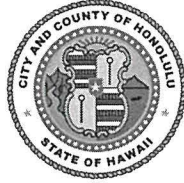


**DEPARTMENT OF PLANNING AND PERMITTING**  
**KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE**  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: [honolulu.gov/dpp](http://honolulu.gov/dpp)

RICK BLANGIARDI  
MAYOR  
MEIA



DAWN TAKEUCHI APUNA  
DIRECTOR  
PO'O

BRYAN GALLAGHER, P.E.  
DEPUTY DIRECTOR  
HOPE PO'O

REGINA MALEPEAI  
2<sup>ND</sup> DEPUTY DIRECTOR  
HOPE PO'O KUALUA

November 29, 2025

Mr. Tom Schnell  
PBR Hawai'i & Associates, Inc.  
1001 Bishop Street, Suite 650  
Honolulu, Hawai'i 96813

To Whom It May Concern:

SUBJECT: Notice of Reconsideration of Conditional Use Permit No.  
2019/CUP-18  
Kamananui Agribusiness Project  
Kaukonahua Road – Waialua  
Tax Map Keys (TMKs) 6-7-003: 002, 006, and 007;  
6-7-004: 001 and 004;  
6-5-001: 019, 034, 038, 049, and portions 050 and 051

Notice is hereby given that, pursuant to § 4-3(a) of the Department of Planning and Permitting's Rules of Practice and Procedure ("RPP"), the Director has initiated a reconsideration of Conditional Use Permit No. 2019/CUP18 ("CUP") for the reasons set forth below.

I. Authority for Reconsideration.

RPP § 4-3(a) allows the Director to reconsider a previous action of the Director of her own accord under the circumstances described in RPP § 4-2. DPP § 4-2 states:

Basis for reconsideration. The Director may reconsider a previous decision based on the following circumstances:

- (1) New evidence not included in the record upon which the original action was based;
- (2) Changed conditions, facts, or circumstances upon which the original action was based; or

- (3) Failure to comply with conditions attached to the action or within the scope.

Reconsideration gives the Director the authority to affirm, modify, or revoke the previous decision based on the above. RPP §§ 4-1 and 4-5(c).

## II. Basis for Reconsideration.

- A. New evidence not included in the record upon which the original action was based.

The following evidence was not included in the record upon which the Director approved CUP and warrants reconsideration of the CUP.

### A.1 New Agency Comments

The U.S. Army Garrison Hawaii (Army) did not submit comments to the Director prior to the approval of the CUP. In addition, the Army did not provide any clear indication of public safety concerns related to munitions fallout prior to the approval of the CUP. However, in its comments to 2025/MOD-55, the Army submitted comments indicating that the conditional use will place the public close to or within areas of munitions fallout, aerial military training, and areas previously used for military training. The Army's comments have also disclosed that at least two cattle from the Project have been killed in live-fire Army training and that there may be unexploded ordnances within the Project boundary. These comments are new evidence material to whether the Project site is an appropriate location for the conditional use and whether the conditional use will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood. The Director finds it appropriate to reconsider the CUP to address these concerns.

The State of Hawai'i Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) did not submit comments to the Director prior to the approval of the CUP. However, DOFAW submitted comments to the Director related to proposed modifications of the CUP in relation to 2024/MOD-68 and 2025/MOD-55. Comments received from DOFAW report potential impacts of the Project on the Hawaiian hoary bat, State and Federally protected seabird species, and Federal- and State-listed endangered plants. DOFAW's comments also raised concerns related to increased foot and vehicular traffic, plant selection, potential tree loss, watershed protection, and a lack of community involvement in the permitting process. DOFAW's comments are new evidence and raise questions about whether the Project site is an appropriate location for the conditional use and whether the use will provide a service or

facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood. The Director finds it appropriate to reconsider the CUP to address these concerns.

The Office of Hawaiian Affairs (OHA) did not submit comments to the Director prior to the approval of the CUP. However, OHA submitted comments to the Director regarding 2025/MOD-55. These comments express concerns that the approved use will result in adverse land use impacts to agricultural zoned land, the visual site plane, traffic to the surrounding area, and cultural resources. These comments are new evidence of issues material to whether the Project site is an appropriate location for the conditional use and whether the conditional use will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood. The Director finds it appropriate to reconsider the CUP to address these concerns.

In addition to the comments discussed above, the Director has received several other comments from government agencies and officials expressing concern with the appropriateness of the Project. These comments also support reconsideration to review whether Project site is an appropriate location for the conditional use and whether the conditional use will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

#### A.2. Supplemental Information and Disclosures by the Permittee

Following the approval of the CUP, the Permittee sought three separate minor modifications of the CUP. Each of these applications was supported by new facts, evidence, and information concerning the conditional use, some of which were provided in response to requests for more information from the Department. Notably, the Permittee's November 3, 2025 letter discloses that "the Ranch determined that environmental conditions in most areas originally designated for forestry and agroforestry are not suited to supporting a planting density of 300 trees per acre. Moreover, large portions of the areas are subject to regular and significant wildfire risks." This information makes it unclear that the conditional use is adequately supported by water supply and can meet the agricultural requirements in the CUP.

The Permittee has also completed various studies, plans, and consultations since the CUP was approved. These processes have resulted in the compilation and documentation of new information that was not available to the Department when the CUP was approved. The Director finds that the conditional use should be reevaluated in light of the new information available to the Department through these documents.

The above-referenced documents and submissions to the Department are new evidence and new information that bring into question whether the Project site is an appropriate location for the conditional use. The Director finds that it is appropriate to reconsider the CUP in light of this new information and evidence.

#### A.3. Public Comments

The Director received limited (i.e., approximately 2) public comments on the application for the CUP. The records before the Director at the time of the original CUP did not reflect significant public interest in the application or convey serious public concerns for impacts to valued natural and cultural resources. Since the granting of the CUP, the Director has received voluminous public comments responding to the minor modifications sought in file numbers 2024/MOD-55 and 2025/MOD-55. These public comments identify natural and cultural resources that may be affected by the Project and evidence a level of public interest and concern that was not considered at the time of approving the CUP. The Director finds that the aforesaid public comments warrant a reconsideration of the CUP.

#### B. Changed conditions, facts, or circumstances upon which the original action was based.

When the Director granted the CUP, the conditions, facts, and circumstances before the Department suggested that the Project could meet minimum agricultural requirements, provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood, and operate without risks to public safety, natural resources, and cultural resources. The current conditions, facts, and circumstances disclosed by the above-discussed information suggests that existing conditions, facts, and circumstances differ from those disclosed to the Department at the time of considering the CUP. The Director finds that these changed conditions, facts, or circumstances warrant reconsideration of the CUP.

#### C. Failure to comply with conditions attached to the action or within the scope.

In its application for the CUP, the Permittee proposed a phased implementation of agricultural operations. Page 2 of the CUP restates and summarizes the details of the proposed phased implementation of agricultural operations. In addition, Condition A of the CUP makes these Project descriptions enforceable conditions of approval by stating that, “[o]peration and development of site and facility shall be in general conformance with the approved Project, as described herein and shown on plans and drawings attached hereto as Exhibits C through P.” CUP p. 24 (emphasis added). DPP has

received status reports from the Permittee and performed site visits of the Project site. At this time, the Permittee has not clearly demonstrated compliance with Condition A of the CUP, as documented in the table below.

Use	Phasing	Status
Crop cultivation (30 acres)	Five acres starting in 2019, and five to ten more acres every six to twelve months.	Not met. Only test plots of a variety of crops.
Cattle ranching (874 acres)	Three pastures to be fenced sequentially starting in 2019; the first pasture is 387 acres, the second is 268 acres, and the third is 219 acres. There will be 30 to 40 cow per pasture and about 125 cows total.	Not confirmed.
Forestry (11 acres)	About 20 acres per year starting in 2019, at about 600 trees per acre. There is an existing two-acre koa test plot in addition to the planned 20 acres.	Not met. Small test plots of tree restoration.
Agroforestry (30 acres)	Propagation starting in 2020; planting and cultivation starting in 2021 at about 40 trees per acre.	Not met. Small test plots of tree restoration.
<b>Total Agriculture (1,545 acres)</b>	414 acres by 2019. Additional 25 acres of crop cultivation no later than 2024; additional 487 acres of cattle ranching once fence; additional 20 acres of forestry per year; and 30 acres of agroforestry starting in 2021.	Not met.

Various conditions in the CUP do not have clear deadlines or trigger events. However, the Permittee has not clearly demonstrated compliance with all permit conditions. Therefore, the Director finds it appropriate to reconsider the CUP based on the Permittee's failure to demonstrate compliance with all CUP conditions since the CUP was approved in 2019.

### III. Director's Determination

Mr. Tom Schnell  
November 29, 2025  
Page 6

Based on the foregoing, the Director finds good and sufficient cause to reconsider the CUP. Through her reconsideration, the Director will review and determine whether the CUP should be affirmed, modified, or revoked. The Director will consider the CUP de novo based on the entire record before the Department.

Pursuant to RPP § 4-5, you have 15 days from your receipt of this notice to submit a written response. The Permittee's written response may be accompanied by any evidence that you would like the Director to consider and should address all issues raised in this notice, including, without limitation:

- (1) whether each condition of approval in the CUP has been met;
- (2) how and when any conditions that have not been met will be met;
- (3) the appropriateness of the Project site as a location for the conditional use in light of the issues raised above; and
- (4) whether environmental review under Hawai'i Revised Statutes Chapter 343 is warranted.

To ensure a transparent process and afford the Permittee and the public an opportunity to be heard, the Director will conduct a public hearing on this Reconsideration. You may submit additional written and/or spoken testimony in connection with the public hearing.

The Director anticipates entering a written decision on this reconsideration within 30 days of the close of the public hearing.

Should you have any questions, please contact Shelby Frangk, of our Land Use Approval Branch, at (808) 768-8019 or via email at [shelby.frangk@honolulu.gov](mailto:shelby.frangk@honolulu.gov).

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dawn', with a stylized flourish extending to the right.

Dawn Takeuchi Apuna  
Director