



LAND USE COMMISSION
STATE OF HAWAII

2014 DEC -3 P 12:05

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 AN
For An Amendment To Special Use Permit)	AMENDMENT TO SPECIAL
That Established A Rock Quarrying/Crushing)	USE PERMIT; AND
Operation And Related Uses On)	CERTIFICATE OF SERVICE
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31)	
_____)	

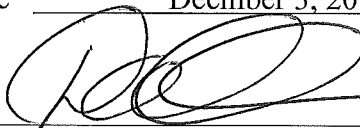
DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

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.

Date December 3, 2014

BY 

Executive Officer



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DECISION AND ORDER APPROVING AN AMENDMENT
TO SPECIAL USE PERMIT

On February 20, 2013, Hawaiian Cement ("Applicant") filed a request with the County of Maui Department of Planning ("DP") to amend the special use permit issued in the above-entitled docket pursuant to section 205-6, Hawai`i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai`i Administrative Rules ("HAR") by (1) expanding the existing Pu`unēnē Quarry by an additional 41.968 acres of land identified as Tax Map Key ("TMK"): 3-8-04: por. 1 ("Quarry Site 'C'"); (2) including 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) deleting Condition Number 16 of the

Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extending the life of the special use permit by 15 years (collectively "Request").

On May 27, 2014, the County of Maui Planning Commission ("Planning Commission") considered the Applicant's Request. There was no public testimony received by the Planning Commission. After due deliberation, at its meeting on May 27, 2014, the Planning Commission recommended approval of the Request to the State of Hawai'i Land Use Commission ("LUC").

On July 30, 2014, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Request. On October 15, 2014, the LUC received the remaining portion of the record.

The LUC has jurisdiction over the Applicant's Request. 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 November 20, 2014, the LUC met in Kahului, Maui, Hawai'i, to consider the Applicant's Request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Kristin Tarnstrom, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Rodney Funakoshi also were present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, the Commission heard public testimony from Wil Cambra, Keoni Gomes, Clare Apana, and Johanna Kamaunu. Following the receipt of public testimony, the Applicant provided a presentation on its Request.

As part of its testimony, the DP noted that it had thoroughly reviewed the Applicant's Request and affirmed the Planning Commission's recommendation on the matter. Upon questioning, the DP acknowledged receipt of the December 10, 2007, revised map of the boundaries of the then 105.957-acre Pu'unēnē Quarry approved pursuant to the Findings of Fact, Conclusions of Law, and Decision and Order filed November 25, 1996.

The OP stated that it had no objections to the Applicant's Request.

Following discussion, a motion was made and seconded to approve the Applicant's Request, subject to the following amendment to Condition Number 1 and additional Condition Numbers 16 and 17 as follows:

1. That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension 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.

16. That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.

17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 1 excused, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Request and the oral arguments presented by the Applicant, OP, and the DP, and a motion having been made at a meeting on November 20, 2014, in Kahului, Maui, 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 Request to (1) expand the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as TMK: 3-8-04: por. 1 and further identified as Quarry Site "C"; (2) include 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) delete Condition Number 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extend the life of the special use permit by 15 years be APPROVED, subject to the following amendment to Condition Number 1:

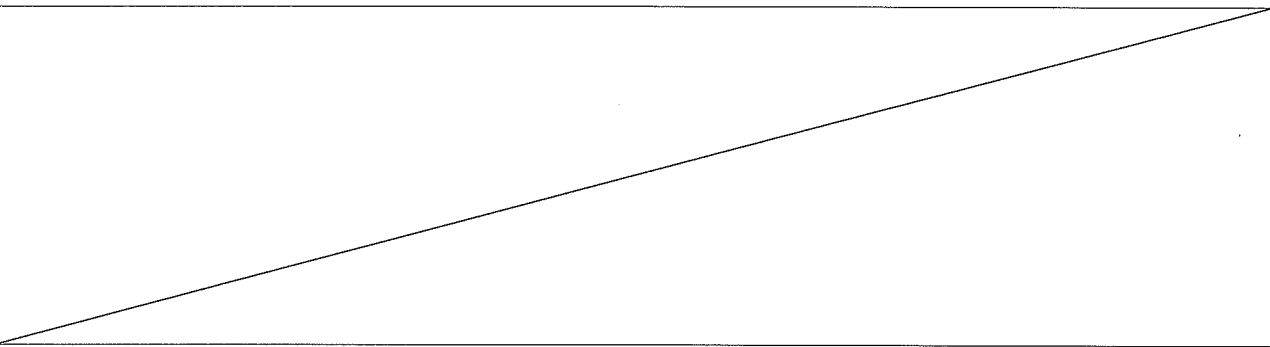
1. That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension by the Land Use

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.

IT IS FURTHER ORDERED that the Applicant's Request be APPROVED, subject to the following additional Condition Numbers 16 and 17:

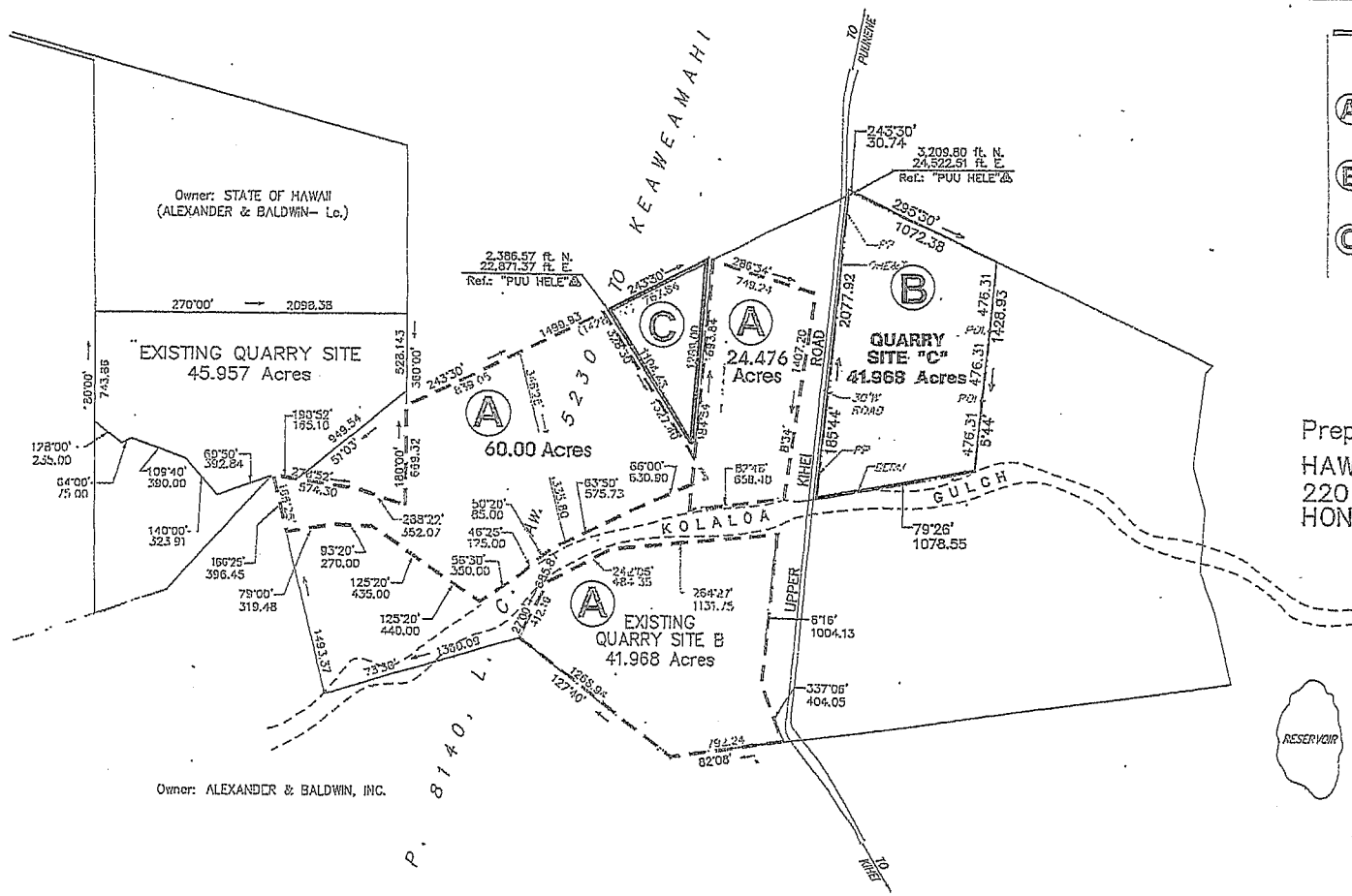
- 16.¹ That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.
17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

IT IS FURTHER ORDERED that all other conditions to the Decision and Order Approving a Time Extension filed July 15, 2005, and the Decision and Order Approving Amendment to Special Use Permit filed December 18, 2006, shall remain in full force and effect.



¹ This new condition replaces the previous Condition No. 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006, which is deleted with this Decision and Order.

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**



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

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

HawiCem/PulehuniQuarryMiningSites JOB NO. 05-065

EXHIBIT "A"

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of December, 2014, per motion on November 20, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Diane Jackson
Deputy Attorney General

By Chad McDonald
Chad McDonald
Chairperson and Commissioner

Filed and effective on:

12/3/14

Certified by:

Daniel Orodenger

DANIEL ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

I hereby certify that a DECISION AND ORDER APPROVING AN 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:

CERTIFIED KARLYNN FUKUDA
MAIL: Munekiyo & Hiraga Inc.
305 S. High Street
Wailuku, Hawai'i 96793
Petitioner Representative

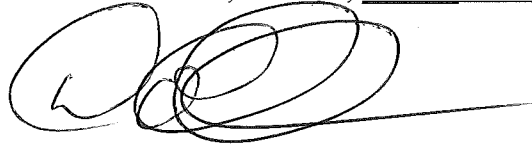
DEL.: LEO ASUNCION, Acting Director
State Office of Planning
P. O. Box 2359
Honolulu, Hawai'i 96804-2359

REGULAR MAIL: BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR MAIL: KRISTIN TARNSTROM, Esq.
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawai'i 96793
Attorney for the County of Maui

REGULAR MAIL: WILLIAM SPENCE, Director
Department of Planning
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, December 3, 2014

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

DANIEL ORODENKER

Executive Officer