

COUNTY OF MAUI
 DEPARTMENT OF PLANNING
 250 SOUTH HIGH STREET
 WAILUKU, MAUI, HAWAII 96793
 TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

APPLICATION TYPE: **LAND USE COMMISSION SPECIAL USE PERMIT AMENDMENT**

DATE: February 20, 2013

PROJECT NAME: Hawaiian Cement Puunene Quarry

PROPOSED DEVELOPMENT: Hawaiian Cement seeks to amend its boundaries of its existing quarry covered by a State Land Use Commission Special Use Permit (SP92-380) by approximately 42 acres for quarry use.

TAX MAP KEY NO.: (2)3-8-004: 001(por.) CPR/HPR NO.: --- 2,008.69 acres (Project area: LOT SIZE: Approx. 42 acres)
Approximately 1 mile east of Mokulele Highway and Kamaaina

PROPERTY ADDRESS: Road intersection.

OWNER: Alexander & Baldwin, LLC PHONE: (B) 877-5523 (H) ---

ADDRESS: 11 Puunene Avenue

CITY: Kahului STATE: Hawaii ZIP CODE: 96732

OWNER SIGNATURE: See Letter of Authorization, Section 2

APPLICANT: Hawaiian Cement

ADDRESS: P.O. Box 488

CITY: Kahului STATE: Hawaii ZIP CODE: 96732

PHONE (B): 871-7004 (H): --- FAX: 877-7414

APPLICANT SIGNATURE: See Letter of Authorization, Section 2

AGENT NAME: Cheryl K. Okuma, Munekiyo & Hiraga, Inc.

ADDRESS: 305 High Street, Suite 104

CITY: Wailuku STATE: Hawaii ZIP CODE: 96793

PHONE (B): 244-2015 (H): --- FAX: 244-8729

EXISTING USE OF PROPERTY: Sugar cane cultivation

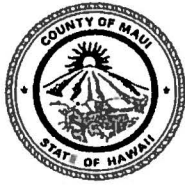
CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Agricultural

COMMUNITY PLAN DESIGNATION: Agriculture ZONING DESIGNATION: Agricultural

OTHER SPECIAL DESIGNATIONS: None

Rev. 1/6/04

EXHIBIT 1



COUNTY OF MAUI
 DEPARTMENT OF PLANNING
 250 SOUTH HIGH STREET
 WAILUKU, MAUI, HAWAII 96793
 TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

APPLICATION TYPE: AMENDMENT TO PERMIT TERMS, CONDITIONS, AND TIME STIPULATION

DATE: February 20, 2013 VALUATION: \$2,980,000.00

PROJECT NAME: Hawaiian Cement Puunene Quarry

PROPOSED DEVELOPMENT: Hawaiian Cement seeks to amend its boundaries of its existing quarry covered by County Special Use Permit (CUP 2006/002) by approximately 42 acres for quarry use.

TAX MAP KEY NO.: (2)3-8-004: 001(por.) CPR/HPR NO.: ----- 2,008.69 acres (Project area: LOT SIZE: Kahului

PROPERTY ADDRESS: Approximately 1 mile east of Mokulele Highway and Kamaaina Road intersection.

OWNER: Alexander & Baldwin, LLC PHONE:(B) 877-5523 (H) ----

ADDRESS: 11 Puunene Avenue

CITY: Kahului STATE: Hawaii ZIP CODE: 96732

OWNER SIGNATURE: See Letter of Authorization, Section 2

APPLICANT: Hawaiian Cement

ADDRESS: P.O. Box 488

CITY: Kahului STATE: Hawaii ZIP CODE: 96732

PHONE (B): 871-7004 (H): ----- FAX: 877-7414

APPLICANT SIGNATURE: See Letter of Authorization, Section 2

AGENT NAME: Cheryl K. Okuma, Munekiyo & Hiraga, Inc.

ADDRESS: 305 High Street, Suite 104

CITY: Wailuku STATE: Hawaii ZIP CODE: 96793

PHONE (B): 244-2015 (H): ----- FAX: 244-8729

EXISTING USE OF PROPERTY: Sugar cane cultivation

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Agricultural

COMMUNITY PLAN DESIGNATION: Agriculture ZONING DESIGNATION: Agricultural

OTHER SPECIAL DESIGNATIONS: None

1102/2011

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 A TIME
For A Special Permit To Allow A Rock	)	EXTENSION TO A
Quarrying/Crushing Operation And Related	)	SPECIAL USE PERMIT
Uses On Approximately 105.957 Acres Of)	
Land Situated Within The State Land Use)	
Agricultural District At Pulehunui, Wailuku,)	
Maui, Tax Map Key: 3-8-08: Portion Of 1 And)	
Portion Of 31)	

'05 JUL 18 P1:35
 DEPT OF PLANNING
 COUNTY OF MAUI
 HONOLULU

DECISION AND ORDER APPROVING A TIME
EXTENSION TO A SPECIAL USE PERMIT

SUP Expires 7/13/2017
 Original (1) conditions
 See pg. 9

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.
 JUL 15 2005 by *Anthony [Signature]*
 Date Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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

DECISION AND ORDER APPROVING A TIME
EXTENSION TO A SPECIAL USE PERMIT

On February 13, 2002, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket 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 a 15-year time extension to the life of the special use permit to allow for the continued operation of the Applicant's rock quarry and concrete aggregate operations ("Request").¹

¹ By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("Commission") approved the special use permit to establish the rock quarry on approximately 45.957 acres of land. The special use permit was valid for a period of 10 years to July 13, 2002. By Findings Of Fact, Conclusions Of Law, And Decision And Order ("Decision and Order") issued on November 25, 1996,

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

On July 8, 2003, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request. A member of the public provided testimony on the Request. After due deliberation, the Planning Commission recommended approval of the Applicant's Request to this Commission, subject to the following amendments to Condition Numbers 1, 2, 3, 4, 6, 7, 8, 9, and 12 of the Decision and Order issued on November 25, 1996:

1. That the State Land Use Commission Special Use Permit shall be valid until for a period of fifteen (15) years from the date of its granting, 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.
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;

the Commission approved an additional 60 acres of land to the quarry for a total special use permit area of 105.957 acres. The 60 acres of land were previously the subject of another special use permit approved in LUC Docket No. SP90-376/Hawaiian Cement.

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 thirty (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.

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.

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.

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.
7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
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.
12. That the applicant shall submit to the Maui Planning Department copies of a detailed report addressing its compliance with the conditions established with the subject State Land Use Commission Special Use Permit. The compliance report shall be reviewed and approved by the Maui Planning Department prior to a time extension request or an amendment to the existing Land Use Commission Special Use Permit.

The Planning Commission also recommended that Condition Number 5 be retained and that Condition Numbers 10 and 11 be deleted.

On January 29, 2004, the Commission received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's

Request. On April 6, 2005, the Commission received the remaining portion of the record.

On May 5, 2005, the Commission met in Makena, Maui, to consider the Applicant's Request. Bill Horneman appeared on behalf of the Applicant. Jane E. Lovell, Esq., and Robyn Loudermilk appeared on behalf of the DP. John W. K. Chang, Esq.; Abe Mitsuda; and Mary Alice Evans also were present on behalf of the State Office of Planning ("OP").

At the meeting, Commissioner Ransom Piltz disclosed that he served on the Planning Commission when the Applicant's Request was considered. There were no objections to Commissioner Piltz's participation in this proceeding. Following a presentation by the Commission's staff on the Applicant's Request, the Commission raised questions regarding the Applicant's compliance with the conditions of approval. The OP and the DP affirmed that the Applicant complied with Condition Numbers 6, 7, 8, 9, 10, and 11. Upon further questioning by the Commission, the DP and the Applicant stated that they had no objections to retaining the requirement that the Applicant file an annual report with the Planning Director and the Commission. The DP also clarified that the Planning Commission's recommendation to approve the Applicant's Request for a 15-year time extension was based on the understanding that it would commence from the July 13, 2002, expiration date of the special use permit.

Following further discussion, the Commission noted that the Applicant should continue to comply with all required permits for its operations and the restoration of the site.

Thereafter, a motion was made and seconded to approve the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, 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.

2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i 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 thirty (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.

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.
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 Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i 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.
5. That full compliance with all applicable governmental requirements shall be rendered.
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.

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

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

ORDER

Having duly considered the complete record of the Applicant's Request and the oral arguments presented by the parties present in the proceeding, and a

motion having been made at a meeting on May 5, 2005, in Makena, Maui, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission hereby APPROVES the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, 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.

2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i 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 thirty (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.

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.
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 Hawai`i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai`i 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.
5. That full compliance with all applicable governmental requirements shall be rendered.
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.

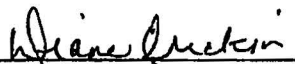
7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
9. That a regular maintenance program for the access 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.
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.
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.

ADOPTION OF ORDER

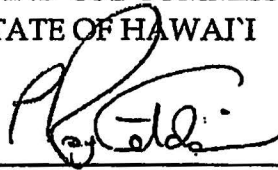
The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 15th day of July, 2005. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

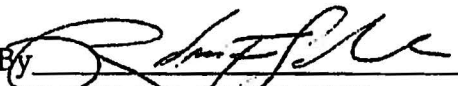
Done at Honolulu, Hawai'i, this 15th day of July, 2005, per motion on May 5, 2005.

APPROVED AS TO FORM


Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 
P. ROY CATALANI
Chairperson and Commissioner

By 
RANDALL SAKUMOTO
Vice-Chairperson and Commissioner

By (absent)
STEVEN LEE MONTGOMERY
Vice Chair and Commissioner

By Isaac Fiesta
ISAAC FIESTA, JR.
Commissioner

By Michael Formby
MICHAEL FORMBY
Commissioner

By (absent)
KYONG-SU IM
Commissioner

By Lisa M. Judge
LISA M. JUDGE
Commissioner

By Ransom A.K. Piltz
RANSOM A.K. PILTZ
Commissioner

Filed and effective on
JUL 15 2005

By (absent)
PETER YUKIMURA
Commissioner

Certified by:

Anthony Ching
ANTHONY CHING

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, Tax Map Key: 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 A Time Extension To A Special Use Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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

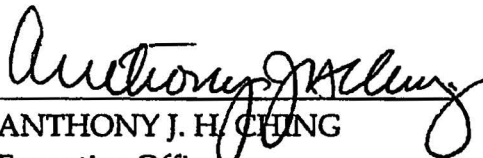
JOHN CHANG, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

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

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

CERT. WILDER W. HORNEMAN
Vice President Concrete & Aggregate Operations
Hawaiian Cement
P. O. Box 488
Kahului, Hawaii 96732

Dated: Honolulu, Hawaii, JUL 15 2005


ANTHONY J. H. CHING
Executive Officer

BEFORE THE LAND USE COMMISSION

06 DEC 19 P2:26

OF THE STATE OF HAWAII

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

06/1763

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)	

*1st Amendment
adding (5) conditions
see pg. 7*

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

Executive Officer

Anthony J. ...

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

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

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

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

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

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

All other conditions to the Decision And Order Approving A Time

Extension dated July 15, 2005, are hereby reaffirmed and shall continue in effect.

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

December, 2006.

APPROVED AS TO FORM:

Dean Inoué
Deputy Attorney General

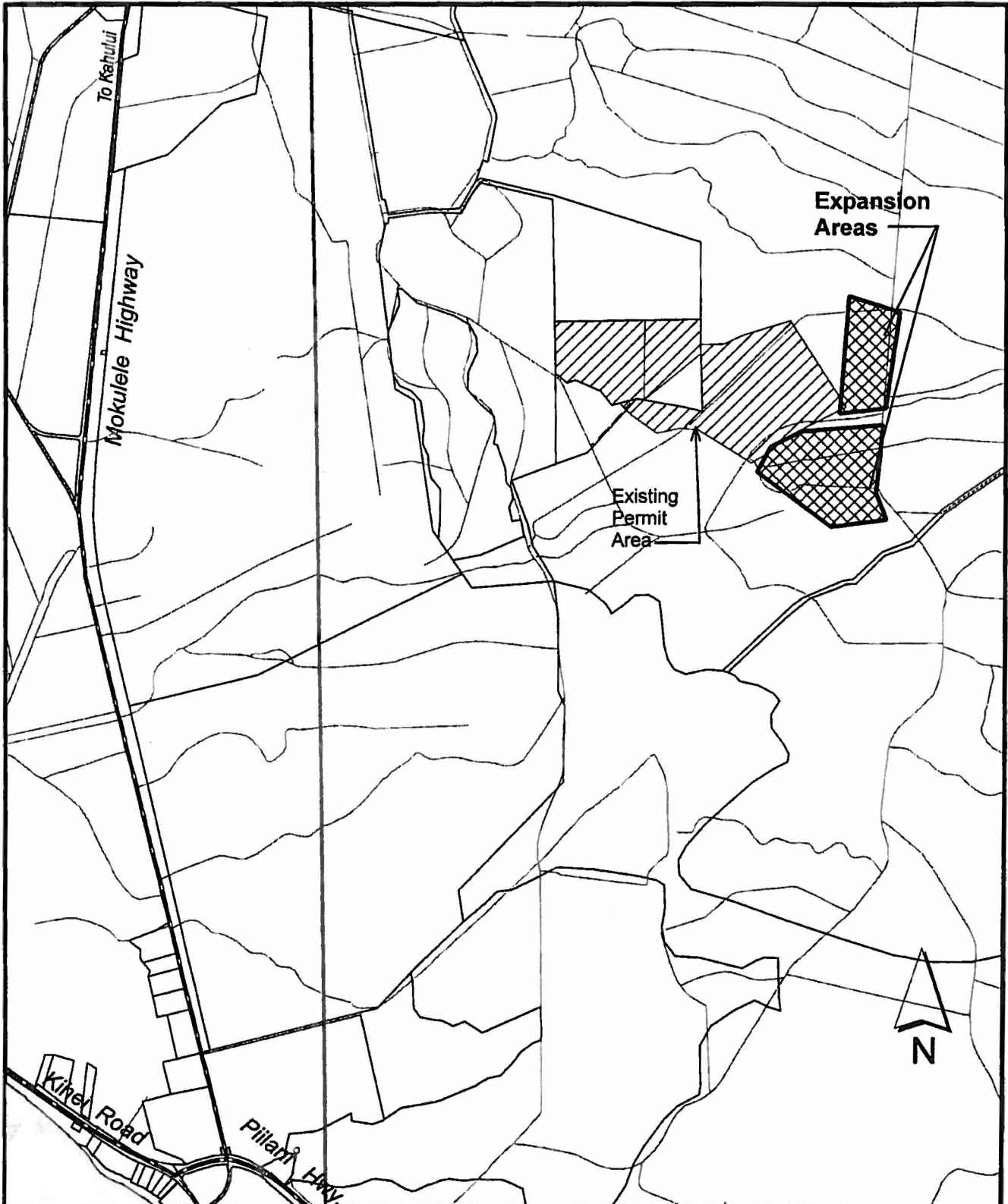
LAND USE COMMISSION
STATE OF HAWAII

By *Lisa Judge*
LISA JUDGE
Chairperson and Commissioner

Filed and effective on
DEC 18 2006

Certified by:

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



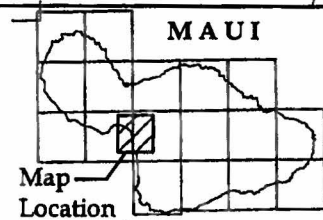
**SP92-380 HAWAIIAN CEMENT
LOCATION MAP**

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

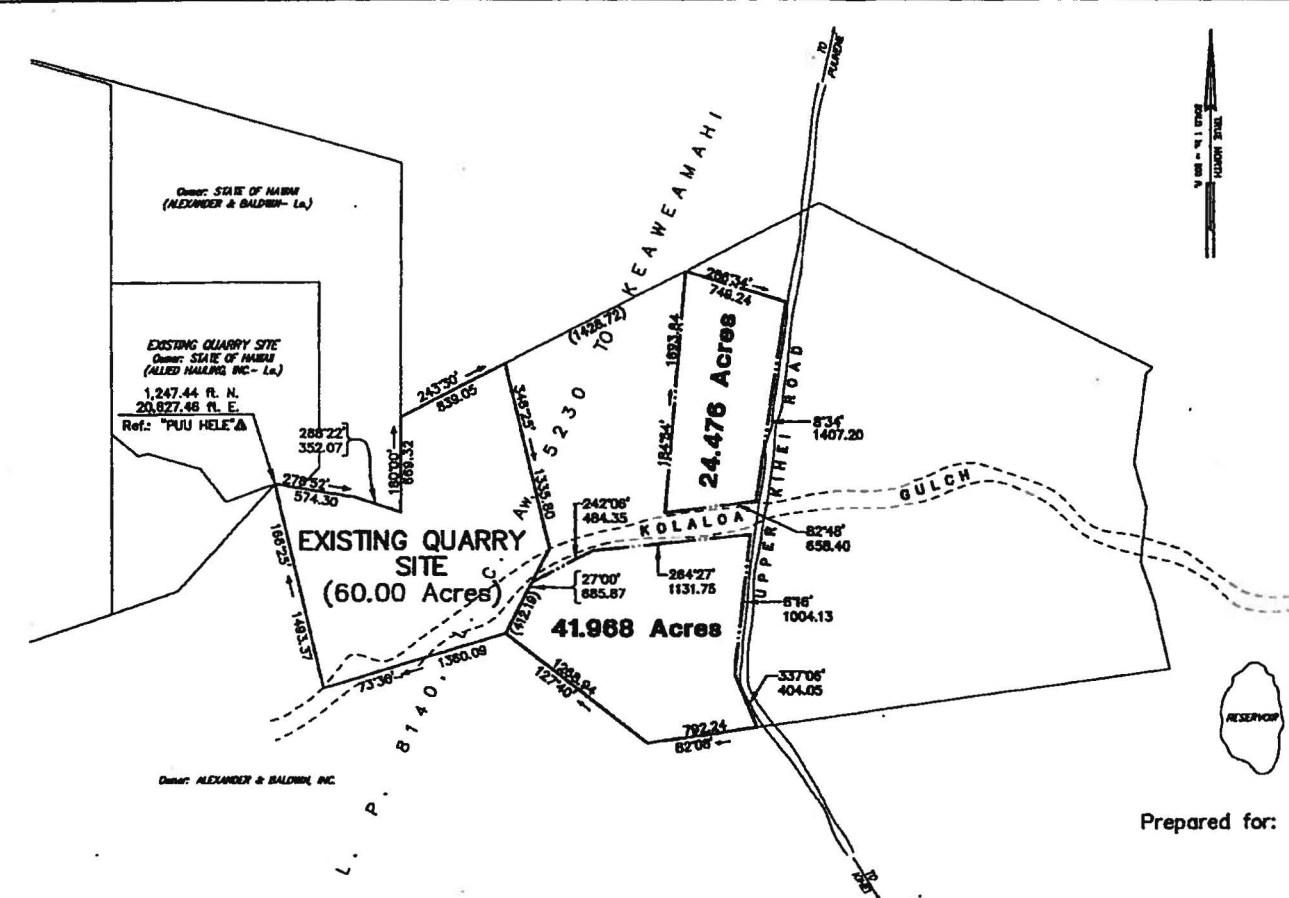
Pulehunui, Wailuku, Maui, Hawai'i

Scale 1" = 2,000 feet

Exhibit "A"



P:\2005\05-065\PROP-QUARRY-MINING-SITE-JULY2005.dwg



Prepared for: HAWAIIAN CEMENT
220 SOUTH KING STREET
HONOLULU, HAWAII 96813

PROPOSED QUARRY MINING SITE AT PULEHUNUI, WAILUKU (KULA), MAUI, HAWAII



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

R. T. TANAKA ENGINEERS, INC.

JULY 07, 2005
JOB NO. 03-065

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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

CERTIFICATE OF SERVICE

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

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

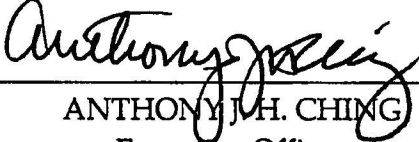
BRYAN YEE, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

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, Hawai`i, DEC 18 2006.



ANTHONY J. H. CHING
Executive Officer

ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
Don Couch
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 27, 2006

Mr. Wilder W. Hornerman
Vice President
Hawaiian Cement
P. O. Box 488
Kahului, Hawaii 96733

CUP Expires
July 21, 2018

Dear Mr. Hornerman:

RE: Amendment to State Land Use Commission Special Use Permit and a County Special Use Permit to Move the Location of the Pu'unene Rock Quarry at TMK (2) 3-8-004: 001 por., Pulehunui, Wailuku, Island of Maui, Hawaii (SUP 92-380), (SUP1 91-0013), (CUP 2006/0002)

At its regular meeting on June 27, 2006, the Maui Planning Commission reviewed the above requests and voted to recommend approval for the amendment to the State Land Use Commission Special Use Permit (SUP 92-380) (SUP1 91-0013) subject to the following conditions:

STATE SPECIAL USE PERMIT AMENDMENT CONDITIONS:

In addition to compliance with conditions 1 through 11 from the July 15, 2005 Order approving the timeline extension, compliance with the following additional conditions for the proposed quarry sites of 24.47 acres and 41.96 acres:

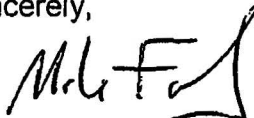
- 12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas;
- 13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway;
- 14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit;

Mr. Wilder W. Hornerman
June 27, 2006
Page 3

4. That full compliance with all applicable governmental requirements shall be rendered; and
5. That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Jeff Hunt, AICP, Staff Planner, of this office at 270-6271.

Sincerely,



MICHAEL W. FOLEY
Planning Director

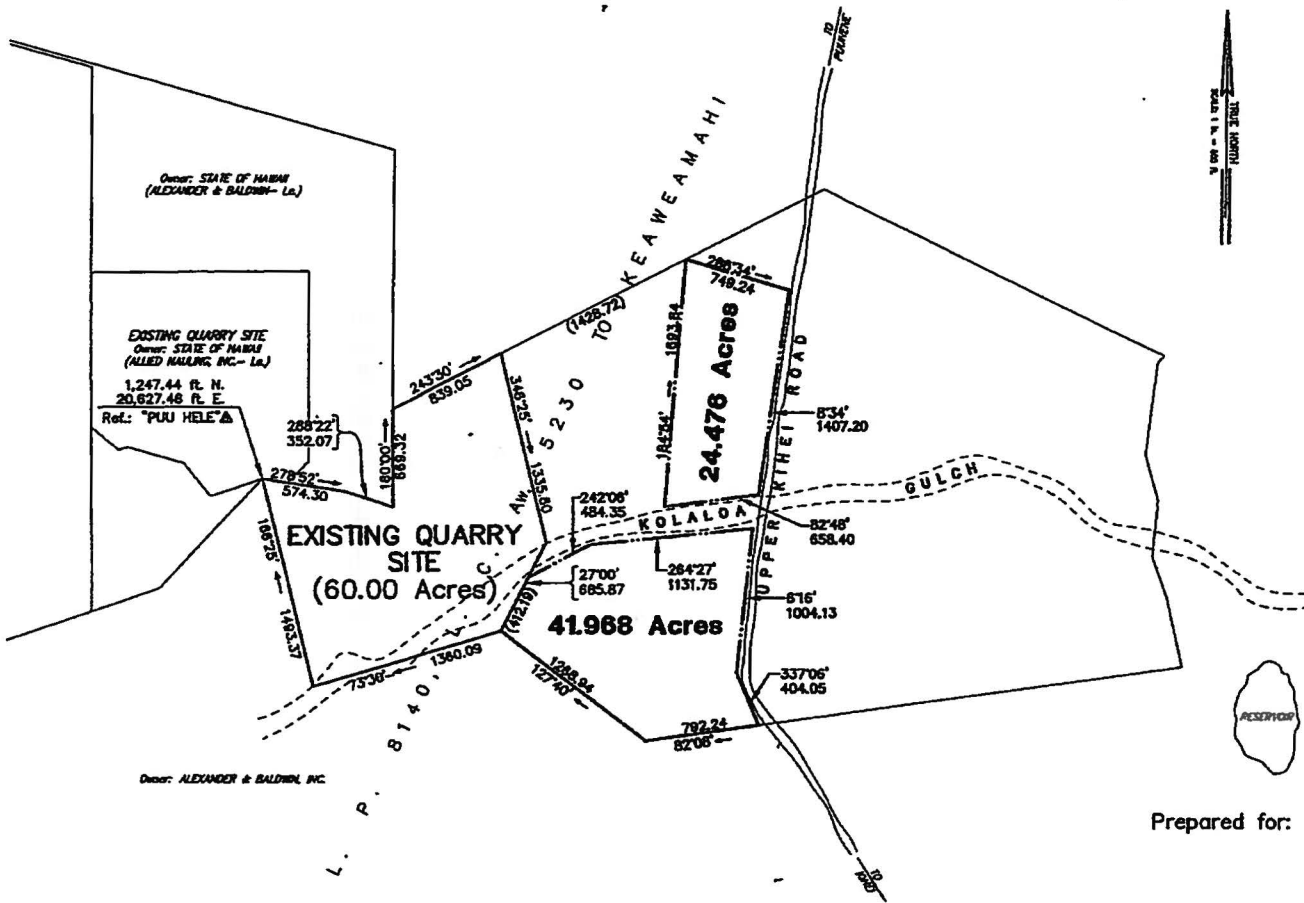
Enclosure

MWF:JH:sec

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, Planning Program Administrator (2)
Development Services Administration (2)
Anthony Ching, Executive Officer, State Land Use Commission
Herbert S. Matsubayashi, State Department of Health, Maui District
Rodney K. Haraga, State Department of Transportation
Melanie Chinen, State Historic Preservation Division
Jeff Hunt, AICP, Staff Planner
Bob Tanaka, Tanaka Engineers, Inc.
Project File
General File
K:\WP_DOCS\PLANNING\SUP1\1991\0013_HawaiianCementQuarry_b\QuarryExpansion2005\MPC_approval.wpd

P--QUARRY--MINING--SITE--JULY2005.dwg

0:\2005\05-061



Prepared for: HAWAIIAN CEMENT
 220 SOUTH KING STREET
 HONOLULU, HAWAII 96813

PROPOSED QUARRY MINING SITE
AT PULEHUNUI, WAILUKU (KULA), MAUI, HAWAII



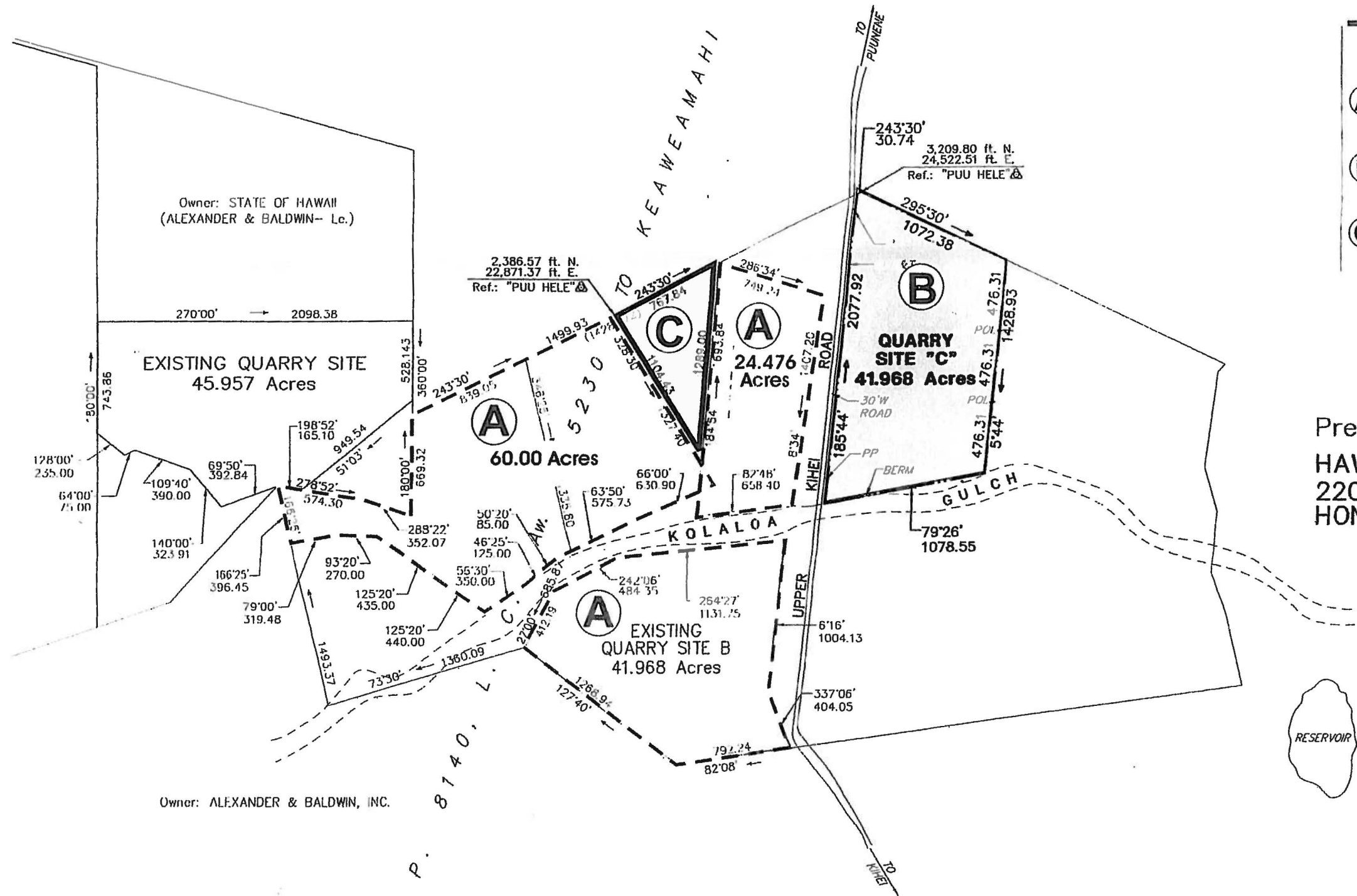
Tax Map Key (2) 3-8-04: 01 (Portion)

871 KOLU STREET, SUITE 201
 WAILUKU MAUI HAWAII 96793

R. T. TANAKA ENGINEERS, INC.

JULY 07, 2005
 JOB NO. 05-065

TRUE NORTH
SCALE: 1 in. = 800 ft.

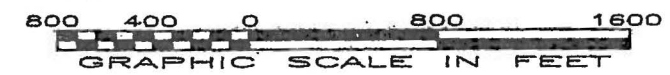


KEY

- (A)** Area included in SUP and CUP approvals for Quarry
- (B)** Proposed 41.9-acre expansion location for quarry
- (C)** 9.7-acre site that was previously quarried

Prepared for:
HAWAIIAN CEMENT
 220 SOUTH KING STREET
 HONOLULU, HAWAII 96813

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



REVISED: DECEMBER 13, 2013
 REVISED: OCTOBER 15, 2012
 REVISED: JUNE 14, 2012
 DECEMBER 10, 2007

Tax Map Key (2) 3-8-04: 01 (Portion)

371 KOLU STREET, SUITE 201
 WAILUKU, MAUI, HAWAII 96793

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

HawnCem/PuuneneQuarry/miningsites JOB NO. 05-065



EXHIBIT 5a



19.30A.060 - Special uses.

The following uses and structures shall be permitted in the agricultural district if a special use permit, pursuant to [section 19.510.070](#) of this title, has been obtained; except that if a use described in this section also requires a special permit pursuant to chapter 205, Hawaii Revised Statutes, and if the land area of the subject parcel is fifteen acres or less, the state special permit shall fulfill the requirements of this section:

- A. Additional farm dwellings beyond those permitted by subsection 19.30A.050.B.1;
- B. Farm labor dwellings that do not meet the criteria of subsection 19.30A.050.B.2;
- C. Agricultural products stands that do not meet the standards of subsection 19.30A.050.B.3;
- D. Farmer's markets that do not meet the standards of subsection 19.30A.050.B.4;
- E. Public and quasi-public institutions that are necessary for agricultural practices;
- F. Major utility facilities as defined in [section 19.04.040](#) of this title;
- G. Telecommunications and broadcasting antenna;
- H. Open land recreation uses, structures or facilities which do not meet the criteria of subsection 19.30A.050.B.11, including commercial camping, gun or firing ranges, archery ranges, skeet shooting, paint ball, bungee jumping, skateboarding, roller blading, playing fields, accessory buildings and structures. Certain open land recreation uses or structures may also be required to obtain a special permit pursuant to chapter 205, Hawaii Revised Statutes. The following uses or structures shall be prohibited: airports, heliports, drive-in theaters, country clubs, drag strips, motor sports facilities, golf courses and golf driving ranges;
- I. Cemeteries, crematories, and mausoleums;
- J. Churches and religious institutions;
- K. Mining and resource extraction;
- L. Landfills;
- M. Solar energy facilities that are greater than fifteen acres; and
- N. Short-term rental homes, subject to the provisions of [chapter 19.65](#) of this title; provided that, the applicant need not obtain a County special use permit pursuant to [section 19.510.070](#) of this title; and provided further that, if the property containing the short-term rental home is located in the State agricultural district, the applicant shall obtain a State special use permit, pursuant to section 205-6, Hawaii Revised Statutes, in addition to the short-term rental home permit required by [chapter 19.65](#) of this title.

(Ord. No. 3941, § 10, 2012; Ord. No. 3824, § 3, 2011; Ord. 2749 § 3 (part), 1998)

EXHIBIT 6

7

AGENCY TRANSMITTAL RESPONSE e-FORM

FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI

May 8, 2013

DEPT. OF PLANNING
COUNTY OF MAUI

AGENCY NAME	Department of Environmental Mgmt.	PHONE 270-8230
PROJECT:	Hawaiian Cement Puunene Quarry	
APPLICANT:	Hawaiian Cement	
PERMIT NO:	(SP 92-380) (CUP 2006/0002)	13 JUN -7 P5:18
TMK:	2-3-8-004-001 (POR.)	
STREET ADDRESS:	Approximately one (1) mile east of Mokulele Highway	
PROJECT DESCRIPTION:	Expand quarry site by 42 additional acres and twenty (20) year time extension	
	<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS	
WASTEWATER RECLAMATION DIVISION COMMENTS		
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS		
SOLID WASTE DIVISION COMMENTS		
Signed:		
Print Name:	Michael M. Miyamoto, Deputy Director	Date

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

13/27/17



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793


DEPT. OF PLANNING
COUNTY OF MAUI

May 23, 2013

MAY 23 2013

RECEIVED

MEMO TO: WILL SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS 

SUBJECT: AMENDMENT TO STATE LAND USE COMMISSION SPECIAL USE PERMIT AND AN AMENDMENT TO COUNTY SPECIAL USE PERMIT FOR HAWAIIAN CEMENT PUUNENE QUARRY
TMK: (2) 3-8-004:001 (por.) SP92-380; CUP 2003/0002

We reviewed the subject application and **have no comments at this time.**

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RDA:ls

S:\LUCA\ICZM\Draft Comments\38004001_por_hawaiian_cement_quarry_cup_sp_ls.wpd

c Highways Division
Engineering Division

EXHIBIT 8

NEIL ABURROMBI
GOVERNOR OF HAWAII



WILLIAM J. MILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 28, 2013

Department of Planning
County of Maui
Attention: Mr. Paul F. Fasi, Staff Planner
Wailuku, Hawaii 96793

via email: paul.fasi@mauicounty.gov

Dear Mr. Fasi;

SUBJECT: Hawaiian Cement Puunenc Quarry

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

9

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/LydiaMorikawa

RE: Amend Special Use Permit Hawaiian Cement Puunene Quarry
Maui.603

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ____.
- (X)** Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Mario Siu Li at (808) 768-8098 or Ms. Ardis Shaw-Kim at (808) 768-8296 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- () Ms. Carolyn Cortez at (808) 270-7813 of the County of Maui, Department of Planning.
- () Mr. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.

- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____

- () Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 5/15/13

NEIL ABERNETHY
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 7, 2013

County of Maui
Department of Planning
Attention: Mr. Paul F. Fasi
250 South High Street
Wailuku, Hawaii 96793

via email: paul.fasi@mauicounty.gov

Dear Mr. Fasi,

SUBJECT: Hawaiian Cement Puunene Quarry

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on May 28, 2013, enclosed are late comments from the **Commission on Water Resource Management** on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)

EXHIBIT 10

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
L. HARRISON
WILLIAM D. BALFOUR, JR.
SUMNER ERDMAN
LORETTA J. FUDDY, A.C.S.W., M.P.H.
NEAL S. FUJIWARA
JONATHAN STARR
TED YAMAMURA

WILLIAM M. TAM
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU HAWAII 96809

June 4, 2013

RECEIVED
LAND DIVISION
2013 JUN -6 PM 2:48
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TO: Russell Tsuji, Administrator
Land Division

FROM: William M. Tam, Deputy Director
Commission on Water Resource Management
William M. Tam

SUBJECT: Hawaiian Cement Puunene Quarry LUC /County Use Permit Amendments

FILE NO.: N/A
TMK NO.: (2) 3-8-004:001

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrn>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/bd.php>.
- 6. We recommend the use of alternative water sources, wherever practicable.
- 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/programs/achieving-efficiency/green-business-program>

8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at http://landscapehawaii.org/library/documents/lich_irrigation_conservation_bmps.pdf
9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dnr/cwrm/info_permits.htm.

10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
11. A Well Construction Permit(s) is (are) required before any well construction work begins.
12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
14. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
15. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

OTHER:

It is our understanding that this project needs a water license from the Board of Land and Natural Resources. We do not have documentation of such a license. In its absence, the pump installation permit issued with the well construction permit was suspended on April 29, 2008 when completion of well construction was certified. It cannot be reinstated until an approved water license is documented, and water from the well may not be used without a pump installation permit. Enclosed is a September 8, 2008 comment to this effect.

If there are any questions, please contact Charley Ice at 587-0218.

DEPT. OF PLANNING
COUNTY OF MAUI
RECEIVED

August 23, 2013

73 AUG 26 P2 38

Russell Y. Tsuji, Land Administrator
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Amendment to State Land Use Commission Special Use Permit
and Amendment to County Special Use Permit for Hawaiian
Cement Puunene Quarry, TMK (2) 3-8-004:001 (por.) (SP 92-380,
CUP 2006/0002)

Dear Mr. Tsuji:

Thank you for the Department of Land and Natural Resources (Department) comment letters dated May 28, 2013 and June 4, 2013 regarding the subject project. On behalf of the applicant, Hawaiian Cement, we offer the following responses to the Department's comments received from the Engineering Division and the Commission on Water Resource Management.

Engineering Division

1. We appreciate the confirmation from the Engineering Division that the proposed project site is located within Flood Zone X.

Commission on Water Resource Management (CWRM)

1. We note the comment relative to incorporating the Puunene Quarry within the County's Water Use and Development Plan. The Puunene Quarry has been in operation for over 30 years. The proposed action would allow for an expansion of the boundary area to allow for additional areas to be utilized for quarry activity. The current permitted areas are nearing completion for rock quarrying and additional quarry area is needed.
2. We note the comment recommending incorporation of water efficient fixtures at the project site. Water use for the quarry operation is limited to dust control for

the quarry activity, utilizing non-potable water, from a brackish well located onsite. No change in water use is anticipated with the proposed quarry expansion area.

3. With regards to implementation of Best Management Practices (BMPs) plan for stormwater management to minimize potential impacts to the existing area's hydrology and neighboring areas, we note that Hawaiian Cement has standard BMP measures which it currently utilizes at its quarry operation. BMP measures are required to be implemented as part of the NPDES permit Hawaiian Cement maintains for the Puunene Quarry.
4. We concur with the comment regarding the use of alternative water resources for the project. As previously noted, the applicant utilizes a non-potable brackish water well for dust control purposes.
5. We note the comment recommending landscaping irrigation conservation measures, however, there are no landscaping activities proposed for the project. Further, Hawaiian Cement has a long term lease for the property and upon completion of the quarry activities, the lands will be returned to the landowner.
6. With regards to the comment on the requirement for a water license from the Board of Land and Natural Resources to utilize the non-potable well onsite, it is noted that Hawaiian Cement is working with the Department's Land Management and CWRM staff to address this matter. Hawaiian Cement will continue to work with the Department to resolve any outstanding items so the new the non-potable well referenced in the April 2008 comment letter can be utilized for its Puunene Quarry.

Thank you for your comments. Should you have any additional questions, please call me at (808) 244-2015.

Very truly yours,



For: Karlynn Fukuda
Executive Vice President

KF:yp

cc: David Gomes, Hawaiian Cement
Paul Fasi, Department of Planning

K:\DATA\HawnCem\PuuneneQuarry\DLNR.res.doc

OT Y1977

TIRI



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE

54 HIGH STREET
WAILUKU, HAWAII 96793

May 15, 2013

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

13 MAY 16 AM 09

Mr. William R. Spence
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Paul F. Fasi

Dear Mr. Spence:

Subject: Hawaiian Cement Puunene Quarry
Applicant: Hawaiian Cement
Permit No.: (SP 92-380) (CUP 2006/0002)
TMK: (2) 3-8-004:001 (POR.)
Project Location: Approximately 1 mile east of Mokulele Highway
Project Description: Expand quarry site by 42 additional acres and 20 year time extension

Thank you for the opportunity to review this project. We have the following comments to offer:

National Pollutant Discharge Elimination System (NPDES) permit coverage maybe required for this project. The Clean Water Branch should be contacted at 808 586-4309.

It is strongly recommended that the Standard Comments found at the Department's website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html> be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230 or E-mail me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski
District Environmental Health Program Chief

c EPO

EXHIBIT 11

13/4/28



MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSUBU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 12, 2013

13 SEP 13 AM 21

Patti Kitkowski
District Environmental Health Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Amendment to State Land Use Commission Special Use Permit and Amendment to County Special Use Permit for Hawaiian Cement Puunene Quarry, TMK (2) 3-8-004:001 (por.) (SP 92-380, CUP 2003/0002)

Dear Ms. Kitkowski:

Thank you for your letter dated May 15, 2013 regarding the subject project. On behalf of the applicant, Hawaiian Cement, we provide the following response to your comment. We note your comment regarding the potential need for a National Pollutant Discharge Elimination System permit for the project. Hawaiian Cement will secure applicable permits prior to the use of the proposed quarry area. Additionally, the Standard Comments at the Department of Health's website will be reviewed and incorporated into the project as applicable.

Thank you again for your comments. Should you have any additional questions, please call me at 244-2015.

Very truly yours,

Karlynn Fukuda
Executive Vice President

KF:yp

cc: David Gomes, Hawaiian Cement
Paul Fasi, Department of Planning

K:\DATA\HawnCem\IPuuneneQuarry\DOHMaui.res.doc

Paul Fasi - Hawaiian Cement Puunene Quarry at Puunene, Maui

From: "Bert Saruwatari" <BSaruwat@dbedt.hawaii.gov>
To: "Paul Fasi" <Paul.Fasi@co.maui.hi.us>
Date: 5/30/2013 8:41 AM
Subject: Hawaiian Cement Puunene Quarry at Puunene, Maui
CC: "Daniel E Orodener" <Daniel.E.Orodener@dbedt.hawaii.gov>

Paul,

Another question regarding the subject applications: Was there an archaeological inventory survey/assessment prepared for the 42-acre expansion area? The submittal appears to only include an assessment for the 24.476-acre area that was approved in 2006 (as required by Condition No. 14). I assume that an assessment will be done for the remaining 41.968-acre portion of the 2006 expansion prior to the commencement of quarry operations on this site as required by the aforementioned condition.

Thanks.

BERT K. SARUWATARI
Land Use Commission
State of Hawaii
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813
Tel: (808) 587-3825
Email: bsaruwat@dbedt.hawaii.gov

EXHIBIT 12

Paul Fasi - RE: Hawaiian Cement Puunene Quarry at Puunene, Maui

From: "Bert Saruwatari" <BSaruwat@dbedt.hawaii.gov>
To: Karlynn Fukuda <karlynn@mhplanning.com>
Date: 5/30/2013 3:19 PM
Subject: RE: Hawaiian Cement Puunene Quarry at Puunene, Maui
CC: "Paul Fasi" <Paul.Fasi@co.maui.hi.us>, "Daniel E Orodener" <Daniel.E.Orodener@dbedt.hawaii.gov>

Karlynn,

Please copy Paul with your response so that the record before the Planning Commission includes this additional information.

Thanks.

BERT K. SARUWATARI
Land Use Commission
State of Hawaii
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813
Tel: (808) 587-3825
Email: bsaruwat@dbedt.hawaii.gov

From: Karlynn Fukuda <karlynn@mhplanning.com>
To: Bert Saruwatari <BSaruwat@dbedt.hawaii.gov>,
Cc: Daniel E Orodener <Daniel.E.Orodener@dbedt.hawaii.gov>
Date: 05/30/2013 03:09 PM
Subject: RE: Hawaiian Cement Puunene Quarry at Puunene, Maui

Hi Bert,

Thank you. He had forwarded them to me in a separate email and I am working on a consolidated response to your comments. If you have additional comments or questions, please let me know.

Thank you,
Karlynn

Karlynn Fukuda
Munekiyo & Hiraga, Inc.

Maui

305 High Street, Suite 104, Wailuku, Hawaii 96793 * Telephone: (808) 244-2015 * Facsimile: (808) 244-8729

Oahu

735 Bishop Street, Suite 238, Honolulu, Hawaii 96813 * Telephone: (808) 983-1233

Email: karlynn@mhplanning.com

www.mhplanning.com

CONFIDENTIAL AND PRIVILEGED COMMUNICATION: This message (including attachments) is intended for the use of the designated recipient(s) named above. The contents of this correspondence are considered privileged and confidential. If you have received this message in error, kindly notify us immediately by email or telephone, and delete this email from your computer system. Thank you.

From: Bert Saruwatari [<mailto:BSaruwat@dbedt.hawaii.gov>]
Sent: Thursday, May 30, 2013 3:02 PM
To: Karlynn Fukuda
Cc: Daniel E Orodenerker
Subject: Fw: Hawaiian Cement Puunene Quarry at Puunene, Maui

Karlynn,

I see that Paul referred my questions to you for response. However, it does not appear that he forwarded my initial questions/comments on the proposed amendments. See below.

BERT K. SARUWATARI
Land Use Commission
State of Hawaii
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813
Tel: (808) 587-3825
Email: bsaruwat@dbedt.hawaii.gov

----- Forwarded by Bert Saruwatari/DBEDT on 05/30/2013 02:56 PM -----

From: Bert Saruwatari/DBEDT
To: "Paul Fasi" <Paul.Fasi@co.maui.hi.us>,
Cc: Daniel E Orodenerker/DBEDT@DBEDT
Date: 05/29/2013 02:29 PM
Subject: Hawaiian Cement Puunene Quarry at Puunene, Maui

Paul,

I just got handed the Amendment to State Land Use Commission Special Use Permit and an Amendment to County Special Use Permit to review. I noticed that in the transmittal, reference is made to a 20-year time extension in addition to the quarry expansion. Where did this time extension request come from as I do not see it in the submittal? Also, what is the status of the Applicant's compliance with the conditions of approval, including those that were added in 2006? I believe the

record that is developed at the county level should include this assessment given the nature of the Applicant's request. As you know, one of these conditions (i.e., Condition No. 16) required that the Applicant file a request to amend the special use permit to reflect the current boundaries of the permitted area within one year of the issuance of the 2006 D&O.

I may have additional comments to offer upon further review of the applications.

Thanks.

BERT K. SARUWATARI
Land Use Commission
State of Hawaii
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813
Tel: (808) 587-3825
Email: bsaruwat@dbedt.hawaii.gov

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

PAUL CONRY
INTERIM FIRST DEPUTY

WILLIAM M. TAM
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

August 8, 2012

Mr. Jeffrey Pantaleo, Principal Investigator
C/O Ms. Lisa Rutunno-Hazuka
Archaeological Services Hawai'i
Via Email: lisa@ashMaui.com

LOG NO: 2011.0298
LOG NO: 2011.0340
DOC NO: 1208JP01

Aloha Ms. Rotunno-Hazuka:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Archaeological Assessment Report for the Hawaiian Cement Quarry Expansion Project
Pulehunui Ahupua'a, Wailuku 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 pors., Pulehunui Ahupua'a, Kula Moku; Wailuku District, Island of Maui* by Rotunno-Hazuka, Fuentes, O'Claray 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.Pickett@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

14/1265



MICHAEL T. MUNEKIYO
PRESIDENT
KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT
GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT
MITSURU "MICH" HIRANO
SENIOR VICE PRESIDENT
MARK ALEXANDER ROY
VICE PRESIDENT

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV-RECEIVED

March 13, 2014

'14 MAR 13 P3:40

William R. Spence, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

SUBJECT: Amendments to State Land Use Commission Special Use Permit and County Special Use Permit for Hawaiian Cement Puunene Quarry Expansion (SP 92-380) (CUP 2006/002)

Dear Mr. Fasi:

On behalf of the applicant, Hawaiian Cement ("Applicant") we are writing you today to request amendments to our application filed on February 20, 2013, for the proposed Puunene Quarry Expansion. The requested amendments to our State Special Use Permit (SUP) and County Special Use Permit (CUP) applications are outlined below.

STATE SPECIAL USE PERMIT AMENDMENTS

1. Request to Address Condition No. 16

Condition No. 16 of the SUP states:

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.

The Applicant's consultant submitted the revised map referenced in Condition No. 16 on December 17, 2007 to the County of Maui, Department of Planning. See **Exhibit "A"**. As such, we would request that the Department of Planning acknowledge receipt of said revised map and formally amend the existing SUP to reflect the current boundaries of the 105.957-acre quarry site. We have

discussed said action with the State Land Use Commission (SLUC) staff and it is our understanding that they agree with this course of action.

2. Request to Include Quarry Site "D" In Amendment Request

In discussions with SLUC staff, it was determined that there was a portion within TMK (2) 3-8-004:001 which was previously quarried however not included in the permitted quarry area. See **Exhibit "B"**. The portion of the quarried area is approximately 9.7 acres and is noted on **Exhibit "B"** as "Area C". The previous SUP approval was secured by a prior manager at Hawaiian Cement. It is unclear, based on the records available, why the "Area C" was not included in the prior SUP approvals as the site abuts two (2) other permitted areas for the quarry operation. Refer to **Exhibit "B"**. However, Hawaiian Cement would like to amend its current request to request after-the-fact approval within the SUP for the quarrying of "Area C" as noted on **Exhibit "B"**.

3. Request for Time Extension of SUP

As previously requested to the Department via the 2013 Annual Report dated August 29, 2013, Hawaiian Cement is in support of the Department's suggestion to seek a 15-year time extension request for the existing SUP permit such that the new expiration date would be July 13, 2032. Please see **Exhibit "C"** response to Condition No. 1 of the SUP.

COUNTY SPECIAL USE PERMIT AMENDMENTS

1. Request to Include Quarry Site "D" In Amendment Request

As noted in Item No. 2 on the SUP amendment requests above, Hawaiian Cement is requesting that the CUP be amended to include the portion of TMK (2) 3-8-004:001 which was previously quarried (Area C) however not included in the permitted quarry area. Refer to **Exhibit "B"**. The portion of the quarried area is approximately 9.7 acres. As previously noted, it is unclear why "Area C" was not included in the prior CUP approvals, however, it is located between two (2) areas that received prior approvals within the SUP and CUP.

William R. Spence, Director
March 13, 2014
Page 3

2. Request for Time Extension of CUP

Similar to the Department's suggestion to seek a time extension on the SUP permit for the Puunene Quarry, Hawaiian Cement is in support of the Department's recommendation for a 14-year time extension of the CUP. The new expiration date of the CUP permit would be July 21, 2032. The applicant's support of said request is also noted in the letter to the Department, dated August 29, 2013. Refer to **Exhibit "C"**, response to Condition No. 1 of the CUP.

We appreciate your support on this application request. Should you have any questions, please feel free to call me at 244-2015.

Very truly yours,



Karlynn Fukuda
Executive Vice President

KF:yp

Enclosures

cc: David Gomes, Hawaiian Cement (w/enclosures)

K:\DATA\HawnCem\PuuneneQuarry\SUPAmend\lrrtoDPL.doc

EXHIBIT A.

**Letter from Tanaka Engineers, Inc.
Dated December 17, 2007**



CIVIL & STRUCTURAL ENGINEERING • LAND SURVEYING • CONSTRUCTION MANAGEMENT & INSPECTIONAL SERVICES

December 17, 2007

Department of Planning
County of Maui
250 S. High Street
Wailuku, HI 96793

Attention: Mr. Jeff Hunt
Director

**Re: Special Use Permit
Hawaiian Cement Rock Quarry and Concrete Aggregate
Operation in the State Agricultural District
At Pulehunui, Maui, Hawaii
TMK: (2) 3-8-04:01 (Por.) & 02
(2) 3-8-08:01 (Por.) & 31 (Por.)**

Gentlemen:

Pursuant to additional Condition No. 16 on page 6 of the State Land Use Commission's Decision and Order Approving Amendment to Special Use Permit (Docket No. SP92-330) dated December 18, 2006, transmitted herewith is a revised plan showing existing Hawaiian Cement Quarry Mining Site dated December 10, 2007 for your review.

As required by the Land Use Commission, we respectfully request an amendment to the Special Use Permit to reflect the current boundaries of the existing 105.957 acre quarry site as shown in the above transmitted map, if it is deemed necessary by the Planning Department.

Also, included for your reference is a Planning Department letter dated October 20, 2006 to Mr. Anthony Ching regarding the subject matter stating that "the Department considered this discrepancy to be adequately addressed as part of the subject application to amend the previous permit".

Thank you for your consideration in this matter.

Should you have any questions or comments, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka, P.E., L.S.
President

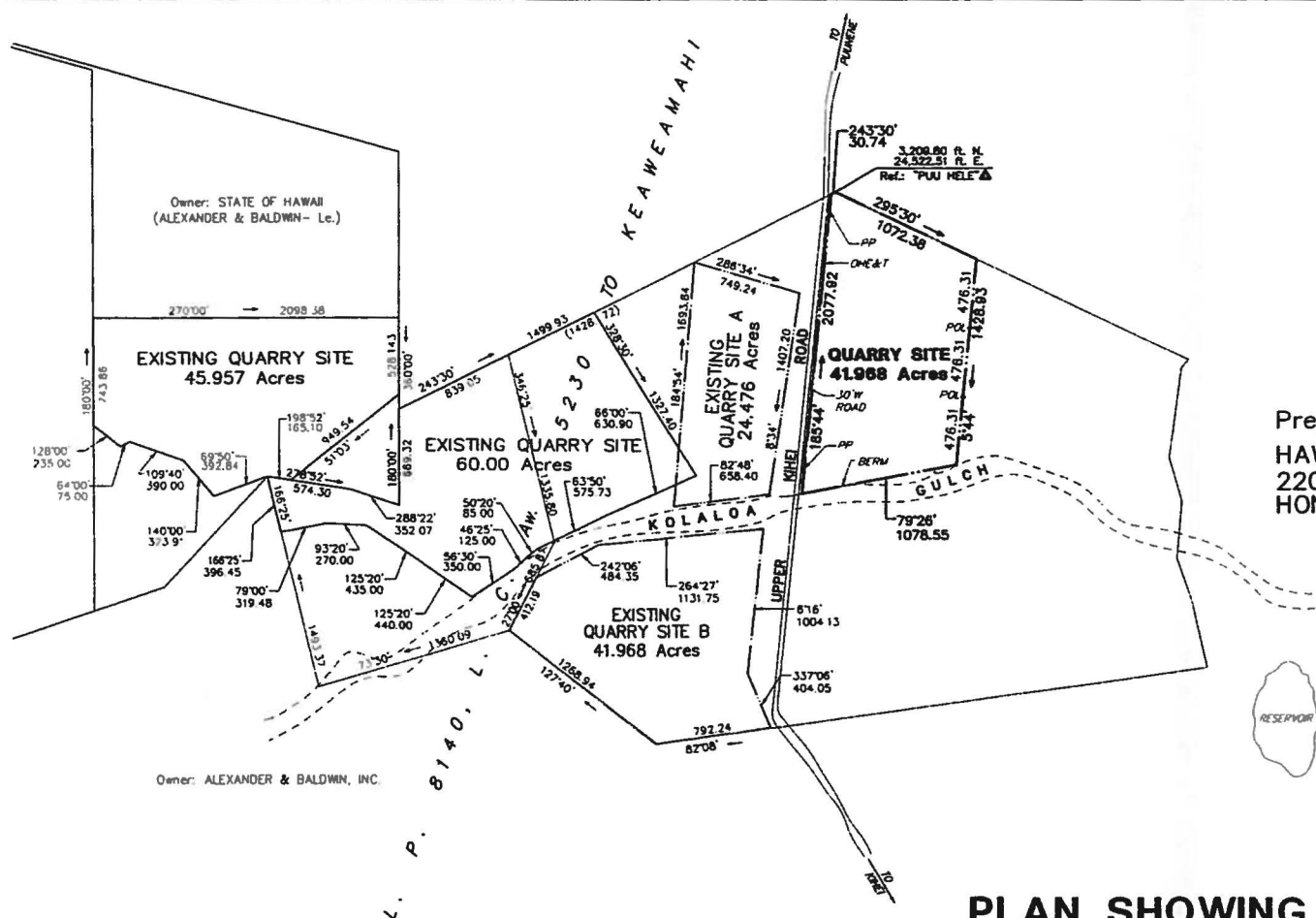
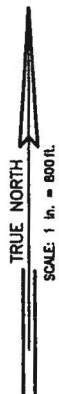
KTT:sh
Encl.

cc: Mr. Dave Gomes (Hawaiian Cement) w/Att.

EXHIBIT B.

**Plan Showing Hawaiian Cement
Quarry Mining Sites**

Z:\DRAWING\2005\05-065\10-15-12_MCMAT_QUARRY_SITE.dwg 22-DEC-2012 10:58:12 AM Revised BY: Nancy



Prepared for:
HAWAIIAN CEMENT
220 SOUTH KING STREET
HONOLULU, HAWAII 96813

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



REVISED: OCTOBER 15, 2012
REVISED: JUNE 14, 2012
DECEMBER 10, 2007

Tax Map Key (2) 3-8-04: 01 (Portion)

871 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

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

JOB NO. 05-065

****PLEASE NOTE:**

The following "EXHIBIT C" refers to earlier amended versions of the State Land Use Commission Permit referred to as "Exhibit A" and "Exhibit B". For purposes of this report:

"Exhibit A" is included and identified as "Exhibit 3".

"Exhibit B" is included and identified as "Exhibit 3a".

** This sheet was inserted by the Planning Dept. and not part of the Applicants submission.

EXHIBIT C.

**Letter to State Land Use Commission
and Department of Planning
Dated August 29, 2013
(without exhibits)**

August 29, 2013

Dan Orodener, Executive Officer
State of Hawaii
State Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804

William Spence, Director
County of Maui
Attention: Paul Fasi
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

SUBJECT: State Special Use Permit and County 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, Hawaii (SP 92-380) (SUP1 91-0013) (CUP 2006/0002)

Dear Mr. Orodener and Mr. Spence:

The State Land Use Commission (SLUC) at a regularly scheduled meeting on May 5, 2005, voted to approve a time extension request for the existing State Special Use Permit (SUP) (SP92-380) for the Puunene Quarry. The SUP time extension was granted for 15 years from the date of July 13, 2002. The approval of the time extension request was subject to 11 conditions. See **Exhibit "A"**. It is noted that the Commission also voted to further amend the conditions of the SUP, effective December 18, 2006. See **Exhibit "B"**.

Condition Number 11 of the 2005 SUP time extension 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."

Further, at its regular meeting of June 27, 2006, the Maui Planning Commission (Commission) voted to recommend approval of an amendment to the SUP for the existing Puunene Rock Quarry to add additional areas to the SUP. Additionally, the Commission voted to approve an amendment to the existing County Special Use Permit (CUP) for the Puunene Rock Quarry to expand the area for the quarry. See **Exhibit "C"**.

Condition Number 5 of the CUP approval states,

"That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit."

On behalf of the SUP and CUP permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition No. 11 of the SUP and Condition No. 5 of the CUP. No changes in the operations have occurred since 2011.

STATE SPECIAL USE PERMIT CONDITIONS

Condition No. 1

That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, 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 2017. It is noted that the applicant, with the support of the County of Maui, Department of Planning, will seek a 15-year time extension for the SUP, such that the new deadline for the permit will be 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 "D"**, current Certificates of Insurance for the Puunene Quarry, naming the State of Hawaii and County of Maui 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 "E"**.

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 "F"**.

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 current permits for the Pu'unene Quarry site are attached as **Exhibit "G"**.

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 2012 and 2013.

At a meeting held on December 8, 2006, the SLUC voted to grant approval of an amendment to the SUP, thereby including an additional 41.968 acres of land to the existing Puunene Quarry site. As such, the new total acreage covered by the SUP was 105.957 acres. The approval of the amendment included five (5) additional conditions. Refer to **Exhibit "B"**. The permittee's responses to compliance with the five (5) additional conditions are noted below as Condition Nos. 12, 13, 14, 15, and 16.

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 "F"**.

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. Copies of the State Department of Health permits are included. Refer to **Exhibit "G"**.

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 "H"**. 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 and CUP to add approximately 42 acres to the quarry operation was filed with the County of Maui, Planning Department in February 2013.

Condition No. 16

That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

Response: The permittee concurs with this condition. As previously noted, Hawaiian Cement received approval for the amendment to the CUP from the County of Maui in July 2006 to reflect the expanded quarry area at the Puunene Quarry. Refer to **Exhibit "C"**.

COUNTY SPECIAL USE PERMIT CONDITIONS

Condition No. 1

That the County Special Use Permit shall be valid until July 31, 2018, or the expiration date for the State Land Use Commission Special Use Permit, whichever is longer, subject to extension by the Maui Planning Commission 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 permittee concurs with this condition and will comply with time extension request procedures. Based on discussions with the Planning Department, Hawaiian Cement is seeking a time extension request for the CUP permit for 14 years, such that the permit will expire in 2032, the same year as the current expiration of Hawaiian Cement's lease with the landowner.

Condition No. 2

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

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

Condition No. 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 the 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: A current Certificate of Insurance is provided in Exhibit "D".

Condition No. 4

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

Response: The permittee concurs with this condition.

Condition No. 5

That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

Response: This report is being submitted to satisfy this condition.

Finally, we would like to note that to date, Hawaiian Cement has extended its quarry operation to approximately 75 percent (75%) of the 24.5 acre expansion area at the Puunene Quarry. The 41-acre expansion area parcel has not been quarried to date.

Dan Orodenker and William Spence
August 29, 2013
Page 10

Should you have any further questions regarding this annual report, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Karlynn Fukuda
Executive Vice President

KF:yp

Enclosures

cc: Dave Gomes, Hawaiian Cement (w/enclosures)

K:\DATA\HawnCem\SLUC Annual Reports\SLUC Annual Report 20011&2012.doc

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...