



OFFICE OF PLANNING STATE OF HAWAII

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Ref. No. P-15268

August 8, 2016

Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Attention: Erin Mukai

Dear Ms. Mukai:

Subject: Proposed Amendments to SLUC Special Use Permit (SP77-271) and County Special Use Permit (CUP 2001/001) at Puunene, Maui TMK (2) 3-8-001: 001 Por.; (2) 3-8-003: 004 Por. and 021 por. SP77-271 and CUP 2001/0001

Thank you for the opportunity to review the proposed amendment to a State Special Permit for an expansion to an existing quarry operation. The proposed expansion is comprised of 131.9-acres of land, for a total area of 299.6-acres. The applicant, HC&D, LLC (formerly Ameron Hawaii, LLC) also includes a request for a time extension of 15 years.

According to the application, the existing uses, including the administration offices, rock crushing plant, rock processing, asphalt paving, and concrete casting operations, and tenant operations are located on approximately 80 acres of the 167.7-acre site, and the use has been ongoing since about 1966. The application indicates that the proposed 131.9-acre expansion is proposed for future reserves, and is currently used for agricultural purposes by Alexander & Baldwin, LLC (A&B). When the expansion land area is no longer needed for quarry purposes, the applicant proposes to restore the areas to A&B for agriculture use.

The document also indicates that the applicant has encroached into the proposed expansion area before obtaining the necessary County and State approvals to mine the area. An eight (8) acre portion is currently being mined by the applicant. According to the application, the encroachment was undertaken because of the change in geology of the rock source, and the rock product requirements that Ameron needed at the time.

As your letter indicates, the proposed 131.9-acre expansion of the quarry would be within an area that has been designated as Important Agricultural Lands by the State Land Use Commission.

The Office of Planning has reviewed the subject Special Permit application and provides the following comments.

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1. On June 29, 2009, the State Land Use Commission (LUC) designated 27,133-acres as Important Agricultural Lands for Petitioner, A&B, at Wailuku and Makawao, Maui, which includes the proposed expansion lands (DR09-38). The LUC made a determination that these lands qualified under the criteria listed in LUC Hawaii Administrative Rules (HAR) Subchapter 17 Section 15-15-120, Criteria and procedure for the identification of important agricultural lands.

Since the land area within the proposed 131.9-acres is designated Important Agricultural Lands, the Office of Planning has strong concerns regarding the allowance of the proposed removal to non-agricultural uses. We note that the applicant represents that they are required to restore the quarry areas for agricultural use as a condition of their lease, however OP feels it is unlikely given the length of time since 1966 (the original quarry Special permit) that this area will ever revert back to agricultural use.

Given the anticipated long-term industrial use and the site's unlikely return to agricultural use, OP recommends that a condition be imposed that the applicant shall seek either reclassification of the entire quarry operation from the State Agricultural District to the Urban District, or seek to remove the 131.9-acres of land from Important Agricultural Land designation, as provided in LUC HAR Section 15-15-127 (f).

2. HAR 15-15-127 (c), sets forth criteria for a decision by the LUC or County, to withdraw lands that have already been designated as Important Agricultural Lands. There are two criteria which may apply to this proposal to establish non-agricultural uses on Important Agricultural Lands.
 - a. HAR 15-15-127 (c)(4). The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes;
 - i. The Land Study Bureau has designated the approximately 131.9-acres proposed expansion area as mostly C rated lands.
 - b. HAR 15-15-127 (c)(7). The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands;
 - i. Application. A. (5) and B. Page 32-33. As regarding the request for an extension for the continuation of the existing Special Permit, OP does not see any significant impacts to the continuation of the existing use in its current location. The applicant indicates that the removal of the expansion area has been coordinated with the Plantation "and conditions are in place for Ameron's restoration of quarry lands for agricultural use." However, there is no mention of a determination of

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whether any facilities or infrastructure are located within the expansion area and may affect the operations of the plantation.

3. Application, C. Archaeology, Page 27. 1. Existing Conditions and 2. Potential Impacts and Mitigation Measures. The application has no information or references to any archaeological or Ka Paakai surveys or assessments that may have been done for this area to support the conclusion of no impacts to cultural and archaeological resources. OP is concerned that the lack of these documents within the application constitutes a deficiency in the application. We strongly recommend that the applicant include relevant archaeological inventory surveys and cultural assessment studies to support the expansion of the quarry area.

We have no further comments at this time. If you have any questions, please contact Lorene Maki of our Land Use Division, at (808) 587-2888.

Sincerely,



Leo R. Asuncion
Director

c: William Spence, County of Maui, Department of Planning
✓ Land Use Commission
Department of Agriculture
