

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications for:

HAWAIIAN CEMENT (PUUNENE)

Request for an amendment to the State Land Use Commission Special Permit and County Special Use Permit for an approximately 45.4-acre increase to the permit areas for SP 92-380 and CUP 2006/0002, from 226.42 acres to 271.82 acres on lands in the State and County Agricultural Districts, Puunene, Maui, Hawai'i, TMK (2) 3-8-004:001(por.).

DOCKET NOs. SP 92-380
CUP 2006/0002

HAWAIIAN CEMENT (PUUNENE)

P. Fasi

MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION

TO THE MAUI PLANNING COMMISSION

MAY 24, 2022 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 Main Street, Suite 315
Wailuku, Maui, HI 96793

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APPLICANT AND AMENDMENT REQUEST

This is a request for an Amendment to Permit Terms and Conditions by Hawaiian Cement (Applicant) for its current State Land Use Commission Special Permit and County Special Use Permit. The Applicant is permitted to operate a quarry and rock crushing operation at its Puunene facility which encompasses portions of four Tax Map Key (TMK) parcels: TMK (2)3-8-004:001 (por.) and 002 (por.), (2)3-8-008:001 (por.), and 031 (por.) ("Permitted Area"). The existing quarry and rock crushing operation is permitted under SP 92-380. Additionally, it is noted that the County zoning for the permitted area is "Agricultural" and, as such, a CUP was obtained to permit the quarry operation in 2006 (CUP 2006/0002). See **Exhibit 1**.

The Applicant has submitted two separate requests for the SUP and CUP to extend the boundaries of the permitted quarry area by approximately 45.4 acres within Tax Map Key (2)3-8-004:001.

The requests are:

1. State Land Use Commission Special Use Permit Boundary Amendment

The current boundaries of SP 92-380, as reflected in the Third Amendment approved in November 2014, is shown in **Exhibit 6**. 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. See **Exhibit 7**.

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 SP 92-380 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 Puunene Quarry were permitted through the SP 92-380. 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 MCC. However, upon renewal of the Special Use Permit, the provision of Chapter 19.30A was considered applicable. Since the mining and resource extraction were considered permitted special uses according to Chapter 19.30A MCC and uses proposed for an area larger than 15 acres, in 2006, the Applicant sought a CUP approval for the Puunene 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. Refer to **Exhibit 7**.

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 Puunene.

The request was filed pursuant to Chapter 205, Hawaii Revised Statutes (HRS); Chapter 15, Land Use Commission Rules, Hawaii Administrative Rules (HAR); Chapters 19.30A, and 19.510, Maui County Code, as amended, by Munekiyo Hiraga on behalf of the Applicant.

DESCRIPTION OF THE PROPERTY AND CURRENT USE

1. The existing quarry site located on TMK (2)3-8-004:001(por.) is approximately one mile east of the Maui Veterans Highway and Kamaaina Road intersection in the Puunene area. 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 Kamaaina Road and Maui Veterans Highway.

The existing permitted area, as well as the proposed amendment area, which is an approximately 45.4-acre portion of TMK (2)3-8-004:001, are owned by Alexander & Baldwin LLC (A&B) from whom the Applicant holds a lease.

Current Use

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 SP 92-380.

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

2. Land Use Designations:

State Land Use District.....	Agriculture
Wailuku-Kahului Community Plan	Agriculture
County Zoning	Agriculture
Other	Non-SMA; Outside Maui Island Plan Growth Boundaries and Protected Areas

3. Surrounding Uses

North	Diversified agricultural lands
East	Diversified agricultural lands
South.....	Diversified agricultural lands
West.....	Maui Veterans Highway

APPLICABLE REGULATIONS

Land Use Commission (LUC) State Special Permit (SP or SUP) §15-15-95 and §205-6 Hawaii Revised Statutes

Standards for reviewing a Land Use Commission Special Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, §15-15-95 of the Hawaii Administrative Rules.

Per §205-6 Special Permit HRS, the county planning commission may permit certain *“unusual and reasonable uses”* within agricultural and rural districts other than those for which the district is classified. *“Special Use Permits for land area greater than fifteen*

acres shall be subject to approval by the State Land Use Commission." The subject land area is approximately 79.2 acres.

Certain "unusual and reasonable uses" within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining what an "unusual and reasonable use" is:

- (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 Land Use Commission.*
- (2) *The desired use would not adversely affect surrounding property;*
- (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;*
- (4) *Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;*
- (5) *The land upon which the proposed use is sought is unsuited for the uses permitted within the district.*

County Special Use Permit (CUP) Title 19, Chapter 19.30A MCC

Within the County Agricultural District, a special use may be granted per Section 19.30A.060 MCC.

If a use described in section 19.30A.060 requires a special use permit per HRS Chapter 205 and if the land area is fifteen (15) acres or less, a State Special Use Permit (SUP) shall fulfill the requirements of this section i.e., a CUP is not required - it being fulfilled by an SUP - and the Planning Commission would be the authoritative body on the SUP.
Since the subject land is greater than 15 acres (79.2 acres), a CUP is required in addition to a SUP. The SUP will return to the jurisdiction of the LUC; the MPC makes a recommendation on the SUP to the LUC.

Per Section 19.510.070 Special Use Permits MCC, a special use permit shall comply with the criteria established for a permit and the policies and objectives of the general plan, community plans, the Revised Charter of the County of Maui and HRS. A special use permit may be granted by the appropriate planning commission provided the following criteria have been met:

1. *The proposed request meets the intent of the general plan, and the objectives and policies of the applicable community plan of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*

3. *The proposed request meets the intent and purpose of the applicable district;*
4. *The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;*
6. *That the public shall be protected from the deleterious effects of the proposed use;*
7. *That the need for public service demands created by the proposed use shall be fulfilled; and*
8. *If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the state.*

PROCEDURAL MATTERS

1. On March 16, 2022, the Applicant mailed a "Notice of Application" to all owners and recorded lessees within 500 ft. of the subject property notifying them of the Applicant's intent to file an application for a County Special Use Permit with the County of Maui.
2. On March 23, 2022, the Maui Planning Department e-mailed a notice to the Applicant and appropriate state and county agencies notifying them of the scheduled public hearing on the State Land Use Commission Special Permit and County Special Use Permit.
3. On April 1 and 11, 2022, the Applicant mailed a letters of notification and location map to all owners and recorded lessees within 500 feet of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (Return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts (if required) are on file in the Planning Department.
4. On March 28, April 4, and April 11, 2022, the Applicant published a notice and location map in the Maui News once a week for three consecutive weeks prior to the date of the hearing.
5. On April 8, 2022, a Notice of Hearing on the applications was published in the Maui News by the Maui Planning Department.
6. The subject application does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, concerning Environmental Impact Statements.

REVIEWING AGENCIES

County	Comment	Exhibit
Department of Public Works	yes	8

Comments were received from the Department of Public Works (DPW) on November 16, 2021. See **Exhibit 8**. Following coordination with the project's civil engineer and the DPW on their comments, a revised Drainage Report was prepared to address the comments received. The revised Drainage Report was transmitted to the DPW on December 3, 2021.

CHRONOLOGY OF PERMITS AND APPROVALS

The Hawaiian Cement Puunene 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 Puunene area for quarry purposes.

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

In July 1992, Hawaiian Cement received approval from the LUC for a SUP to establish a rock quarry and concrete aggregate operation on approximately 46 acres of land in the Puunene area. The original site is identified as TMK (2)3-8-008:031(por.) ("Original Quarry Area"). See **Exhibit 6**.

a. First Amendment to SP 92-380 (60 Additional Acres)

In November 1996, the LUC granted a first amendment to SP 92-380 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 a portion of (2)3-8-004:001(por.). Refer to **Exhibits 6 and 9**. 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.

b. Second Amendment to SP 92-380 (66.4 Additional Acres)

In December 2006, the LUC granted a second amendment to SP 92-380 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. The 66.44 acres of additional permitted area was provided in two locations, a 24.476-acre portion and a 44.28-acre portion. Refer to **Exhibit 6**. It is noted that the Applicant has completed quarrying within the 24.476-acre portion and 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.

c. Third Amendment to SP 92-380 (41.968 Additional Acres)

In 2014, the LUC granted a third amendment to SP 92-380 to permit two additional areas of 41.968 and 9.697 acres, both on a portion of TMK (2)3-8-004:001 for rock quarry operations. These additional areas are located on either side of the 24.476-acre additional site permitted by the Second Amendment. Refer to **Exhibits 6 and 10**. 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. 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 SUP was received for the property, regardless of the size of the permitted area. Thus, no CUP was required. However, in 1998, the County's Agricultural District was amended so that any special uses proposed in an area for 15 acres or less would be covered by the SUP. Any special uses proposed in an area over 15 acres would require a separate CUP. Any existing operations which had a SUP in effect in 1998 were allowed to continue until their permit expiration deadline. At such time, applicants were required to seek a CUP in addition to the SUP for proposed areas over 15 acres.

In June 2006, as provided in the Agricultural District Ordinance enacted in 1998, the Maui Planning Commission (MPC) granted a 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 **Exhibits 6 and 11**. Hawaiian Cement was granted amendments and the extensions for the CUP in congruence with those for the SUP. The CUP and SUP permits were extended until July 21, 2032.

On March 18, 2022, the Applicant submitted a Compliance Report which the Department accepted.

The Applicant seeks boundary amendments to SP 92-380 and CUP 2006/0002 to ensure the continued operational viability of its Puunene Quarry operations.

ANALYSIS

As noted above, the request is for an increase of 45.4 acres, from approximately 226.42 acres to approximately 271.82 acres, for State Land Use Commission (LUC) Special Permit (SP) SP 92-380 and County of Maui Special Use Permit (CUP) CUP 2006/0002.

APPLICABLE GOVERNMENT REGULATIONS

Land Use Commission State Special Permit

The standards for reviewing a Land Use Commission Special Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, §15-15-95 of the Hawai'i Administrative Rules.

The following analysis addresses the requirements of §205-6, HRS and Section 15-15-95, HAR.

- (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;***

Analysis: The purpose of 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 Hawaii. The request to amend and extend the boundaries of SP 92-380 by approximately 45.4 acres has been undertaken in coordination with the landowner, 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;***

Analysis: 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 already 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;***

Analysis: Hawaiian Cement's quarrying and related operations are an existing use in the area. Further, the proposed special permit 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*

Analysis: Since the establishment of the district boundaries, 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 SP 92-380. 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.*

Analysis: 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.

County Special Use Permit

Within the Agricultural District, a special use may be granted pursuant to Section 19.30A.060 MCC relating to Special Uses.

If a use described in section 19.30A.060 requires a special use permit per HRS Chapter 205 and if the land area is fifteen acres or less, a State Special Use Permit (SUP) shall fulfill the requirements of this section i.e., a CUP is not required - it being fulfilled by an SUP - and the Planning Commission would be the authoritative body on the SUP.

Since the subject land is greater than 15 acres, a CUP is required in addition to a SUP.

Section 19.510.070 MCC, provides that a [County] Special Use Permit (CUP) shall comply with the criteria established for a permit and the policies and objectives of the general plan, community plans, the revised charter of the county and HRS. A Special Use Permit may be granted by the appropriate planning commission provided the following criteria have been met:

1. *The proposed request meets the intent of the general plan, and the objectives and policies of the applicable community plan of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the applicable district;*
4. *The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;*
6. *That the public shall be protected from the deleterious effects of the proposed use;*
7. *That the need for public service demands created by the proposed use shall be fulfilled; and*
8. *If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the state.*

Analysis: Hawaiian Cement's proposed request meets the above listed eight County Special Use Permit criteria, as they are similar to the SUP criteria. Per Section 19.30A.060 "*mining and resource extraction*" is a permitted use with an approved special use permit, which the Applicant currently has.

Maui County General Plan

The Maui County General Plan (1990) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter, as amended in 2002. The General Plan identifies five major themes as follows:

1. *Protect Maui County's agricultural lands and rural identity*
2. *Prepare a directed and managed growth plan*
3. *Protect Maui County's shoreline and limit visitor industry growth*
4. *Maintain a viable economy that offers diverse employment opportunities for residents*
5. *Provide for needed residential housing.*

Analysis: The Applicant's Puunene Quarry provides crushed rock products, ready-mix concrete and related services and products which is a necessary and critical component of Maui's construction industry. The Puunene Quarry operations have served this purpose for decades. This operation is critical to the growth, maintenance, and economy of Maui.

As noted, the subject property is located within the County's Agricultural District. Within this district "*mining and resource extraction*" is identified as an allowable special use per

19.30A.060, MCC. The applicant is requesting boundary amendments on approved SUP and CUP permits in order to continue the quarry operation.

Wailuku-Kahului Community Plan

According to the Wailuku-Kahului Community Plan land use map the property is identified for agricultural use. The Wailuku-Kahului Community Plan states:

Economic Activity - Objectives and Policies

“Provide industrial growth opportunities through the expansion of existing industrial centers associated with the airport and harbor and in Wailuku and Kahului.”

Analysis: The Applicant's Puunene Quarry operation is consistent with the Wailuku-Kahului Community Plan objectives. It is located in an area with minimal impact to the environment and surrounding agricultural lands. It also lies adjacent to the Central Maui Landfill, providing use compatibility and a symbiotic relationship for possible future landfill expansion opportunities.

Soil Conditions and Agricultural Productivity

(Reprinted from Applicant's application documentation)

*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 Waia koa-Keahua-Molokai association. The Waia koa-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 Waia koa extremely stony silty clay loam, 3 to 25 percent slopes, eroded (WID2). See **Exhibit 2**.*

The State Department of Agriculture has established three 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" or are otherwise unclassified, much of the land in the surrounding area has been quarried. See **Exhibit 3**. It is noted that 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.*

*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". See **Exhibit 4**. According to the Land Study Bureau's Detailed Land Classification Map, the proposed expansion area has been rated A51i, A71i, and E73. The land types A51i and A71i represent 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.*

*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 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 **Exhibit 5**. 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 HRS Chapter 205-43.*

ARCHAEOLOGY AND CULTURAL RESOURCES

Existing Conditions

Hawaiian Cement's Puunene 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 Hawaii Revised Statutes 6E submittal form by the project's archaeologist, Scientific Consulting Services. 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. 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.

Although no historic properties are anticipated to be affected, an AMP was prepared for the proposed expansion area.

In addition, a Cultural Impact Assessment (CIA) report was prepared for the entire Puunene 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. 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 telephone interview, and one virtual interview.

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 (**Exhibit 12**), the SHPD determined that review pursuant to HRS 6E has been completed, and that the AA and Archaeological Monitoring Plan provided have been accepted. 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 Puunene 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 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 Puunene 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.

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.

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

DRAINAGE

Existing Conditions

In March 2019, R. T. Tanaka Engineers, Inc. prepared a Preliminary Drainage and Soil Erosion Study for the Proposed Quarry Expansion Site (Note: this report is available upon request to the Department). The site is presently fallow former sugar cane lands. The site has an average slope of approximately three 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 drainage way 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.

The Kolaloa Gulch drainage basin is located in the northwesterly slope of Haleakala 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.

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 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.

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. Applicant will implement the 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 run off 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 drainage ways that are running outside the quarry area.

CONCLUSIONS OF LAW

The request complies with the applicable standards for a State Land Use Commission Special Permit as follows:

State Land Use Commission Special Permit:

The project meets the standards for an “unusual and reasonable use” as follows:

- (1) The use is not contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission. The continued operation of the Puunene Quarry will ensure that the construction industry is provided with a viable source of aggregate and related products.
- (2) The desired use will not adversely affect surrounding property which includes agricultural lands and the Central Maui Landfill;
- (3) The use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;
- (4) The use is necessary to provide rock aggregate material for the construction industry. The location of the operation within the agricultural district and away from urban uses mitigates its impacts on surrounding neighbors;
- (5) The subsurface of the subject lands consists of geologic rock formations, making it an ideal area for quarrying and related operations. The lands have been set aside for quarrying use through lease provisions agreed to by Hawaiian Cement and A&B. In this regard, lands within the proposed amended boundary were planned for removal from agricultural use. In light of the area’s underlying IAL designation, the Applicant is committed to implementing a phased reclamation of quarried lands for future agricultural use. It is noted that in areas where quarry operations have ceased, the lands have already been remediated for agricultural uses.

County Special Use Permit:

The request complies with the applicable standards for a County Special Use Permit as follows:

1. The proposed request meets the intent of the general plan, and the objectives and policies of the applicable community plan of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the applicable district;

4. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;
6. The public shall be protected from the deleterious effects of the proposed use;
7. The need for public service demands created by the proposed use shall be fulfilled; and
8. The proposed action complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the state.

RECOMMENDATION

SP 92-380

The Maui Planning Department recommends that the Maui Planning Commission recommend to the State Land Use Commission approval of the State Special Permit boundary amendment to increase the boundary of SP 92-380 by 45.4 acres, from 226.42 acres to 271.82 acres.

Recommendation Alternatives:

1. Deferral: The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Recommend Approval without Conditions: The Commission may take action to recommend approval of the request without imposing any conditions.
3. Recommend Approval with Conditions: The Commission may take action to recommend approval of the request with conditions.
4. Recommend Denial: The Commission may take action to recommend denial of the request.

CUP 2006/0002

The Maui Planning Department recommends that the Maui Planning Commission approve the following additional conditions to the County Special Use Permit:

7. That the quarry area is expanded by 45.4 acres, from 226.42 acres to 271.82 acres.
8. That the applicant shall implement Best Management Practices and other measures as required by the Department of Public Works to mitigate any drainage impacts.

Authoritative Alternatives:

1. Deferral: The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Approve without Conditions: The Commission may take action to approve the request without imposing any conditions.
3. Approve with Conditions: The Commission may take action to approve the request with conditions.
4. Denial: The Commission may take action to deny the request.

The Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the May 24, 2022 meeting as its Findings of Fact, Conclusion of Law and Decision and Order for the State Special Land Use Permit and County Special Use Permit and to authorize the Director of Planning to transmit said written Decision and Order on behalf of the Planning Commission.

APPROVED:



MICHELE MCLEAN, AICP
Planning Director

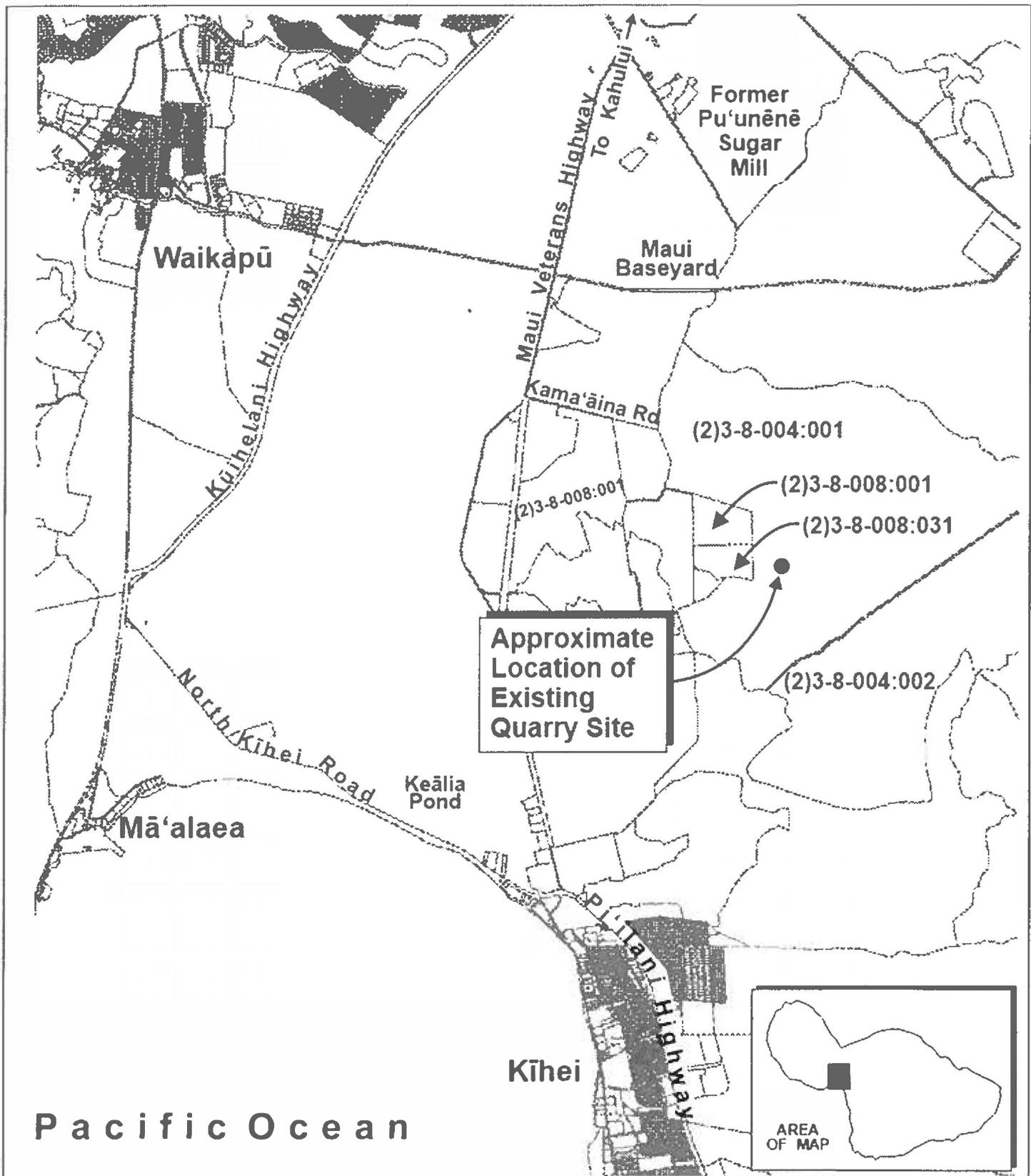


Figure 1

Hawaiian Cement
Pu'unēnē Quarry Expansion
Regional Location Map



Prepared for: Hawaiian Cement

EXHIBIT 1

 MUNEKIYO HIRAGA

0 2.425 4.850
1 2 12 5 Feet

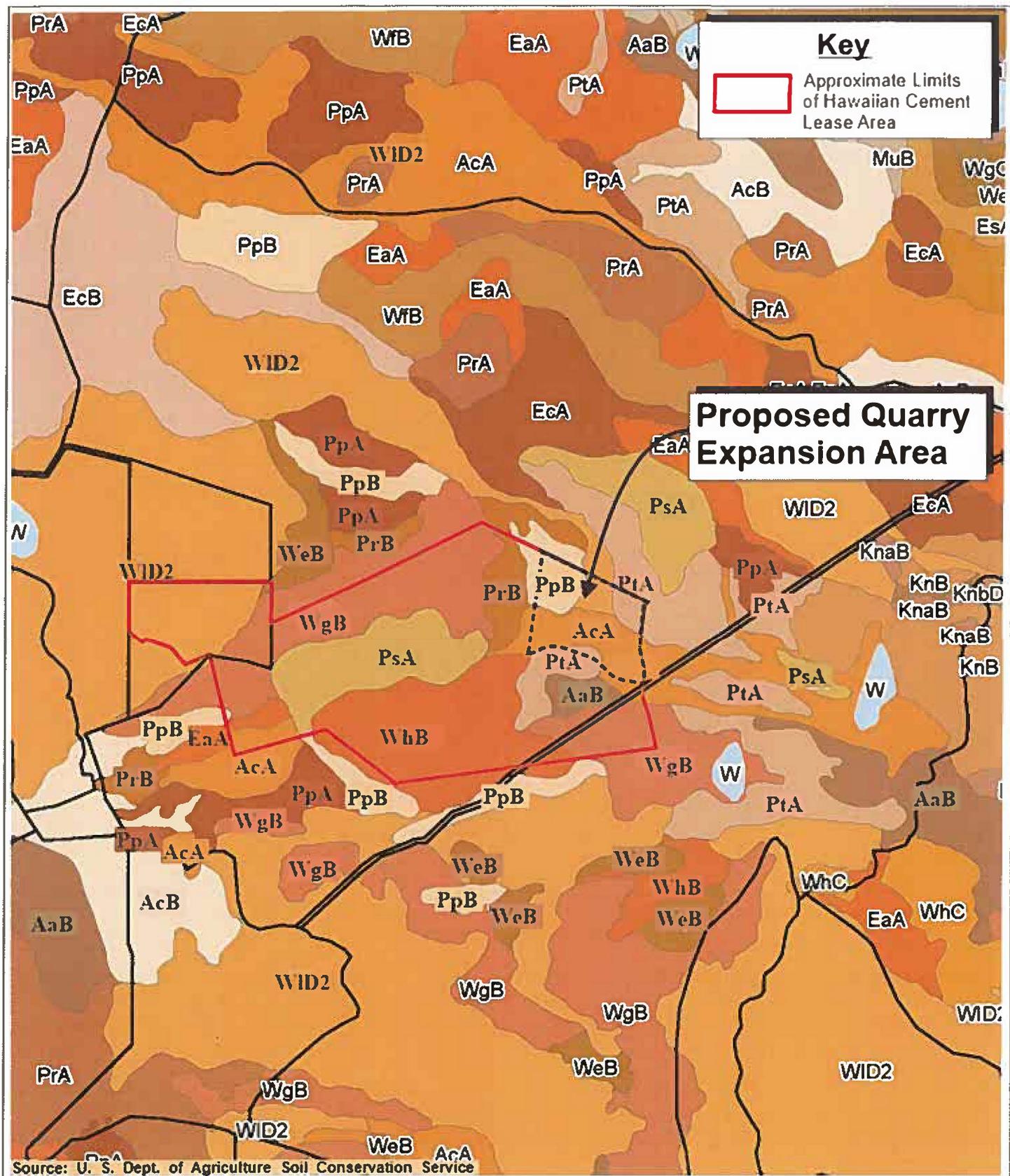


Figure 5

Hawaiian Cement Pu'unēnē Quarry Expansion Soil Classification Map



Prepared for: Hawaiian Cement

EXHIBIT 2



MUNEKIYO HIRAGA

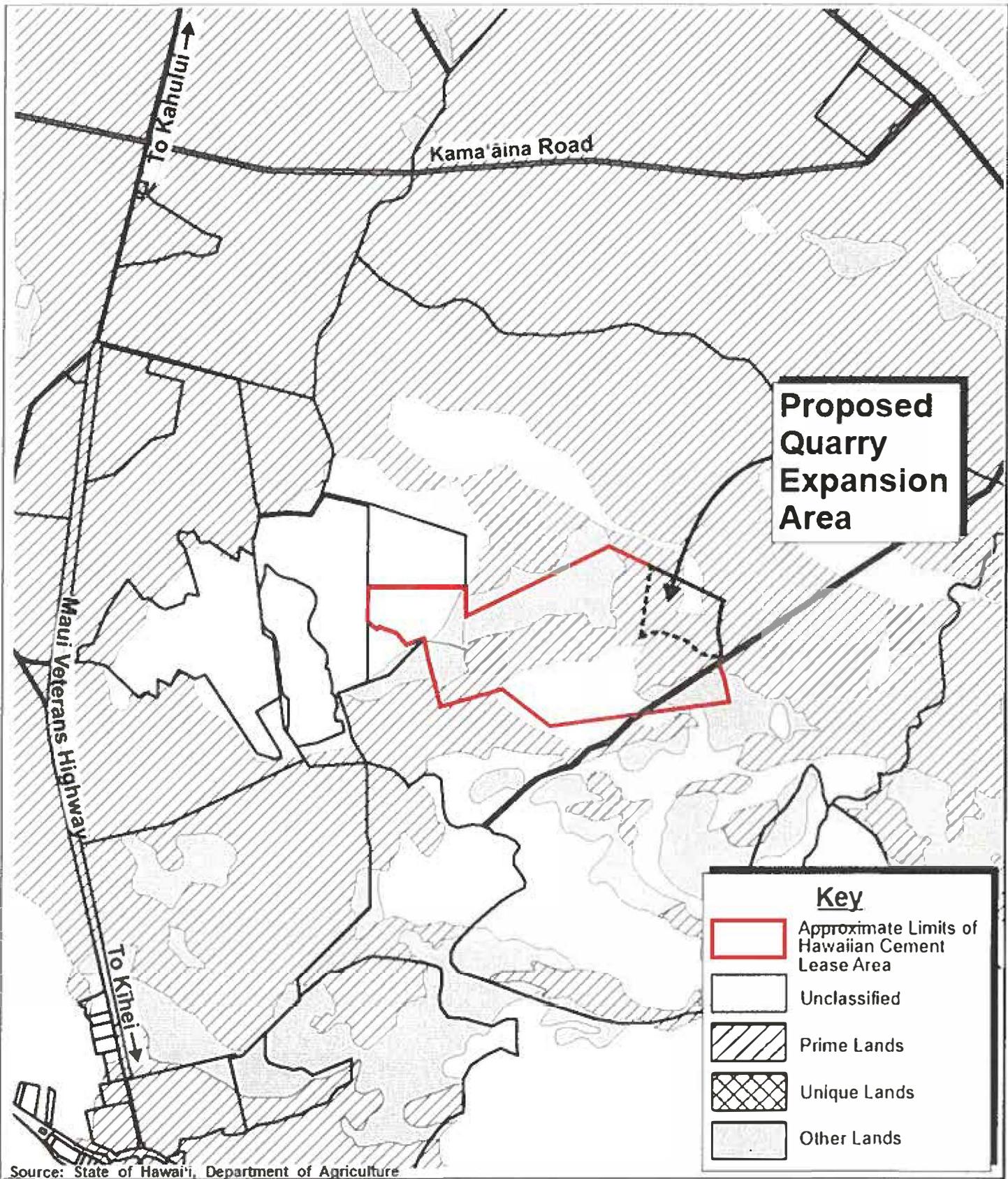


Figure 6

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



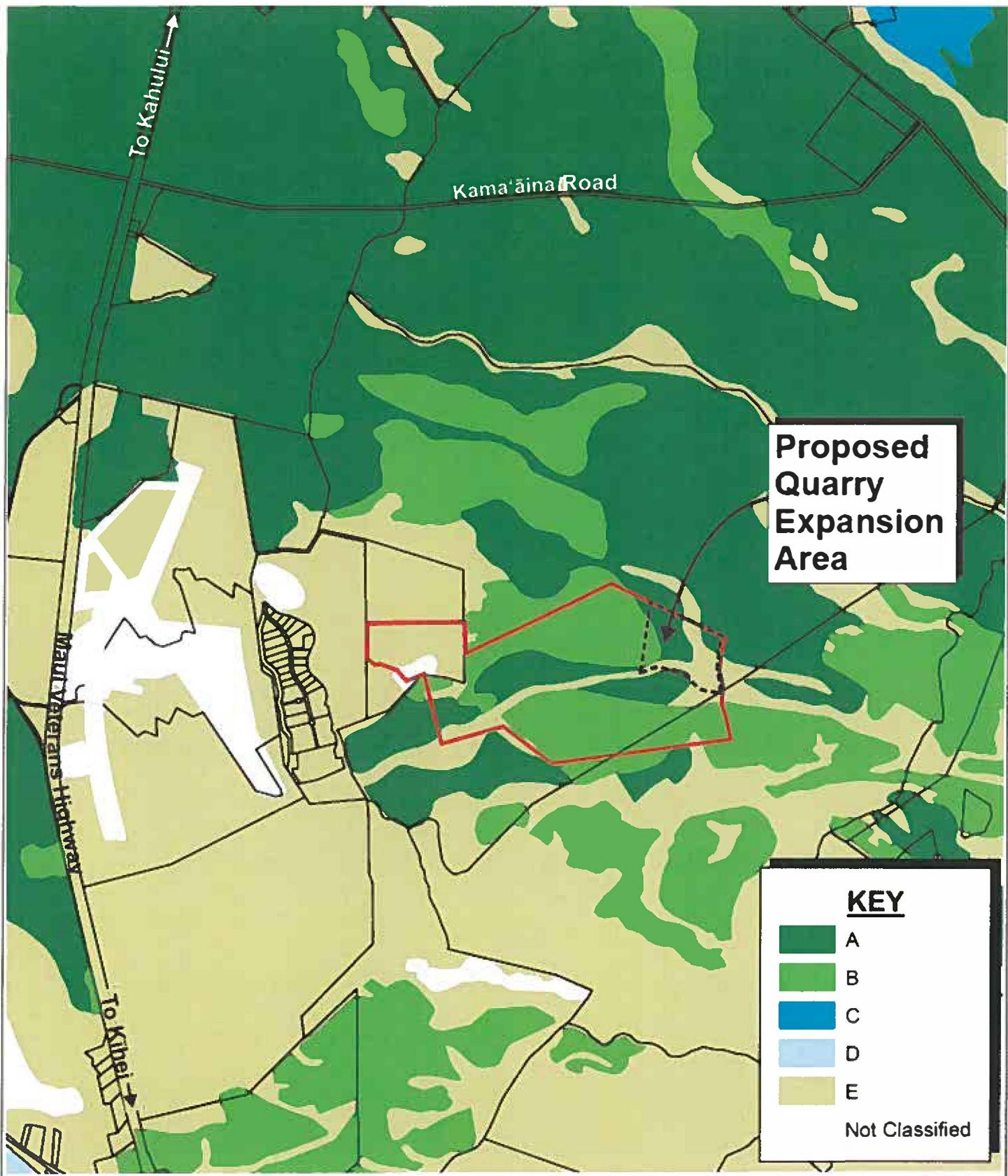


Figure 8

Hawaiian Cement
Pu'unēnē Quarry Expansion
Land Study Bureau Map



Prepared for: Hawaiian Cement

EXHIBIT 4

 MUNEKIYO HIRAGA

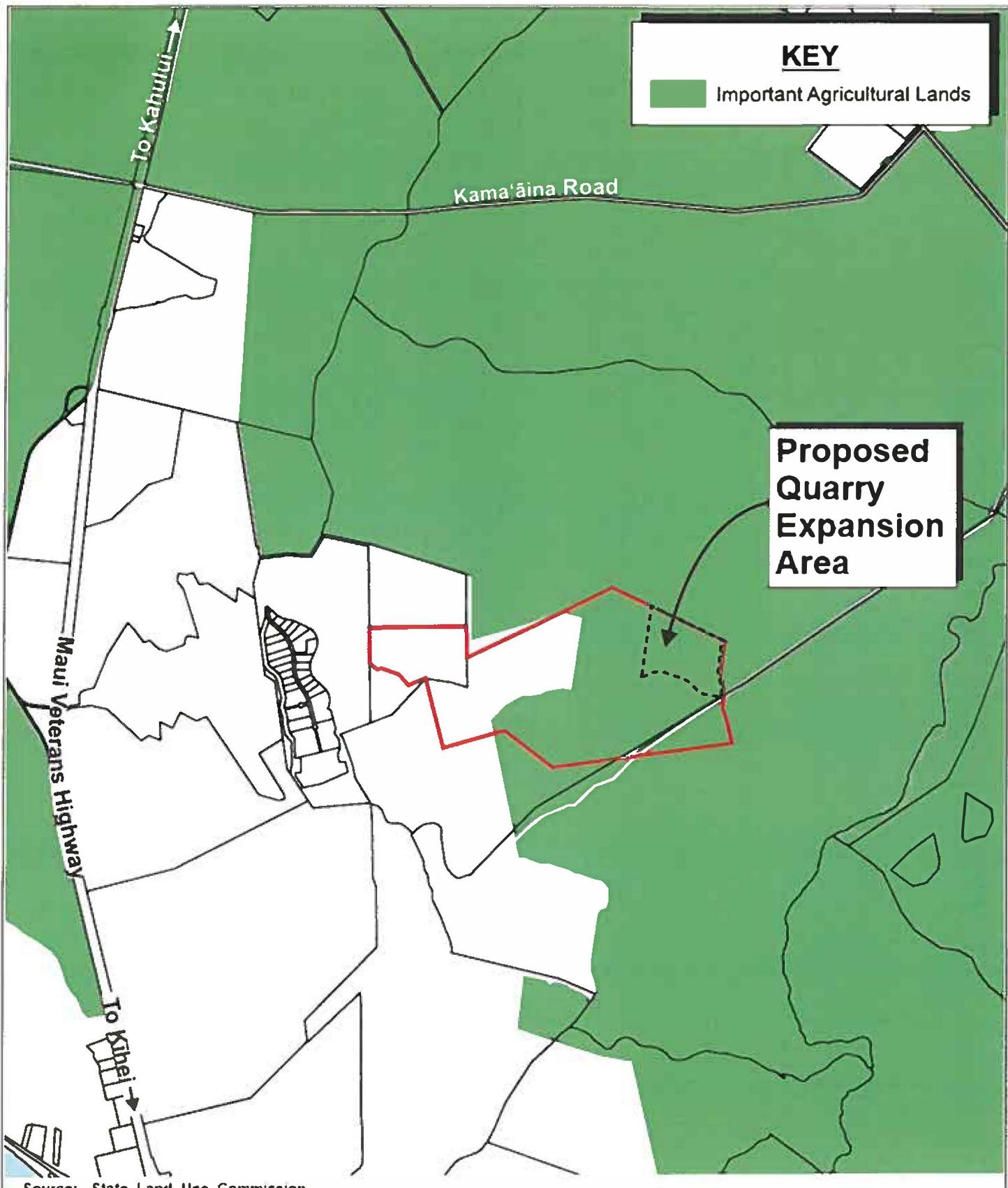


Figure 7

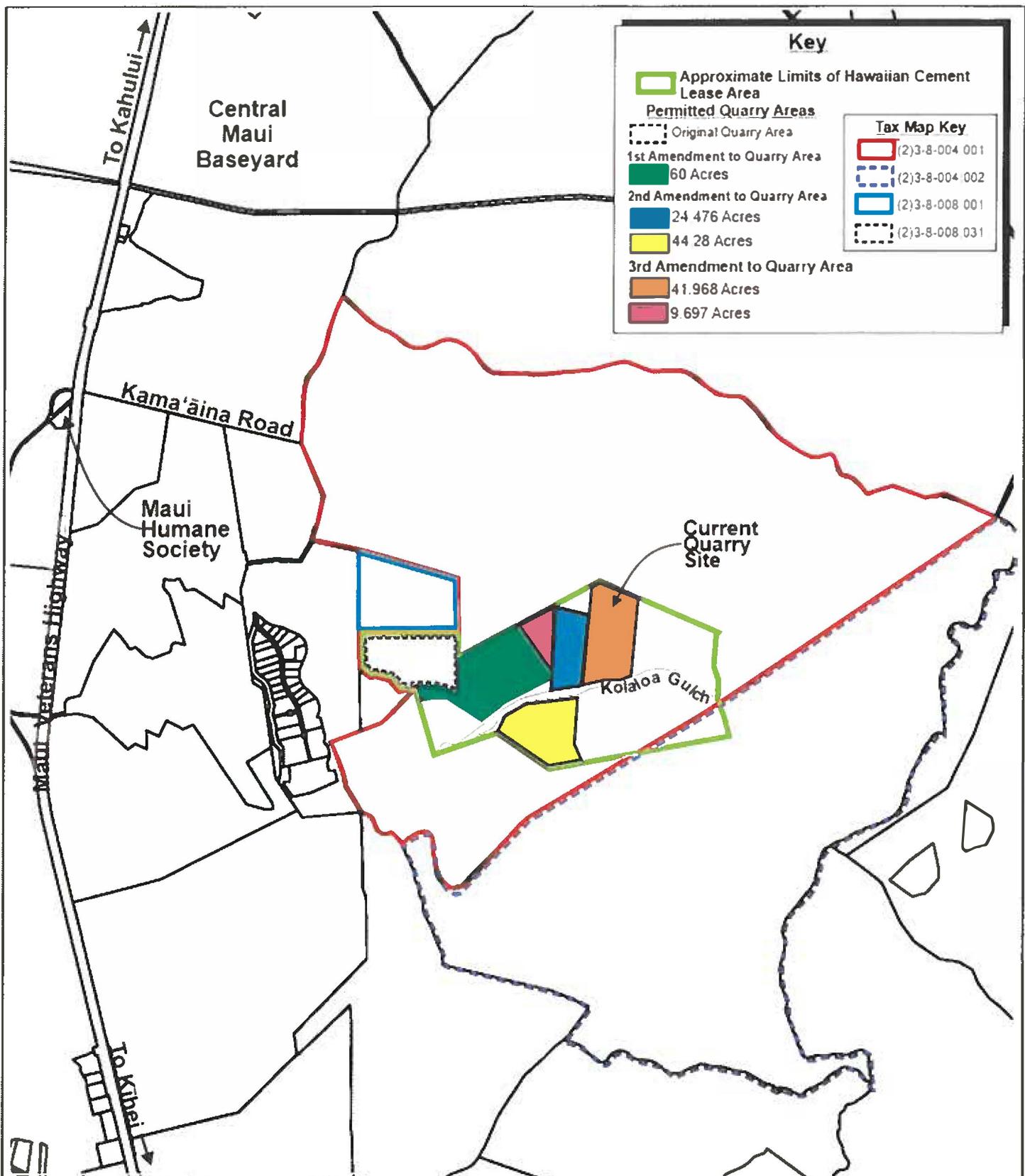
Hawaiian Cement
Pu'unenê Quarry Expansion
Important Agricultural Lands



Prepared for: Hawaiian Cement

EXHIBIT 5

 MUNEKIYO HIRAGA



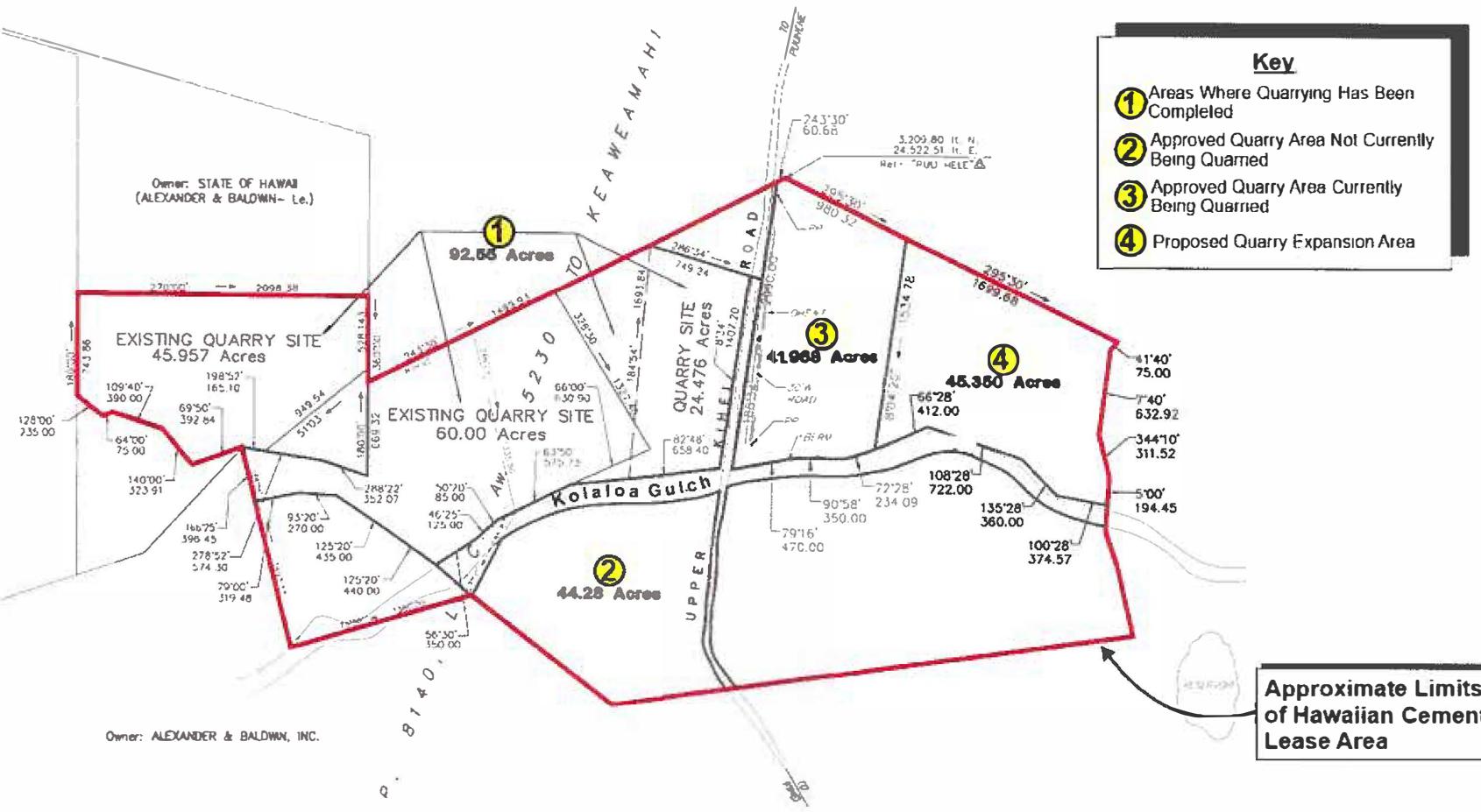
**Hawaiian Cement
Pu'unēnē Quarry Expansion
Property Location Map**



Prepared for: Hawaiian Cement

EXHIBIT 6

 MUNEKIYO HIRAGA



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

EXHIBIT 7



MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

JORDAN MOLINA
Deputy Director

WADE SHIMABUKURO, P.E.
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7745
Fax: (808) 270-6267



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

November 16, 2021



Ms. Michele McLean, Director
Department of Planning
2200 Main Street
One Main Plaza, Suite 315
Wailuku, Hawaii 96793

SUBJECT: HAWAIIAN CEMENT PUUNENE QUARRY
TMK: (2) 3-8-004:001 (POR.)
AMENDMENT TO SPECIAL USE AND CONDITIONAL USE PERMITS
SP 1992/0380 & CUP 2006/0002
REVISIONS TO DRAINAGE REVIEW COMMENTS

Dear Ms. McLean:

We would like to amend our Engineering Division, Design Section review comments noted in our memo to you dated 9/14/21.

Although mining and quarry work are excluded from a grading permit, we are providing the following revised comments per Chapter 19.510.070 (B)(4) for Special Use Permits:

1. V. Onsite Drainage:

- **A. Existing Conditions:** It is noted that there are existing dirt berms, diversionary ditches, and low lying areas within the property. How will mining operations affect the drainage patterns if these are removed?
- **B. Onsite Runoff:** It is noted that the increase in onsite runoff generated will be retained onsite.
 - Provide more information on what happens to the retention basin(s) after completion of each mined area. Will they be left in place or removed?
 - What happens to the runoff and sediment collected in the retention basin(s)? Please provide more information on how the retention basin(s) will operate and be maintained.

EXHIBIT 8

2. **VI. Offsite Runoff – Kolaloa Gulch Drainage Basin:**

Please reference the report used for the excerpted SCS hydrograph calculations.

3. **VII. Proposed Drainage Facilities and Grading:**

It is noted that mining will be done incrementally at a maximum area of 15 acres, with the exposed area to be backfilled with 2 feet of topsoil and replanted before proceeding to the next area.

- Include more information on the anticipated depth of mining. If 2 feet of topsoil is added upon completion, will the original topography be changed? If so, how will this affect the drainage pattern over the property?

4. **IX. Best Management Practices:**

- It is noted that temporary drainage swales or berms are to be constructed "to direct storm runoff away from the mining area to a natural drainageway or ground or to retention basins." Please provide more information on where this drainageway is located and whether existing runoff was already discharging there.

If you have any questions call Jordan Molina at 270-7845.

Sincerely,



For ROWENA M. DAGDAG-ANDAYA
Director of Public Works

RDMA:wykk (ED21-0995)

S:\ENG\DESIGN\DRAW\IMAGE\REVIEWS\DSA2021\Central Maui Hawaiian Cement Puunene Quarry (Amendment to SU & CUP permits)\ED21-0995.docx

xc. Kirk Tanaka, R.T. Tanaka Engineers

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

APPENDIX

A

EXHIBIT 9

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
For A Special Permit To Allow A Rock) APPROVING AMENDMENT
Quarrying/Crushing Operation And Related) TO SPECIAL USE PERMIT
Uses On Approximately 108.957 Acres Of)
Land Situated Within The State Land Use)
Agricultural District At Pulehunui, Waikuku,)
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

by Anthony Jones
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.e 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.e

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

- 13.a 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.a
- 14.a That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding a modifications to the Clean Air Branch permit.a
- 15.a 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.a
- 16.a That the new quarry operations shall be confined to the areas depicted on a Exhibit 2 of the Planning Department staff report as "24.476 Acres" and a "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated a July 7, 2005).

On August 25 and October 30, 2006, the LUC received a copy of the a 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.o 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 Brancho permit.
- 14.o 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.e 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).e
- 16.e 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.e

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

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 Jacobs
Deputy Attorney General

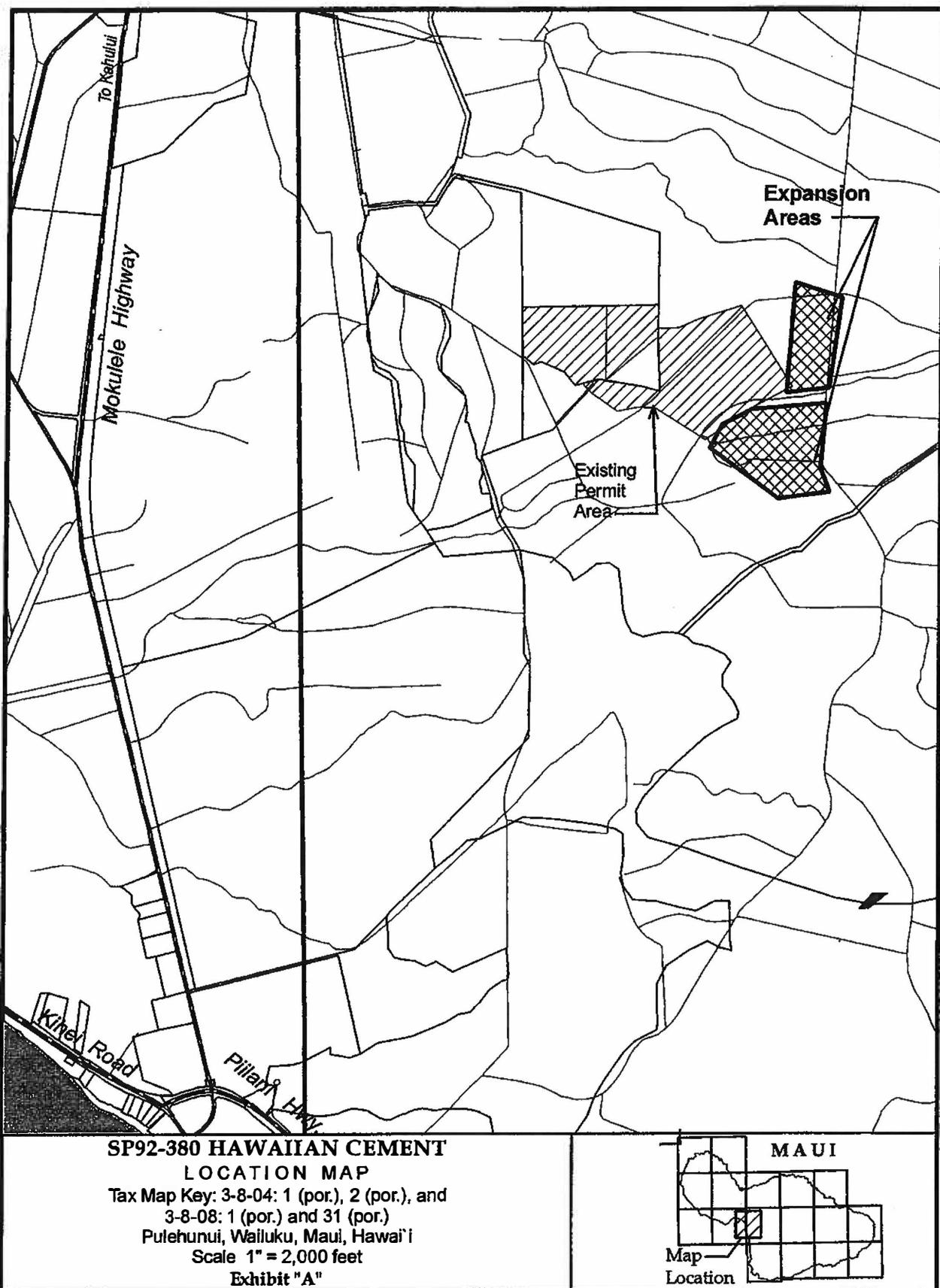
LAND USE COMMISSION
STATE OF HAWAII

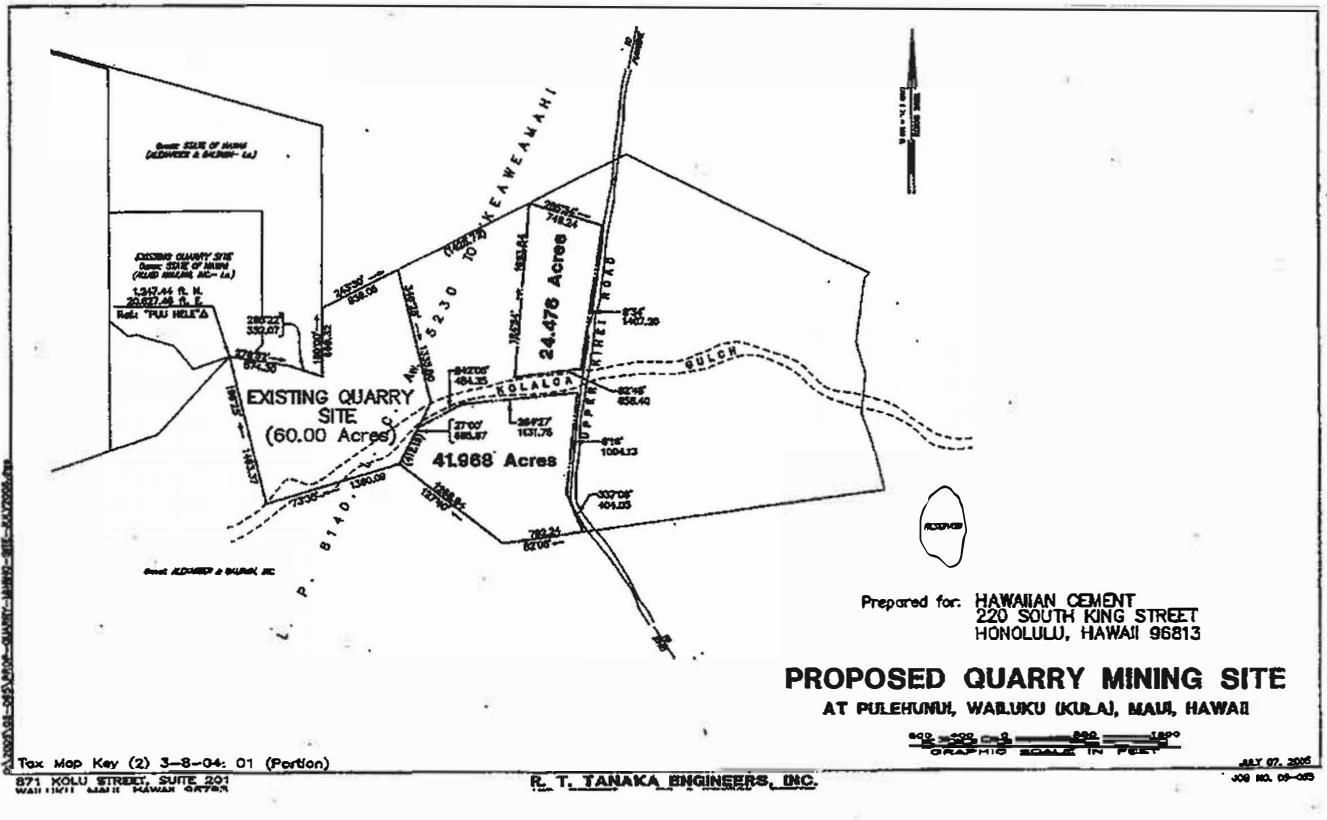
By Lisa Judge
LISA JUDGE
Chairperson and Commissioner

Filed and effective on
DEC 18 2006

Certified by:

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





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 23590
Honolulu, Hawaii 96804-23590

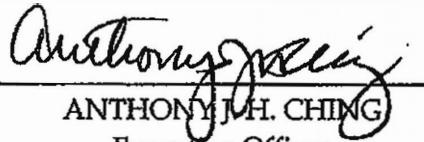
BRYAN YEE, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

MICHAEL FOLEY, Director
County of Maui, Planning Department
250 South High Street
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.
JANE LOVELL, Esq.
Corporation Counsel
County of Maui
250 South High Street
Wailuku, Hawaii 96793

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

Honolulu, Hawaii, DEC 18 2006



ANTHONY J.H. CHING

Executive Officer

**STATE SPECIAL USE PERMIT
(SP92-380) DECISION AND
ORDER (THIRD AMENDMENT)
DATED DECEMBER 3, 2014**

APPENDIX

B

EXHIBIT 10



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 P 12:05

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 AN
)
For An Amendment To Special Use Permit) AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing) USE PERMIT; AND
Operation And Related Uses On) CERTIFICATE OF SERVICE
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)
)
-----)

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

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.

Date:

December 3, 2014

BY

Executive Officer



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC - 3 P 12: 05

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 AN
For An Amendment To Special Use Permit) AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing) USE PERMIT; AND
Operation And Related Uses On) CERTIFICATE OF SERVICE
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)
)

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC - 3 P 12:05

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 AN
For An Amendment To Special Use Permit	)	AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing	)	USE PERMIT
Operation And Related Uses On)	
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)	
)	

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

On February 20, 2013, Hawaiian Cement ("Applicant") filed a request with the County of Maui Department of Planning ("DP") to amend the special use permit issued in the above-entitled docket pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR") by (1) expanding the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as Tax Map Key ("TMK"): 3-8-04: por. 1 ("Quarry Site 'C'"); (2) including 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) deleting Condition Number 16 of the

Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extending the life of the special use permit by 15 years (collectively "Request").

On May 27, 2014, the County of Maui Planning Commission ("Planning Commission") considered the Applicant's Request. There was no public testimony received by the Planning Commission. After due deliberation, at its meeting on May 27, 2014, the Planning Commission recommended approval of the Request to the State of Hawai'i Land Use Commission ("LUC").

On July 30, 2014, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Request. On October 15, 2014, the LUC received the remaining portion of the record.

The LUC has jurisdiction over the Applicant's Request. 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 November 20, 2014, the LUC met in Kahului, Maui, Hawai'i, to consider the Applicant's Request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Kristin Tarnstrom, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Rodney Funakoshi also were present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, the Commission heard public testimony from Wil Cambra, Keoni Gomes, Clare Apana, and Johanna Kamaunu. Following the receipt of public testimony, the Applicant provided a presentation on its Request.

As part of its testimony, the DP noted that it had thoroughly reviewed the Applicant's Request and affirmed the Planning Commission's recommendation on the matter. Upon questioning, the DP acknowledged receipt of the December 10, 2007, revised map of the boundaries of the then 105.957-acre Pu'unēnē Quarry approved pursuant to the Findings of Fact, Conclusions of Law, and Decision and Order filed November 25, 1996.

The OP stated that it had no objections to the Applicant's Request.

Following discussion, a motion was made and seconded to approve the Applicant's Request, subject to the following amendment to Condition Number 1 and additional Condition Numbers 16 and 17 as follows:

- 1.o That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the timely extension.o
- 16.o That prior to commencement of quarry operations on Quarry Siteo "C," the Applicant shall submit an archaeological inventory surveyo of Quarry Site "C" to the State Historic Preservation Division foro their review and shall comply with their subsequent comments.o

17.a That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attacheda Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).a

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 1 excused, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Request and the oral arguments presented by the Applicant, OP, and the DP, and a motion having been made at a meeting on November 20, 2014, in Kahului, Maui, 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,a

HEREBY ORDERS that the Applicant's Request to (1) expand the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as TMK: 3-8-04: por. 1 and further identified as Quarry Site "C"; (2) include 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) delete Condition Number 16 of the Decision and Order Approving Amendment to a Special Permit filed December 18, 2006; and (4) extend the life of the special use permit by 15 years be APPROVED, subject to the following amendment to Condition Number 1:

1.a That the State Land Use Commission Special Use Permit shall bea valid to July 21, 2032, subject to further extension by the Land Usea

Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

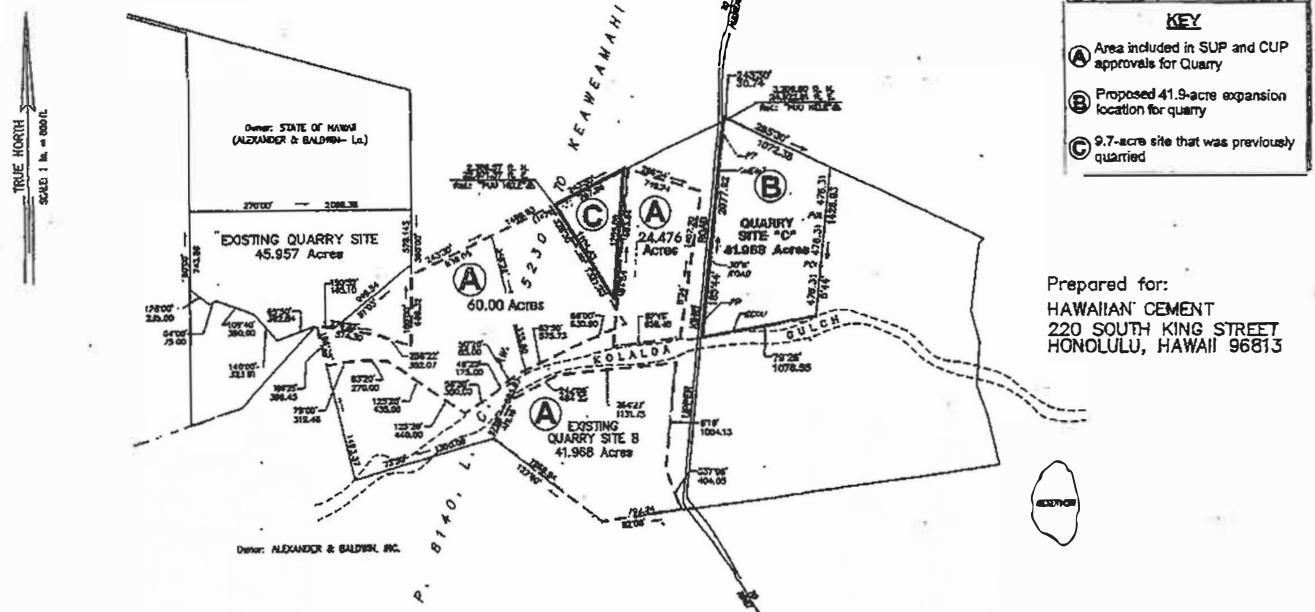
IT IS FURTHER ORDERED that the Applicant's Request be APPROVED,

subject to the following additional Condition Numbers 16 and 17:

- 16.¹ That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.
17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

IT IS FURTHER ORDERED that all other conditions to the Decision and Order Approving a Time Extension filed July 15, 2005, and the Decision and Order Approving Amendment to Special Use Permit filed December 18, 2006, shall remain in full force and effect.

¹ This new condition replaces the previous Condition No. 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006, which is deleted with this Decision and Order.



PLAN SHOWING
HAWAIIAN CEMENT QUARRY MINING SITES
AT PULEHUNUI, WAILUKU (KULA), MAUI, HAWAII

Tax Map Key (2) 3-8-04: 01 (Portion)
871 KOULOU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R.T. TANAKA ENGINEERS, INC.
LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

REvised: DECEMBER 13, 2013
REvised: OCTOBER 2012
Revised: JUNE 14, 2012
Revised: DECEMBER 10, 2007
Job No. 05-045

EXHIBIT "A"

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of December, 2014, per motion on November 20, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Diane Flickson
Deputy Attorney General

By Chad McDonald
Chad McDonald
Chairperson and Commissioner

Filed and effective on:

12/3/14

Certified by:



DANIEL ORODENKER
Executive Officer



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 PM 12:05

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 An Amendment To Special Use Permit)
That Established A Rock Quarrying/Crushing)
Operation And Related Uses On)
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)
)

CERTIFICATE OF SERVICE

I hereby certify that a DECISION AND ORDER APPROVING AN 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:

CERTIFIED KARLYNN FUKUDA
MAIL: Munekiyo & Hiraga Inc.
305 S. High Street
Wailuku, Hawai'i 96793
Petitioner Representative

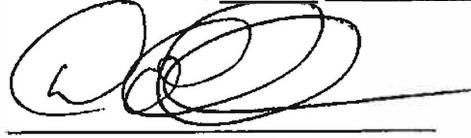
DEL.: LEO ASUNCION, Acting Director
State Office of Planning
P.O. Box 23590
Honolulu, Hawai'i 96804-23590

REGULAR BRYAN C. YEE, Esq.
MAIL: Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813n
Attorney for State Office of Planning

REGULAR KRISTIN TARNSTROM, Esq.
MAIL: Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawai'i 96793
Attorney for the County of Maui

REGULAR WILLIAM SPENCE, Director
MAIL: Department of Planning
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, December 3, 2014



DANIEL ORODENKER

Executive Officer

**COUNTY SPECIAL USE
PERMIT (CUP 2006/0002)
AMENDMENT APPROVAL
LETTER DATED
JUNE 18, 2014**

APPENDIX

C

EXHIBIT 11

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 18, 2014

Ms. Karlynn Fukuda, Executive Vice President
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Fukuda:

SUBJECT: AMENDMENT TO STATE LAND USE COMMISSION SPECIAL PERMIT (SP) AND AMENDMENT TO COUNTY SPECIAL USE PERMIT (CUP) FOR THE HAWAIIAN CEMENT PUUNENE ROCK QUARRY, PULEHUNUI, KAHULUI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-004:001 (POR.) (SUP1 91-0013) (SP 92-380) (CUP 2006/0002)

At its regular meeting on May 27, 2014, the Maui Planning Commission (Commission) voted to recommend approval to the State Land Use Commission, the following proposed amendments to **State Land Use Commission Special Permit (SP 92-380)**:

- 1.e To expand the quarry area by approximately 42 acres at TMK: (2) 3-8-004:001e (por.);e
- 2.e To include the 9.697-acre portion of the quarry within the permitted areae (Area "C");e
- 3.e To delete Condition No. 16 of SP 92-380 as the Applicant has submitted saide updated map to the Department of Planning; ande
- 4.e To approve a 15-yeardime extension for SP 92-380.e

Further, the Commission also approved the proposed amendments to **thee County Special Use Permit (CUP 2006/0002)** as follows:

Note: New material underlined; deleted material [bracketed]

- 1.e That the County Special Use Permit shall be valid until July 21, 2032 [July 31, 2018],e or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Planning Director [Maui Planning Commission]e upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension.e

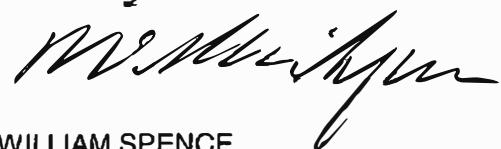
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Planning Director [Maui Planning Commission].
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.
4. That full compliance with all applicable governmental requirements shall be rendered; and
5. That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/ 0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.
6. That the quarry area is expanded by approximately 42 acres and includes the 9.697-acre portion of the quarry within the permitted area, known as Area "C".

The Commission adopted the Report and Recommendation prepared by the Department of Planning for the May 27, 2014, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes (HRS).

Ms. Karlynn Fukuda, Executive Vice President
June 18, 2014
Page 3

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Development Services Administration
William Aila, Jr., Chairperson, Department of Land and Natural Resources
State of Hawaii Land Use Commission
CZM File (SUP)
Project File
General File

WRS:PFF:nst
K:WP_DOCS\PLANNING\SUP1\1991\0013_HawaiianCementQuarry_tx\Quarry Expansion 2014\MPCapv1.doc

**HRS 6E,
ARCHAEOLOGICAL
ASSESSMENT AND
ARCHAEOLOGICAL
MONITORING PLAN
ACCEPTANCE LETTER
FROM STATE HISTORIC
PRESERVATION DIVISION
DATED APRIL 17, 2020**

APPENDIX

E-3

EXHIBIT 12

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RECLAMATION ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAMIAWAII ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

April 17, 2020

Mr. Glen Ueno, Administrator
County of Maui
Department of Public Works
Development Services Administration Division
250 South High Street
Wailuku, Hawaii 96793

IN REPLY REFER TO:
Log No.: 2017.02140
2020.00762
Doc. No.: 2004AM09
Archaeology

Dear Mr. Glen Ueno:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Assessment Report for the Hawaiian Cement Expansion Project and
Archaeological Monitoring Plan for the Increments 2 and 4 of the Expansion Project
Pūlehu Nui Ahupua'a, Wailuku District, Island of Maui
TMK: (2) 3-8-004:001 por.**

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject draft report titled, *Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK: (2) 3-8-004:001 por., Pūlehu Nui Ahupua'a, Kula Moku, Wailuku District, Island of Maui* (Fuentes et al., March 2020). SHPD previously reviewed the subject archaeological assessment (AA) report and request revisions to the report in a letter dated May 12, 2015 (Log No. 2014.04654, Doc. No. 1505MD19). SHPD received the subject revised report on September 17, 2017 (Log No. 2017.02140).

This letter also provides SHPD's review of the subject draft plan titled, *Archaeological Monitoring Plan for the Hawaiian Cement Quarry Mining Site Increments 2 and 4 Expansion Project, Pūlehu Nui Ahupua'a, Wailuku District, Maui Island, TMK: (2) 3-8-004:001 por.* (Yucha and Hammatt, March 2020). SHPD received the subject archaeological monitoring plan on March 31, 2020 (Log No. 2020.00762) following consultation between Hawaiian Cement, Cultural Surveys Hawaii Inc. (CSH, archaeological consultant), and SHPD on March 4, 2020.

The parcel has been subject to previous archaeological investigations including an archaeological reconnaissance survey (Kennedy 1990), and two archaeological inventory surveys (Rotunno-Hazuka et al. 2011 and Fuentes et al., March 2020). The two archaeological inventory survey (AIS) investigations identified no historic properties. Per HAR §13-284-5(b)(5)(A), negative AIS results shall be presented in an archaeological assessment (AA) report. SHPD reviewed and accepted the Rotunno-Hazuka et al. (2011) AA report in a letter dated August 8, 2012 (Log Nos. 2011.0298 and 2001.0340, Doc. No. 1208JP01). SHPD reviewed and requested revisions to a draft of the Fuentes et al. (October 2014) AA report in a letter dated May 12, 2015 (Log No. 2014.04654, Doc No. 1505MD19) and received the subject revised report on September 17, 2017 (Log No. 2017.02140).

The Fuentes et al. (2020) AIS was conducted in support of the Hawaiian Cement Quarry Expansion project. The project area consists of a 41.968-acre portion of the overall 2,008-acre subject parcel. Archaeological testing of the project area included a pedestrian survey of a portion of the project area spaced in 5-meter intervals. Additionally, 17 backhoe test trenches and two bulldozer cuts were excavated. No historic properties were. The AA report includes the locations of the test trenches, photographs, soil profiles drawn to scale, and soil descriptions using USDA soil terminology and attributes with Munsell colors.

The revised Fuentes et al. (2020) AA report adequately addressed the requested revisions from our previous review (Log No. 2014.04654, Doc No. 1505MD19). The report meets the minimum requirements specified in HAR §13-276-5. **The AA report is accepted.** Please send two hard copies of the document, clearly marked FINAL, alongo with a copy of this review letter and a text-searchable PDF version to the Kapolei SHPD office, attention SHPD Library and to lehua.k.soares@hawaii.gov.

Hawaiian Cement and their archaeological consultant (CSH) consulted with SHPD during a meeting on March 4, 2020. During the meeting, Hawaiian Cement requested SHPD review the revised AA report submitted to SHPD on September 17, 2017 (Log No. 2017.02140). Additionally, Hawaiian Cement proposed work for increments 2 and 4 of the expansion project, including a field inspection with program of archaeological monitoring for identification purposes to be conducted during the excavation of soils overlying bedrock within the project area. The proposed project will include cement quarry mining within the entire footprint of increments 2 and 4. Overlying agricultural soils will be stripped away from the surface to expose the shallow underlying bedrock to be quarried and processed. No quarrying will occur within Kolaloa Gulch.

The AMP (Yucha and Hammatt, March 2020) proposes archaeological monitoring for identification purposes and provides a summary of previous archaeological investigations and identified historic properties present within the parcel and is formatted to address the rules outlined in HAR §13-279-4 (1) through (8) and stipulates the following:

- o Archaeological monitoring will begin with the completion of a 100% coverage pedestrian inspection to confirm that there are no surface historic properties within the project area. This inspection will be completed prior to the start of project-related ground disturbance;
- o A coordination meeting will be conducted between the construction team and monitoring archaeologisto prior to construction activities so the construction team is aware of the need for archaeological monitoring and the provisions detailed in the plan;
- o Archaeological monitoring will include a combination of on-site and on-call monitoring. An on-site archaeological monitor will observe sediment excavation for up to five (5) full days to confirm there are no subsurface historic properties within the sediment deposits of the project area. If there are no significant finds during this period, the remainder of sediment excavation will proceed under on-call archaeological monitoring with an archaeologist conducting spot checks once every 10 business-days to record progress and inspect the exposed stratigraphy for historic properties. No archaeological monitoring will occur during quarrying of the basalt bed;
- o Quarterly archaeological monitoring letter reports will be submitted to SHPD consisting of a cover lettero with photographs, a summary of archaeological work and the status of project related construction work;
- o The Quarterly reports will start with the results of the initial pedestrian survey and are intended to keepo SHPD informed. A monitoring report meeting the requirements of HAR §13-279-5 and covering all theo reported work will be submitted for review and acceptance following the completion of project relatedo archaeological monitoring;
- o The archaeological monitor has the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural depositso or features;
- o If non-burial historic properties are identified, documentation shall include, as appropriate, recordingo stratigraphy using USDA soil descriptions, GPS point collection, recordation of feature contents througho excavation or sampling of features, screening of features, representative scaled profile drawings, photoo documentation using a scale and north arrow, and appropriate laboratory analysis of collected sampleso and artifacts. Additionally, photographs and profiles of excavations will be collected from across theo project area even if no significant historic properties are encountered. Representative profiles will be a minimum of 2-meter sections;
- o If human remains are identified, work will cease in the vicinity and the find shall be secured, ando provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and HAR §13-300-40, and anyo SHPD directives, shall be followed;
- o Collected materials not associated with burials will be temporarily stored at the archaeological firm'so office/laboratory until an appropriate curation facility is selected, in consultation with the landowner ando the SHPD and;
- o Any changes in these provisions shall occur only with written approval from the SHPD.

The plan meets the minimum requirement of HAR §13-279-4. **It is accepted.** Please send two hard copies of the document, clearly marked FINAL, along with a text-searchable PDF version to the Kapolei SHPD office, attention SHPD Library. Additionally, please send a digital copy of the final AMP (Yucha and Hammatt, March 2020) to lehua.k.soares@hawaii.gov.

SHPD hereby notifies the County that the AA report (Fuentes et al., March 2020) and the AMP (Yucha and Hammatt, March 2020) have been accepted. The permit issuance process may continue.

SHPD requests written notification at the start of archaeological monitoring. SHPD looks forward to receiving brief archaeological monitoring letter reports of findings **quarterly** as specified in HAR §13-282-3(f)(1). Subsequently, SHPD looks forward to receipt of an archaeological monitoring report meeting the requirements of HAR §13-279-5 for review and acceptance following the conclusion of archaeological monitoring work.

Please contact Andrew McCallister, Historic Preservation Archaeologist IV, at Andrew.McCallister@hawaii.gov or at (808) 692-8015 for matters regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: The County of Maui, dsa.subdivision@mauicounty.gov
The County of Maui, building.permits@mauicounty.gov
Atlas Archaeology, atlasarch808@gmail.com
Trevor Yucha, CSH, tyucha@culturalsurveys.com
Gomes, David, Hawaiian Cement, david.gomes@hawaiiancement.com



**2020 STATE SPECIAL
USE PERMIT ANNUAL
COMPLIANCE REPORT**

APPENDIX

G

EXHIBIT 13

January 31, 2020

Dan Orodenker, Executive Officer
State of Hawaii
State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804

Michele McLean, Director
County of Maui
Attention: Paul Fasi
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: State Special Use Permit for Puunene Rock Quarry, TMK: (2)3-8-004:001(por.), and 002(por.), (2)3-8-008:001(por.) and 031(por.),
Pulehunui, Wailuku, Hawai'i (SP 92-380) (SUP 1 91-0013)

Dear Mr. Orodenker and Ms. McLean:

The State Land Use Commission (SLUC) at a regularly scheduled meeting on November 20, 2014, voted to approve a time extension request and amendments to the existing State Special Use Permit (SUP) (SP92-380) for the Puunene Quarry. The SUP time extension was granted through July 21, 2032. The approval of the time extension request was subject to 11 conditions. See **Exhibit "A"**.

Condition Number 11 of the SUP approval stated:

"An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required."

On behalf of the SUP permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition No. 11 of the SUP. No changes in the operations have occurred since 2013.

Condition No. 1

That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

Response: The permittee concurs with the condition and will comply with the extension request procedures. We note that the SUP for the Puunene Quarry would expire in July 2032.

Condition No. 2

That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the planning department within said (30) days. Upon receipt of a request for a hearing, the Planning Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

Response: The permittee concurs with this condition.

Condition No. 3

That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

Response: The permittee concurs with this condition. No permit transfer request is anticipated for the SUP.

Condition No. 4

That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

Response: Please find attached, as **Exhibit "B"**, current Certificate of Insurance for the Puunene Quarry, naming the State of Hawai'i as an additional insured.

Condition No. 5

That full compliance with all applicable governmental requirements shall be rendered.

Response: The permittee concurs with the condition.

Condition No. 6

That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and ground cover shall be established.

Response: The permittee understands this condition. A restoration plan, approved by the landowner, has previously been submitted to the SLUC upon termination of the quarry operations. See **Exhibit "C"**.

Condition No. 7

That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.

Response: A detailed drainage plan was submitted and approved by the Department of Public Works (DPW). Said plan approvals have been previously submitted by the applicant.

Condition No. 8

That a detailed solid waste management plan be submitted to the Public Works for their review and approval.

Response: A solid waste management plan was submitted to the DPW for their review and approval. Said plan approval has been previously submitted by the applicant.

Condition No. 9

That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.

Response: A maintenance program was for the access road and was submitted to the SDOT, Highway Division and DPW for review and approval. The SDOT approved said plan. See **Exhibit "D"**.

Condition No. 10

That the applicant shall continue to comply with air pollution control and all other permits for rock crushing, asphalt batching, and all other operations, including the restoration of the site.

Response: The permittee understands this condition and is continuing to comply with air pollution control and other related permits for the quarry operation. Copies of the Covered Source Permit (which expired on April 19, 2016) and an acceptance letter from the Department of Health for a renewal application are attached as **Exhibit "E"**. It is noted that approval of the renewal application is pending.

Condition No. 11

An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

Response: This report is being submitted to satisfy this condition for the years 2014, 2015, 2016, 2017, 2018, and 2019.

To date, approximately 77 percent of the acres in the permitted area have been quarried for use.

Condition No. 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.

Response: As previously noted in the response to Condition No. 9, the SDOT has approved the maintenance program for the Puunene Quarry. Refer to Exhibit "D".

Condition No. 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.

Response: The permittee understands this condition. As noted, a Covered Source Permit renewal application has been filed and an approval is pending. Refer to Exhibit "E".

Condition No. 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.

Response: The permittee had an archaeological inventory survey report prepared for the expansion area at the Puunene Quarry. The report was submitted to the State Historic Preservation Division (SHPD) for review and approval on January 24, 2011. SHPD approved said report via letter dated August 8, 2012. See Exhibit "F". The SHPD concurred that no further archaeological work is required for the site.

Condition No. 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).

Response: The permittee understands this condition. New quarry activities are limited to the expansion area identified on the "Proposed Quarry Mining Site" map that was attached to the SLUC Decision and Order.

It is noted that a request to amend the SUP to add approximately 51.67 acres to the quarry operation was approved by the SLUC in December 2014.

Condition No. 16

That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.

Response: The Applicant had an Archaeological Assessment prepared for Quarry Site "C" and the document was submitted to the State Historic Preservation Division (SHPD) in October 2014. The SHPD provided comments on the report via letter in May 2015. See **Exhibit "G"**. A revised report was revised and re-submitted to SHPD by the Applicant's consultant in July 2015. See **Exhibit "H"**. The Applicant is continuing to coordinate with SHPD on their review of the aforementioned reports.

Condition No. 17

That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled Plan Showing Hawaiian Cement Quarry Mining Sites (Revised December 13, 2013).

Response: The Applicant concurs with this condition and has confined the Quarry Site "C" operations as illustrated in the map attached to the December 2014 Decision and Order document. Refer to **Exhibit "A"**.

Dan Orodener and Michele McLean
January 31, 2020
Page 8

Should you have any further questions regarding this report, please do not hesitate to contact me at (808) 983-1233.

Very truly yours,



Bryan Esmeralda, AICP
Senior Associate

BE:la
Enclosures

cc: **Dave Gomes, Hawaiian Cement (w/enclosures)**
K:\DATA\HawCem\PuuneneQuarry\ SUP Compliance Report\SUP Compliance Report 2020.docx

EXHIBIT A.

Decision and Order Approving a Time Extension to a Special Use Permit

EXHIBIT 14



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 P 12:05

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 AN
For An Amendment To Special Use Permit) AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing) USE PERMIT; AND
Operation And Related Uses On) CERTIFICATE OF SERVICE
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)
)
_____)

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

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.

Date

December 3, 2014

BY


Executive Officer



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 P 12: 05

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 AN
For An Amendment To Special Use Permit) AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing) USE PERMIT; AND
Operation And Related Uses On) CERTIFICATE OF SERVICE
Approximately 172.401 Acres Of Land Situated)
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District At Pulehunui, Wailuku, Maui,)
Hawai'i, Tax Map Keys: 3-8-04: Portion Of 1)
And 3-8-08: Portion Of 1 And Portion Of 31)
)
_____)

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC - 3 P 12: 05

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 AN
For An Amendment To Special Use Permit	)	AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing	)	USE PERMIT
Operation And Related Uses On)	
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)	
)	

DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

On February 20, 2013, Hawaiian Cement ("Applicant") filed a request with the County of Maui Department of Planning ("DP") to amend the special use permit issued in the above-entitled docket pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR") by (1) expanding the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as Tax Map Key ("TMK"): 3-8-04: por. 1 ("Quarry Site 'C'"); (2) including 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) deleting Condition Number 16 of the

Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extending the life of the special use permit by 15 years (collectively "Request").

On May 27, 2014, the County of Maui Planning Commission ("Planning Commission") considered the Applicant's Request. There was no public testimony received by the Planning Commission. After due deliberation, at its meeting on May 27, 2014, the Planning Commission recommended approval of the Request to the State of Hawai'i Land Use Commission ("LUC").

On July 30, 2014, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Request. On October 15, 2014, the LUC received the remaining portion of the record.

The LUC has jurisdiction over the Applicant's Request. 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 November 20, 2014, the LUC met in Kahului, Maui, Hawai'i, to consider the Applicant's Request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Kristin Tarnstrom, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Rodney Funakoshi also were present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, the Commission heard public testimony from Wil Cambra, Keoni Gomes, Clare Apana, and Johanna Kamaunu. Following the receipt of public testimony, the Applicant provided a presentation on its Request.

As part of its testimony, the DP noted that it had thoroughly reviewed the Applicant's Request and affirmed the Planning Commission's recommendation on the matter. Upon questioning, the DP acknowledged receipt of the December 10, 2007, revised map of the boundaries of the then 105.957-acre Pu'unēnē Quarry approved pursuant to the Findings of Fact, Conclusions of Law, and Decision and Order filed November 25, 1996.

The OP stated that it had no objections to the Applicant's Request.

Following discussion, a motion was made and seconded to approve the Applicant's Request, subject to the following amendment to Condition Number 1 and additional Condition Numbers 16 and 17 as follows:

- 1.n That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the timely extension.
- 16.n That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.

17.e That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 1 excused, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Request and the oral arguments presented by the Applicant, OP, and the DP, and a motion having been made at a meeting on November 20, 2014, in Kahului, Maui, 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 Request to (1) expand the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as TMK: 3-8-04: por. 1 and further identified as Quarry Site "C"; (2) include 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) delete Condition Number 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extend the life of the special use permit by 15 years be APPROVED, subject to the following amendment to Condition Number 1:

1.e That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension by the Land Use

Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

IT IS FURTHER ORDERED that the Applicant's Request be APPROVED, subject to the following additional Condition Numbers 16 and 17:

- 16.¹ That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.
17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).e

IT IS FURTHER ORDERED that all other conditions to the Decision and Order Approving a Time Extension filed July 15, 2005, and the Decision and Order Approving Amendment to Special Use Permit filed December 18, 2006, shall remain in full force and effect.

¹ This new condition replaces the previous Condition No. 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006, which is deleted with this Decision and Order.

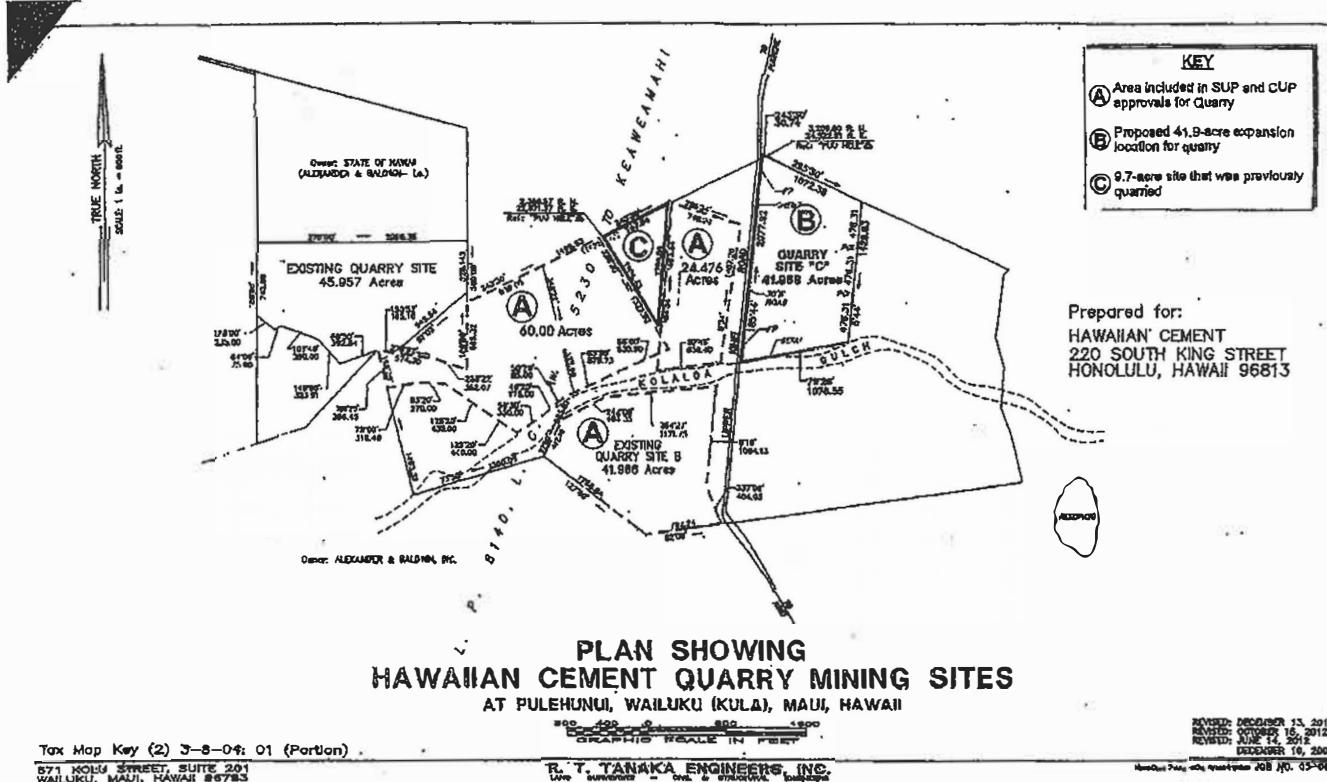


EXHIBIT "A"

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of December, 2014, per motion on November 20, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Daniel Orodener
Deputy Attorney General

By Chad McDonald
Chad McDonald
Chairperson and Commissioner

Filed and effective on:

12/3/14

Certified by:



DANIEL ORODENKER
Executive Officer



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 P 12:05

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 An Amendment To Special Use Permit)
That Established A Rock Quarrying/Crushing)
Operation And Related Uses On)
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)
)

CERTIFICATE OF SERVICE

I hereby certify that a DECISION AND ORDER APPROVING AN 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:

CERTIFIED KARLYNN FUKUDA
MAIL: Munekiyo & Hiraga Inc.
305 S. High Street
Wailuku, Hawai'i 96793
Petitioner Representative

DEL.: LEO ASUNCION, Acting Director
State Office of Planning
P.O. Box 2359A
Honolulu, Hawai'i 96804-2359A

REGULAR BRYAN C. YEE, Esq.
MAIL: Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR KRISTIN TARNSTROM, Esq.
MAIL: Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawai'i 96793
Attorney for the County of Maui

REGULAR WILLIAM SPENCE, Director
MAIL: Department of Planning
County of Maui
200 South High Street
Wailuku, Hawai'i 96793e

Dated: Honolulu, Hawai'i, December 3, 2014



DANIEL ORODENKER

Executive Officer

EXHIBIT C.

Restoration Plan

EXHIBIT 15

RECLAMATION PLAN

EXHIBIT "C"

1. Objective

To reclaim, for sugar cane cultivation, all areas quarried under subject licenses.e

2. Specifications

The reclaimed areas shall be prepared as per specifications issued by HC&S Co. from time to time. Initially, these specifications shall be as follows:e

- a.e Overburden (soil) shall be placed over the quarry floore at a depth not less than 18" and no deeper than the original overburden existing in the general area prior to quarrying. No rocks over 6" diameter shall bee utilized. It is the intent to provide 18" of rock-freee soil if at all possible, given the nature of the overburden.e
- b.e The overburden shall be spread over the quarry floor ase evenly as possible with crawler equipped bulldozers. Thee surface slope should not exceed 5% and should be considered ready for harrowing without further leveling operations.e
- c.e Where the overburden depth permits, the topsoil shall be removed and stored separately from the underlying subsoil. During reclamation, the subsoil shall be spread first and the final layer spread shall consist of topsoile.e

3. Methodology

- a. As soon as the open area at the quarry face exceeds 15 acres in size, reclamation activities shall be initiated. Reclamation shall proceed at a pace equal to or exceeding the pace of quarrying.
- b. Reclaimed land shall be turned over to the Planation within six months of initiation of reclamation activities.
- c. Cane shall be taken to avoid drainage problems in areas to be reclaimed. Berms and cut-off ditches shall be used to prevent unwanted drainage into low lying reclaimed canefield areas.

Reclamation Plan - Exhibit "C"
Page Two

d. Annually, the Licensee shall submit to the Plantation, on or before December 31st of each year, a specific reclamation plan for their review and approval. The area selected for reclamation shall be selected after careful consideration of the following factors:

- (1) location, relative to Licensee's quarrying operations to minimize interference between Plantation and Licensee activities
- (2) location, relative to availability of irrigation water, access to haul cane roads, etc.
- (3) relationship of area chosen to adjoining field configurations, etc.
- (4) other factors that may relate to early utilization of land for cane

e.t All costs of the reclamation plan shall be borne by that Licensee. This shall include the cost of installing irrigation mains and sub-mains required for drip irrigation. The Plantation shall assume the costs involved in harrowing, planting and drip tubing installation.

4.t Disputes relative to the reclamation plan or activities therein shall be subject to arbitration if otherwise provided in the basic agreement.

EXHIBIT F.

**State Historic Preservation
Division Approval Letter,
Dated August 8, 2012**

EXHIBIT 16

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA
CHIEF PERMIT
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCE MANAGEMENT

PAUL CONRY
INTERIM FIREY DEPUTY

WILLIAM M. TAN
DEPUTY DIRECTOR, WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BOAT AND PORT FACILITIES
COMMISSIONER ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 535
KAPOLEI, HAWAII 96707

August 8, 2012

Mr. Jeffrey Pantaleo, Principal Investigator
C/O Ms. Lisa Rotunno-Hazuka
Archaeological Services Hawaii
Via Email: lisa@ashMaui.com

LOG NO: 2011.0298
LOG NO: 2011.0340
DOC NO: I208JP01

Aloha Ms. Rotunno-Hazuka:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Archaeological Assessment Report for the Hawaiian Cement Quarry Expansion Project
Pulehunui Ahupua'a, Walluku District, Island of Maui
TMK (2) 3-8-004:001 (por.)**

Thank you for the opportunity to review the report titled *Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK [2] 3-8-04:001 por., Pulehunui Ahupua'a, Kula Moku; Walluku District, Island of Maui* by Rotunno-Hazuka, Fuentes, O'Clary and Pantaleo (January 2011). The report was originally received on January 26, 2011. We apologize for the delayed response.

The archaeological survey with negative findings was conducted for the 24.476-acre proposed rock quarry expansion site. A surface investigation occurred along with twenty excavated mechanical backhoe test trenches. Over the years, the project area has been disturbed continuously by intensive agricultural propagation and rock mining. Approximately 9.5 acres are active sugarcane fields. No further archaeological work is recommended for the project area, we concur with this recommendation.

The report contains information as required for assessment reports, pursuant to Hawaii Administrative Rule (HAR) 13-284 and 13-276-5; it is accepted as final. We request that a few corrections to be included in the final report (see attachment). Please send one hardcopy of the corrected final document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please send a corrected final report to the Maui SHPD office as well. For questions about this letter, please contact Jenny at (808) 243-5169 or Jenny.L.Picker@Hawaii.gov.

Mahalo,

Theresa K. Donham
Archaeology Branch Chief

cc: County of Maui, Planning fax: (808) 270-7634
County of Maui DSA fax: (808) 270-7972

ATTACHMENT

Requested corrections for: *Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK 2/3-8-04:001 pors., Pulehunui Ahupua'a, Kula Moku; Wailuku District, Island of Maui by Rotunno-Hazuka, Fuentes, O'Claray and Pantaleo (January 2011).*

Previous Archaeological Studies

- 1)a Please add the recent Cultural Surveys Hawaii archaeological surveys (2007 etc) to the map (Figure 9) and to the previous archaeology background text.a

Lab Work

- 2)a Please edit this section to indicate nothing was identified, collected, or being curated.a

Trench Descriptions

- 3)a Please correct the associated trench Figures to correspond with the accurate text references.a

Additional Comment

- 4)a Please adjust the contents regarding archaeological recommendations for adjacent areas accordingly. In the final copy of the report, please adjust the associated contents accordingly. As we recently discussed in meetings regarding the project report, individual projects are usually treated separately so each project needs to be evaluated on a case-by-case basis. We hope to continue evaluating and providing recommendations regarding future proposed projects for the surrounding areas.a

EXHIBIT G.

**Letter from State Historic
Preservation Division
Dated May 12, 2015**

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUBIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLawe ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

May 12, 2015

Jeffrey Pantaleo, M.A.
c/o Lisa Rotunno-Hazuka
Archaeological Services Hawaii, LLC
PO Box 1015
Puunene, Hawaii 96784
Via email to: lisa@ashmaui.com

LOG NO: 2014.04654
DOC NO: 1505MD19
Archaeology

Aloha Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review—
Draft Archaeological Assessment for the Hawaiian Cement Quarry
Pūlehu Nui Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-004:001 (por.)**

Thank you for the opportunity to review the submittal titled *Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK: [2] 3-8-0047:001 pors., Pūlehu Nui Ahupua'a, Wailuku District, Island of Maui* by Fuentes, Rotunno-Hazuka, O'Clary-Nu and Pantaleo (October 2014). We received the submitted report on October 13, 2014 and apologize for the delay in our reply.

An archaeological survey was conducted prior to planned expansion of the existing Hawaiian Cement Quarry at the request of Mr. Gomes for the owner. This report documents an archaeological inventory survey of 41.968 acres, a portion of the 2,008 acres contained in parcel 001. Fieldwork occurred on the 14th and 28th of June and the 3rd and 12th of July in 2014. 33.168 acre were cultivated in sugarcane at that time, while 8.8 acres were cleared following harvest. Pedestrian survey was performed by one archaeologist and was followed by 19 mechanical excavations, including 17 backhoe trenches and two bulldozer cuts. No historic properties were identified in any of the excavations or above ground.

We are requesting revisions to the report as detailed in the attachment to this letter. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns about this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

Attachment

*Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at
TMK: [2] 3-8-0047:001 pors., Pūlehu Nui Ahupua'a, Wailuku District, Island of Maui
by Fuentes, Rotunno-Hazuka, O'Claray-Nu and Pantaleo (October 2014)*

- 1.a Executive Summary, page 2, first paragraph: please replace "As detailed in" for "The" before 'backgrounda research.'a
 - a. Fifth paragraph: please delete everything after the second paragraph, beginning with the sentencea beginning "Similarly" – these statements regarding areas outside of the survey area are out of scopea for this report.a
2. Introduction, page 9, first paragraph: please include a citation for the prior AA work in the nearby 42 acres ' mentioned here.a
- 3.a Figure 2, page 11: please provide a more detailed/closeup view (or a second map showing a portion, not all, of parcel 001) of the APE including the boundaries of Camps 3 and 13.
4. Existing Conditions, page 12, Environmental Setting first paragraph, first sentence: please replace "piece of land district" with "section of land."a
 - a.a Second to last sentence, same page: please replace "Kula District" with either "Makawao District" ora "Kula Moku."a
 - b.a Last sentence: please clarify which "this" *ahupua'a* is referring to, as two were mentioned above.a
5. Previous Archaeology, page 17, second entry: please note that Sinoto and Pantaleo 1991 does not appear ona figure 8; please include.a
 - a.a Page 18, ASIH 2010 AA, end of page: please provide a citation for the information about addinga marine shells as a soil conditioner to provide phosphorous.a
 - b.a Page 19, final sentence: please replace lead-in "Unfortunately" with "However."a
- 6.a Field Work, page 21, second paragraph: please indicate the transect spacing used in pedestrian survey.a
 - a.a Third paragraph, second sentence: please revise – testing was not "systematic random" because it wasa worked around actively-farmed acreage, approximately 70% of the parcel was farmed in sugarcane ata the time.a
- 7.a Results of Survey, page 22, third sentence: please revise as necessary, the sentence appears to have been cuta off/incomplete after the number 17.a
 - a.a Somewhere in here, the inconsistency of excavation results needs to be addressed. Some trenchesa contained only a single layer, while others were up to five deep; yet all this was within a generallya consistent depth. Please revise as necessary.a
- 8.a Table 1, pages 24-25: please continue the header on both pages.a
 - a.a Please provide a key for the null (?) value appearing first in the entry of Layer V, Trench #1.
- 9.a Discussion and Recommendations, page 54, paragraph 2: please revise to include an explanation for varietya observed in the findings and questioned in item 7a above.a

- a. Fourth paragraph, sentence beginning "Similarly" and below – delete text between this word and the final sentence, these statements regarding areas outside of the survey area are out of scope for this report.
10. Appendix A, beginning on page 60: please review and revise. There are too many trench profiles labelled "TR 3" to be accurate; and only TRs 1-6 appear to be present. Also, specifically anomalous trenches like TR 9 are missing.



**2020 COUNTY
SPECIAL USE PERMIT
COMPLIANCE REPORT**

APPENDIX

H

EXHIBIT 17

November 6, 2020

Michele Chouteau McLean, AICP, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: County Special Use Permit for the Hawaiian Cement Pu'unēnē Quarry; Pūlehunui, Kahului, Maui; TMK (2)3-8-004:001(por.); CUP 2006/0002

Dear Ms. McLean:

At its regularly scheduled meeting on May 27, 2014, the Maui Planning Commission (Commission) approved a time extension request for the County Special Use Permit (CUP) (CUP 2006/0002) for the Hawaiian Cement Pu'unēnē Quarry at Pūlehunui, Kahului, Hawai'i. The Commission's approval was subject to six (6) conditions. See **Exhibit "A"**.

Condition Number 5 of the 2014 CUP time extension approval recommended:

That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and the State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

On behalf of Hawaiian Cement, we are submitting this compliance report in order to fulfill Condition Number 5 of the CUP time extension approval.

Condition Number 1:

That the County Special Use Permit shall be valid until July 21, 2032 or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Planning Director upon a

timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension.

Response: The Applicant acknowledges this condition. Future time extension requests, if needed, will be submitted in a timely manner as noted in this condition.

Condition Number 2:

That the County Special Use Permit shall not be transferred without the prior written approval of the Planning Director.

Response: The Applicant acknowledges this condition and notes that a transfer of permit is not contemplated.

Condition Number 3:

That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.

Response: The Applicant acknowledges this condition. A current Certificate of Insurance is provided herein as **Exhibit "B"**.

Condition Number 4:

That full compliance with all applicable governmental requirements shall be rendered; and

Response: The Applicant acknowledges this condition.

Condition Number 5:

That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

Response: The Applicant acknowledges this condition and notes that this report addresses compliance with the CUP conditions. A report addressing compliance with the State Land Use Commission Special Permit was submitted on January 31, 2020 to the State Land Use Commission and Department of Planning.

Condition Number 6:

That the quarry area is expanded by approximately 42 acres and includes the 9.697-acre portion of the quarry within the permitted area, known as Area "C".

Response: The Applicant acknowledges this condition relative to a previously approved expansion of the quarry area.

Michele Chouteau McLean, AICP, Director
November 6, 2020
Page 4

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233, or via email at planning@munekiyoioraga.com.

Very truly yours,



Bryan K. Esmeralda, AICP
Senior Associate

BE:la

Attachments

cc: **Dave Gomes, Hawaiian Cement (w/attachments)**
K:\DATA\HawnCem\!PuuneneQuarry\CUPC Compliance Report\CUPCComplianceRept.ltr.docx

EXHIBIT A.

**County Special Use Permit Amendment
Approval Letter Dated June 18, 2014**

ALAN M. ARAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director

JUN 19 2014



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 18, 2014

Ms. Karlynn Fukuda, Executive Vice President
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Fukuda:

SUBJECT: AMENDMENT TO STATE LAND USE COMMISSION SPECIAL PERMIT (SP) AND AMENDMENT TO COUNTY SPECIAL USE PERMIT (CUP) FOR THE HAWAIIAN CEMENT PUUNENE ROCK QUARRY, PULEHUNUI, KAHULUI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-004:001 (POR.) (SUP1 91-0013) (SP 92-380) (CUP 2006/0002)

At its regular meeting on May 27, 2014, the Maui Planning Commission (Commission) voted to recommend approval to the State Land Use Commission, the following proposed amendments to State Land Use Commission Special Permit (SP 92-380):

- 1.a To expand the quarry area by approximately 42 acres at TMK: (2) 3-8-004:001a (por.);a
- 2.a To include the 9.697-acre portion of the quarry within the permitted areaa (Area "C");a
- 3.a To delete Condition No. 16 of SP 92-380 as the Applicant has submitted salda updated map to the Department of Planning; anda
- 4.a To approve a 15-year time extension for SP 92-380.a

Further, the Commission also approved the proposed amendments to thea County Special Use Permit (CUP 2006/0002) as follows:

Note: New material underlined; deleted material [bracketed]

- 1.a That the County Special Use Permit shall be valid until July 21, 2032 [July 31, 2018],a or the expiration date for the State Land Use Commission Special Permit, whichevera is longer, subject to extension by the Planning Director [Maui Planning Commission]a upon a timely request for extension filed at least ninety (90) days prior to itsa expiration. The Commission may require a public hearing on the time extension.a

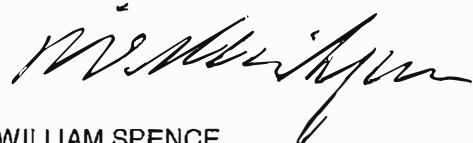
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Planning Director [Maui Planning Commission].
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.
4. That full compliance with all applicable governmental requirements shall be rendered; and
5. That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.
6. That the quarry area is expanded by approximately 42 acres and includes the 9.697-acre portion of the quarry within the permitted area, known as Area "C".

The Commission adopted the Report and Recommendation prepared by the Department of Planning for the May 27, 2014, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes (HRS).

Ms. Karlynn Fukuda, Executive Vice President
June 18, 2014
Page 3

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Development Services Administration
William Aila, Jr., Chairperson, Department of Land and Natural Resources
State of Hawaii Land Use Commission
CZM File (SUP)
Project File
General File

WRS:PFF:nst
K:\WP_DOCS\PLANNING\SUP1\1991\0013_HawaiianCementQuarry_tx\Quarry Expansion 2014\MPCappl.doc