

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of

HAWAIIAN CEMENT

For amendments to its State Land Use Commission Special Permit (SUP) and County Special Use Permit (CUP) to add 51.697 acres to its existing site, obtain a 15-year time extension for the SUP and a 14-year time extension for the CUP, and request amendments to the existing permit conditions; subject parcel is 51.7 acres of State Agricultural land at Maui Tax Map Key (2) 3-8-004:001 (por.), Kahului, Maui, Hawaii.

DOCKET NOs: SP92-380
CUP 2006/0002

HAWAIIAN CEMENT, Puunene Quarry

(PF)

MAUI PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION

MAY 27, 2014 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HI 96793

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DESCRIPTION OF THE PROJECT

On February 20, 2013, the Applicant (Hawaiian Cement) filed with the Planning Department (Department) requests (**See Exhibits 1 & 2**) for approval of four (4) amendments which will affect its existing two permits: State Land Use Special Permit, SP92-380 (**See Exhibits 3 & 3a**) and County Special Use Permit, CUP 2006/0002. **See Exhibit 4**

The requested amendments are:

1. To extend the boundaries of the existing 24.4 acre quarry site by adding 42 acres; and
2. To add a 9.697-acre portion to the existing quarry site;
3. To delete Condition No. 16 of the SUP related to submittal of an updated map to the Department of Planning to reflect the boundary of the previously permitted 105.957-acre quarry site; and
4. A 15-year time extension for SP92-380, which expires on July 13, 2017 and a 14-year time extension for CUP 2006/0002 which expires on July 21, 2018. The time extensions will provide consistency for the expiration dates (2032) of the SUP and CUP.

The Applicant has a long term lease with A&B (landowner) for 172.4 acres. This lease expires in 2032 with options for renewals. The current boundaries of SP92-380 encompass a portion of the leased area. Of the 172.4 acres, only 60 acres at present, are actually being quarried and only 15 acre sections at a given time are allowed to be actively quarried.

Upon reviewing current operations and anticipated improvements needed to quarry the 41.968-acre site located across Kolaloa Gulch, the Applicant is proposing an amendment to the boundary of the 24.476-acre site to extend the quarry area by approximately 42 acres. This is designated as the Proposed Quarry Site. **See Exhibit 5**

DESCRIPTION OF THE PROPERTY

1. The Property is approximately 172.4 acres and is identified by Maui Tax Map Key number: 3-8-004:001 (por.) .). Additionally, there are three adjacent Maui Tax Map Key parcels in the vicinity of the quarry, 3-8-004: 002 (por.), 3-8-008:001 (por.) and 031 (por.) where Hawaiian Cement had received previous approvals. **See Exhibit 5**

2. The proposed permit area is located approximately 1.2 miles east of the Mokulele Highway and Kamaaina Road intersection. A majority of the surrounding lands are currently utilized for sugar cane cultivation by HC&S. The State of Hawaii, Department of Land and Natural Resources (DLNR) also owns significant acreage in the surrounding areas. **See Exhibits 5, 5a and 5b**

3. Land Use Designations:
 - a. State Land Use District.....Ag
 - b. Maui Island Planundesignated
 - c. Wailuku-Kahului Community Plan.....Ag
 - d. County Zoning.....Ag
 - e. Othernone

4. Surrounding Uses:

North	Ag - sugar cane
East	Ag - " "
South.....	Ag - " "
West	Ag - " "

APPLICABLE REGULATIONS

State Special Permit (SUP)

Standards for reviewing a Land Use Commission Special Use 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.

Pursuant to Section 205-6 Special Permit, Hawaii Revised Statutes, 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.

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 an "unusual and reasonable use":

- (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)

Within the AG District, a special use may be granted per Title 19, Zoning, Chapter 19.30A Agricultural Districts, Section 19.30A.060 Special Uses; Maui County Code, 1980, as amended.

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 substituted by the SUP - and the Planning Commission would be the authoritative body on the SUP.

Since the subject area is greater than 15 acres (51.7 acres), a CUP *is* required in addition to an SUP. Jurisdiction for the SUP returns to the State Land Use Commission.

Pursuant to Section 19.510.070 Special Use Permits of the Maui County Code, a special use permit shall comply with the criteria established for a permit and the policies and objectives of the general plan and community plans of the county, the Hawaii revised statutes, and the revised charter of the county.

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 April 8, 2014, 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. A copy of the "Notice of Application" is on file in the Maui Planning Department.
2. On April 17, 2014, 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 Use Permit and County Special Use Permit.
3. On April 14, 2014, the Applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the application 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 April 22, 29, and May 6, 2014, 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 25, 2014, a notice of hearing on the applications was published in the Maui News and the Molokai Dispatch by the Maui Planning Department.
6. The subject application does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit
Department of Environmental Management, Wastewater Div.	No	7
Department of Environmental Management, Solid Waste Div.	No	7
Department of Public Works, DSA	No	8

State Agencies:	Comment	Exhibit
DLNR, Engineering Div.	Yes	9
DLNR, Commission On Water Resource Mg'mt.	Yes	10
Applicant's Response		10a

Department of Health, Maui Dist. Office	Yes	11
Applicant's Response		11a
State Land Use Commission via email	Yes	12
Applicant's Response		14
SHPD approval letter, dated: 8/8/2012		13
Other:		
Applicant's Responses, maps, & addtl info.		14

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It continues to provide additional opportunities for employment and stimulates direct economic growth countywide and indirect statewide.

The project site has been used for quarrying and mining related activities since 1992 (21 years) and is an established use within the area. The Applicant is requesting an amendment to State Land Use Commission Special Permit SP92-380 to add an additional 52 acres which would bring the total permitted area of Hawaiian Cement's Puunene Quarry operation to approximately 224 acres.

2. Pursuant to Section 15-15-95, Hawaii Administrative Rules (HAR), certain "reasonable and unusual" uses may be permitted within the Agricultural District. The proposed amendment to SP92-380 is assessed pursuant to Section 15-15-95 HAR as follows:

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

The purpose of the Land Use Law, Chapter 205, is to preserve, protect, and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii. The request to amend and extend the boundaries of SP92-380 by approximately 52 acres has been undertaken in coordination with HC&S. 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 and the demand for concrete based products. The use of the property for quarrying and related operations is considered important to the welfare interests of the island's residents and crucial to infrastructure for the islands businesses and government. The use of the 52-acre area for quarrying and related uses is not expected to affect sugar cane cultivation and yield outcomes. Hawaiian Cement is also required to comply with a condition of its land lease to restore completed quarry areas to agricultural uses.

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

The desired use is not anticipated to adversely affect surrounding properties which are currently being used as part of the quarry operations and largely cultivated lands owned by A&B Hawaii.

- (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;**

Hawaii Cement's quarrying and related operations are an existing and established use in the area. The proposed boundary expansion is directly adjacent to lands currently being quarried. The proposed amended boundaries of the quarry by approximately 52 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. The present quarrying operation has been in use for the past 21 years and there is no history of any adverse effects being placed upon police, fire protection, as well as the education system.

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

Since the establishment of the district boundaries, the County of Maui has experienced strong economic and population growth, requiring the identification and development of material resources to support the local construction industry and the demand for infrastructure aggregate based products. This need has been recognized through previous approvals related to SP92-380. The current request to increase the SUP boundaries by approximately 52 acres is in keeping with the quarry's overall objective of providing a reliable source of concrete and aggregate products.

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

The removal of the sugar cane lands for the quarry operations has continued to be coordinated with A&B Hawaii (landowner) by Hawaiian Cement (lessee). As such, mining activities is considered a cooperative effort between A&B Hawaii and the Applicant. Soil productivity ratings for the expansion area are classified as "A", "B", and "E" – varying from high productivity to the least productive. The Applicant is required by the terms of its lease agreement to restore quarried areas for agricultural use after completion of quarry activities. Thus, agricultural operations may continue after the quarry use is completed.

The Applicant's proposed action is consistent the above listed criteria. It currently has an approved State land Use Commission Special Permit (SP92-380) **See Exhibit 3.**

As a reference point for recent action taken on a similar matter, it should be said that on June 26, 2012, the MPC approved a 15-year time extension for Ameron's State Land Use Commission Permit (SUP2 2005/0001) and recommended to Council, a 15-year time extension for their Conditional Permit (CP 2005/0001). The Condition No. 1 of Ameron's SUP2 Permit states:

"That the State Land Use Commission SUP shall be valid until November 7, 2027, or the expiration date of the CP, whichever occurs later..."

On January 30, 2013, the County Council Land Use Committee approved a 20-year time extension on Ameron's Conditional Permit, effectively granting a 20 year time extension on the SUP2 permit accordingly.

3. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 **Countywide Policy Plan**, adopted by the Maui County Council on March 24, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The plan includes:

1. *A vision statement and core values for the County to the year 2030*
2. *An explanation of the plan-making process*
3. *A description and background information regarding Maui County today*
4. *Identification of guiding principles*
5. *A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:*
 - A. *Protect the Natural Environment*
 - B. *Preserve Local Cultures and Traditions*
 - C. *Improve Education*
 - D. *Strengthen Social and Healthcare Services*
 - E. *Expand Housing Opportunities for Residents*
 - F. *Strengthen the Local Economy*
 - G. *Improve Parks and Public Facilities*
 - H. *Diversify Transportation Options*
 - I. *Improve Physical Infrastructure*
 - J. *Promote Sustainable Land Use and Growth Management*

K. Strive for Good Governance

The proposed project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: *Strengthen the Local Economy*

GOAL: *Maui County's economy will be diverse, sustainable, and supportive of community values.*

Objective: *Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.*

Policies:

- a. *Support economic decisions that create long-term benefits.*
- d. *Support and promote locally produced projects and locally owned operations and businesses that benefit local communities and meet local demand.*
- f. *Encourage the businesses that promote the health and well-being of the residents, produce value-added products, and support community values.*

4. The **Maui Island Plan** (MIP) was adopted by the County Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The plan looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the plan also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The plan is intended by the County Council, Planning Department, and Maui Planning Commission as a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The subject parcel is in the State Ag District and also designated Ag by Title 19, MCC. It is part of the undesignated lands – primarily agricultural lands - in the MIP. It is however designated an Important Agricultural Lands (IAL) by the State. IAL designated lands are not included in the Urban Growth Boundary (UGB) with the intent to restrict all development. The Applicants request is in conformance with the following MIP goal and objective:

ECONOMIC DEVELOPMENT

Goal:

4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objectives:

4.1.2.b Encourage and support local businesses.

The Applicants proposed action meets the above criteria as it will continue to create economic growth throughout the county and state. The quarrying operation provides a critical component not only to commercial and government enterprises, but also to the private homeowner as well.

5. According to the **Wailuku-Kahului Community Plan (2002)**, the property is identified as Agricultural and its present use – quarrying operations - is consistent with the land use map of the Community Plan. The proposed action is in keeping with the following community plan recommendation:

LAND USE

Goal: An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

The Applicant's quarrying operation is located far and away from residential development. It provides a critical component to all residential development: concrete. The construction industry is heavily dependant on concrete products without which all development, including residential, would come to a virtual standstill. Concrete aggregate based product from quarrying operations is the "glue" that holds and creates long and short term jobs and sustains the economic engine of any modern municipality.

Objective & Policies

1. *Ensure that adequate lands are available to support the region's present and future agricultural activities.*
2. *Identify prime or productive agricultural land, and develop appropriate regulation for their production.*

The Applicant works in close conjunction with the landowner to assure that any proposed action is reviewed accordingly to prevent any possibility of the landowner's agricultural activities are not impacted. Only 15 acres at any given time are allowed to be actively quarried and areas being quarried have the lowest soil productivity rating: "E"

6. **Title 19 of the Maui County Code (MCC)** has established the underlying zoning for the subject property as "Agricultural". Pursuant to Chapter 19.30A.060 - Special Uses in the Ag District, item "K."- "*mining and resource extraction*" is listed as a special use in the Agricultural District. The Applicant has a current Ag District special use permit that was approved in 2006 (CUP 2006/0002). The land area is greater than 15 acres and therefore, a CUP and SUP is required.
7. The subject property is not located within the **Special Management Area (SMA)**.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

Hawaiian Cement's Puunene Quarry operates its facilities on lands that 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. Condition No. 14 of SP92-380 in the Second Amendment to the SUP states:

That prior to commencement of quarry operations into the Expansion Areas (24.476 acres and 41.968 acres), the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.

An Archaeological Inventory Survey was prepared by Archaeological Services Hawaii, LLC in January, 2011 for the 24.476 acre portion of the second amendment area permitted by SP92-380 and submitted to the State Historic Preservation Division (SHPD) on January 24, 2011 by the Applicant.

On August 8, 2012 SHPD approved the Archaeological Inventory Survey and concurred with the recommendation that no further archaeological work was needed based on the negative findings of the survey. **See Exhibit 13.**

No quarry operations has commenced on the 41.968 acre portion of the second amendment permitted by SP92-380.

The Applicant is also willing to provide an archaeological inventory survey for the proposed 42-acre expansion area to SHPD prior to commencement of quarry activities in the area. The Applicant will comply with any SHPD comments on said report.

INFRASTRUCTURE, PUBLIC FACILITIES & SERVICES

- 1. Water:** Domestic water from the Wailuku-Kahului region is provided by the Department of Water Supply's Central Maui Water System. The Central Maui System water sources are located on the windward slope of the West Maui Mountains. The major source of water for this system is the Iao Aquifer. Approximately 75 percent of the water to supply the Central Maui System is withdrawn from the Iao Aquifer which is located in the vicinity of the Iao Stream and Waiehu Stream. The remaining 25 percent is withdrawn from Waihee Aquifer to the northwest. The regulatory sustainable yield of the Iao Aquifer is 20 million gallons per day (MGD) while there is no regulatory sustainable yield on the Waihee Aquifer.

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

- 2. Wastewater & Sewers:** There is no existing County wastewater service to the existing quarry site or the proposed expansion area. Wastewater service for the existing operation is provided via port-a-potty units provided at the existing quarry site. Applicant contracts the

port-a-potty service through a private vendor. The Department of Environmental Management had no comments.

3. **Drainage:** In October 2012, R. T. Tanaka Engineering, Inc. prepared a Preliminary Drainage and Soil Erosion Control Study for the proposed expansion which is located north of Kolaloa Gulch, an existing drainageway. The total drainage area including the Hapapa Gulch watershed is about 6.03 square miles. The Hapapa Gulch watershed encompasses an area mauka of the proposed expansion area. Land use is varied throughout the drainage area. The upper portion of the Hapapa Gulch watershed is characterized by poor range land and pasture land. The central portion is characterized by diversified agriculture and pasture lands. The lower portion of the watershed is characterized by pasture lands and cane fields in the vicinity of the quarry areas.

The proposed expansion area is generally under sugar cane cultivation and has an average slope of about three (3) percent. The ground elevation ranges from approximately 280 to 300 feet above mean sea level.

Existing runoff from the southern half of the proposed expansion area flows towards Kolaloa Gulch where it is blocked from directly entering the gulch by a dirt berm situated along the top bank of the gulch. The runoff flows along a dirt road to the paved cane haul road where it enters the gulch. Runoff from the northern half of the project area is currently directed to the northwest, where it ponds in low lying areas adjacent to the paved cane haul road. Runoff from sugar cane fields above the project area are also directed to Kolaloa Gulch by existing diversionary ditches. Based on the existing condition, runoff from these areas are not anticipated to affect the proposed project area.

4. **Roadways, Curbs, Gutters and Sidewalks:** The Puunene region is serviced by the State of Hawaii's Mokulele Highway, as well as the privately owned Mehameha Loop and Kamaaina Road.

Mokulele Highway in the vicinity of the project area is a four-lane divided highway with a north-south orientation. A traffic signal is provided at the intersection of Mehameha Loop and Kamaaina Road. The speed limit on the Highway in the vicinity of the Mehameha Loop/Kamaaina Road intersection is 45 mph.

Mehameha Loop is a privately owned road, owned by A&B Hawaii, Inc. The two-lane roadway provides limited access to the Maui Humane Society to the west of the road's intersection with Mokulele Highway.

Access to the Hawaiian Cement Puunene quarry is provided by Kamaaina Road. The road terminates at the quarry to the east and is a privately owned road. Access to the project site will continue to be provided via its existing access off of Kamaaina Road via Mokulele Highway. As Hawaiian Cement will use its existing fleet of trucks without intensity of use, no adverse impacts to traffic conditions or roadways are anticipated as a result of the proposed expansion area. Dept. of Public Works had no comment.

SOCIO-ECONOMIC IMPACTS

According to the 2010 Maui County Data Book and the US Bureau of the Census, the 2009 population for Maui County was 145,240, representing an increase of approximately 13-percent from 2000, when 128,094 residents resided in Maui County. According to County of Maui data, approximately 37,757 residents were living in the Kahului-Wailuku divisions in 2009 (Maui County Data Book, 2010). In comparison to the vast urbanization of Central Maui, and given the size and scope of the proposed development, the proposed expansion of quarry operations will not impact existing population levels. However, quarry facilities and operations are a critical component of Maui's infrastructure and overall economic growth and health.

The Central Maui region of Wailuku–Kahului represents Maui's hub for commerce, is home to federal, state and county governmental offices, industrial uses, commercial activities, goods and services as well as the port of Kahului and Kahului Airport. The Central Maui region supports Maui's economy, which is primarily made up of tourism and agriculture. In addition, the economy is also supported by the following sectors: construction, retail, transportation, communication and utilities, education and government (Maui County Data Book, 2010). Without the product derived from quarrying operations, Maui's economy would come to a virtual standstill.

ENVIRONMENTAL IMPACTS

The proposed mining operations in the project area is anticipated to increase storm runoff particularly during active excavation when the ground is bare. This runoff increase will be retained onsite by retention ponds that the Applicant will construct at the downstream end of the quarry area.

To comply with the County Drainage Standards, the ponds will be designed to contain at least the 50-year, 1-hour runoff volume increase. The retention ponds will keep the runoff flow at pre-quarrying levels and reduce or prevent the potential sediment from stormwater runoff from entering Kolaloa Gulch and adversely impacting downstream properties.

Quarrying is expected to be done incrementally, in keeping with Chapter 20.08, "Soil Erosion and Sedimentation Control" of the Maui County Code, up to a maximum area of 15 acres at a time. When quarrying is completed on each increment, the exposed areas will be backfilled with soil and returned to the landowner. The Applicant will implement the County Best Management Practices during construction to control soil erosion and sedimentation, including measures during quarry operations such as:

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

- Stabilizing areas where mining is completed or use top soil and replant with sugar cane or other suitable ground cover.

The proposed project is not anticipated to have adverse drainage effects on Kolaloa Gulch and downstream properties. The retention basins at the lower reaches of each incremental grading area will keep or lower pre-quarrying runoff levels. The retention basin(s) will also reduce the potential for sediment contained in the runoff from entering nearby properties and Kolaloa Gulch.

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

OTHER GOVERNMENTAL APPROVALS

An amendment approval from the State Land Use Commission for SP92-380 is required.

TESTIMONY

As of May 14, 2014, Department has not received any communication regarding this matter.

ALTERNATIVES FOR THE STATE LAND USE COMMISSION PERMIT P92-380

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 With No Conditions.** The Commission may take action to recommend approval of the permit amendments without imposing any conditions.
3. **Approve With Conditions.** The Commission may take action to recommend approval of the permit amendments with conditions.
4. **Denial.** The Commission may take action to recommend denial of the permit amendments.

ALTERNATIVES FOR THE COUNTY SPECIAL USE PERMIT CUP 2006/0002

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 With No Conditions.** The Commission may take action to approve the permit amendments without imposing any conditions.
3. **Approve With Conditions.** The Commission may take action to approve the permit amendments with conditions.
4. **Denial.** The Commission may take action to deny the permit amendments.

APPROVED:

A handwritten signature in black ink, appearing to read 'William Spence', written over a horizontal line.

WILLIAM SPENCE
Planning Director