

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

## **Hawaiian Cement Pu‘unēnē Quarry Expansion SP 92-380 and CUP 2006/0002**

**Prepared for:  
Hawaiian Cement**

**Maui Planning Commission  
May 24, 2022**



# Presentation Purpose

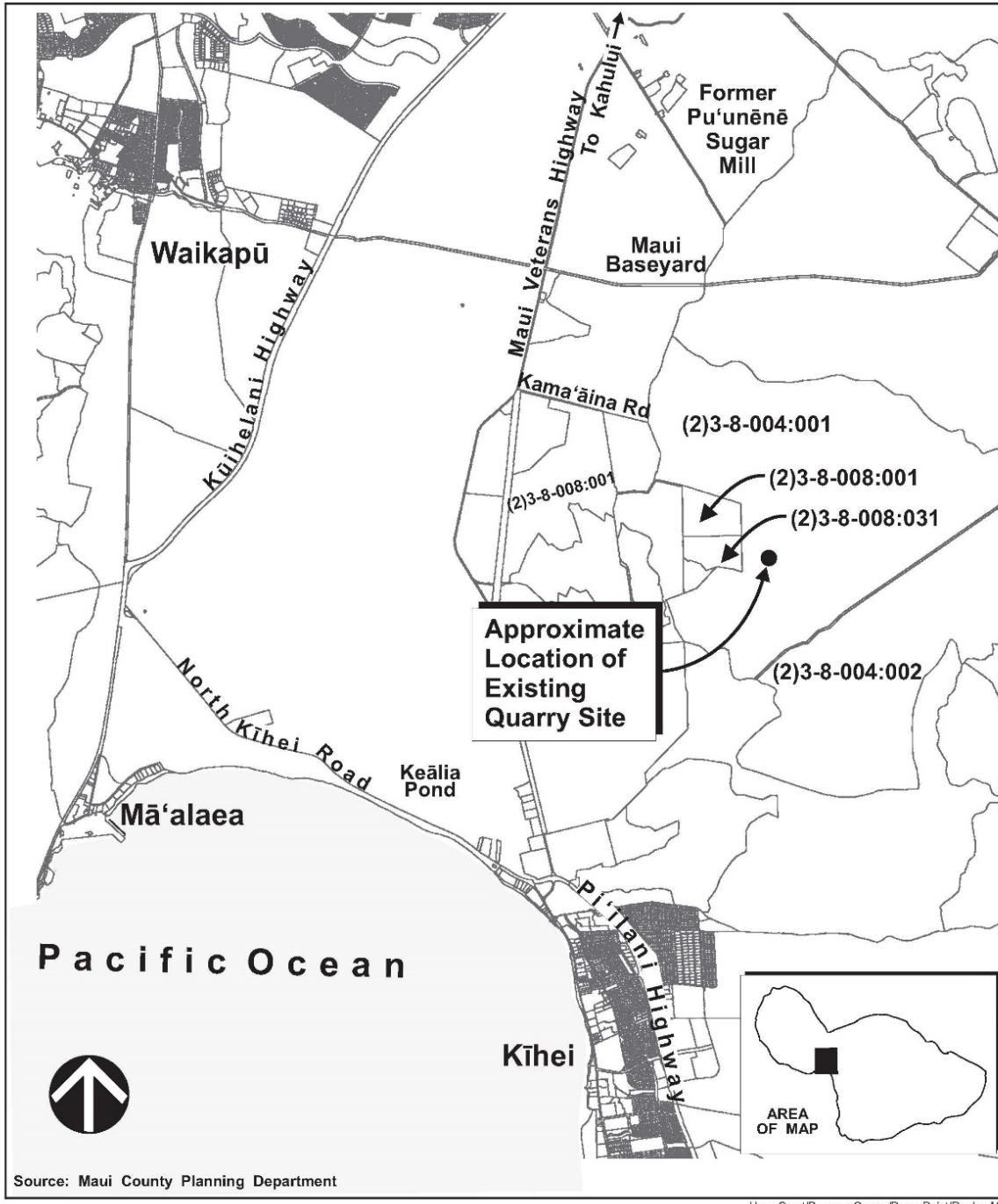
Provide the Maui Planning Commission (MPC) with information regarding the Applicant's requests for a favorable recommendation to the State Land Use Commission (LUC) to amend the Special Permit (SUP) and MPC approval to amend the County Special Use Permit (CUP) to include a proposed 45.4-acre expansion in the quarry area.

# Background and Need

- Hawaiian Cement is currently permitted to operate a quarry and rock crushing operation at its Pu‘unēnē facility.
- Hawaiian Cement leases the land from Alexander & Baldwin (A&B).
- The facility includes a basalt rock quarry, crushed aggregate processing plant, maintenance facilities, administrative offices, and storage areas.
- The facility is a crucial supplier of aggregate products for the construction industry on Maui.
- By expanding the quarry area by the proposed 45.4 acres, the anticipated operational lifespan of the facility would be extended by 14 years. This is the subject of the two (2) amendment requests before the Commission today.

# Subject Area

- The Pu‘unēnē facility encompasses four (4) Tax Map Key parcels: (2)3-8-004:001(por.) and 002(por.), (2)3-8-008:001(por.) and 031(por.), collectively referred to as the “Permitted Area”.
- The proposed 45.4-acre expansion area is a portion of TMK (2)3-8-004:001.



# Land Use Designations and Surrounding Uses

Land Use Parameter	Designations
State Land Use District	Agriculture
Wailuku-Kahului Community Plan	Agriculture
Maui County Zoning	Agriculture
Other	Non-Special Management Area; Outside Maui Island Plan Growth Boundaries and Protected Areas

Surrounding uses include former sugar cane lands and other industrial uses at the neighboring Pulehunui Heavy Industrial Park.

# Chronology of Permit - SUP

Rock quarry operations are permitted within State Agricultural districts with an approved SUP.

<b>1992</b>	<b>Original Quarry Area</b> LUC approved the SUP for approximately 46 acres
<b>1996</b>	<b>First Amendment</b> LUC amended the SUP to account for an additional 60 acres
<b>2006</b>	<b>Second Amendment</b> LUC amended the SUP to account for two (2) additional areas – a 24.476-acre area and a 44.28-acre area
<b>2014</b>	<b>Third Amendment</b> LUC amended the SUP to account for two (2) additional areas – a 41.968-acre area and a 9.697-acre area LUC also extended the permit until July 21, 2032

# Chronology of Permit - CUP

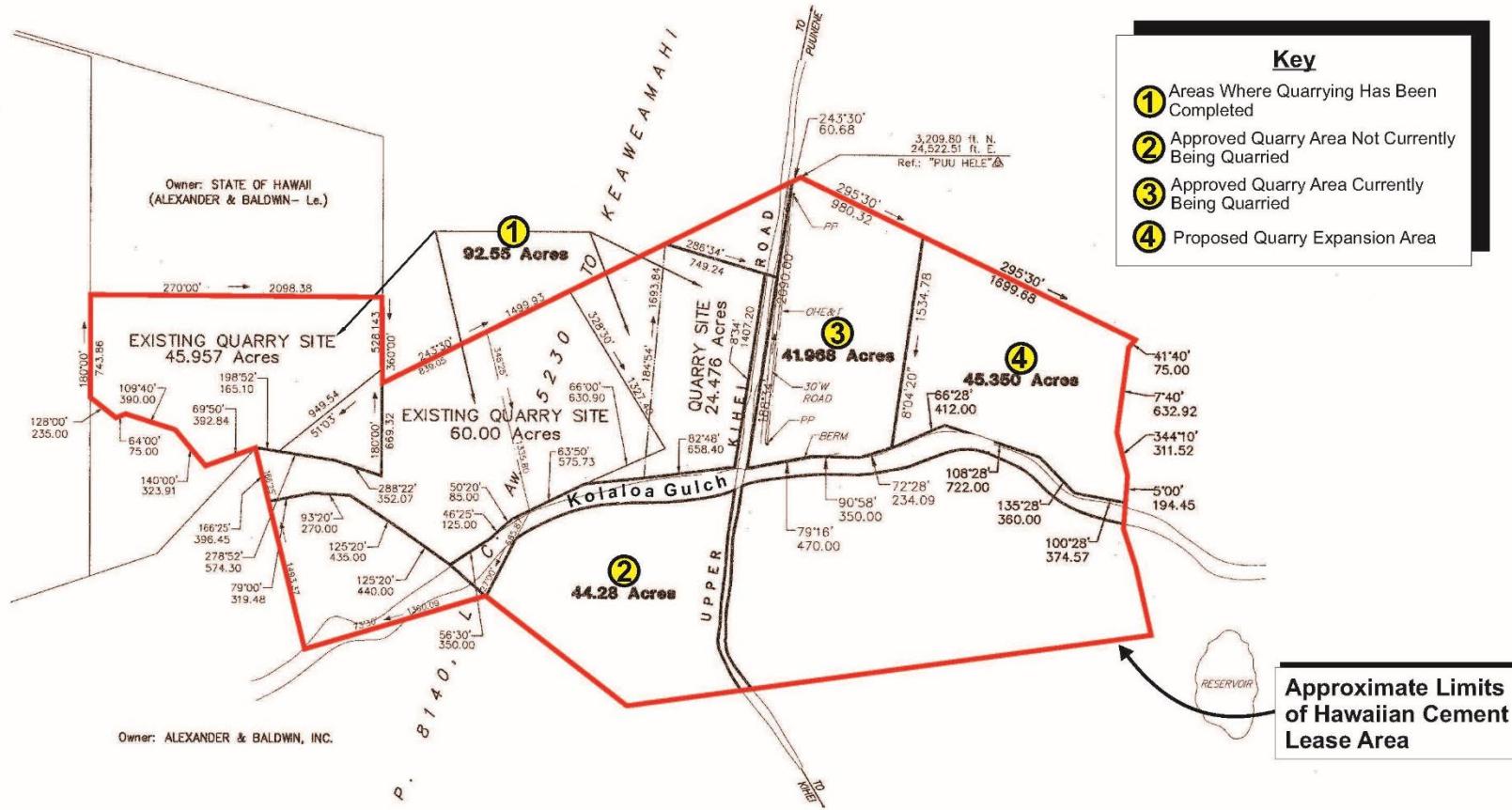
- Prior to 1998, rock quarry operations were permitted within County-zoned Agricultural districts with an approved SUP
- In 1998, County's Agricultural zoning ordinance was amended to require a CUP if the quarry area exceeded 15 acres. Existing uses were able to continue under valid SUPs until they expired, at which time a CUP needed to be obtained.

<b>2006</b>	<b>CUP Approved</b> CUP was approved consistent with the SUP Second Amendment for two (2) areas of 24.476 acres and 44.28 acres
<b>2014</b>	<b>CUP Amended</b> CUP was amended consistent with the SUP Third Amendment for two (2) additional areas of 41.968 acres and 9.697 acres, as well as to extend the permit to July 21, 2032

# Agricultural Productivity

- Designated “Prime” and “Other” by Agricultural Lands of Importance to the State of Hawai‘i
- Productivity ratings of “A”, “B”, and “E” by Land Study Bureau
- Designated as “Important Agricultural Lands”
- Proposed expansion area has not been in agricultural production for some time, and is adjacent to already quarried areas and other industrial uses
- Lands are not critical for agriculture based on the amount of similarly designated land within the area and the island of Maui
- Applicant has a lease requirement to restore quarried areas for agricultural use at the cessation of quarry activities
- Previously quarried areas (Original Quarry Area, First Amendment, 24.476-acre area of Second Amendment, and 9.697-acre area of Third Amendment) have been restored and returned to the landowner

# Existing and Proposed Quarry Areas Map



Source: R. T. Tanaka Engineers, Inc.

# Archaeology

- Archaeological Assessment (AA) and Archaeological Monitoring Plan (AMP) reports have been prepared and submitted to the State Historic Preservation Division (SHPD)
- AA has been revised several times, most recently resubmitted in March 2020 and accepted by SHPD in April 2020 along with AMP
- A Cultural Impact Assessment (CIA) summarized that based on historical research, negative results of archaeological studies, 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 or other customary activities in the proposed quarry expansion area
- CIA also recommended that the tenets specified in the AMP are followed

# Drainage

- The Drainage Report for the expansion area was revised in November 2021 and submitted to Department of Public Works (DPW)
- Anticipated increase in runoff volume due to quarry operations will be retained onsite by means of retention ponds to be constructed
- When quarrying is completed, the exposed areas will be backfilled with two (2) feet of native soil per the landowner approved restoration plan
- Control of soil erosion and sediment will be in conformance with the applicable sections of the County of Maui Construction Best Management Practices

# Water, Wastewater, Roadways

- Non-potable water for the quarry is provided through a non-potable private well that the Applicant constructed on Parcel 31. The non-potable water is utilized for concrete batching, dust control and wash down of equipment. Potable water is provided onsite through private bottle water vendors.
- There is no existing County wastewater service to the existing quarry site or the proposed expansion area.
- Access to the Hawaiian Cement Pu‘unēnē Quarry is provided by Kama‘āina Road, off Maui Veterans Highway

# Biological Resources

- The Applicant had a biological resources survey completed for the proposed 45.5 acre expansion area for the quarry.
- Robert Hobdy completed the survey in July 2021.
- The report found:
  - The proposed 45.4 acre site is dominated by non-native species that were common and no particular concern; three (3) common indigenous plant species were identified: 'ilima, koali kuahulu and 'uhaloa.
  - No Federally listed Endangered or Threatened plant species were found, nor were there any plant habits that occur on or near the project site.
  - No potential wetlands were found on the dry upland site.
  - There were no recommendations regarding botanical resources.
  - Two (2) mammal species were observed during the field work; axis deer and a family of pigs. An evening visit was conducted to search for evidence of the Hawaiian Hoary Bat in the area. No bat activity was detected.
  - No native bird species were observed during the site visits. Common, non-native species were observed. Two (2) indigenous insects, the green darner and globe skimmer, which the report noted as common and widespread throughout the Hawaiian islands, were observed.

# Biological Resources

(continued)

- The report concluded
  - The fauna within the project area was composed mostly of non-native species that are of no conservation concern. Just two (2) species of indigenous native dragonflies were seen during the survey, the green darner and the globe skimmer. Both of these dragonflies are widespread and common in Hawai‘i, as well as in other countries and are of no elevated conservation concern.
  - Additionally, there were recommendations for mitigation actions relative to potential endangered species - Nene Goose, Hawaiian Hoary Bat, Blackburn Sphinx Moth and Seabirds, which may traverse through the area. The Applicant will comply with the recommendations noted in the July 2021 biological resources report.

# Land Use Commission Special Permits Analysis

- Pursuant to Section 15-15-95, Hawai'i Administrative Rules (HAR), certain “reasonable and unusual” uses may be permitted within the Agricultural District.
- The proposed amendment to SP 92-380 by 45.4 acres has been assessed and found to be in conformance with the following provisions of 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;*
  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; and*
  5. *The land upon which the proposed use is sought is unsuited for the uses permitted within the district.*

# SUP Conditions

- The existing SUP includes 17 conditions, which Applicant is in compliance with.
- Conditions include standard and project-specific conditions.
- Among the project-specific conditions are:
  - Submittal of a detailed drainage plan to the Department of Public Works and State Department of Transportation.
  - Submittal of a maintenance plan for the access road to the Quarry site to the State Department of Transportation.
  - Submittal of an Archaeological Inventory Survey (AIS) to the State Historic Preservation Division for the 2014 approved expansion area and receipt of approval of AIS from SHPD.
  - A copy of the 2020 compliance report is included in the staff report; the 2021 report was filed with the Planning Department and State Land Use Commission in December 2021; the 2022 report will be filed in December.

# County Special Use Permit Analysis

- Pursuant to Section 19.510.070, Maui County Code (MCC) - Special Use Permits, 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 Hawai'i Revised Statutes.
- The proposed amendment to CUP 2006/0002 by 45.4 acres has been assessed and found to be in conformance with the following provisions of Section 19.510.070, MCC:
  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.*

# CUP Conditions

- The CUP includes six (6) conditions, which the Applicant is in compliance with.
- The existing conditions include general conditions and project specific conditions.
- Among the project-specific conditions are:
  - The submittal of a compliance report prior to the submittal of a time extension request or amendment to the existing CUP. A compliance report was submitted to the Planning Department in November 2020, prior to the filing of the proposed CUP Amendment request.
  - The amendment of the term of the CUP to July 21, 2032.

# Agency Review

- The Application to Amend Permit Terms, Conditions, and Time Stipulations was made available to a number of State and County agencies for review and comment.
- Comments were received from the DPW.
- 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 and was submitted to the DPW. DPW noted via correspondence to Planning Department in January 2022 that the supplemental report was approved.
- No other agencies provided comment.
- Special effort was taken to solicit comments from the State Department of Agriculture and the State Office of Planning and Sustainable Development in October 2021, however, neither agency provided comment.

# Requests

The Applicant is respectfully requesting:

1. A favorable recommendation to the State LUC to amend the SUP to account for a proposed 45.4-acre expansion in quarry area
2. Maui Planning Commission's approval to amend the CUP to account for a proposed 45.4-acre expansion in quarry area

# Mahalo