential Commercial X Industrial
11. Is the structure X on its original site _____ moved _____ unknown
12. Year of initial construction 1975 This date is _____ factual X estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/ Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph _____ May 22, 2009 _____

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

McBryde Sugar Company obtained a lease on the former Koloa Sugar Mill in 1974. In the following year they constructed this bagasse storage building.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

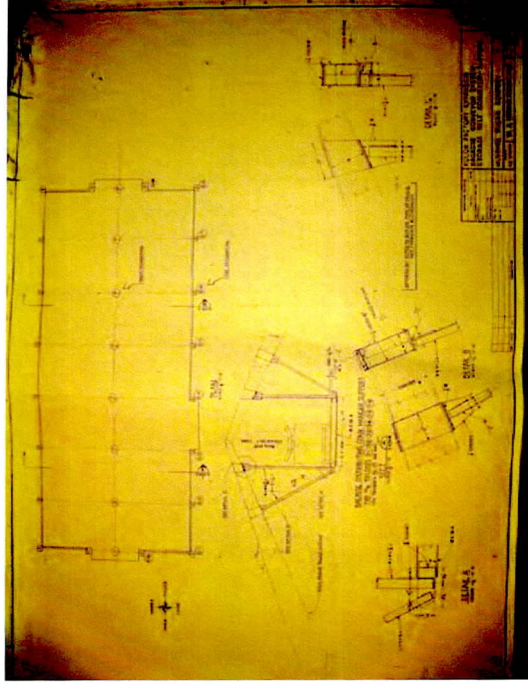
Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Bagasse Storage Building
Bagasse Storage Building, Floor Plan



Koloa Sugar Mill: Bagasse Storage Building
View from the south
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Bagasse Storage Building
View from the southwest
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Bagasse Storage Building
Interior, view from the south
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Bagasse Storage Building
Conveyor from Bagasse Storage Building to Mill, View from the southeast
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Bagasse Storage Building
 Bagasse Storage Building and blue covered conveyor to mill, View from the east
 Photographer: Don Hibbard
 May 22, 2009



Site # 2-9-001:001
 TMK

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Warehouse Building
2. Historic Name, if known:
3. Street or rural address Weliveli Road City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: warehouse Original Use: agricultural
- Other Past Uses:

DESCRIPTION

7. Physical Appearance:
Style utilitarian
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Shingle Other
Additional Materials
Roof: ☒ Gable ☒ Hipped metal Other Special features
Roofing Material metal
Roof Trim: Closed Eaves ☒ Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyebrow Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: Centered Inset Transom Side Panels
Double-Hung Window entire sidewalk is comprised of open bays Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass
Number of panes:
Other Features:
8. Approximate Property Size: Frontage Depth
or approximate acreage
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up
Residential ☒ Commercial ☒ Industrial Other
11. Is the structure ☒ on its original site moved unknown
12. Year of initial construction post-1974 This date is ☒ factual estimated
13. Architect (if known)
14. Builder (if known)
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/ Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph _____ May 22, 2009 _____

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

McBryde Sugar Company obtained a lease on the former Koloa Sugar Mill in 1974. It subsequently constructed this warehouse building, which was used for the storage of spare parts. The present occupants of the building added the concrete floor.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Oral interview on May 21, 2009 with Bob Bryan, a former McBryde employee who currently works for the present occupant of the building.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Spare Parts Warehouse
View from the southeast
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001:001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Fire Protection Pump Houses
2. Historic Name, if known: _____
3. Street or rural address: Weliwell Road City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant-recreation Original Use: agricultural
- Other Past Uses: warehouse

DESCRIPTION

7. Physical Appearance:
Style utilitarian
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Shingle Other
Additional Materials _____
Roof: ☒ Gable ☒ Hipped ☐ Other _____ Special features _____
Roofing Material metal
Roof Trim: Closed Eaves ☒ Overhanging Eaves _____ Brackets _____
Dormers: Gabled Hipped Shed Eyefid Other _____
Porch: Inset Outset Open Enclosed Facade length _____
Wraparound Centered Offset _____
Door: ☒ Centered Inset Transom Side Panels _____
Sidelights Window Sliding Casement Awning Jalousies _____
Double-Hung Plate glass _____
Number of panes: _____
Other Features: _____

8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up _____
Residential Commercial ☒ Industrial Other _____
11. Is the structure ☒ on its original site _____ moved _____ unknown _____
This date is _____ factual _____ estimated.
12. Year of initial construction _____ unknown _____ This date is _____ factual _____ estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s) _____
Formal Garden(s) Windmill Watertower/Tankhouse _____

_____ Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph May 22, 2009

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

These two corrugated metal sheds housed the pumps used for the mill's fire protection system.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Fire Protection Pump Houses
View from the south
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001:001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Office, Warehouse and Electric Shop Building
2. Historic Name, if known: _____
3. Street or rural address: Weliheli Road _____ City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private ☐
6. Present Use: _____ Original Use: agricultural
Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:
Style _____ utilitarian
Primary Exterior Building Material: Stone _____ Stucco _____ Adobe _____ metal _____ Other _____
Wood: _____ Clapboard _____ Shiplap _____ Vertical Board _____ Board and Batten _____
Other _____
Additional Materials
Roof: _____ Gable _____ Hipped _____ metal _____ Other _____ Special features _____
Roofing Material _____
Roof Trim: Closed Eaves ☒ Overhanging Eaves _____ Brackets _____
Dormers: Gabled _____ Hipped _____ Shed _____ Eyelid _____ Other _____
Porch: Inset _____ Outset _____ Open _____ Enclosed _____ Facade length _____
Door: _____ Centered _____ Offset _____ Inset _____ Transom _____ Side Panels _____
Windows: Double-Hung _____ Sliding _____ Casement _____ Awning _____ Jalousies _____
Plate glass _____
Number of panes: _____
Other Features: _____
8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature _____ Altered ☒ Unaltered ?
10. Surroundings: _____ Open Land _____ Scattered Buildings _____ Densely Built-up _____
Residential _____ Commercial ☒ Industrial _____ Other _____
11. Is the structure ☒ on its original site _____ moved _____ unknown
12. Year of initial construction _____ post-1974 _____ This date is ☒ factual _____ estimated
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: _____ Barn _____ Carriage House _____ Outhouse _____ Shed(s) _____
Formal Garden(s) _____ Windmill _____ Watertower/ Tankhouse _____

___ Garage ___ Servants' or Guest House ___ Other ___

16. Date of attached photograph ___ May 22, 2009 ___

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

McBryde Sugar Company obtained a lease on the former Koloa Sugar Mill in 1974. It subsequently constructed these two buildings to serve as their office, and as a warehouse and electrical shop. The buildings are presently occupied by Pioneer Hi-Bred International, which uses it in their seed production operations.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Office, Warehouse, Electrical Shop
View from the northwest
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Office, Warehouse, Electrical Shop
View from the west
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001:001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Sugar Bins
2. Historic Name, if known: _____
3. Street or rural address: Welliweli Road
- City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
- Address if different from above: 3-1850 Kaumuali'i Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:
Style utilitarian
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Shingle Other
Additional Materials
Roof: Gable Hipped metal Other Shed Special Features
Roofing Material: metal
Roof Trim: Closed Eaves ☒ Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyelid Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: Centered Inset Transom Side Panels
Sidelights Window Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass
Number of panes: _____
Other Features: _____
8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage: _____
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up Other
Residential ☒ Commercial ☒ Industrial
11. Is the structure ☒ on its original site moved unknown
12. Year of initial construction _____ 1950 This date is _____ factual ☒ _____ estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/ Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph _____ May 22, 2009 _____

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

Gilmore's Hawaii Sugar Manual for 1951 reported Grove Farm had installed a new sugar bin of three hundred ton capacity. The sugar bin was constructed when Grove Farm decided to shift from shipping its sugar in bags to bulk shipping. The two bins have three chutes to load the sugar into the trucks for transportation to the ships.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Gilmore Hawaii Sugar Manual, 1951

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Sugar Bins
View from the southeast
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Sugar Bins
View from the west
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001:001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill; Sugar Storage Building
2. Historic Name, if known: _____
3. Street or rural address: Wellwell Road
City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant-recreation Original Use: agricultural
Other Past Uses: warehouse

DESCRIPTION

7. Physical Appearance:

Style: round
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Additional Materials: _____
Roof: Gable Hipped metal Other conical Special features
Roofing Material: _____
Roof Trim: Closed Eaves ☒ Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyelid Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: ☒ Centered Inset Transom Side Panels
Sidelights Window Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass
Number of panes: _____
Other Features: _____

8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____

9. Is the feature Altered ☒ Unaltered ?

10. Surroundings: Open Land Scattered Buildings Densely Built-up
Residential Commercial ☒ Industrial Other

11. Is the structure ☒ on its original site moved unknown

12. Year of initial construction 1949 This date is ☒ factual estimated.

13. Architect (if known) _____

14. Builder (if known) _____

15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/ Tankhouse

____ Garage ____ Servants' or Guest House ____ Other ____

16. Date of attached photograph ____ May 22, 2009 ____

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

This building was constructed in response to the I.L.W.U. (International Longshoremen and Warehousemen's Union) shipping strike of 1949. The strike was a part of the union's intensive campaign against the Big Five companies in Hawaii and virtually stopped all shipments to and from Hawai'i. Concerned that their sugar could not be delivered to the mainland, and fearful that their crops would rot in the fields if not harvested, the plantations on Kauai decided to remain in operation, harvest their crops, process the cane, and jointly store the sugar until such time that it could be shipped to California for refining. In addition to this store house, McBryde built a similar one, and also made available a warehouse for sugar storage. The shipping strike lasted for 177 days, and this building at Koloa was never used to store sugar as McBryde's facilities were able to handle all the plantations' storage needs. The building was subsequently used for storage. In recent years Grove Farm has generated some revenues from this distinctive structure by renting it out for large parties.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Oral interview on May 21, 2009 with Bob Bryan, a former McBryde employee who currently works on the premises adjoining the Koloa Sugar Mill.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Sugar Storehouse
View from the west
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Sugar Storehouse
Interior, View from the west
Photographer: Don Hibbard
May 22, 2009



Site # TMK 2-9-001-001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Water Storage Tank
2. Historic Name, if known: _____
3. Street or rural address: Weliweli Road
- City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm
- Address if different from above: 3-1850 Kaunamali Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:
Style round
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Shingle Other
Additional Materials
Roof: Gable Hipped metal Other flat Special features
Roofing Material: metal
Roof Trim: Closed Eaves Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyelfid Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: Centered Offset Inset Transom Side Panels
Sidelights Window Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass Other
Number of panes: _____
Other Features: _____
8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up Other
Residential ☒ Commercial ☒ Industrial
11. Is the structure X on its original site moved unknown
12. Year of initial construction 1975 This date is factual ☒ estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Water tower/ Tankhouse

___ Garage ___ Servants' or Guest House ___ Other ___

16. Date of attached photograph ___ May 22, 2009 ___

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

McBryde Sugar Company obtained a lease on the former Koloa Sugar Mill in 1974. It constructed this water tank in 1975 as part of its fire protection system.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Oral interview on May 21 2009 with Bob Bryan, a former McBryde employee, who presently works on the premises adjoining the Koloa Mill.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Water Tank
View from the east
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001-001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Molasses Storage and Day Tanks
2. Historic Name, if known: _____
3. Street or rural address: Weliheli Road City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm Address if different from above: 3-1850 Kaunualii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:
Style round
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Additional Materials Shingle Other
Roof: Gable Hipped Other flat Special features
Roof Trim: Closed Eaves Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyebrow Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: Centered Offset Inset Transom Slide Panels
Windows: Sidelights Window Sliding Casement Awning Jalousies
Double-Hung Plate glass Other
Number of panes: _____
Other Features: _____

8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____
9. Is the feature Altered ☒ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up
Residential Commercial ☒ Industrial Other
11. Is the structure ☒ X on its original site moved unknown
12. Year of initial construction pre-1935 This date is factual ☒ estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph May 22, 2009

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

Up through 1951 Koloa Mill had limited molasses storage with its only tank holding 66 tons for waste molasses (Gilmore, volumes published between 1935 and 1951). Grove Farm expanded this capacity sometime between 1951 and 1966, with Gilmore's Hawaii Sugar Manual for 1966 reporting that Grove Farm had four vertical tanks, 10' x 40' with a total capacity of 100,000 gallons of molasses. There is no evidence of any 10' x 40' tanks on the premises, so it appears these tanks date from the pre-1935 period.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0536 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Molasses and Tanks
View from the west, with sugar bins in the left background and sugar storage
building in the right background.
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001:001 _____

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common Name: Koloa Sugar Mill: Foundations of CaneCleaning Station
2. Historic Name, if known: _____
3. Street or rural address Welliweli Road City: Koloa Zip: 96756 County: Kauai
4. Present Owner, if known: Grove Farm Address if different from above: 3-1850 Kaunaulii Hwy, Lihue 96766
5. Ownership is: Public ☒ Private
6. Present Use: vacant Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:

- Style Utilitarian
- Primary Exterior Building Material: Stone Stucco Adobe concrete Other
- Wood: Clapboard Shiplap Vertical Board Board and Batten
- Additional Materials
- Roof: Gable Hipped Other Special features
- Roofing Material _____
- Roof Trim: Closed Eaves Overhanging Eaves Brackets
- Dormers: Gabled Hipped Shed Eyelfd Other
- Porch: Inset Outset Open Enclosed Facade length
- Door: Wraparound Centered Offset
- Windows: Centered Inset Transom Side Panels
- Other Sideights Window Other
- Windows: Double-Hung Sliding Casement Awning Jalousies
- Plate glass _____
- Number of panes: _____
- Other Features: _____

8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage: _____
9. Is the feature ☒ Altered ☐ Unaltered ?
10. Surroundings: Open Land Scattered Buildings Densely Built-up
Residential Commercial ☒ Industrial Other
11. Is the structure ☒ on its original site ☐ moved ☐ unknown
12. Year of initial construction late 1930s, 1956, post-1974 This date is ☒ factual ☒ estimated.
13. Architect (if known) _____
14. Builder (if known) _____
15. Related features: Barn Carriage House Outhouse Shed(s)

Formal Garden(s) _____ Windmill _____ Watertower/ Tankhouse _____
Garage _____ Servant's or Guest House _____ Other _____

16. Date of attached photograph _____ May 22, 2009 _____

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

The harvesting of cane began to be mechanized in Hawaii during the 1930s. The Koloa Sugar Company's fields, however, were so rocky, that the company continued to harvest by hand up to the time of its merging with Grove Farm. Koloa Sugar Company had a modest cane cleaning plant where the trains dropped off the cane to be processed by the mill, but it was not until after Grove Farm acquired Koloa's fields and mill that a concerted effort was made to remove the rocks from the fields and to institute mechanized harvesting. In addition, Grove Farm introduced trucks to transport the cane from the fields to the mill, eliminating the plantation railway.

The concrete foundation is all that remains of the enlarged cleaning plant Grove Farm constructed in 1957. The company used the rocks separated by the cleaning operation to make roads, and they took the mud and cane trash to built up new acres of productive land for growing cane, eventually improving one hundred and thirty acres of barren and unproductive lava flow into cane fields. McBryde further expanded the mill's cleaning capabilities after it acquired a lease on the mill in 1974. They added the final concrete portion of the cleaning plant. The trucks would drive up to the wall at the far end of the structure and the cane would be dumped into the bin on the other side, and would then be processed

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Krauss, Bob, with W. P. Alexander, *Grove Farm Plantation*, Palo Alto, California: Pacific Books, 1965.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS

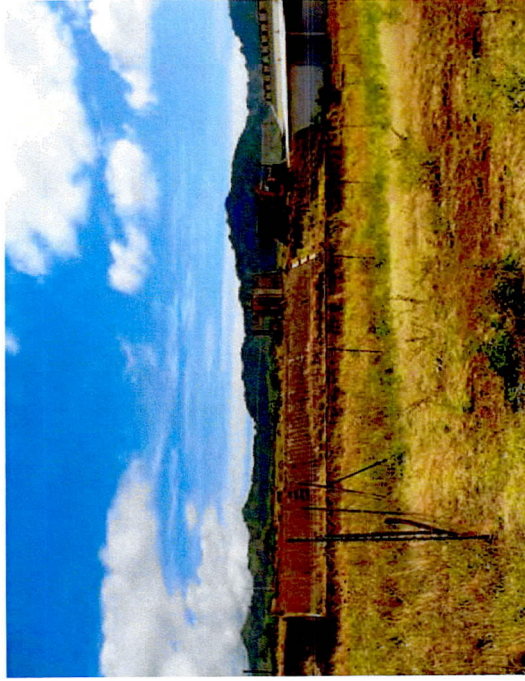
Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:

Koloa Sugar Mill: Foundation of the Cane Cleaning Plant
Looking out from the mill, view from the east
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Foundation of the Cane Cleaning Plant
View from the south
Photographer: Don Hibbard
May 22, 2009



Koloa Sugar Mill: Foundation of the Cane Cleaning Plant
McBryde addition, view from the south
Photographer: Don Hibbard
May 22, 2009



Site # _____
TMK 2-9-001-001

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

- Common Name: Koloa Sugar Mill: Stack
- Historic Name, if known: _____
- Street or rural address: Weliwell Road
City: Koloa Zip: 96756 County: Kauai
- Present Owner, if known: Grove Farm
Address if different from above: 3-1850 Kaunamali Hwy, Lihue 96766
- Ownership is: Public ☒ Private
- Present Use: warehouse Original Use: agricultural
- Other Past Uses: _____

DESCRIPTION

7. Physical Appearance:

Style utilitarian
Primary Exterior Building Material: Stone Stucco Adobe metal Other
Wood: Clapboard Shiplap Vertical Board Board and Batten
Single Other
Additional Materials _____
Roof: ☒ Gable ☒ Hipped NA Other Special Features
Roofing Material _____
Roof Trim: Closed Eaves Overhanging Eaves Brackets
Dormers: Gabled Hipped Shed Eyebled Other
Porch: Inset Outset Open Enclosed Facade length
Wraparound Centered Offset
Door: Centered Offset Inset Transom Side Panels
Sidelights Window Other
Windows: Double-Hung Sliding Casement Awning Jalousies
Plate glass Other
Number of panes: _____
Other Features: _____

8. Approximate Property Size: Frontage _____ Depth _____
or approximate acreage _____

9. Is the feature Altered ☒ Unaltered ?

10. Surroundings: Open Land Scattered Buildings Densely Built-up
Residential Commercial ☒ Industrial Other

11. Is the structure ☒ on its original site moved unknown

12. Year of initial construction 1983 This date is factual ☒ estimated.

13. Architect (if known) _____

14. Builder (if known) _____

15. Related features: Barn Carriage House Outhouse Shed(s)
Formal Garden(s) Windmill Watertower/Tankhouse

Garage _____ Servants' or Guest House _____ Other _____

16. Date of attached photograph May 22, 2009

See attached sheets

SIGNIFICANCE

17. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

McBryde Sugar Company obtained a lease on the former Koloa Sugar Mill in 1974. It constructed this stack with its internal scrubber system in 1983. The stack was designed to reduce the particulate matter in the smoke emerging from the stack. It replaced two earlier stacks and an external scrubber system which had been built by Grove Farm.

18. Sources: List books, documents, surveys, personal interviews, and their dates:

Oral interview on May 22, 2009 with Earl Smith, who formerly worked with McBryde.

Site visit to the property on May 21-22, 2009 by Don Hibbard.

CREDITS


Date form prepared June 1, 2009 By (name): Don Hibbard
Address: 119 Merchant Street, Suite 501 City: Honolulu Zip: 96813
Phone: (808) 536-0556 Organization: Mason Architects

STATE USE ONLY:


Koloa Sugar Mill: Stack
View from the east
Photographer: Don Hibbard
May 22, 2009



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THE PACIFIC RESOURCE PARTNERSHIP

Back to search results

Temporary Name

All Company Info

General Info

Temporary Name

THE PACIFIC RESOURCE PARTNERSHIP

File Number

96340 T8

Status

Expired

Date

Aug 24, 1993

Description

Application for Registration of TN/TM/SM

Remarks

APPLICATION FOR REGISTRATION OF TRADE NAME

Begins with...

Pacific Resource Partnership

Pacific Resource Partnership (PRP) is an advocacy, consulting and representation firm for the building industry in [Hawaii](#). It represents the Hawaii Regional Council of Carpenters along with over 240 contractors in Hawaii. The company is based in [Honolulu, Hawaii](#).

PRP monitors development and government policy activity in the building industry. Beginning in 2012, PRP has campaigned for a proposed Honolulu rail-transit project, creating a [Super PAC](#) and generating ads promoting the proposal.^{[1][2]}

Background

Pacific Resource Partnership (PRP) describes itself as the "unique partnership of labor and management."^[3] PRP represents the Hawaii Regional Council of Carpenters as well as over 240 contractors.^[3] PRP identifies four key areas in which it specializes, including research, industry relations, project advocacy and contractor services. PRP describes each of these areas as follows:^[4]

- **Research:** "By identifying and tracking new projects and building permits, emerging markets and construction-specific trends we keep members informed of innovations and potential opportunities. Ongoing public opinion surveys such as Hawaii Perspectives enable members, partners in business and government officials to dive deeper into underlying perceptions that affect consumer confidence in our economy."
- **Industry relations:** "We see industry relations as "leveling the playing field" for all contractors who conduct business in Hawaii. By bringing attention to violations of the rules, regulations and standards of our industry, we help to protect the wellbeing of our members, the safety of our neighbors and the reputation of our industry."
- **Project advocacy:** "We live on an island. As such, we're mindful of where and how we build. As the leading voice in Hawaii's building industry, we actively support projects that enhance the quality of life for residents. When meaningful projects create good jobs, everyone wins."
- **Contractor services:** "PRP's services can be an invaluable tool for contractors in Hawaii's competitive market. Our research initiatives provide insights that help us effectively advocate for member projects. We also keep tabs on new building permits, industry trends and construction innovations. This information is shared regularly with members to grow their business and increase their success."

Advocacy and politics

In 2012, former Hawaii Gov. Ben Cayetano (D) entered into the Honolulu mayoral race. Cayetano opposed the \$5 billion rail-transit project that had been endorsed by voters in 2008. Cayetano argued that the proposed 20-mile train line would ruin Honolulu's landscape and neglect other projects, such as "fix[ing] aging sewer and water facilities."^[5] In response to Cayetano's opposition to the rail project, PRP—supporting the proposed project for the construction jobs it would generate—began to air ads attacking the former governor. Cayetano lost to [Kirk Caldwell](#) (D), but filed a lawsuit against PRP prior to the election, in which Cayetano argued that PRP's ads "unfairly tarnished his reputation."^[6] In the resultant settlement, PRP made a half-page public apology in the *Star-Advertiser* and made a \$100K donation to the University of Hawaii Medical School as well as a \$25K donation to the Hawaiian Humane Society in Cayetano's name.^[2]

According to the Hawaii Campaign Spending Commission, the PRP PAC, the firm's super PAC in support of the rail-transit system, received nearly \$4 million in contributions between 2012 and 2014.^[6] In 2014, the *Pacific Business News* reported that the Spending Commission had submitted complaints made against the super PAC to city prosecutors. One of the complaints was filed by Cayetano, who claimed that the super PAC "had conspired to defeat his campaign for mayor even before it filed as a PAC and failed to report spending hundreds of thousands of dollars to hire consultants and public relations experts."^[7] The *Star-Advertiser* reported that the other complaint came from the commission's Executive Director Kristin Izumi-Nitao, who charged that the super PAC failed to report \$86K in expenditures. PRP's attorney responded to the charges, by stating that "there was no intent on PRP's part to knowingly hide the expenditures...[and] that PRP had been cooperative in addressing the matter by amending reports and agreeing to fines as set forth by the commission."^[7]

Leadership

The following is a list of the executive leadership team for PRP:^[3]

- **John White**, *Executive director*
- **Joshua Magno**, *Research and industry relations director*
- **Jill Baptist**, *Operations director*

Recent news

The link below is to the most recent stories in a Google news search for the terms **Pacific Resource Partnership**. These results are automatically generated from Google. Ballotpedia does not curate or endorse these articles.

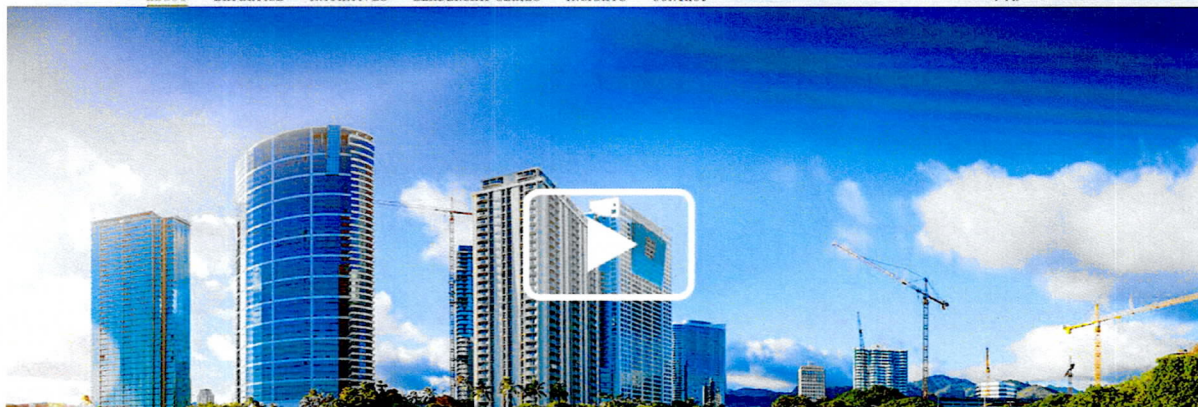
[Pacific Resource Partnership - Google News](#) [↗]

See also

- [Kirk Caldwell](#)
- [Super PAC](#)

External links

- [Pacific Resource Partnership](#) [↗]
- [Hawaii Dept. of Commerce and Consumer Affairs, Pacific Resource Partnership](#) [↗]



ENVISIONING HAWAII'S FUTURE

*By building responsibly we can preserve
the island lifestyle we all treasure.*

* WHO WE ARE

Look around and chances are you'll see our work. At PRP, we represent the Hawaii Regional Council of Carpenters, the largest construction union in the state, and over 240 diverse contractors ranging from mom-and-pop owned businesses to national companies. We're the backbone of Hawaii's construction industry and you'll find us on every island, building homes and businesses, creating neighborhoods and revitalizing communities, strengthening infrastructure and shaping the face of things to come.

* WHAT WE DO

Our unique partnership of labor and management makes us an influential voice for responsible construction in Hawaii. Through our considerable expertise in research, industry relations and project advocacy, we help guide the community toward a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.

* WHAT WE BELIEVE

Creating a stronger, more sustainable Hawaii can't be achieved by one organization. It requires a broad commitment from all—government officials, business people, educators, environmentalists, parents and concerned citizens from all islands and all walks of life—to work together toward this common goal and make a difference for generations to come.

*We look at the future through the eyes of our members and
as residents who care about the progress of our state.*



pacific resource partnership

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HONOLULU / HI 96813

f WWW.FACEBOOK.COM/
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PLEASE SEE OUR PRIVACY POLICY FOR MORE INFORMATION.



SHARING OUR EXPERTISE

Taking a holistic approach enables us to engage the community about issues that are important to Hawaii's future.

* RESEARCH

Knowledge is power. By identifying and tracking new projects and building permits, emerging markets and construction-specific trends we keep members informed of innovations and potential opportunities. Ongoing public opinion surveys such as Hawaii Perspectives enable members, partners in business and government officials to dive deeper into underlying perceptions that affect consumer confidence in our economy.

* INDUSTRY RELATIONS

We see industry relations as leveling the playing field for all contractors who conduct business in Hawaii. By bringing attention to violations of the rules, regulations and standards of our industry, we help to protect the wellbeing of our members, the safety of our neighbors and the reputation of our industry.

* PROJECT ADVOCACY

We live on an island. As such, we're mindful of where and how we build. As the leading voice in Hawaii's building industry, we actively support projects that enhance the quality of life for residents. When meaningful projects create good jobs, everyone wins.

* CONTRACTOR SERVICES

PRP's services can be an invaluable for contractors in Hawaii's competitive market. Our research initiatives provide insights that help us effectively advocate for member projects. We keep tabs on new building permits, industry trends and construction innovations. This information is shared regularly with members to grow the business and increase their success.

Our work is guided by sound research and local values.



PROMOTING HONOLULU'S RAIL TRANSIT PROJECT

By helping to address issues such as clean energy, traffic congestion, jobs and housing, rail will transport Oahu into the future.

* ABOUT IMUA RAIL

Much of our work involves guiding public policies to ensure Hawaii residents have choices about the kind of community they want to live in and the type of home they can afford.

We see rail transit as a transformational project for Honolulu by setting the course for Oahu's social, economic and environmental future. As the foundation for integrated communities, it offers a responsible way to meet the demand for more housing, generate jobs, improve the quality of life for commuters and lessen our state's dependence on foreign oil. And for all of us who treasure Hawaii's wide-open spaces, it offers a way to "keep the country, country."

In 2012, we launched IMua Rail, a multi-media campaign designed to engage supporters of Honolulu's Rail Transit project. By understanding deeply ingrained values and concerns surrounding rail transit, we continue to help the community envision the future of Oahu in a way that is tangible and meaningful.

BENEFITS OF RAIL TRANSIT

- Lays the foundation for integrated communities, also known as Transit-Oriented Development
- Improves the quality of life for residents
- Protects natural resources and reduces the state's need for imported oil

LAUNCH WEBSITE



BEFORE THE PLANNING COMMISSION
OF THE
COUNTY OF KAUAI

In the Matter of the Petition

Of

PACIFIC RESOURCE PARTNERSHIP, for
Declaratory Order.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 5, 2023, the foregoing document was duly
served upon the following parties in the manner indicated below:

COUNTY OF KAUAI PLANNING COMMISSION via Hand-Delivery
County of Kauai
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

ABIGAIL M. HOLDEN, ESQ. via U.S. Mail, postage prepaid
Cox Fricke LLP
A Limited Liability Law Partnership Llp
800 Bethel Street, Suite 600
Honolulu, HI 96813

Attorneys for PACIFIC RESOURCE PARTNERSHIP

DATED: Lihue, Kauai, Hawaii, September 5, 2023

CADES SCHUTTE LLP



MAUNA KEA TRASK

Attorneys for Respondent
HPM BUILDING SUPPLY

From: Bridget Hammerquist <friendsofmahaulepu@hawaiiantel.net>
Sent: Sunday, September 10, 2023 11:22 PM
To: Planning Department
Cc: Mayor; Council Members
Subject: FOM Comment Agenda Item H4 Planning Commission Meeting 9/12/2023
Attachments: HPM Comment to the Planning Commission Agenda Item H4 Testimony 09102023 A.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Kauai County Planning Commission Chair and Commission Members,
Attached please find our comments/testimony offered on Agenda Item H4:

Planning Commission Agenda Item H4 – Pacific Resource Partnership’s Petition for Declaratory Order regarding HPM Building Supply’s permit application for a Class IV Zoning Permit (Z-IV-2022-8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2-6-001-001, Koloa, Kauai.

Mahalo nui,

Bridget Hammerquist, President
Friends of Maha`ulepu, a 501(c)(3)
Kia`i Wai o Wai`ale`ale, Co-founder
PO Box 1654
Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
(808)742-1037



Virus-free. www.avast.com



Friends of Maha'ulepu

friendsofmahaulepu.org

9/10/2023

Kauai County Planning Commission
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766

RE: Planning Commission Agenda Item H4 – Pacific Resource Partnership's Petition for Declaratory Order regarding HPM Building Supply's permit application for a Class IV Zoning Permit (Z-IV-2022-8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2-6-001-001, Koloa, Kauai.

Aloha Kauai County Planning Commission Chair and Members of the Kauai County Planning Commission,

One wonders if we are part of the wild west. Circuit Court Judge Watanabe revoked the HPM permits referenced in the above agenda item because a commercial activity HPM has chosen to embark on is neither permitted use of agricultural land nor does it support an agricultural operation. Initially, HPM applied for the above permits for a 3 acre parcel on Grove Farm Ag land adjacent to the Old Koloa Mill that ceased operations in 1996. The Makai boundary of the 3 acre parcel ran adjust to the Mauka boundary of Poipu Aina, an Ag residential subdivision.

FOM members and residents of Koloa and Poipu Aina testified against HPM's operation of a Building Supply that proposed to develop trusses and prefab modular walls. HPM reported planned truck activity that would begin at 7:30 am and end at 4:30 pm, importing lumber that would be shipped into Nawiliwili Harbor for the planned onsite construction activity. There would be double axeled trucks transporting trusses and walls to construction sites. This heavy industrial activity with regular large trucks added to the narrow two lane roads in Koloa was a concern to many.

The Planning Commission granted the above requested Permits and denied Petitions to Intervene by the community of Poipu Aina and members of Pacific Resource Partners. Petitioners appealed the Denial to the Circuit Court. The Circuit Court revoked the Planning Commission Permits.

As the pictures demonstrate below, HPM left the 3 acre parcel they intended to build and operate on, moving into the Old Mill that is badly rusted and has for years been described as a structure to deteriorated to permit foot tours or foot traffic that had typically taken place during the "Annual Koloa Days" celebration. HPM painted the rusty Mauka side of the Old Mill, improving its appearance, slapped on a sign and began operating without permits. They did not appeal Judge Watanabe's Revocation.

The mill site and mill sit on land that is also zoned Ag. The HPM construction, now operating in that mill, is not an agricultural nor is it a commercial operation that supports Ag. A recent Supreme Court Decision on Maui (March 2023) made it pretty clear that unless the intended use is specifically permitted on Ag land, commercial operations that don't support Ag cannot qualify for a Special Use Permit on Ag land. The Court explained that if the use is not permitted it is deemed statutorily prohibited.

The 3 acre parcel Grove Farm leased to HPM is zoned Ag land and is surrounded by Important Ag Land (IAL). The land under the Old Mill is also Ag land. The Hawaii Supreme Court majority decision of March 10 emphasized the fact that unless an activity is expressly permitted on Ag land pursuant to HRS section 205-4.5 (a) (1-24) it is prohibited and that prohibition cannot be circumvented by application for a special use permit under HRS § 205-4.5 (b). If you review the link that follows, there is pretty clear language that a construction yard or corporate operation unrelated to the agricultural use of the surrounding land can not be permitted even under a Special Use permit (HRS § 205-6) because the Supreme Court ruled that you can't get a Special Use permit for an activity on Ag land that is not expressly permitted by HRS § 205-4.5 (a) (1-24). The HPM operation is clearly a corporate operation with a storage yard, lumber coming and going, trucks coming and going, nail guns and saws in operation from 7:30 am to the end of the work day that are unrelated to any agricultural activity on the Grove Farm land. Link to Supreme Court Decision 3/10/2023 is below:

https://www.capitol.hawaii.gov/hrscurrent/vol04_ch0201-0257/hrs0205/HRS_0205-0004_0005.htm

HPM informed the residents of Koloa who filed before Judge Watanabe, objecting to their activity, that HPM did not intend to appeal the Judge's Ruling. Instead, they moved into the mill and set up shop and are operating without any permits in abject disregard of the Court's Order.

Our rural community of Koloa needs your help. We appreciate the service of the Members of this Commission. We rely on you to help preserve the quality of life our community has enjoyed and ask that you take the appropriate action to assure that the disruptive activity of a lumber and planing mill not be allowed at the Old Mill or any other part of our Ag and Important Ag Land. There were several farmers leasing land at this Maha'ulepu site, evicted by Grove Farm when they leased land for an industrial dairy. When land was leased to a proposed industrial dairy developer. There are farmers on Kauai looking for land. There are farmers in Koloa who would lease land if Grove Farm would advertise it and make it available to them. We need this land to increase our food sustainability.

Mahalo Nui Loa,

Bridget Hammerquist, President
On behalf of Friends of Maha'ulepu
P.O. Box 1654

Koloa, Kaua'i, Hawai'i 96756







Correspondence received by the Planning Department as of September 11, 2023, 9:00 am for the September 12, 2023, Planning Commission Meeting regarding the following item:

- K.1. In the Matter of the Petition to revoke: (1) Land Use Commission District Boundary Amendment under Decision and Order A76-418, as amended August 5, 1997; and (2) Class IV Zoning Permit (Z-IV-2006-27), Use Permit (U-2006-26), and Project Development Use Permit (PDU-2006-25) for a development situated at the Pau A Laka Street/Kiahuna Plantation Drive, 5425 Pau A Laka Street. Tax Map Key: 2-8-014: 032, and containing a total area of 27.886 acres, Petitioners Friends of Mahaulepu and save Koloa's Petition for to Intervene and, Alternatively for Denial of Applications. [Referred to Planning Director and deferred, July 11, 2023].

From: CherylAnn Farrell <cherylaofarrell@gmail.com>
Sent: Friday, September 8, 2023 12:37 PM
To: Planning Department
Subject: Kauanoe o Koloa testimony

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

I am a resident of Koloa and see first hand the degradation of our roads, beaches, traffic and more as a result of over tourism. I have seen my own neighborhood homes climb to prices far beyond anything a working class family could afford.

Where are working class families supposed to live? We hire local people to work at all the resorts along the south shore coastline. They should be able to buy a home or rent somewhere near where they work. A recent publication in the Pacific Business News, citing Uhero showed that Kauai, in particular, suffered a net loss of over 500 available homes over the past 5 years. All the other islands showed modest gains. But how much has the permanent population grown?

The proposed development of Kauanoe o Koloa only furthers the divide of landowners and workers. It adds only non-resident/part time residents and further gentrifies Poipu. If anything should be built in that region, it should be family homes. Unfortunately, the term "affordable" seems to have become a generic term for HUD housing, like Paa Nau or the Bukoski housing on Poipu Road. It should not be just "affordable" housing for those who qualify but reasonable family homes.

Why not apportion the area to an agency such as Habitat for Humanity who build affordable homes for the working class families? That is what the south shore needs: working class family homes - starter homes, not luxury condos who just need housekeepers and landscapers.

We are already exceeding pre-pandemic tourism levels, as IF that is desirable. We were overly saturated here in Poipu before the pandemic. The only way to control tourism is to control the number of rental units available. Meanwhile homes are needed for those who work and service all those visitors.

Please stop the prestigious development of Kauanoe o Koloa and vote in favor of the people who live here, work here, and need to buy and rent homes.

--
Cheryl Ann Farrell
cherylaofarrell@gmail.com
808-652-1284 (-3 hrs PDT)

It's not what you don't know that will get you in trouble. It is what you know for sure, that just ain't so. ~ Mark Twain

From: Greg Iten <eye10g@yahoo.com>
Sent: Friday, September 8, 2023 6:15 PM
To: Planning Department
Subject: 282 units on Kiahuna Plantation Drive and 51 units in Kukuiula development

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Planning Commission:

As a local resident living in Lawai I would like to express my opposition to the luxury condominiums (multi-family) development proposed by Pinkston. These are investor class resort properties whose price point begins in excess of a \$1 million, nothing for workforce and nothing affordable. The South shore of Kauai doesn't need more visitor/resort destination properties. We don't need the 400+ cars that will be added to our traffic flow and clog our roads.

This developer has continued to disregard the rules and regulations of Kauai Planning department. The plans for these developments have not complied with the permit process. It is time to enforce the law and close down these projects.

Sincerely,
Greg Iten
3837 Uakea Pl
Lawai, HI 96765

Sent from my iPad

From: marem@aloha.net
Sent: Friday, September 8, 2023 8:20 PM
To: Planning Department
Subject: Pinkston's Projects

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Planning Department

How can I learn more about this project?

I believe there was an application for extension and it expired?

Is any of this development affordable or low income housing?

Not sure if you're aware but the traffic situation on the southside is gotten as bad as the east side.

How many more cars do you anticipate with this development?

I am not in favor of this development now....

Marianne

From: Alarik Arenander <alarik108@gmail.com>
Sent: Friday, September 8, 2023 9:39 PM
To: Planning Department
Subject: Pinkston

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

To whom it may concern...

we have laws that need to be followed and not diverted, ignored or thwarted.

we have money moving about the county and state that needs to be avoided to prevent further corruption

we have a HUGE need for affordable housing that REMAINS affordable housing.

we need to build island sustainability and not remain slaves to tourism.

we need vision and courage.

Too much money and not enough malama

Pinkston should be treated properly and legally and prevented from moving forward both in koloa and the mill...

mahalo for attending

alark

Alarik Arenander, PhD
808-482-4562
alarik108@gmail.com
skype: VedicBrain

Anti-AgingCompany.com
NatureMade4U.com
Ebrainmatrix.org
TheLeadersBrain.org

From: Mary Mulhall <mmulhall@hawaii.rr.com>
Sent: Friday, September 8, 2023 11:06 PM
To: Planning Department
Subject: Luxury housing in Koloa

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.


Dear Planning Commision ,

1. THANK YOU for allowing the subdivision approvals to lapse .
2. Worker housing is of major importance on Kauai, and was not included.
3. MOST important: We really do NOT need additional 100+ luxury condos in Koloa. Traffic and infrastructure is already strained. We have reached capacity.
4. I personally know several visitors who have made use of un-used luxury condos while on vacation. The fact that part-time residents are giving away the use of their condos tells us that our visitor level has reached close to capacity already.

Mahalo for considering these factors, in addition to water supply and other infrastructure concerns when considering further development in the Koloa area.

Many thanks for working with the many issues involved.

Mary Mulhall
1210 Crossley Rd.
Kapaa, Hi 96746

 Virus-free www.avg.com

From: Elli Ward <elaloha@gmail.com>
Sent: Sunday, September 10, 2023 2:52 PM
To: Planning Department
Subject: Pinkston Luxury Condominium Development

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Dear Members of the Kauai Planning Commission,

Please do not approve the Developer, Mr. Pinkston's request for extension of time for his 282 luxury units on Kiahuna Plantation Drive and the 51 units above the Boat Harbor developments.

Kauai does not need more expensive luxury units that are often purchased by out of state buyers and/or are converted into rental units or vacation rentals for non-Kauai residents. We are in serious need of affordable housing for our existing residents so they can continue to live, work, and keep their families on island. Mr. Pinkston's development has no workforce/affordable housing units for our residents.

This Developer has allowed both subdivision approvals to expire, he must reapply. There is overwhelming evidence that this developer has not honored and is not sensitive to our island's history, culture and natural resources.

Thank you.

Mrs. Elli Ward, Kilauea
(808)431-4701

From: Alex Stoddards <alexkstoddards@gmail.com>
Sent: Sunday, September 10, 2023 3:32 PM
To: Planning Department
Subject: Oppose Any Time Extension of Pinkston Koloa-Poipu Projects

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Planning Commission,

We have read attorney Laurel Loo's letters aiming to explain why the two Meridian Pacific developments in Koloa-Poipu had missed their timeline date to submit finished subdivision plans.

Item 5 and 6 'justifications' are an absolute shame.

5) Attorney Loo acting for Meridian Pacific/Gary Pinkston blames now passed (RIP) Dennis Esaki for the developer not filing appropriate documents with the County of Kauai.

- Can you imagine, a company that claims it has developed 'Over \$4Billion worth of projects' - not having any oversight when it comes to timelines and working knowledge of regulations?
- And it is hewa to blame someone who has transitioned/now passed, for their own insufficient quality control.
- It speaks volumes about their spirit. And about how they will treat the local area - if they cannot even abide by simple rules.

6) The section #6 of Ms Loo's letter should raise alarms with everyone.

She confirms that the developer and the County have enjoyed a cozy relationship from the beginning:

'We have been working on the project WITH the County since the filing of subdivisions and have spent \$3.1M in resources in RELIANCE on County approvals.'

- No comment.

We appreciate the COK taking a fresh and unvarnished look at these luxury building projects and as per Planning Department, Ka'aina's recent memo, holding them accountable for errors and inconsistencies.

We do not need more large luxury developments on Kauai. FULL STOP.

Meridian Pacific has already gotten away with horrific dynamiting of sensitive caves and habitat without Permits and they Faced NO Penalties.

End support of a company that has Zero care for the island and No Control over its actions.

I OPPOSE any time extensions. I Oppose any further leniency and COK support for Meridian Pacific Kauano'e O Koloa and/or their projects at Kukui'ula.

Mahalo nui
Alex S.

From: Ray Burton <rbsailon@gmail.com>
Sent: Sunday, September 10, 2023 8:27 PM
To: Planning Department
Subject: Koloa development

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I worked with a builder on island when my wife and I built our home in Kalaheo. My builder told us of a problem he had to resolve on the North Shore. While digging the foundation signs of human bones. He stopped the project until they could document the find.

If I recall correctly it took weeks and ultimately had to construct the foundation without disturbing what they assumed was a burial site.

Needless to say this cost the builder and property owner money and time and held up progress on my project. This was the right thing to do.

Please don't let money and power speak louder than respect.

I loved the T shirt that said, "I used to live in the country; now I live in the City, and I didn't move. Save Koloa Town".

E. Ray Burton
rbsailon@gmail.com

From: Terrie Hayes <terriehayes@gmail.com>
Sent: Sunday, September 10, 2023 8:41 PM
To: Planning Department
Subject: Pinkston's projects

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I am so disappointed in the lack of concern for our Community and residents.

Before any further development , we request a comprehensive evacuation plan.
A drainage plan is also lacking and requested.
Where does the sewage go?

Please remove all the DRY Gieney grass on the Fallow lands.
With the recent disaster in Maui, this comes as timely requests.
We should have a Fire Drill!
Our fire Hydrants have not been tested in OVER 20 years!

Kukuiula Harbour could not house any number of fleeing individuals.

All of the legal violations should have stopped this project already.

Concerned citizen
Terrie Hayes

From: Bridget Hammerquist <friendsofmahaulepu@hawaiiantel.net>
Sent: Sunday, September 10, 2023 10:15 PM
To: Planning Department
Cc: Mayor; Council Members
Subject: Planning Department Comment/Testimony
Attachments: Pinkston Kiahuna and Kukuiula Developments Testimony 09102023.pdf; Former County Attorney Laurel Loo 2023-9-12-planning-commission-agenda-packet.pdf

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Aloha Kauai County Planning Commission Chair, Members and Subdivision Committee,

Please accept the attached public comment for your September 12, 2023 Subdivision Committee and Planning Commission Meetings. The attached Testimony is offered for the following:

Subdivision Committee Agenda Item F1 a - Subdivision Application No S-2021-7 5425 Pa'u A Laka, LLC Proposed 2-lot Consolidation and Re-subdivision into 4-lots. TMK: (4) 2-8-014:032. Supplement #1 to Subdivision Report/Time Extension Request.

Subdivision Committee Agenda Item F1 b - Subdivision Application No S-2022-6 Kukui'ula Development Company, LLC/MP Kaua'i HH Development Fund, LLC Kukui'ula Parcel HH Subdivision Proposed 3-lot Consolidation and Re-subdivision into 51-lots. TMK: (4) 2-6-019:026, 029,031 Koloa, Kaua'i. Supplement #1 to Subdivision Report/Time

Extension Request.

Also Planning Commission Items H1 and H2 respectively for the foregoing projects.

Mahalo nui,

Bridget Hammerquist, President
Friends of Maha'ulepu, a 501(c)(3)
Kia'i Wai o Wai'ale'ale, Co-founder
PO Box 1654
Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
(808)742-1037





Friends of Maha'ulepu

friendsofmahaulepu.org

9/10/2023

Kauai County Planning Commission
Subdivision Committee
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766

RE: Subdivision Committee Agenda Item F1 a - Subdivision Application No S-2021-7 5425 Pa'u A Laka, LLC Proposed 2-lot Consolidation and Re-subdivision into 4-lots. TMK: (4) 2-8-014:032. Supplement #1 to Subdivision Report/Time Extension Request.

Subdivision Committee Agenda Item F1 b - Subdivision Application No S-2022-6 Kukui'ula Development Company, LLC/MP Kaua'i HH Development Fund, LLC Kukui'ula Parcel HH Subdivision Proposed 3-lot Consolidation and Re-subdivision into 51-lots. TMK: (4) 2-6-019:026, 029,031 Koloa, Kaua'i. Supplement #1 to Subdivision Report/Time Extension Request.

Also Planning Commission Items H1 and H2 respectively.

Aloha Kauai County Planning Commission Chair, Members, and Planning Commission Subdivision Committee,

Please accept this emailed comment on behalf of Friends of Maha'ulepu whose membership is comprised of many residents in Koloa, Poipu, and the South Shore of Kauai. We strongly support Director Hull's determination that each of the tentative subdivision approvals referenced above are void for the Pinkston/Meridian Pacific projects at Kiahuna and at Kukui'ula in Koloa, Kauai.

Director Hull's determination relies on Kaua'i County Code, Section 9-3.8(c)(1) Final Subdivision Map as set forth in his letters of August 21, 2023 to Mr Wayne T Wada, Esaki Surveying and Mapping, Inc:

"(c) Filing of Final Subdivision Map.

{1} The applicant shall file fifteen {15} copies of the subdivision final map with the Planning Department within one (1) year after approval of the preliminary subdivision map. If no filing is made, the approval of the preliminary subdivision map and construction plan shall become void unless an extension of time is granted by the Planning Commission."

The Attorney for Pinkston/Meridian Pacific, Appealed Director Hull's Determination for each of the above identified projects. In that Appeal dated September 1, 2023, she begins by stating the date their agent applied for subdivision approval May 12, 2021 and then jumps to the date their agent "first" applied for an extension of time, April 24, 2023. Noticeably missing are the dates the tentative approvals were granted for each of the above projects, August 10, 2021 and February 8, 2022 respectively. One year from each of those days had lapsed before any application for any extension of time was filed. How likely is it that any of us would be allowed to get an extension of time when filing our tax returns after April 15th or the due date? There is little

question that this developer has done nothing on time. Poor Mr Esaki, the person who died in July of this year, is being thrown under the bus as if there was no one else on Meridian Pacific staff or elsewhere to assure a timely application for an extension of time if the one year time interval could not be met.

The County Ordinance uses the word "void" which means once lapsed, the tentative subdivision approval is no longer valid by operation of law. There is no discretion for the Planning Commission. Had the Ordinance used the term "voidable" that would suggest that the Planning Commission had discretion.

Pinkston and Meridian Pacific have operated with total disregard for the community, culture, and its traditional practices. There was no meeting with the community and there was no Ka Pa'akai analysis prior to construction as required by the State law and supported by Supreme Court Decision since 2002. Instead, their Ka Pa'akai analysis was conducted after the fact and one analysis was filed for three separate Koloa projects in different Ahupua'a miles apart. As the Supreme Court stated, the point of a Ka Pa'akai analysis is to have the developers meet with community members, learn of potential problems or concerns the community has about the development, giving the developer the information needed to modify or alter the development plan to achieve the least disruptive result for the health, safety, and quality of life for the community. Meridian Pacific gathered a bunch of comments and just lumped them all together, filing one report for three separate large developments. Clearly the 100 luxury condos planned for Koloa Town will be impactful in a way that may differ from the impact caused by 280 luxury timeshare rental condominiums in Kiahuna Plantation.

We feel strongly that this developer's failure to obtain a biologic clearance before actual work began at 5425 Pa'u A Laka, including a failure to assure the mesocaverns and cave formations documented by GeoLabs, was not habitat for the endangered and endemic blind cave spider or the blind cave amphipod is evidence of their abject disregard for the Decision and Order of the Land Use Commission and the County Department permit signed by Ian Costa, each with specific Conditions that should have been but were not met.

There is no exemption from Kaua'i County Code, Section 9-3.8(c)(1). There are many responsible people involved and their failure to timely apply for an extension of time does not rest with one person who is now at rest.

Mahalo Nui,

Bridget Hammerquist, President
On behalf of Friends of Maha'uilepu
P.O. Box 1654
Koloa, Kaua'i, Hawai'i 96756



Laurel Loo, Partner
ll@m4law.com

September 01, 2023

Ka'āina Hull, Director of Planning
Kauai County Planning Department
4444 Rice Street, Suite A473
Līhu'e, Hawai'i 96766
Via E-mail: khull@kauai.gov

Re: Petition to Appeal Action of the Director Pertaining to
Subdivision Application No. S-2022-6
Applicants- BBCP Kukui'ula Infrastructure LLC (formerly Kukui'ula
Development Company, LLC) and MP Kaua'i HH Development Fund, LLC

Dear Mr. Hull:

This responds to the Director of Planning's letter dated August 21, 2023 addressed to the Applicants' Authorized Representative, Mr. Wayne Wada attempting to void the preliminary subdivision map pertaining to Subdivision Application No. S-2022-6, filed October 13, 2021 and given a revised tentative approval on February 8, 2022.

The Applicants submitted their first Preliminary Subdivision Extension Request on April 24th, 2023. This Preliminary Subdivision Extension Request was heard on July 11, 2023 by the Subdivision Committee and Planning Commission. At the July 11, 2023 Planning Commission meeting, the Planning Commission deferred the Applicants' request despite the Planning Department's June 5, 2023 recommendation "[t]hat an extension until February 08, 2024 be granted".

In reference to the Director's August 21, 2023, Determination that, "the preliminary subdivision map is therefore deemed void as a matter of law", the Applicants respectfully submit this Petition to Appeal this Determination. Appellants request a hearing before the Zoning Board of Appeals and, additionally, a due process hearing on whether the preliminary subdivision approval is void. Pursuant to 1-9-2 of the Rules of Practice and Procedure of the Kaua'i Planning Commission, we provide the following information:

1. Appellants are the Applicants:

BBCP Kukui'ula Infrastructure LLC
(formerly Kukui'ula Development Company LLC)
c/o Chris Rivera, 2700 Keaula Street, Koloa, HI 96756

Ka'āina Hull, Director of Planning
September 01, 2023
Page 2

Phone number: (808) 742-3044

and

MP Kauai HH Development Fund, LLC
c/o Laurel Loo, 4463 Pahe'e Street, Suite 208, Lihue, HI 96766
Phone number: (808) 977-8015

2. The properties are identified as TMK (4) 2-6-019:029, owned by appellant MP Kauai Development Fund, and TMK (4) 2-6-019:026 and 031, owned by appellant BBCP Kukui'ula Infrastructure LLC.

3. The subdivision ordinance in question is Section 9-3.8 Final Subdivision Map of the Kauai County Code.

4. Pertinent facts are:

1. This application for subdivision approval was submitted to Planning Department on October 13, 2021.
2. The Subdivision Application Routing Form (of the County of Kauai Planning Department) dated November 1, 2021 was transmitted to various Departments.
3. A *Revised* Tentative Approval was made on February 8, 2022
4. Construction Plans, pursuant to Section 9-3.5 of the Kauai County Code were submitted to the Department of Public Works and other County of Kauai agencies on June 27, 2022.
5. On August 30, 2023, 14 months after the initial submittal of the Construction Plans, the County Department of Public works Engineering division provided its comments for its review of the Construction Plans.
6. Appellants have diligently worked with the County and agencies to respond to comments. However, Applicants are held to the review process of the County of Kauai, which is experiencing staffing constraints. Without final construction plans, a final map cannot be submitted.
7. To support the foregoing facts, Applicant MP Kauai HH Development Fund, LLC alone has expended \$1.2 million to process and support this subdivision application. To start again would cause no harm to the County but would be a financial burden on the Applicants as work will have to be duplicated to begin the process again. Additionally, delays in construction of the property cost approximately \$95,000 per month in carrying costs for Applicant MP Kauai HH Development Fund, LLC alone.
8. Due to unforeseen circumstances, our (previous) Authorized Representative, Mr. Dennis Esaki, suddenly fell ill in early 2023 and passed away July 2023. Mr. Esaki's unforeseen illness contributed to the untimely filing of the extension request.
9. Upon knowledge that the Authorized Agent fell ill, the Applicants made a good faith attempt to submit an Extension Request on April 24, 2023.
10. It is believed this is the first time the Planning Department has attempted to void a preliminary subdivision approval while an extension request is

Ka'āina Hull, Director of Planning
September 01, 2023
Page 3

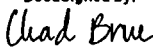
pending. Applicants believe the foregoing sequence of events justify an extension from the Planning Commission pursuant to Section 9-3.8 (c)(1) of the Kauai Subdivision Ordinance which allows the Planning Commission to grant an extension.

5. The appellants appeal the Director's August 21, 2023 Determination that, "the preliminary subdivision map is therefore deemed void as a matter of law". A due process hearing must be held before Appellant's rights are voided, and Appellants therefore request that the Planning Commission in light of the foregoing factors reinstate the preliminary subdivision map and further grant the appellants' April 24, 2023 request for a First Subdivision Extension.

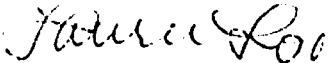
6. Appellants believe the Director has acted in an arbitrary or capricious manner, or manifestly abused his discretion in this instance because 1) this is a new policy of the Planning Department to immediately void any preliminary subdivision maps where an extension of time has not been submitted; 2) Appellants have continuously and diligently worked on the project since the initial filing of this subdivision application and have spent a minimum of \$1.2 M in resources; 3) the Appellants' former authorized representative, Dennis Esaki, suddenly and unexpectedly became ill and died 3 months after time the extension request was made in 2023; and 4) there has been no proffer of a due process hearing prior to the Director's claim that the preliminary approval is void.

Sincerely,

BBCP Kukui'ula Infrastructure LLC

DocuSigned by:

77D875FF8C70450
By
Its

MP Kauai HH Development Fund, LLC


By Laurel Loo
Its Attorney

From: STEPHENIE BLAKEMORE <stephenieblakemore@sbcglobal.net>
Sent: Saturday, September 9, 2023 10:38 AM
To: Planning Department
Subject: Just so No to further development for tourists

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha

Until affordable housing is no longer an issue that creates houselessness and local residential exit from our island there should be NO tourist or vacation home development permitted.

Enough is enough. Take care of those who live here as year round residents and tax payers first. There are plenty of places for visitors to stay already on island. Stop contributing to the problem by allowing developments like this to occur. We don't need, nor can we support such things as more million dollar homes. We need affordable housing first. Until those needs are completely addressed you should not be allowing projects that will suck up limited resources and further impact an already stressed infrastructure: roads , waste management, energy, and water availability.
Mahalo

[Sent from AT&T Yahoo Mail on Android](#)

From: Marty <martykuala@gmail.com>
Sent: Sunday, September 10, 2023 11:15 AM
To: Planning Department
Cc: Jeri DiPietro; Jon Lucas
Subject: Housing development

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

In regard to Pinkston's plans for million dollar plus housing units for Koloa town, I am mostly definitely and violently opposed to such plans. It is too late for Poipu but the planning department must not allow what has happened in Poipu to happen in the local, residential community of Koloa. I am a homeowner and former business owner in the town of Koloa for over fifty years and the idea of pushing locals out of our town by allowing housing that is unaffordable to any Kauai residents is revolting. Please consider the needs of local residents in your approach to further south shore development.

Mahalo,

Marty Kuala,

Home and property owner and former store owner in Koloa Board member of the Koloa Community Association Sent from my iPad

From: Elizabeth Scamahorn Scamahorn <readkauai@icloud.com>
Sent: Sunday, September 10, 2023 12:55 PM
To: Planning Department
Subject: Tuesday's vote to revoke Permit PDU-2006-254

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I acknowledge that “ the matter of the petition to revoke the land-use commissions”, boundary amendment order a 76–418, and class for a zoning, permit, and project development use permit PDU – 2006–254 development situation situated on Pau a Laka street and Kiahuna Plantation Rd containing 27.886 acres in Koloa be REVOKE for a period of years or indefinitely. As a Koloa area resident, I refuse to give up and allow more unplanned permitting systems by this Planning Department.

Sincerely,
Elizabeth Scamahorn

From: Bonnie Bee <recallbherenow@hotmail.com>
Sent: Sunday, September 10, 2023 10:40 PM
To: Planning Department
Subject: Subdivision Committee AGENDA ITEM F1 A and F1 B - Pinkston - and Planning Commission AGENDA ITEM H1 and H2

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

10 September 2023

PO Box 30848
Anahola, Hawai'i 96703-0848

County of Kauai Planning Department
Planning Commission
4444 Rice Street
Lihue, Hawai'i 96766

RE 12 September 2023 - Subdivision Committee AGENDA ITEM F - 1A and B and AGENDA ITEM H, 1 and 2

TMK (4) 2-8-14:32 - 27.886 Acres - Bordering HAPA TRAIL - The developer has legally lost right to develop tentative approvals have lapsed - - - - developer is not above The Law.

"No" to Investor Class / Resort Properties : Luxury Condominiums - UNAFFORDABLE 280 Condominiums at Kiahuna and 51 plus at Kukui`ula

"Yes" to recommendation of Planning Commission to deem each of Meridan Pacific - Gary Pinkston's tentative subdivision proposals: expired.

Both tentative approvals have lapsed - Pinkston did not seek an extension of time - According to the Ordinance, time has lapsed.

~ Protect Iwi Kupuna ~

Protect Kaua`i Cave Wolf Spider & Kaua`i Blind Cave Amphipod(s) - Blind, eyeless, big-eyed, hunting spiders and Blind terrestrial sandhoppers

*We support ALL Testimony, Contested Case Hearing(s) and actions of Friends of
Maha`ulepu and Kia`a o Wai`ale`ale*

Dear Chair and members of the County of Kauai Planning Commission including Subdivision Committee Chair, Gerald Ako,

Aloha! Please deny developer, Gary Pinkston - *Meridian Pacific* request to modify comprehensive drainage requirement for 280 (**unaffordable**) Condominiums at Kiahuna; and 51 plus Condominiums (**unaffordable**) at Kukui`ula,
Revoke ALL Tentative Approval(s) - they have *ALL* expired, quit wasting valuable time of County of Kauai - Planning Department and County of Kauai Planning Commissioners'. The track record of Gary Pinkston - *Meridian Pacific* is despicable:

- Desecration of Burials
- Violation of many protected species protected under the Endangered Species Act (*ESA*)
- Evil disregard of a species found nowhere else on Earth but the Southshore of Kaua'i

1. Pinkston **did not** comply with **FOREGOING** County of Kauai Condition* : "That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sand hoppers which the biologist conducting the biological study believes to be worthy of preservation. The Petitioner may commission such archaeological and biological study to any archaeologist and biologist, or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitioner may apply to the County of Kauai for rezoning of the subject property **BEFORE** the completion of the archaeological and biological study, provided that **NO ACTUAL WORK ON ANY PORTION OF THE SUBJECT PROPERTY FOR THAT PORTION TO BE WORKED ON HAS BEEN COMPLETED.**

**ACTUAL WORK ON ANY PORTION OF THE SUBJECT
PROPERTY MAY BE COMMENCED BY THE PETITIONER**

UPON CERTIFICATION BY THE ARCHAEOLOGIST AND BIOLOGIST THAT THE AREA FOR WHICH WORK IS TO COMMENCE DOES NOT CONTAIN ANY ARCHAEOLOGICAL SITES DEEMED SIGNIFICANT AND WORTHY OF PRESERVATION, NOR CONTAINS ANY HABITATS OF ANY BLIND, EYELESS, BIG-EYED, HUNTING SPIDERS AND BLIND TERRESTRIAL SANDHOPPERS WORTHY OF PRESERVATION. "

- Habitat destruction - explicit and blatant disregard for rules and regulations - set in place for habitat protection, specifically County of Kauai Condition*
- Eight (8) months of detonation explosives
- Obliteration of 'Aina with acts of destruction
- No buffer: HAPA TRAIL

The Cave Invertebrates native to Kaua'i - the Kaua'i Cave Wolf Spider and Kaua'i Cave Amphipod(s) native ONLY to the Southshore of Kaua'i and Endangered Wetland Bird Species habitat; has been desecrated - not to mention Underground Springs; even though destruction has happened NOW is the time to institute protection - ALL must be protected by the County of Kauai - Planning Department - Kauai Planning Commissioners' It is time to **REVOKE ALL TENTATIVE Approvals** they are **EXPIRED** -

Its Criminal - that Gary Pinkston / *Meridian Pacific* commenced with detonation of explosives - prior to be in compliance of foregoing County of Kauai Condition* for their elitist development on Southshore - of Kaua'i - please fine and charge him and *Meridian Pacific* with violation of County of Kauai Condition* - in their lust and greed for profit

Of crucial and critical importance: Respect of Iwi Kupuna and Heiau must be upheld by County of Kauai - County of Kauai Planning Department - County Planning Commission - Such sacrilegious desecration by Pinkston is abomination and Criminal !

County of Kauai - County Planning Department - County Planning Commissioners' hold Gary Pinkston and his *Meridian Pacific* accountable for ALL violations and sacrilege - of the 'Aina - make *pono* - return the 'Aina to its original state prior to his criminal acts

MAHALO for *FINALLY* upholding the County of Kauai development Condition* on the Southshore of Kaua'i - and holding Gary Pinkston *Meridian Pacific* accountable to *said County of Kauai Condition**

- STOP approving Investor elitist development on Kaua'i - Taxpayers deserve affordable housing !

Mahalo Plenty,

Bonnie P Bator and Ohana (Keana 'aina, Keli'ikoa, Kai'aokamalie and Kai)