

Application for Amendment to Permit Terms, Conditions, and Time Stipulations

**HAWAIIAN CEMENT
PU‘UNĒNĒ QUARRY
PU‘UNĒNĒ, MAUI, HAWAI‘I
TMK No. (2)3-8-004:001(por.)
(SP 92-380 and CUP 2006/0002)**

Prepared for:

Hawaiian Cement

February 2021

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by Munekiyo Hiraga



MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

Application for Amendment to Permit Terms, Conditions, and Time Stipulations

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for

HAWAIIAN CEMENT PU‘UNĒNĒ QUARRY

PU‘UNĒNĒ, MAUI, HAWAII

(TMK No. (2)3-8-004:001(por.)

(SP 92-380 and CUP 2006/0002)

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- 4. Zoning and Flood Confirmation Form**
- 5. Project Assessment Report**

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APPLICATION FOR
AMENDMENT TO PERMIT
TERMS, CONDITIONS, AND
TIME STIPULATIONS
CHECKLIST

1

Instructions:

- The following checklist items shall be completed and submitted at the time of application submittal. Incomplete applications will delay their processing and may be returned.
- Please number all documents and arrange them in the order they are listed below.

1. Completed ***Required Items Checklist*** (THIS CHECKLIST) (pg 2)
2. Completed ***Application Form*** (pg 3) **(See Section 2)**
3. A notarized letter of authorization from the legal owner, if the applicant is not the owner. **(See Section 3)**
4. An electronic copy in PDF format of the completed application packet on a flash drive or compact disk.
5. Completed ***Zoning and Flood Confirmation Form***, when the proposed amendment would modify the site area subject to development (pg 4) **(See Section 4)**
6. A ***non-refundable filing fee***, payable to County of Maui, Director of Finance.
The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews".
www.mauicounty.gov.
7. Other information, as required by the Planning Director. **(See Section 5)**

APPLICATION FOR
AMENDMENT TO PERMIT
TERMS, CONDITIONS, AND
TIME STIPULATIONS FORM

2

Application for Amendment to Permit Terms, Conditions & Time Stipulation

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used)	Hawaiian Cement Pu'unēnē Quarry
Tax Map Key No: (2)3-8-004:001(por.)	Total Lot Area: 2008.69 acres
Physical Address / Location of Project: Approximately one (1) mile east of Maui Veterans Highway	
Additional Location Information: Access provided via Kama'āina Road.	

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use:	Hawaiian Cement currently operates a quarry and rock crushing operation on a portion of the property.
Describe the Proposed Use:	Hawaiian Cement seeks to amend the boundaries of its existing quarry operations on the subject parcel covered by State Land Use Commission Special Use Permit (SP 92-380) and County Special Use Permit (CUP 2006/0002) by approximately 45.4 acres for quarry use.

Valuation*: Not Applicable Building Permit Application No: (if applicable) Not Applicable

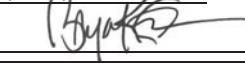
*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s):	David Gomes Hawaiian Cement	Email:	dave.gomes@hawaiiancement.com	
Mailing Address:	P.O. Box 488, Kahului, Hawai'i 96732			
Phone Number(s):	bus 877-7004	hm ----	cell ----	fax 877-7414
Signature(s):	See Letters of Authorization, Section 3			Date:

CONSULTANT INFORMATION

Contact Name(s):	Bryan Esmeralda, AICP Munekiyo Hiraga	Email:	planning@munekiyohiraga.com	
Mailing Address:	305 High Street, Suite 104, Wailuku, Hawai'i 96793			
Phone Number(s):	bus (808)983-1233	hm ---	cell ---	fax 244-8729
Signature(s):				Date: February 5, 2021

OWNER INFORMATION

Owner's Name(s):	Alexander & Baldwin, LLC	Email:	---	
Mailing Address:	11 Pu'unēnē Avenue, Kahului, Hawai'i 96732			
Phone Number(s):	bus 877-5523	hm ---	cell ---	fax ---
Signature(s):	Refer to Letters of Authorization, Section 3			Date:

LETTERS OF
AUTHORIZATION

3



ALEXANDER & BALDWIN
PARTNERS FOR HAWAII

January 14, 2021

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: Letter of Authorization for Hawaiian Cement Pu'unēnē Quarry;
TMK (2)3-8-004:001(por.); Pu'unēnē, Maui, Hawai'i

Dear Ms. McLean:

Alexander & Baldwin, LLC, owner of the above-mentioned property, hereby authorizes Hawaiian Cement and its consultant, Munekiyo Hiraga, to prepare, file, process, and obtain all necessary permits and approvals for the subject property, including, but not limited to an Application for Amendment to Permit Terms, Conditions, and Time Stipulations for the subject project.

Should you have any questions, please feel free to contact Jason Koga, Land & Environmental Manager, at 872-4310.

Sincerely,

ALEXANDER & BALDWIN, LLC

Carol K. Reimann
Its Vice President, Series R

cc: Dave Gomes, Hawaiian Cement
Bryan K. Esmeralda, Munekiyo Hiraga
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STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 14th day of January, 2021, before me, the undersigned Notary Public in and for said State, personally appeared CAROL K. REIMANN, Vice President, Series R, of Alexander & Baldwin, LLC, a Delaware limited liability company, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument and person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Lynne T. Uchima

Print Name: Notary Public, State of Hawaii
My commission expires: 7/21/2022

Doc. Date:	<u>1/14/2021</u>	# Pages:	<u>2</u>
Notary Name:	<u>Leanne T. Uchima</u>		
Doc. Description:	<u>Letter of Authorization to County of Maui Dept of Planning for Hawaiian Cement and Munekiyo Hiraga</u>		
(Stamp or Seal)			
Notary Signature	 <u>Leanne T. Uchima</u> <u>1/14/2021</u>		
Date			



**HAWAIIAN
CEMENT**

Maui Concrete and Aggregate Division

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

**SUBJECT: Letter of Authorization for Hawaiian Cement Pu'unēnē Quarry; TMK
(2)3-8-004:001(por.); Pu'unēnē, Maui, Hawai'i**

Dear Ms. McLean:

Hawaiian Cement, lessee of the above-mentioned property, hereby authorizes Munekiyo Hiraga, to prepare, file, process, and obtain all necessary permits and approvals for the subject property, including, but not limited to an Application for Amendment to Permit Terms, Conditions, and Time Stipulations for the subject project.

Should you have any questions, please feel free to contact me at 871-7004.

Sincerely,

David Gomes

cc: Bryan K. Esmeralda, Munekiyo Hiraga
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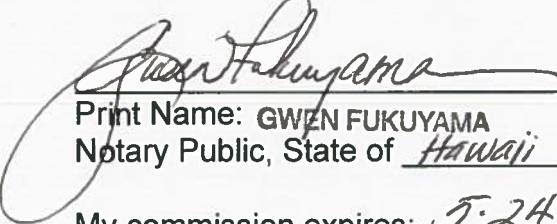
**HAWAIIAN
CEMENT**

Maui Concrete and Aggregate Division

STATE OF HAWAII)
COUNTY OF MAUI) SS.
)

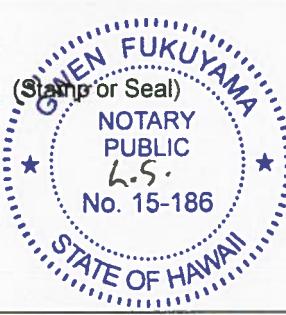
On this 22nd day of January, 2020, before me personally appeared
David Gornes, to me personally known, who, being by me
duly sworn or affirmed, did say that such person executed the foregoing instrument as
the free act and deed of such person, and if applicable in the capacity shown, having
been duly authorized to execute such instrument in such capacity.

WITNESS my hand and official seal.


Print Name: GWEN FUKUYAMA

Notary Public, State of Hawaii

My commission expires: 5-24-2023

Doc. Date:	JAN 22 2021	# Pages:	2
Notary Name:	GWEN FUKUYAMA		
Doc. Description:	Letter of Authorization for Hawaiian Cement Paunene Quarry		
Notary Signature	1/22/2021		
Date		 (Stamp or Seal) GWEN FUKUYAMA NOTARY PUBLIC L.S. No. 15-186 STATE OF HAWAII	

ZONING AND FLOOD
CONFIRMATION FORM

4

19-03/2 RECEIVED

JAN 23 2019

COUNTY OF MAUI
DEPARTMENT OF PLANNING
JAN 18 2015
One Main Plaza Building
2200 Main Street, Suite 315
COUNTY OF MAUI
Wailuku, Hawaii 96793
DEPT OF PLANNING



Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Munekiyo Hiraga

TELEPHONE 244-2015

PROJECT NAME Hawaiian Cement Puunene Quarry

E-MAIL planning@munekohiraga.com

PROPERTY ADDRESS East of Maui Veterans Highway

TAX MAP KEY (2)3-8-004:001

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?

IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?

IF YES, which exemption? (No. 1, 2, 3, 4 or 5)

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:¹

(SMA)
Special
Management Area

STATE DISTRICT: Urban Rural Agriculture Conservation

MAUI ISLAND Growth Boundary:² Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

PLAN Protected Area:² Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN:² Agriculture

(PD)
Planned
Development

COUNTY ZONING: Agriculture District

(PH)
Project District

OTHER/COMMENTS:

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

See
Additional
Comments (Pg.2)

FLOOD HAZARD AREA ZONES³ & BASE FLOOD ELEVATIONS: Zone X

See
Attached LUD Map

FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common)

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

(Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

Consistent, (LUDs appear to have ALL permitted uses in common).

Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

Shelia Nakagawa

(Signature)

1/22/19

(Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

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PROJECT
ASSESSMENT
REPORT

5

Project Assessment Report for an Application to Amend Permit Terms, Conditions, and Time Stipulations

**HAWAIIAN CEMENT
PU‘UNĒNĒ QUARRY
PU‘UNĒNĒ, MAUI, HAWAI‘I
TMK No. (2)3-8-004:001(por.)
(SP 92-380 and CUP 2006/0002**

Prepared for:

Hawaiian Cement

February 2021

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Appendix C.	County Special Use Permit (CUP 2006/0002) Amendment Approval Letter Dated June 18, 2014
Appendix D.	Approved Restoration Plan
Appendix E.	HRS 6E Submittal Form (Submitted in March 2019)
Appendix E-1.	Archaeological Assessment Dated March 2020
Appendix E-2.	Archaeological Monitoring Plan Dated March 2020
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Appendix E-4.	Cultural Impact Assessment Report
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PROJECT OVERVIEW

I. PROJECT OVERVIEW

A. BACKGROUND

1. Property Location and Ownership

Hawaiian Cement (Applicant) is permitted to operate an approximately 214.01-acre quarry and rock crushing operation at its Pu‘unēnē facility which encompasses four (4) TaxMap Key (TMK) parcels: TMK(2)3-8-004:001(por.) and 002(por.), (2)3-8-008:001(por.) and 031(por.) (“Permitted Area”). See **Figure 1**. The existing quarry and rock crushing operation is permitted under State Land Use Commission Special Use Permit (SUP) SP92-380. Additionally, it is noted that the County zoning for the permitted area is “Agricultural” and, as such, a County Special Use Permit (CUP) was obtained to permit the quarry operation in 2006 (CUP 2006/0002).

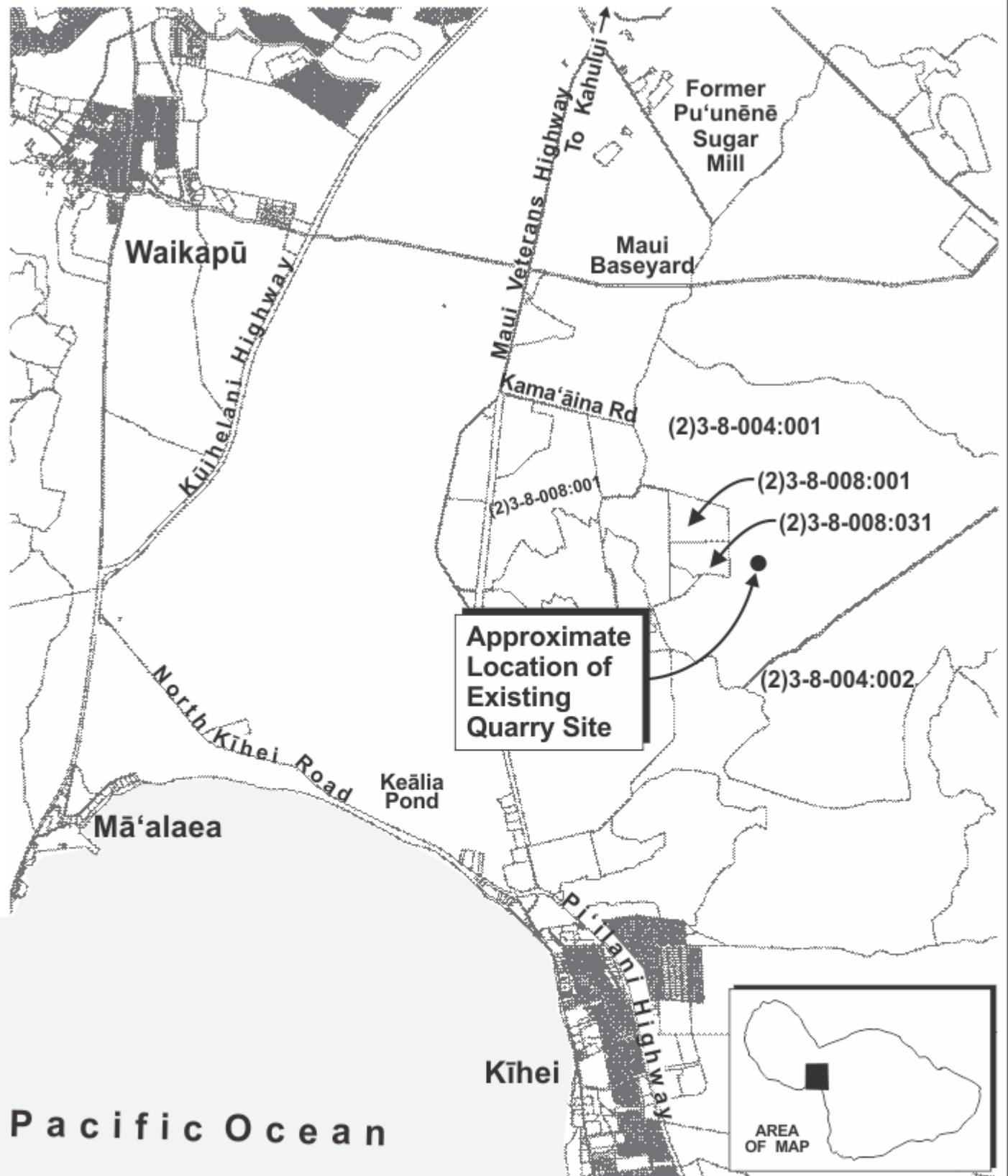
The existing quarry site located on TMK (2)3-8-004:001 (por.) is approximately one (1) mile east of the Maui Veterans Highway and Kama‘āina Road intersection in the Pu‘unēnē area. Refer to **Figure 1**. Surrounding land uses include lands formerly utilized for sugar cane cultivation to the east, north, and south, as well as the Maui Humane Society to the west. Other uses located further north of the existing quarry include the Maui Consolidated Baseyard light industrial subdivision. Access to the existing quarry and the proposed amendment area is provided through the signalized intersection of Kama‘āina Road and Maui Veterans Highway.

The existing permitted area, as well as the proposed amendment area, are owned by Alexander & Baldwin LLC (A&B), from whom the Applicant holds a lease.

2. Description of Existing Conditions

Hawaiian Cement produces crushed basalt rock products at the existing quarry site. The basalt rock quarry and crushed aggregate processing plant, maintenance facilities, administrative offices and storage are located within the existing quarry site as previously identified. Outside of the existing quarry site and within the permitted area, Hawaiian Cement has secured approvals for quarry operations to extract rock material as permitted by SP92-380.

Within this area, Hawaiian Cement is permitted to quarry for rock and crush the raw material and then transport the crushed material to its existing quarry site for further processing into the aggregate products which it sells. Normal quarry hours of operation are Monday through Saturday, from 6:00 a.m. to 5:00 p.m. Operation



Source: Maui County Planning Department

Figure 1

Hawaiian Cement
Pu'unēnē Quarry Expansion
Regional Location Map



0 2,425 1,212.5 4,850
Feet

MUNEKIYO HIRAGA

Prepared for: Hawaiian Cement

hours also include time for maintenance activities and reclamation work to restore quarried areas.

B. CHRONOLOGY OF LAND USE PERMITS AND APPROVALS

The Hawaiian Cement Pu'unēnē Quarry has been in operation since 1992 in conjunction with a concrete aggregate operation. It is noted that Hawaiian Cement has a long-term lease with A&B for the use of approximately 350 acres of their land in the Pu'unēnē area for quarry purposes.

1. State Land Use Commission Special Use Permit SP92-380

In July 1992, Hawaiian Cement received approval by the State Land Use Commission (LUC) for a SUP to establish a rock quarry and concrete aggregate operation on approximately 46 acres of land in the Pu'unēnē area. The original site is identified as TMK (2)3-8-008:031 (por.) ("Original Quarry Area"). See **Figure 2**.

a. First Amendment to SP92-380 (60 Additional Acres)

In November 1996, the LUC granted a first amendment to SP92-380 to permit an additional 60 acres to the 46 original acres, for a total permitted area of approximately 106 total acres, for the quarry and concrete aggregate operation. This additional 60 acres is located on (2)3-8-004:001(por.). Hawaiian Cement has since completed its quarrying work within this additional 60-acre area located adjacent to the original permit area. It is noted that the area where quarrying has been completed has been remediated for return to agricultural production per the Applicant's lease agreement with A&B. Refer to **Figure 2**.

b. Second Amendment to SP92-380 (66.4 Additional Acres)

In December 2006, the LUC granted a second amendment to SP92-380 to permit an additional 66.44 acres of land for rock quarry and concrete aggregate operations on a portion of TMK (2) 3-8-004:001(por.). The 66.44 acres of additional permitted area was provided in two (2) permitted areas, a 24.476-acre portion and a 44.28-acre portion. Refer to **Figure 2**. It is noted that the Applicant has completed quarrying within the 24.476-acre portion and, as mentioned previously, this area has been remediated for return to agricultural production. Kolaloa Gulch separates the 44.28-acre portion, which is not being quarried at this time, from the other approved quarry sites. See **Appendix "A"**.

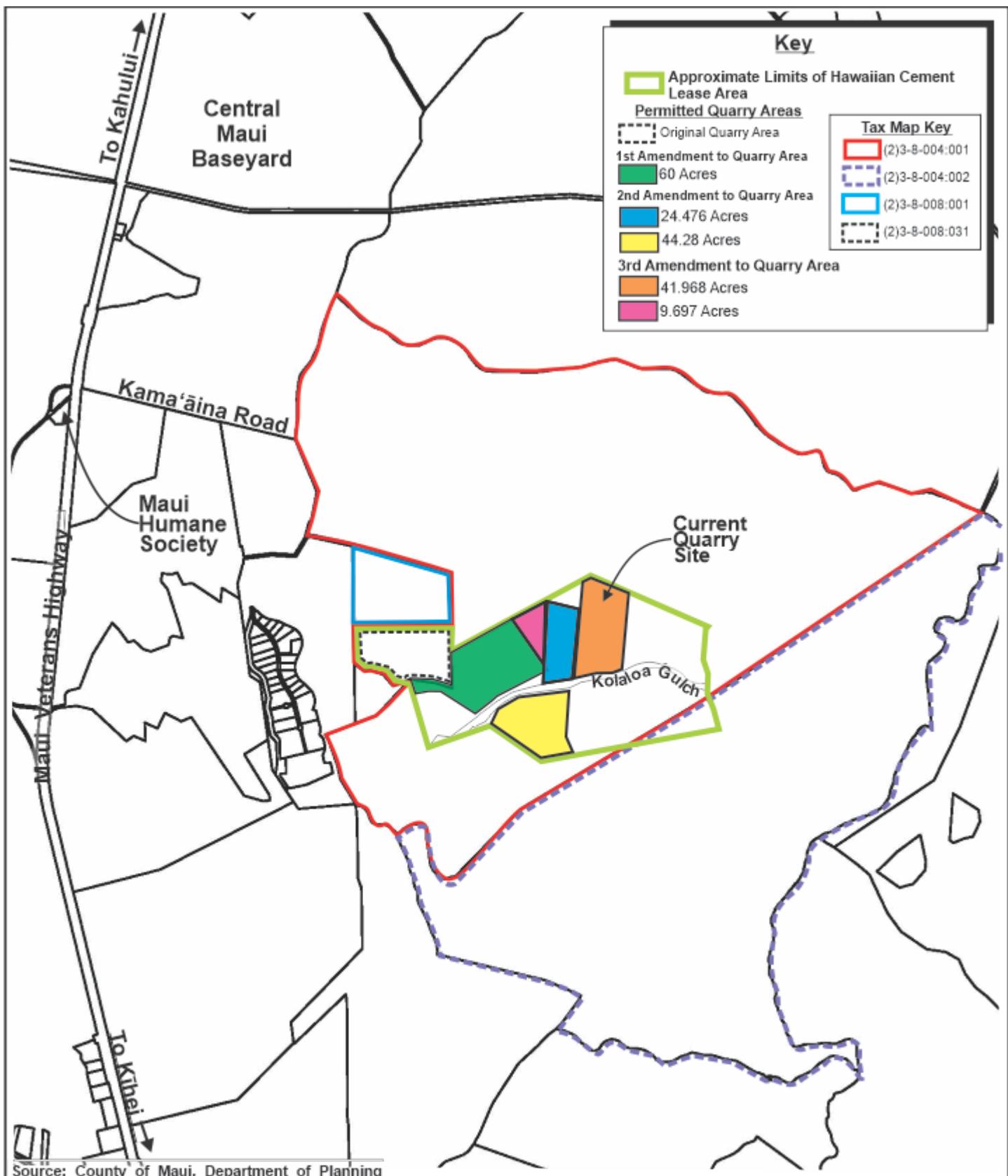


Figure 2

Hawaiian Cement
Pu'unenê Quarry Expansion
Property Location Map



Prepared for: Hawaiian Cement

 MUNEKIYO HIRAGA

c. **Third Amendment to SP92-380 (41.968 Additional Acres)**

In 2014, the LUC granted a third amendment to SP92-380 to permit two (2) additional areas of 41.968 and 9.697 acres each on portions of TMK (2)3-8-004:001 for rock quarry operations. Refer to **Figure 2**. These additional areas are located on either side of the 24.476-acre additional site permitted by the Second Amendment. See **Appendix “B”**. The Applicant has completed quarrying in the 9.697-acre portion and is currently quarrying in the 41.968-acre portion approved under the Third Amendment. As mentioned previously, the 9.697-acre area where quarrying has been completed has been remediated for return to agricultural production.

2. **County of Maui Special Use Permit CUP 2006/0002**

It is noted that prior to 1998, rock quarrying was a special use permitted on lands zoned “Agricultural” by the County of Maui. The special use was permitted if a State Special Use Permit was received for the property, regardless of the size of the permitted area. Thus, no County Special Use permit was required. However, in 1998, the County’s Agricultural District Zoning Ordinance was amended to include a size limitation for the State Special Use permit, such that any special uses proposed in an area for 15 acres or less would continue to be covered by the State permit. Any special uses proposed in an area over 15 acres would require a separate County Special Use Permit. Any existing operations which had a State Special Use permit in effect in 1998 were allowed to continue until their permit expiration deadline. At such time, applicants were required to seek a County Special Use permit in addition to the State Special Use permit for proposed areas over 15 acres.

In June 2006, as provided in the Agricultural District Zoning Ordinance enacted in 1998, the Maui Planning Commission (MPC) granted a County Special Use Permit (CUP) to the Applicant to permit the use of approximately 66.44 acres of land for rock quarry and concrete aggregate purposes (Second Amendment). As previously noted, the 66.44 acres are located on land identified as TMK (2)3-8-004:001(por). In 2014, the Applicant also sought to amend the boundary of the CUP approval to include the approximately 42-acre portion of the property for quarrying purposes as noted for the third amendment to the SUP. Refer to **Figure 2** and see **Appendix “C”**. Hawaiian Cement was granted amendments and the extensions for the CUP in congruence with those for the SUP.



PROPOSED LAND USE REQUESTS



II. PROPOSED LAND USE REQUESTS

This report has been prepared in support of two (2) separate requests for the State Special Use Permit (SUP) and County Special Use Permit (CUP) by Hawaiian Cement to extend the boundaries of the permitted quarry area by approximately 45.4 acres within Tax Map Key (2)3-8-004:001, owned by Alexander & Baldwin LLC. The requests are described in further detail below.

1. State Land Use Commission Special Use Permit Boundary Amendment

The current boundaries of SP92-380 as reflected in the Third Amendment approved in November 2014, is shown in **Figure 2**. In reviewing current operations, the Applicant is proposing an amendment to the existing boundary of the permitted area to extend the permitted quarry area to the east by approximately 45.4 acres (Proposed Quarry Expansion Site). See **Figure 3**.

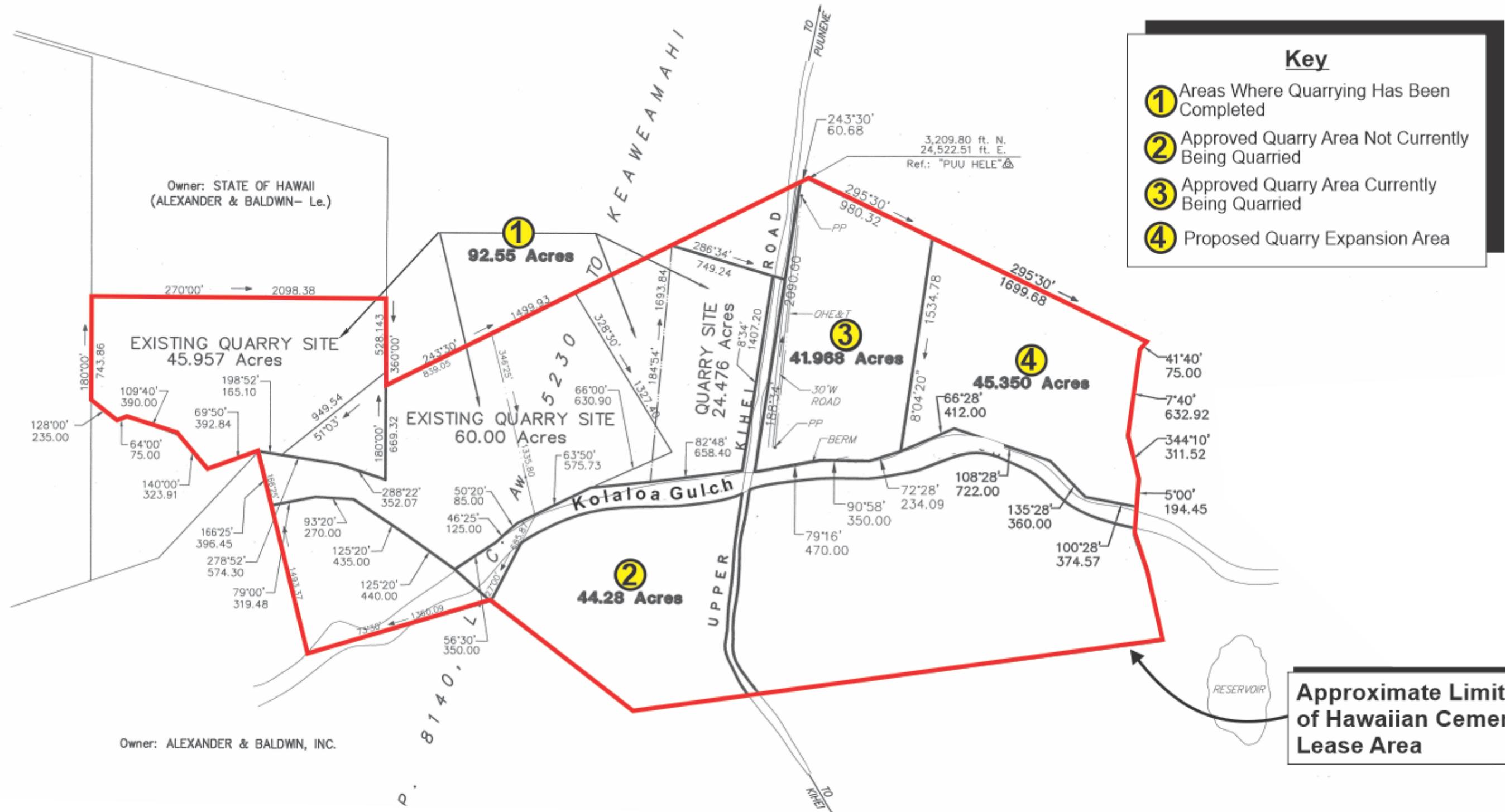
By amending the existing Permitted Area, the Applicant will continue to quarry an area adjacent to its existing operation.

2. County Special Use Permit Boundary Amendment

Subsequent to the First Amendment to the SP92-380 in 1996, the County of Maui adopted the Agricultural District Zoning Ordinance, Chapter 19.30A of the Maui County Code (MCC) in 1998. Prior to 1998, quarry activities and related operations for the Hawaiian Cement Pu'unēnē Quarry were permitted through the SP92-380. Refer to **Appendix “A”**, **Appendix “B”**, and **Appendix “C”** of this application document. Further, Special Use Permits issued prior to the adoption of the Agricultural District zoning ordinance were permitted to remain in effect in full force for their permitted period, pursuant to Section 19.30A.110 of the MCC. However, upon renewal of the Special Use Permit, the provision of Chapter 19.30A of the MCC were considered applicable. Since the mining and resource extraction were considered permitted special uses according to Chapter 19.30A of the MCC and uses proposed for an area larger than 15 acres, in 2006, the Applicant sought a CUP approval for the Pu'unēnē Quarry. As previously noted, subsequent amendments and time extension requests were granted for both the SUP and CUP.

The Applicant is proposing an amendment to the CUP area, to extend eastward by 45.4 acres and adjacent to its Existing Quarrying operation.

By expanding the quarry area by the proposed 45.4 acres, the expected operational lifespan of the facility would be extended by 14 years. With this, there is an anticipated 30 years left of quarrying remaining at Pu'unēnē.



Source: R. T. Tanaka Engineers, Inc.

Figure 3

Hawaiian Cement Pu'unēnē Quarry Expansion
Existing and Proposed Quarry Areas

NOT TO SCALE



Prepared for: Hawaiian Cement

 MUNEKIYO HIRAGA

Of the total 350 acres leased by Hawaiian Cement, the proposed additional 45.4 acres would increase the total amount of lands approved for quarrying purposes within the leased 350 acres to 259.8 acres.



DESCRIPTION OF THE EXISTING ENVIRONMENT AND POTENTIAL IMPACTS AND MITIGATION MEASURES



III. DESCRIPTION OF THE EXISTING ENVIRONMENT AND POTENTIAL IMPACTS AND MITIGATION MEASURES

A. SURROUNDING LAND USES

1. Existing Conditions

The Proposed Quarry Expansion Site is located approximately 1.2 miles east of the Maui Veterans Highway and Kama‘āina Road intersection. As previously noted, a majority of the surrounding lands were formerly utilized for sugar cane cultivation by HC&S and are currently fallow. The State of Hawai‘i, Department of Land and Natural Resources (DLNR) also owns significant acres in the surrounding area. The DLNR, along with the Department of Hawaiian Home Lands (DHHL), Department of Accounting and General Services (DAGS), and the Department of Public Safety (PSD) have proposed a master planning effort for their lands in the surrounding area. Generally, industrial and commercial uses, agricultural uses, and the future location of the Maui Regional Public Safety Complex are being considered in the master plan. Currently, however, the State lands are vacant. The County of Maui also owns land in the area which are intermittently used for recreational car racing as well as for Fire and Police Department training exercises. Additionally, as previously noted, the Maui Humane Society has its offices located west of the proposed project area, immediately adjacent to the Maui Veterans Highway/Kama‘āina Road intersection.

2. Potential Impacts and Mitigation Measures

The Applicant’s Pu‘unēnē Quarry has been in operation in the project area since 1992. As previously noted, the surrounding lands are vacant lands formerly used for sugar cane cultivation. Additionally, the Applicant has the existing infrastructure to support the quarry and concrete aggregate operation on its existing permitted area and proposed expansion area. For example, transport trucks carrying base course from the proposed expansion area would utilize existing roadway infrastructure that is provided by the existing operation. Further, quarry activity would occur on the proposed 45.4-acre area, and final crushing of the rock material would continue within the existing quarry operation area. Additionally, as a condition of Hawaiian Cement’s lease agreement with A&B, upon completion of quarrying activities, the Applicant is required to restore the land for agricultural use. See **Appendix “D”**. As such, no potential impacts are anticipated to the surrounding lands with the proposed 45.4-acre expansion area.

B. SOIL CONDITIONS AND AGRICULTURAL PRODUCTIVITY

1. Existing Conditions

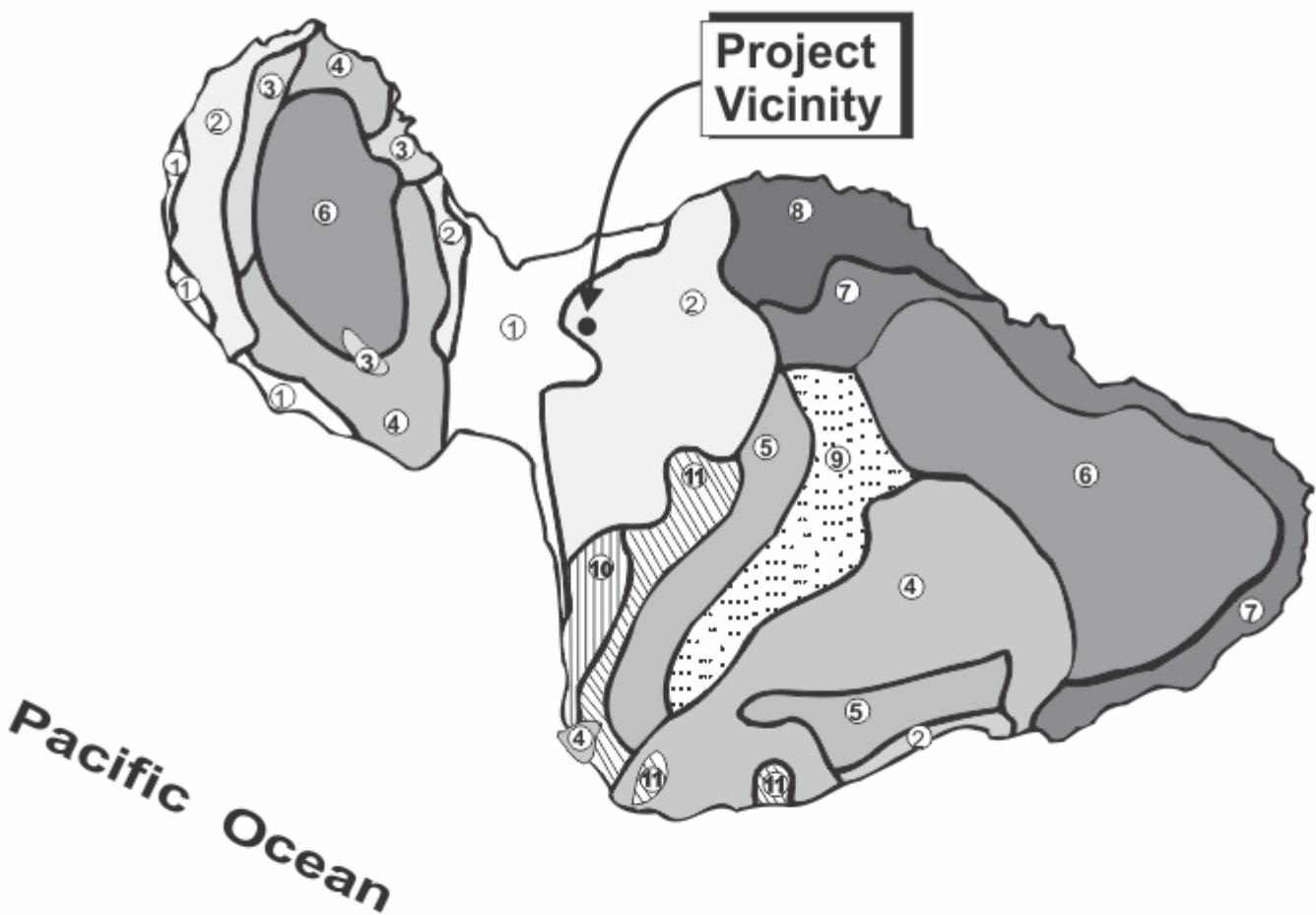
The U.S. Department of Agriculture Soil Conservation Service designates various associations on the island of Maui and classifies the soil in its Soil Survey of Islands of Kaua'i, O'ahu, Maui, Moloka'i, and Lāna'i. Underlying the project site and surrounding lands are soils belonging to the Waiakoa-Keahua-Molokai association. See **Figure 4**. The Waiakoa-Keahua-Molokai association is categorized as well-drained, moderately fine textured soils on low uplands on Central Maui. According to the Soil Conservation Service, the soils are nearly level to moderately steep, and the association makes up approximately 15 percent of the island. The elevation at the site ranges from 300 to 400 feet above mean sea level. The soil types specific to the project site are Alae cobbly sandy loam (AcA), soils from the Pulehu series including Pulehu cobbly clay loam, 0 to 3 percent slopes (PtA), Pulehu silt loam, 3 to 7 percent slopes (PpB), and Waiakoa extremely stony silty clay loam, 3 to 25 percent slopes, eroded (WID2). See **Figure 5**.

The characteristics of Alae cobbly sandy loam, 0 to 3 percent slopes, include dark grayish-brown cobbly sandy loam, with the substratum including coarse to very coarse sand. Permeability is rapid, runoff is slow and erosion hazard is low. Waiakoa very stony silty clay loam, 3 to 7 percent slopes, has a surface layer that is dark reddish brown silty clay loam and a very dark grayish-brown subsoil section. Permeability is moderate and runoff is slow with a slight erosion hazard. For the soils of the Pulehu classification (Pulehu cobbly clay loam, 0 to 3 percent slopes and Pulehu silt loam, 3 to 7 percent slopes); soil characteristics are relatively the same. The soil is dark-brown to dark grayish-brown and can include coarse and/or cobbly soil under the surface layer. Permeability is generally moderate, while runoff is slow and erosion hazard low. For the Waiakoa soils, the soil is well drained and moderately deep. In most places, half the original surface layer has been eroded. Runoff is medium and the erosion hazard is severe.

The State Department of Agriculture has established three (3) categories of Agricultural Lands of Importance to the State of Hawai'i (ALISH). These are "Prime", "Unique", and "Other" important agricultural lands. "Prime" lands are those lands which possess the soil quality, growing season, and moisture supply needed to produce high yields of crops economically and when treated and managed according to modern farming techniques. "Unique" lands have similar crop specific characteristics, while lands rated "Other" are not classified as "Prime" or "Unique", but are of Statewide or local agriculture importance. Lands not rated "Prime", "Unique", or "Other", are "Unclassified". Although the ALISH map designates the lands underlying the proposed boundary expansion as "Prime" and

LEGEND

①	Pulehu-Ewa-Jaucas association	⑦	Hana-Makaalae-Kailua association
②	Waiaako-Keahua-Molokai association	⑧	Pauwela-Haiku association
③	Honolua-Olelo association	⑨	Laumaia-Kaipoipoi-Olinda association
④	Rock land-Rough mountainous land association	⑩	Keawakapu-Makena association
⑤	Puu Pa-Kula-Pane association	⑪	Kamaole-Oanapuka association
⑥	Hydrandepts-Tropaqueods association		



Source: USDA, Soil Conservation Service

Figure 4

Hawaiian Cement
Pu'unēnē Quarry Expansion
Soil Association Map

NOT TO SCALE



Prepared for: Hawaiian Cement

 MUNEKIYO HIRAGA

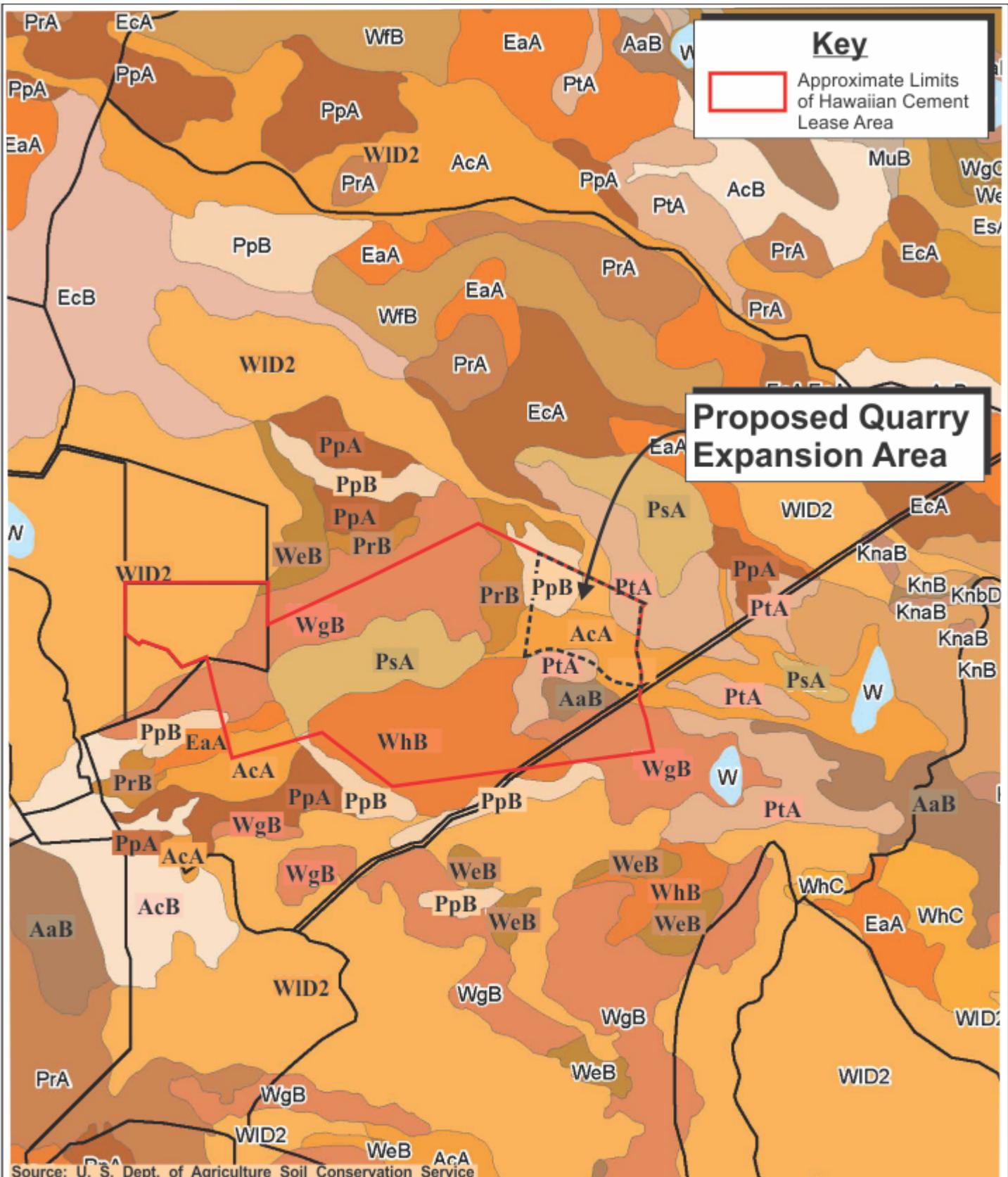


Figure 5

Hawaiian Cement Pu‘unēnē Quarry Expansion Soil Classification Map



Prepared for: Hawaiian Cement



“Other”, much of the land in the surrounding area has been quarried. As previously noted, the Applicant is required as a condition of their lease agreement with A&B to restore completed quarry areas for agricultural uses. As such, agricultural operations are anticipated to be continued following completion of quarry activity. See **Figure 6**.

In June 2009, A&B received approval for the designation of approximately 27,000 acres of its lands in Central and Upcountry Maui as “Important Agricultural Lands” (IAL) by the LUC. The proposed quarry expansion area is located within one (1) of the designated IAL areas, however, it is not critical for agriculture based on the amount of similarly designated land within the area and the State as a whole. See **Figure 7**. As previously noted, the Applicant is required by its lease agreement with A&B to restore quarried areas for agricultural use. This will provide for continued use of the land area for agricultural cultivation. The temporary quarry activity is not in conflict with the policies and standards of the IAL as outlined in Hawai‘i Revised Statutes (HRS) Chapter 205-43.

The Land Study Bureau classifies lands with a productivity rating of “A” through “E”, with “A” reflecting lands with the highest productivity and “E” the lowest. The lands underlying the project site have productivity ratings of “A”, “B”, and “E”. According to the Land Study Bureau’s Detailed Land Classification Map, the proposed expansion area has been rated A51i, A71i, and E73. The land type, A51i and A71i, represents deep, non-stony, well-drained, fine-textured soils with slopes ranging from 0 to 10 percent and between 2 to 5 percent, respectively, and elevations ranging from sea level to 400 feet. The land type, E73, represents rocky, well-drained, fine to moderately fine-textured soils with slopes ranging from 0 to 35 percent and elevations ranging from sea level to 750 feet. See **Figure 8**.

2. Potential Impacts and Mitigation Measures

Site activity conducted with quarry operations will alter the existing land patterns and soil constitution, as the rock quarry will extract both surface and subsurface rock materials.

The lands underlying the permitted area of SP92-380 have been extensively altered in the past for agricultural, as well as mining and quarrying-related activities since 1992.

The use of the land within the permitted area, as well as the requested approximately 45.4 acres outside of the current SUP and CUP boundaries is not anticipated to adversely affect potential future agricultural cultivation and production activities. Hawaiian Cement is required to comply with a condition of its land lease to restore completed quarry areas for agricultural uses. As stated

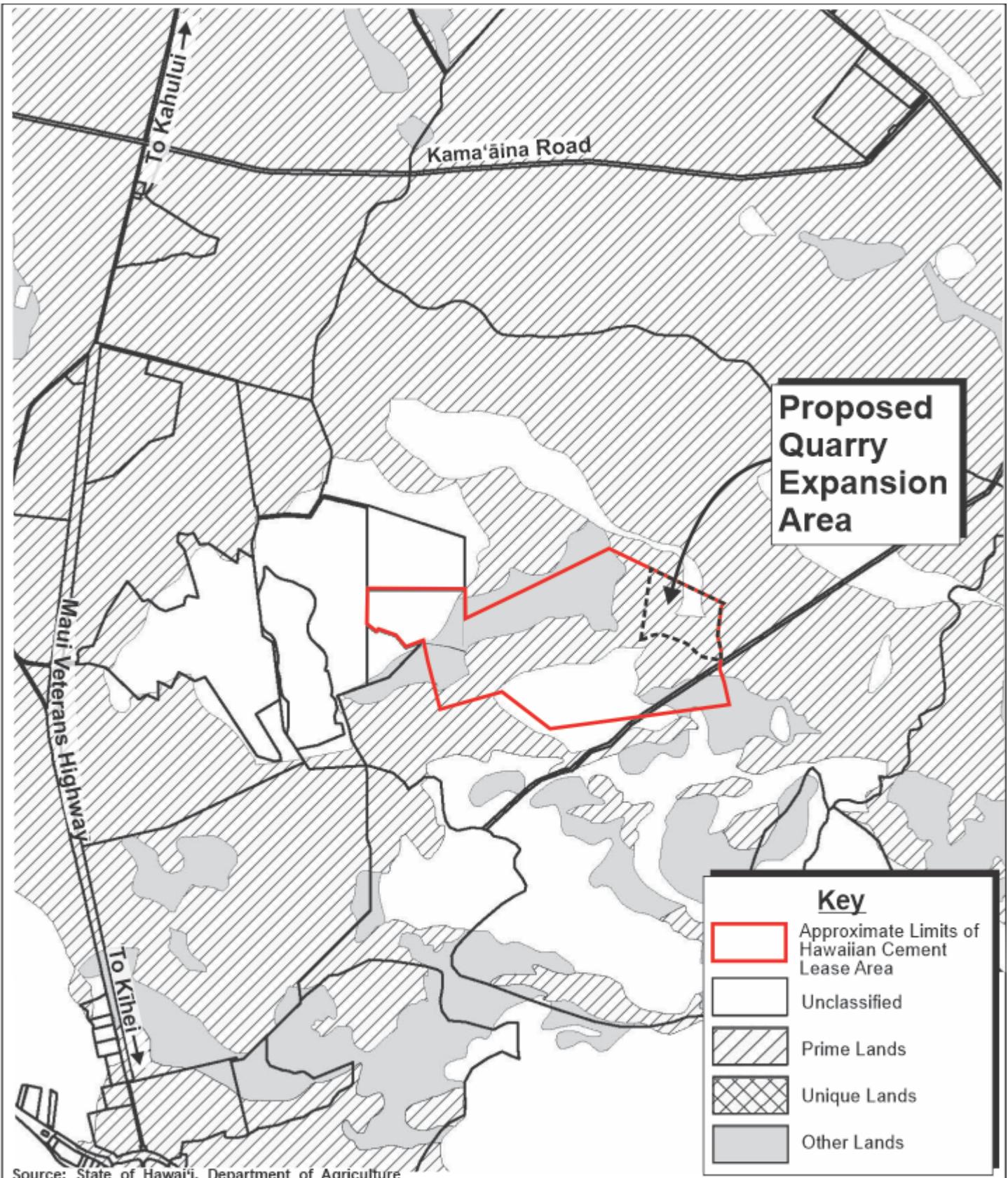


Figure 6

Hawaiian Cement
Pu'unēnē Quarry Expansion
Agricultural Lands of Importance
to the State of Hawai'i Map



Prepared for: Hawaiian Cement

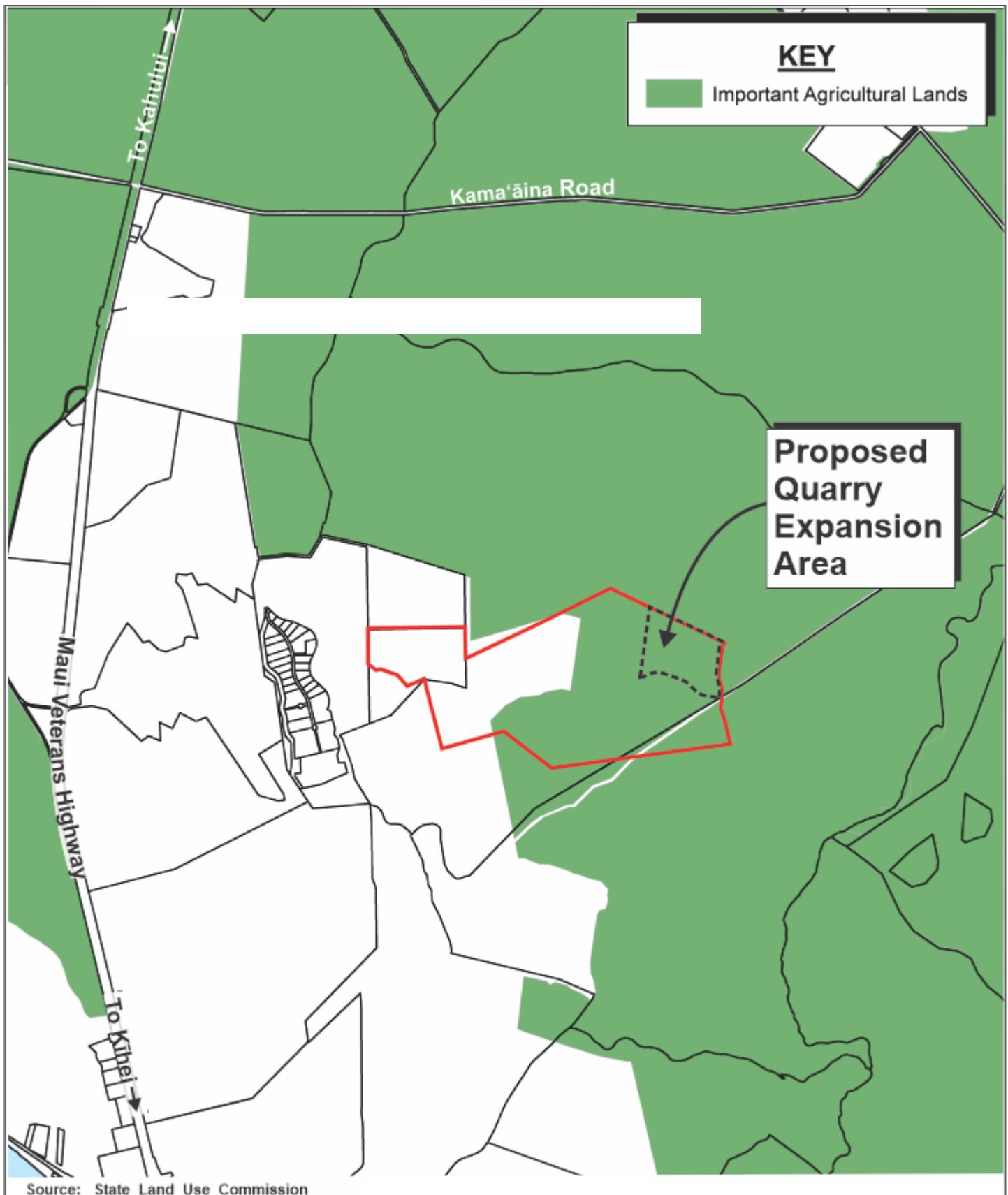


Figure 7

Hawaiian Cement
Pu'unēnē Quarry Expansion
Important Agricultural Lands



Prepared for: Hawaiian Cement

 MUNEKIYO HIRAGA

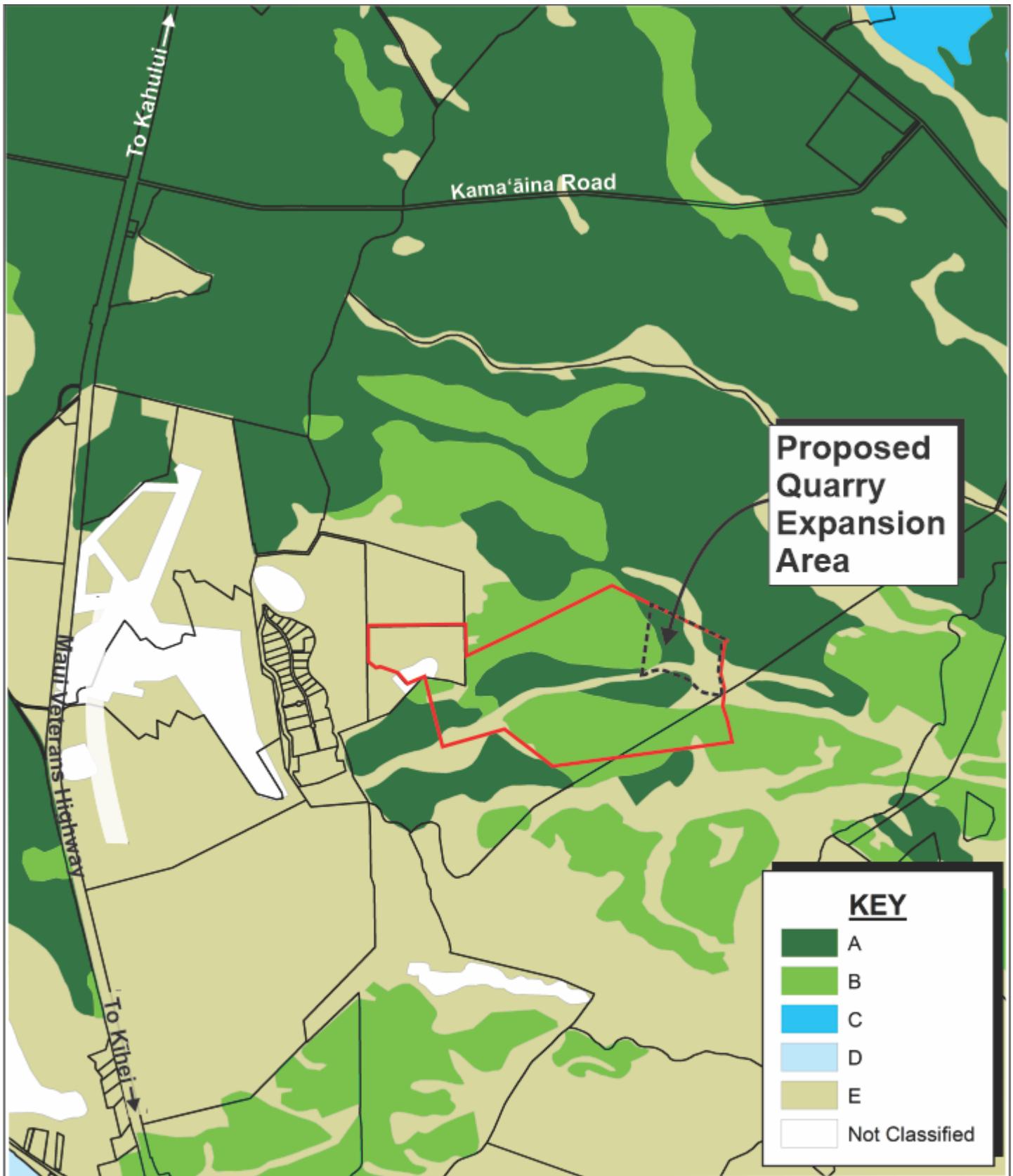


Figure 8

Hawaiian Cement
Pu'unēnē Quarry Expansion
Land Study Bureau Map



Prepared for: Hawaiian Cement

 MUNEKIYO HIRAGA

previously, for those areas where quarrying has been completed, the land has been remediated for return to agricultural use.

C. ARCHAEOLOGY AND CULTURAL RESOURCES

1. Existing Conditions

Hawaiian Cement's Pu'unēnē Quarry operates its facilities on lands which have been heavily altered over the years. The lands underlying the property have been extensively disturbed in the past for purposes of commercial agriculture activities (sugar cane production). There have been no identified archaeological features located within the project area.

Consultation was initiated with the State Historic Preservation Division (SHPD) in March 2019, with the filing of the Hawai'i Revised Statutes (HRS) 6E submittal form by the project's archaeologist, Scientific Consulting Services. See **Appendix "E"**.

In addition to the HRS 6E submittal form, a revised Archaeological Assessment (AA) and Archaeological Monitoring Plan (AMP) were also provided to the SHPD for review. See **Appendix "E-1"** and **Appendix "E-2"**, respectively.

As stated in the AA, an archaeological inventory survey was conducted for the proposed 41.968-acre rock quarry expansion site yielding negative results. As such, the AA report was submitted and reviewed by SHPD in 2015 (Log. No. 2014.04654 and Doc. No. 1505MD19). Several revisions were recommended by SHPD and the revised AA report was resubmitted in 2015 and 2017, respectively, but not reviewed. Due to changes in SHPD review and submittal procedures in April 2018, and a license issue for the project's previous archaeologist, Archaeological Services Hawai'i, the AA report was updated and prepared under the supervision of Atlas Archaeology and submitted to SHPD in March 2020. Refer to **Appendix "E-1"**.

Although no historic properties are anticipated to be affected, an AMP was prepared for the proposed expansion area. Refer to **Appendix "E-2"**.

In addition, a Cultural Impact Assessment (CIA) report was prepared for the entire Pu'unēnē Quarry site, including the proposed expansion area, to determine if ongoing cultural activities or resources are present at the site and then to assess the potential for impacts on these cultural resources. See **Appendix "E-4"**. The CIA was prepared using archival and documentary research involving both published and unpublished sources, which include legendary accounts of native and foreign writers, early historical journals and narratives, historical maps and accounts, land records such as Land Commission Awards, Royal Patent Grants,

and Boundary Commission records, and previous archaeological reports, as well as communication with organizations and individuals with knowledge of the project area, its cultural resources, and practices and beliefs characteristic of it. Consultation was conducted via telephone, e-mail, the U.S. Postal Service, and via virtual meeting platforms. Information pertaining to traditional cultural practices conducted within the project area or in Pūlehu Nui Ahupua'a in general was sought from 41 individuals and organizations. A CIA Notice was also published in the November 2019 issue of the Office of Hawaiian Affairs newsletter, Ka Wai Ola. In addition, at the request of several of the cultural consultants, a site visit was held to obtain additional perspective and understanding of the land, its vegetation, and the location of roads. The CIA consultation process yielded responses from 17 individuals via e-mail, one (1) telephone interview, and one (1) virtual interview.

2. Potential Impacts and Mitigation Measures

Due to the negative findings at the project area, the overall project was determined to have “no effect” on historic properties. Thus, no further archaeological procedures or mitigation measures are warranted for the proposed expansion area. Via letter dated April 17, 2020, the SHPD determined that review pursuant to HRS 6E has been completed, and that the AA and Archaeological Monitoring Plan provided have been accepted. See **Appendix “E-3”**. Following completion of monitoring, an Archaeological Monitoring Report will be prepared and submitted to the SHPD for review.

The information obtained during the CIA consultation process indicates that the land leased by Hawaiian Cement for the Pu'unēnē Quarry is located in an area rich with legends and customary activities spanning the Pre-Contact Period, the Plantation Era of the Post-Contact Period, and the World War II (WWII) Era, and currently contains a native plant traditionally used for medicinal purposes. However, based on historical research, the negative results of archaeological studies previously conducted within and near the Pu'unēnē Quarry, and the responses to consultation requests, it is reasonable to conclude that there is no evidence of traditional cultural practices related to the gathering of, or seeking access to, resources (i.e., medicinal plants), or other customary activities (i.e., burials) in the currently proposed quarry expansion area or its adjacent lands leased by Hawaiian Cement for Pu'unēnē Quarry. Refer to **Appendix “E-4”**.

However, the consultation process did identify specific concerns pertaining to the potential for human burials and cultural materials associated with the continuous use of the area from the Pre-Contact Period through the Plantation Era and WWII Era that may still be present in subsurface contexts. The CIA recommended that the tenets specified in the AMP are followed. Other concerns identified during the consultation process pertain to potential impacts to Kolaloa Gulch, its drainage,

and traditional and historic cultural materials, including human burials which may be present in the gulch. Efforts to protect them are currently in place. The CIA acknowledged that there are access roads on either side of Kolaloa Gulch with berms located between the roads created to keep trucks and people from entering the gulch. Hawaiian Cement plans to keep the berms in place to act as buffers between quarry operations and the gulch. The final concern identified through the CIA consultation process pertained to the excavated quarry being perceived as an eye-sore, however, as previously discussed, Hawaiian Cement has a reclamation plan to return the property back for agricultural use once the quarry mining excavations have been completed. Refer to **Appendix “E-4”**.

With implementation of the above mitigation measures, impacts to historic or cultural resources are not anticipated with the proposed quarry expansion.

D. ROADWAYS AND ACCESS

1. Existing Conditions

The Pu'unēnē region is serviced by the State of Hawai'i's Maui Veterans Highway and Kama'āina Road, as well as the privately owned Mehameha Loop.

Maui Veterans Highway in the vicinity of the project area, is a four-lane divided highway with a north-south orientation. A traffic signal is provided at the intersection of Mehameha Loop and Kama'āina Road. The speed limit on the Highway in the vicinity of the Mehameha Loop/Kama'āina Road intersection is 45 miles per hour (mph).

Mehameha Loop is a privately owned road, owned by MP West, LLC. The two-lane roadway provides limited access to the Maui Humane Society to the west of the road's intersection with Maui Veterans Highway.

Access to the Hawaiian Cement Pu'unēnē quarry is provided by Kama'āina Road. The road terminates at the quarry to the east and is a privately owned road.

2. Potential Impacts and Mitigation Measures

The quarry site has been in operation since 1992 and is an established use within the area. Access to the project site will continue to be provided via its existing access off of Kama'āina Road via Maui Veterans Highway. As Hawaiian Cement will use its existing fleet of trucks without intensity of use, no adverse impacts to traffic conditions or roadways are anticipated as a result of the proposed expansion area.

E. WATER AND WASTEWATER SYSTEMS

1. Existing Conditions

Domestic water from the Wailuku-Kahului region is provided by the Department of Water Supply's (DWS) Central Maui Water System. The Central Maui System water sources are located on the windward slope of the West Maui Mountains. The major source of water for this system is the 'Īao Aquifer. Approximately 75 percent of the water to supply the Central Maui System is withdrawn from the 'Īao Aquifer which is located in the vicinity of the 'Īao Stream and Wai'ehu Stream. The remaining 25 percent is withdrawn from Waihe'e Aquifer to the northwest. The regulatory sustainable yield of the 'Īao Aquifer is 20 million gallons per day (MGD) while regulatory sustainable yield on the Waihe'e Aquifer is 8 MGD.

Drinking water as supplied by the DWS is not available on the site. Non-potable water for the quarry is provided through a non-potable private well that Hawaiian Cement constructed on Parcel 31. The non-potable water is utilized for concrete batching, dust control and wash down of the equipment. Potable water is provided on site through private bottle water vendors.

There is no existing County wastewater service to the existing quarry site or the proposed expansion area. Wastewater service for the existing operation is provided via port-a-potty units provided at the existing quarry site, a service contracted by the Applicant through a private vendor.

2. Potential Impacts and Mitigation Measures

Hawaiian Cement's Pu'unēnē quarry is an existing operation and the proposed expansion will not require additional water or wastewater resources. Existing water and wastewater services will continue to be maintained on the main operation site. The proposed quarry expansion area would be utilized only for mining of rock material. As such, no adverse impacts existing water or wastewater systems are anticipated.

F. DRAINAGE

1. Existing Conditions

In March 2019, R. T. Tanaka Engineers, Inc. prepared a Preliminary Drainage and Soil Erosion Study for the Proposed Quarry Expansion Site. See **Appendix "F"**. The site is presently fallow former sugar cane lands. The site has an average slope of approximately three (3) percent and is located at approximately 300 to 340 feet above mean sea level. The site is located to the north of Kolaloa Gulch and has an existing drainageway located to the north.

Runoff from the southern half of the site flows toward Kolaloa Gulch where it is blocked from directly entering the gulch by a dirt berm. The runoff then flows along a dirt road to the southwest corner of the proposed quarry expansion site where it then enters the gulch. Runoff from the northern half of the site is directed to the northwest where it flows and ponds in a low area adjacent to a paved cane haul road. Runoff from the fallow sugar cane fields above the site are also directed to Kolaloa Gulch by diversionary ditches. Refer to **Appendix “F”**.

The Kolaloa Gulch drainage basin is located in the northwesterly slope of Haleakalā and extends from an elevation of 300 feet to the upper slopes at approximately 9,600 feet. The basin is approximately 75,400 feet long with an average slope of 13 percent. The total drainage area, including Hapapa Gulch watershed, is approximately 6.03 square miles. Land uses vary throughout the drainage basin. The upper portion consists of poor range land and pasture land. The central portion consists of diversified agriculture and pasture lands. The lower portion consists of pasture lands and fallow sugar cane lands in the vicinity of the proposed quarry expansion site. Refer to **Appendix “F”**.

2. Potential Impacts and Mitigation Measures

The proposed expansion of the mining operations is anticipated to increase the storm runoff especially during active excavation when the ground is bare. The proposed quarry expansion site is anticipated to be mined in increments. Areas not in active mining will remain as fallow sugar cane fields. When quarrying is completed on each increment, the exposed areas will be backfilled with two (2) feet of topsoil and replanted. For hydrologic analysis, a typical area of 15 acres with an overland flow of 800 feet will be considered to calculate projected runoff generation from the mining action at the expansion site in keeping with Chapter 20.08, “Soil Erosion and Sedimentation Control”, of the Maui County Code. The rational method was used to determine runoff rate and volume for a 10-year and 50-year storm. It was estimated that a typical 15-acre area will increase the 10-year runoff rate by 15.2 cubic feet per second (cfs), from 13.3 cfs to 28.5 cfs, while the increase in the 50-year runoff rate is projected to be 27,225 cubic feet. Refer to **Appendix “F”**.

Increase in runoff volume for the 50-year, 1-hour storm will be retained onsite by means of retention ponds to be constructed at the downstream end of the grading areas. In keeping with the requirements of County drainage standards, the ponds will be sized to contain at least the 50-year, 1-hour runoff volume increase. Aside from keeping the runoff at pre-quarrying levels, the retention ponds will also reduce or preclude the potential for sediment contained in the runoff from entering downstream properties and Kolaloa Gulch. Refer to **Appendix “F”**.

Applicant will implement the County Best Management Practices during construction to control soil erosion and sedimentation, including measures during quarry operations such as:

- Constructing temporary drainage swales or berms to direct storm runoff away from mining areas and toward retention basins. Diverting runoff away from graded areas will minimize erosion of the bare soil, especially over the cut slopes.
- Constructing drainage basin(s) at downstream end of mining areas and grading to direct runoff from the mining area into the retention basin(s).
- Mining areas incrementally to the extent possible. The exposed area at any given time should not be larger than 15 acres, unless otherwise allowed.
- Stabilizing areas where mining is completed or use top soil and replant with sugar cane or other suitable ground cover.

The proposed project is not anticipated to have adverse drainage effects on Kolaloa Gulch and downstream properties.

It is anticipated that there will be no appreciable offsite runoff from areas mauka of the proposed expansion area that will flow into the proposed quarry area, as these flows will be intercepted by several diversionary ditches outside of the project area, which divert the mauka runoff to either Kolaloa Gulch or to the drainageways that are running outside the quarry area.

JUSTIFICATION FOR
REQUESTS

IV

IV. JUSTIFICATION FOR REQUESTS

A. STATE LAND USE COMMISSION SPECIAL USE PERMIT BOUNDARY AMENDMENT

The project site has been used for quarrying and mining related activities since 1992 and is an established use within the area. The current boundaries of SP92-380, is shown in **Figure 2**. Hawaiian Cement seeks an amendment to SP92-380 to incorporate the proposed additional 45.4 acres, bringing the total permitted area of Hawaiian Cement's Pu'unēnē Quarry to approximately 259.8 acres. Refer to **Figure 4**.

Pursuant to Section 15-15-95, Hawai'i Administrative Rules (HAR), certain "reasonable and unusual" uses may be permitted within the Agricultural District. The proposed amendment to SP92-380 by 45.4 acres has been assessed pursuant to Section 15-15-95 HAR as follows:

(1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission;

The purpose of the Land Use Law, Chapter 205, is to preserve, protect, and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawai'i. The request to amend and extend the boundaries of SP92-380 by approximately 45.4 acres has been undertaken in coordination with the landowner, Alexander & Baldwin LLC (A&B). The delineation of the overall quarry area has been undertaken in recognition of the need to provide a source of aggregate products, as well as a location for associated operations essential to sustaining the local construction industry. The use of the property for quarrying and related operations is considered important to the welfare interests of the island's residents. The use of the 45.4-acre area for quarrying and related uses is not expected to affect potential agricultural productivity. As previously noted, Hawaiian Cement is required to comply with a condition of its land lease to restore completed quarry areas to agricultural uses.

(2) The desired use would not adversely affect surrounding property;

The desired use is not anticipated to adversely affect surrounding property, which is currently used as part of the quarry operations, and fallow agricultural lands owned by A&B. As previously noted, as part of its lease agreement with A&B, Hawaiian Cement is required to restore lands to agricultural productivity following completion of quarrying areas. Hawaiian Cement is in compliance with this provision for areas where quarrying has been completed.

(3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

Hawaiian Cement's quarrying and related operations are an existing use in the area. Further, the proposed boundary expansion is directly adjacent to lands currently being quarried. The proposed amended boundaries of the quarry by 45.4 acres is not anticipated to require improvements to infrastructure; thus it is not anticipated to adversely affect public agencies to provide roads, streets, sewers, water, or drainage facilities. Further, no adverse effects are anticipated to be placed upon police, fire protection, as well as the education system.

(4) Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and

Since the establishment of the district boundaries, the County of Maui has experienced continued economic and population growth, requiring the identification and development of material resources to support the local construction industry. This need has been recognized through previous approvals related to SP92-380. The current request to increase the SUP boundaries by approximately 45.4 acres is in keeping with the quarry's overall objective of providing a reliable source of concrete and aggregate products.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

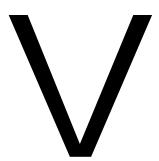
The removal of the former sugar cane lands for the quarry operations has continued to be coordinated with A&B (landowner) by Hawaiian Cement (lessee). As such, mining activities is considered a cooperative effort between A&B and the Applicant. Further, conditions are in place for the restoration of quarry lands for agricultural uses by the Applicant following the cessation of mining activities.

B. COUNTY SPECIAL USE PERMIT BOUNDARY AMENDMENT

The Applicant's proposed amendment to extend an existing permitted quarry area to include the additional 45.4 acres to the east does not adversely impact public services or infrastructure, and is consistent with surrounding land uses as has been previously assessed in regards to CUP 2006/002 for this quarry use.

A current compliance report for the CUP application is included as **Appendix "G"**.

REFERENCES



V. REFERENCES

County of Maui, Kihei-Makena Community Plan, March 1998.

County of Maui, The General Plan of the County of Maui, September 1990 Update.

Munekiyo & Hiraga, Inc., Project Assessment Report for an Amendment to State Land Use Commission Special Use Permit and an Amendment to County Special Use Permit (SP 92-380 and CUP 2006/0002), Hawaiian Cement Puunene Quarry at Puunene, Maui, February 2013.

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STATE SPECIAL USE
PERMIT (SP92-380)
DECISION AND ORDER
(SECOND AMENDMENT)
DATED DECEMBER 18, 2006

APPENDIX

A

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of) DOCKET NO. SP92-380
)
HAWAIIAN CEMENT) DECISION AND ORDER
) APPROVING AMENDMENT
) TO SPECIAL USE PERMIT
For A Special Permit To Allow A Rock)
Quarrying/Crushing Operation And Related)
Uses On Approximately 105.957 Acres Of)
Land Situated Within The State Land Use)
Agricultural District At Pulehunu, Wailuku,)
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion)
Of 1 And Portion Of 2 And 3-8-08: Portion Of)
1 And Portion Of 31)
)

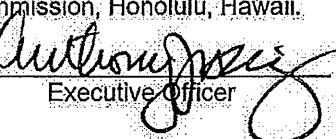
DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

DEC 18 2006

Date

Executive Officer



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of)	DOCKET NO. SP92-380
)	
HAWAIIAN CEMENT)	DECISION AND ORDER
)	APPROVING AMENDMENT
For A Special Permit To Allow A Rock)	TO SPECIAL USE PERMIT
Quarrying/Crushing Operation And Related)	
Uses On Approximately 105.957 Acres Of)	
Land Situated Within The State Land Use)	
Agricultural District At Pulehunui, Wailuku,)	
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion)	
Of 1 And Portion Of 2 And 3-8-08: Portion Of)	
1 And Portion Of 31)	
)	

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

On August 30, 2005, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket ("Proposed Amendment") with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). The Applicant requested the expansion of its existing rock quarry and concrete aggregate operations on approximately 66.444 acres of land within the State Land Use Agricultural District,

identified as Tax Map Key: 3-8-04: por. 1, at Pulehunui, Wailuku, Maui, Hawai'i ("Expansion Areas").¹

The LUC has jurisdiction over the Applicant's Proposed Amendment. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize the LUC to approve special use permits and amendments thereto for areas greater than 15 acres.

On June 27, 2006, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Proposed Amendment. There was no public testimony provided on the Proposed Amendment. After due deliberation, the Planning Commission recommended approval of the Applicant's Proposed Amendment to the LUC, subject to the following five additional conditions, which augment the existing 11 conditions previously imposed by the LUC in its Decision And Order Approving A Time Extension To A Special Use Permit ("Decision And Order Approving A Time Extension") dated July 15, 2005:

12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas.

¹ By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("LUC") approved the special use permit to establish the rock quarry and concrete aggregate operations on approximately 45.957 acres of land. By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on November 25, 1996, the LUC approved an additional approximately 60 acres of land to the special use permit for a total area of 105.957 acres. Based on the configuration of the 105.957 acres in the record and the current tax maps, the existing rock quarry and concrete aggregate operations are located on Tax Map Keys: 3-8-04: por. 1 and 3-8-08: por. 20 and por. 31.

The existing configuration of the 105.957 acres in the record differs significantly from the boundaries of the actual area of use.

13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
15. That prior to issuance of a grading permit, the applicant shall submit an archeological [sic] inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
16. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).

On August 25 and October 30, 2006, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Proposed Amendment. On November 14, 2006, the LUC received the remaining portion of the record.

On December 8, 2006, the LUC met at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, to consider the Applicant's Proposed Amendment. William Horneman appeared on behalf of the Applicant. Jeff Hunt appeared on behalf of the DP. Bryan C. Yee, Esq., and Abe Mitsuda also were present on behalf of the State Office of Planning ("OP").

At the meeting, the DP stated, among other things, that based on an e-mail received on July 18, 2006, the County Department of Public Works and Environmental Management clarified that the expansion of the quarry was in fact exempt from a grading permit, and therefore Condition Number 12 should be deleted and that references to the issuance of a grading permit in Condition Numbers 13, 14, and 15 should be rephrased to require that the respective actions occur prior to initiating the proposed quarry operations. The DP also clarified that Condition Number 13 addresses a maintenance program for the driveway and surrounding roadway including Mokulele Highway, whereas Condition Number 9 pertains primarily to a maintenance program for the access road. The Applicant then provided a background of the existing rock quarry and concrete aggregate operations. The Applicant pointed out, among other things, that he provided approximately 80,000 tons of aggregate per year and in excess of 160,000 cubic yards of concrete from the existing quarry to the economy of Maui. The Applicant noted that at the current rate of mining, he would run out of material at the current site by the middle of 2007, and therefore he intended to start quarrying operations into the Expansion Areas as soon as possible. In response to questioning from the LUC, the Applicant clarified that its existing restoration plan will apply to the Expansion Areas, and that it will amend or supplement its existing solid waste management plan to include the Expansion Areas. The Applicant further noted that it had no

objections to the revisions to Condition Numbers 13, 14, and 15 as recommended by the DP. The OP was then asked to provide comments on the Proposed Amendment. The OP stated that it had not yet received confirmation that the State Department of Transportation ("DOT") reviewed and approved the Applicant's maintenance program. The OP added, however, that with the assumption that (i) the term "surrounding roadway" in Condition Number 13 includes Mokulele Highway; (ii) the DOT's approval of a maintenance program is necessary prior to commencement of quarrying in the Expansion Areas; and (iii) the County of Maui will enforce violations of any maintenance program approved by the DOT, the OP had no objections to the Proposed Amendment.

Thereafter, a motion was made and seconded to approve the Applicant's Proposed Amendment, subject to the following additional conditions to the Decision And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.

15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 2 absent, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Proposed Amendment and the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting on December 8, 2006, at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the Applicant's Proposed Amendment to expand its existing rock quarry and concrete aggregate operations on approximately 66.444 acres of land within the State Land Use Agricultural District at Pulehunui, Wailuku, Maui, Hawai'i, identified as Tax Map Key: 3-8-04: por. 1, and approximately identified on Exhibit "A," attached hereto and incorporated by

reference herein, be APPROVED, subject to the following conditions to the Decision

And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

All other conditions to the Decision And Order Approving A Time Extension dated July 15, 2005, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawai'i, this 18th day of
December, 2006.

APPROVED AS TO FORM:

Diane Shuster
Deputy Attorney General

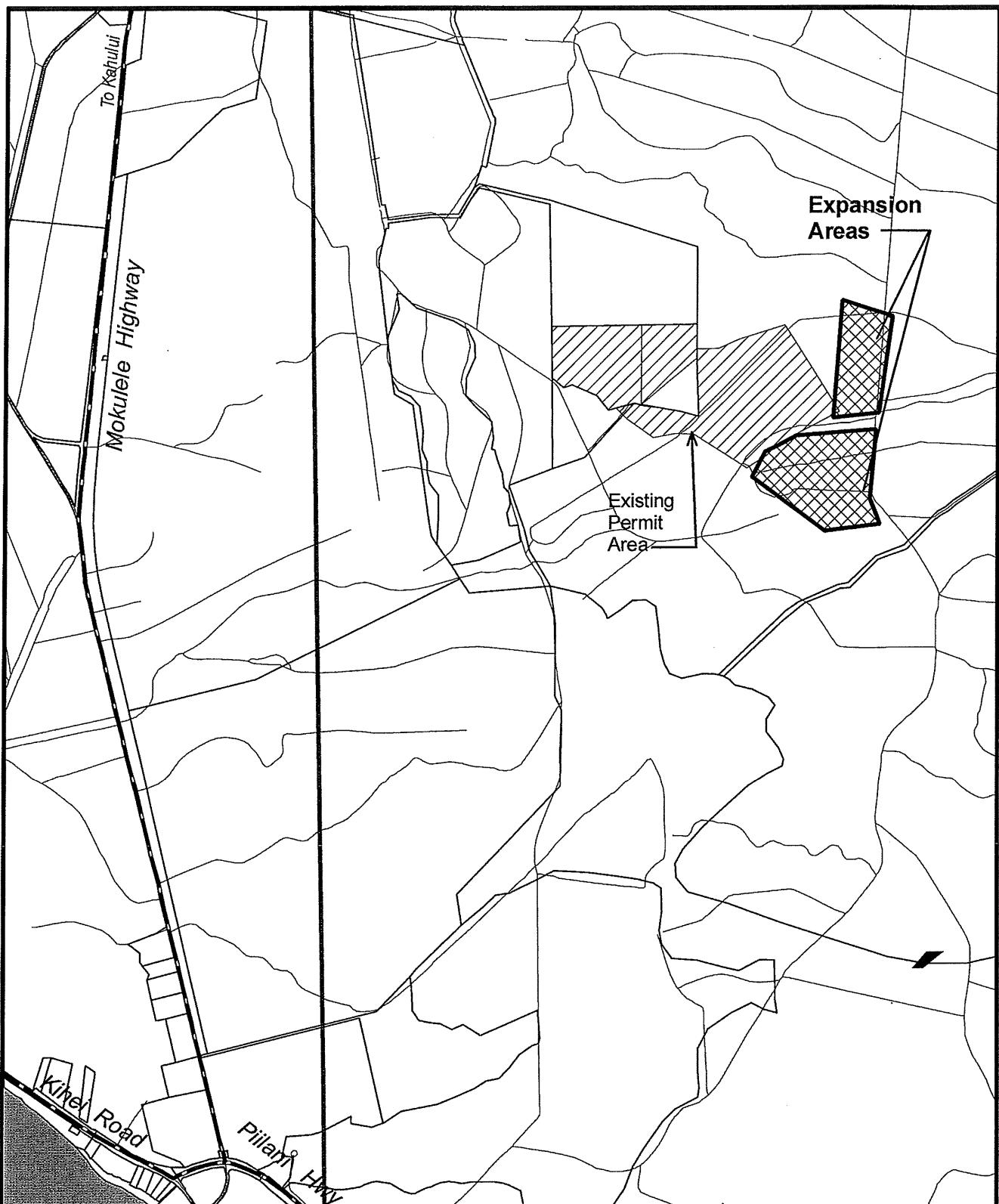
LAND USE COMMISSION
STATE OF HAWAII

By Lisa Judge
LISA JUDGE
Chairperson and Commissioner

Filed and effective on
DEC 18 2006

Certified by:

Anthony J. H. Ching
ANTHONY J. H. CHING, Executive Officer



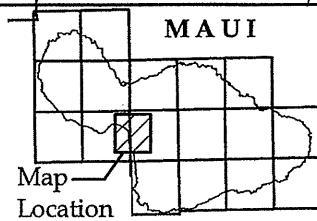
**SP92-380 HAWAIIAN CEMENT
LOCATION MAP**

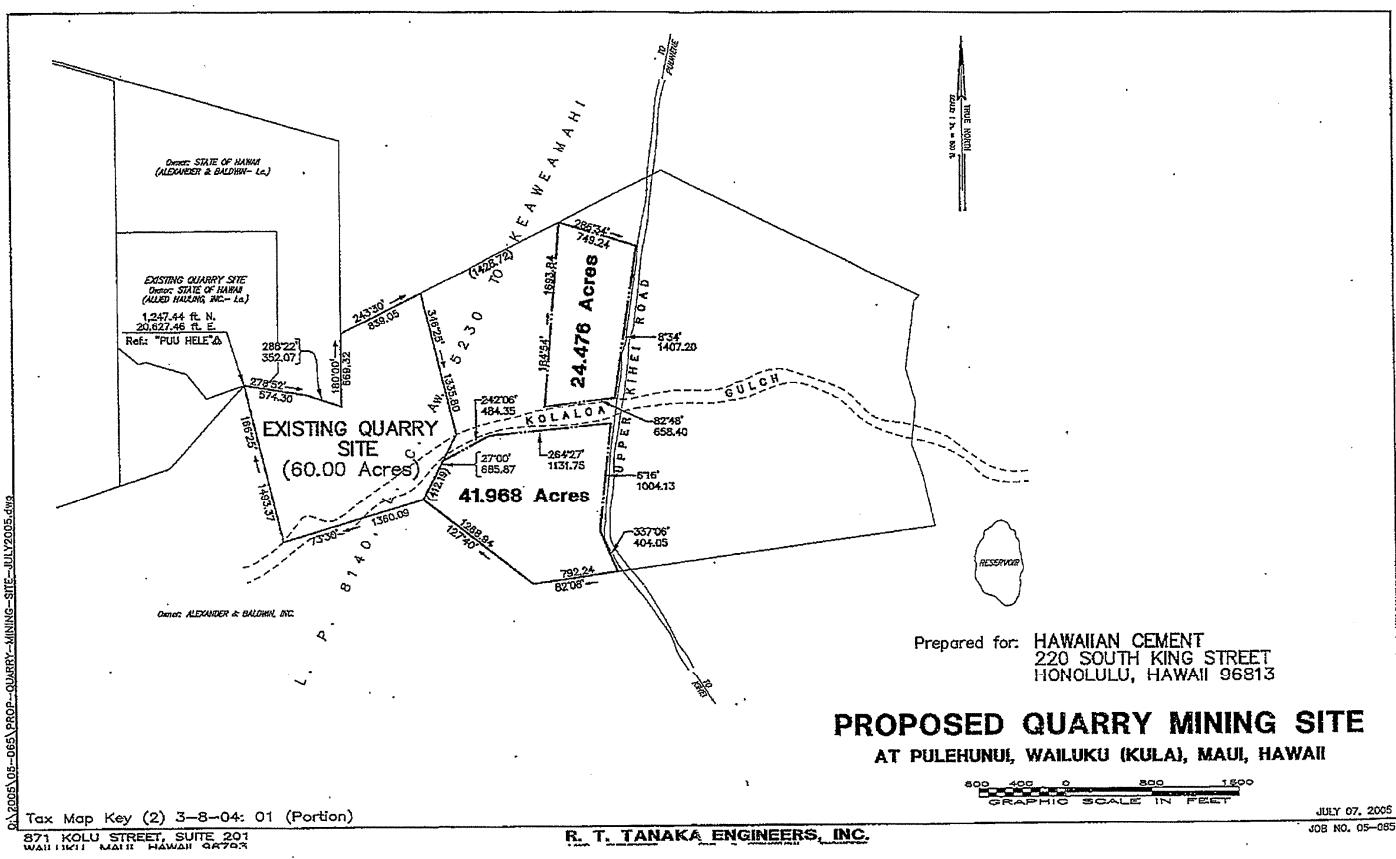
Tax Map Key: 3-8-04: 1 (por.), 2 (por.), and
3-8-08: 1 (por.) and 31 (por.)

Pulehunui, Wailuku, Maui, Hawai'i

Scale 1" = 2,000 feet

Exhibit "A"





BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of)	DOCKET NO. SP92-380
)	
HAWAIIAN CEMENT)	CERTIFICATE OF SERVICE
)	
For A Special Permit To Allow A Rock)	
Quarrying/Crushing Operation And Related)	
Uses On Approximately 105.957 Acres Of)	
Land Situated Within The State Land Use)	
Agricultural District At Pulehunui, Wailuku,)	
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion)	
Of 1 And Portion Of 2 And 3-8-08: Portion Of)	
1 And Portion Of 31)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision And Order Approving
Amendment To Special Use Permit was served upon the following by either hand
delivery or depositing the same in the U. S. Postal Service by regular or certified mail as
noted:

DEL. LAURA THIELEN, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

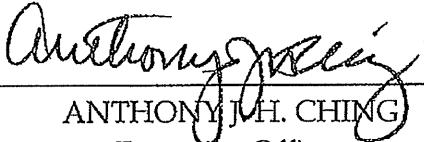
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CERT: WILLIAM HORNEMAN
99-130 Halawa Valley Street
Aiea, Hawaii 96701-3289

Honolulu, Hawai'i, DEC 18 2006



ANTHONY J.H. CHING

Executive Officer