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LAND USE COMMISSION  
STATE OF HAWAII

2014 JUL 25, A 8:13

July 21, 2014

Mr. Duane Kanuha  
Planning Director  
Planning Department  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

✓ Mr. Daniel E. Orodener  
Executive Officer  
Land Use Commission  
Department of Business,  
Economic Development & Tourism  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

Re: Annual Monitoring Report  
Special Permit Docket No. 70-85 (Special Permit No. 164)  
Applicant: Edwin DeLuz Trucking & Gravel, LLC  
Waikoloa, District of South Kohala, Hawaii (approx. 63.648± acres)  
TMK: (3) 6-8-002: portion of 50 [formerly TMK: (3) 6-8-002: portion of 16]

Dear Messrs. Kanuha and Orodener:

In accordance with Condition No. 7 of the Decision and Order dated August 1, 2012 of the Land Use Commission, Applicant Edwin DeLuz Trucking & Gravel, LLC hereby submits its annual monitoring report. The nine conditions in the August 1, 2012 Decision and Order are addressed below:

**Condition 1:**            **The Applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.**

Response:            The Applicant will comply with all stated conditions of approval.

**Condition 2:**            **Quarrying operations at Site 1 (Pu`u Hina`i Quarry) shall be terminated by December 11, 2015, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior to abandonment, whichever occurs first.**

Response:            The Applicant will terminate its quarrying operations in accordance with this condition or will, if necessary, seek an amendment of this condition if it desires to further extend its quarrying operations.

**Condition 3:** Mining of Pu`u Hina`i shall immediately cease, to protect and preserve the pu`u, in compliance with the South Kohala Community Development Plan.

Response: The Applicant is not performing any mining of Pu`u Hina`i and no mining has occurred on the pu`u since 2007.

**Condition 4:** Upon termination of operations or abandonment of any portion of Site 1 (Pu`u Hina`i Quarry), the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the site shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

Response: The Applicant will comply with all stated conditions of approval. There has been no termination or abandonment of operation of Site 1.

**Condition 5:** The applicant shall submit a soils report of the mined area of Pu`u Hina`i by an engineer qualified in the field of soil mechanics and licensed within the State of Hawai`i within one (1) year from the effective date of this amendment. The soils report, which shall provide recommendations for the stabilization of Pu`u Hina`i, shall be submitted to the Planning Director for review and approval, in consultation with the Department of Public Works. The applicant shall comply with the recommendation(s) of the approved soils report to stabilize the pu`u and bring it into a non-hazardous condition. Additionally, the applicant shall comply with any other measures determined by the Planning Director to provide reasonable assurance of the stability of Pu`u Hina`i and the safety of the people who may work or have reason to be in close proximity to the pu`u.

Response: The Applicant submitted the required soils report to the Planning Director on July 25, 2013. The Planning Director concurred with the recommendations of the report by letter dated August 14, 2013 and requested that the Applicant utilize security fencing, appropriate warning signs and periodic monitoring by security personnel to prevent access to the pu`u. The Applicant was further requested to have these measures in place within six (6) months of the Planning Director's letter. The Applicant implemented the measures recommended in the soils report and requested by the Planning Director within the required time period. The monitoring of the pu`u by security personnel is ongoing.

**Condition 6:** All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

Response: The Applicant will comply with all stated conditions of approval. All equipment and machinery used by the Applicant complies with all DOH standards for noise and exhaust considerations.

**Condition 7:** An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties.

Response: The Applicant is not aware of any public complaints or problems associated with its activities at the quarry site. There has been no material quarried or removed from the quarry since 2007. The quarry is primarily being maintained to supply material for Phase II of the Queen Kaahumanu Road Widening Project which has been delayed. The Applicant's activities on the quarry site this past year has been limited to the performance of the measures discussed as to Condition 5 above, the maintenance, repair, replacement and/or removal of its equipment and general maintenance and security of the area.

**Condition 8:** Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit.

Response: The Applicant will comply with the foregoing condition.

**Condition 9:** Within thirty (30) days of the effective date of the Commission's approval of the Amendment, the Applicant shall issue public notice of the action taken by the Commission approving the Amendment in the name of Waikoloa Development Company to invite public comment on the Amendment. The Applicant shall inform the Commission of responses (or lack thereof) to the public notice and forward all public comments to the LUC.

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**Response:** The Applicant issued public notice of the action taken by the Land Use Commission approving the amendment of Condition No. 5 of the above-referenced special permit in the name of Waikoloa Development Company and invited public comment on the amendment. The Applicant did not receive any responses to the public notice.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions or require additional information or documentation from the Applicant.

Sincerely,



Edmund W.K. Haitsuka

EWH/ewh  
cc: Edwin DeLuz Trucking & Gravel, LLC  
4846-9331-8684.1