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LAND USE COMMISSION
STATE OF HAWAII

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2015 APR 24 A 9:46

LETTER OF TRANSMITTAL

To: Daniel E. Orodenker
State of Hawaii Land Use Commission
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813

DATE: April 24, 2015

RE: LUC Docket No. SP92-381

Mailed Hand Delivered

THE FOLLOWING ARE TRANSMITTED HEREWITH:

<u>COPIES</u>	<u>DATE</u>	<u>DESCRIPTION</u>
X	04/23/15	2008 TO 2015 ANNUAL MONITORING REPORT

For Your Information

For Review and Comment

For Your Files

For Necessary Action

REMARKS: Dear Mr. Orodenker:

WQJ 2008 Investment, LLC, co-owner of the subject property, hereby submits its Annual Monitoring Report for the years 2008 through 2015 under Docket No. SP92-381, Special Permit for Quarry Operations and Related Uses, for TMK (3) 6-8-001: 066 [formerly TMK (3) 6-8-001: 005].

Please feel free to contact me directly at (808) 523-2557, or my secretary Jeannie Hirabara at (808) 523-2683, if you have any questions or concerns.

By 
Jennifer A. Lim

Enclosure

4824-0785-0017.1.030088-00121

WQJ 2008 Investment, LLC
P.O. Box 1826
Wenatchee, WA 98807

LAND USE COMMISSION
STATE OF HAWAII

2015 APR 24 A 9:47

April 23, 2015

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

Re: **2008 to 2015 Annual Monitoring Report**
Land Use Commission Docket No. SP 92-381
Original Petitioner: Waikoloa Development Company
Special Permit for Quarry Operations and Related Uses.
Tax Map Key No.: (3) 6-8-001:066 [formerly TMK: (3) 6-8-001:005 (por.)]

Dear Mr. Orodener:

By Findings of Fact, Conclusions of Law, and Decisions and Order filed on January 19, 1993 in Docket No. SP 92-381, the State Land Use Commission ("**Commission**") approved the issuance of a Special Permit to allow the establishment of a quarry operation and related uses on approximately 219.990 acres of land in the State Land Use Agricultural District at Waikoloa, District of South Kohala, Island and County of Hawaii, on TMK: (3) 6-8-001:005 (por.), now designated as TMK No.: 6-8-001:066 (the "**Property**"). The Special Permit was issued subject to 16 conditions of approval, and the Commission issued an order dated November 2, 1994 modifying condition 2, and an order dated February 26, 1999, modifying conditions 3 and 12.

The rock quarry proposed under the Special Permit included operations such as blasting, drilling, rock crushing and screening, concrete ready-mix batching, pre-casting, asphaltic concrete products manufacturing and related uses including the storage and repair of equipment and the storage of materials and the repair of equipment

Although the subject property has changed hands over the years, WHC, Ltd., a Hawaii corporation, doing business as West Hawaii Concrete ("**WHC**"), has been operating the quarry on the subject property since 1995.

The original holder of the Special Permit was Waikoloa Development Company. Waikoloa Mauka, LLC, a Delaware limited liability company, acquired the subject property by Deed dated September 20, 2005 (recorded as Document No. 2005-188909). Waikoloa Mauka, LLC conveyed the subject property by Deed dated December 29, 2008 (recorded as Document No. 2008-193969), to the current owners, WQJ2008 Investment, LLC, a Washington limited liability company (as to an undivided 85.714% interest), and Ukumehame Quarry Company

Limited Partnership, a Hawaii limited partnership (as to an undivided 14.286% interest), as tenants in common. This annual monitoring report is submitted on behalf of WQJ2008 Investment, LLC and Ukumehame Quarry Company Limited Partnership (collectively "**Owners**").

We understand that the last annual monitoring report in this Docket was submitted to the Commission by Waikoloa Mauka, LLC on January 14, 2008. The Owners acquired the subject property almost a year later and assumed, without seeking confirmation from WHC or the Commission, that the annual monitoring reports were being prepared by WHC, as the operator of the quarry. Only recently did it come to our attention that responsibility for the annual monitoring reports had never been allocated to WHC, and that the prior landowners had submitted such reports to the Commission in the past. We respectfully apologize to the Commission for this oversight.

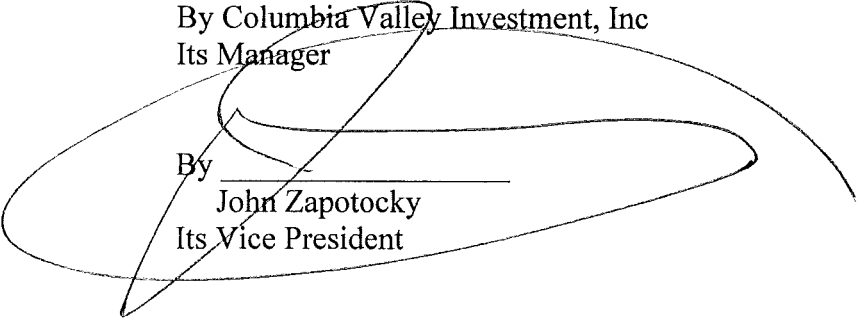
The Owners hereby submit the 2008 to 2015 Annual Monitoring Report, in compliance with condition No. 15 of the Special Permit. We sincerely apologize for the delay in providing the required annual monitoring reports. We have taken steps to insure that the annual monitoring reports are timely filed in the future (i.e., prior to the January 19 anniversary date of the Special Permit).

The Owners would also like to take this opportunity to inform the Commission that the quarry operator, WHC, obtained a Solid Waste Management Permit from the State Department of Health in 2009 to allow for greenwaste composting of less than 3,000 tons/year (DOH Solid Waste Management Permit by Rule, Permit # CO-0012-09). The current DOH Permit for the greenwaste composting (Permit # CO-0076-11), expires on March 6, 2016. WHC intends to continue the greenwaste composting within the Property and will secure all necessary DOH permits for that purpose.

Please do not hesitate to contact me should you have any questions concerning this submittal. Thank you for your consideration.

Very truly yours,
WQJ 2008 Investment, LLC
By Columbia Valley Investment, Inc
Its Manager

By _____
John Zapotocky
Its Vice President



Enclosure

xc with enclosures: Director D. Kanuha, County of Hawaii Planning Department
West Hawaii Concrete
Jennifer A. Lim, Esq.

**State Land Use Commission Docket No. SP 92-381
2008-2015 Annual Monitoring Report**

No.	Condition	Comments
1.	The applicant, its successors and assigns shall be responsible for complying with all stated conditions of approval.	The Applicant shall continue to comply with all stated conditions of approval.
2.	Final Plan Approval for the quarry operation shall be secured from the Planning Department on or before January 19, 1997. To assure adequate time for plan review and in accordance with Chapter 25-244 (Zoning Code), plans for the quarry operation shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures and parking associated with the proposed quarry operations.	The Applicant has satisfied this condition. The Planning Department issued Final Plan Approval on December 10, 1996.
3.	The quarry operations and related activities shall commence on or before December 10, 2003. A letter informing of commencement of operations shall be submitted to the Planning Department.	The Applicant has satisfied this condition. The LUC and the Planning Department were notified of the commencement of quarry operations by letter dated July 2, 1999, which notice was acknowledged by the Planning Department by letter dated July 15, 1999.
4.	A metes and bounds description and map shall be submitted with plans for plan approval review. The area described shall contain less than 220 acres and the operation confined within the described area.	The Applicant has satisfied this condition. The metes and bounds description and map were submitted to the Planning Department on October 2, 1992. The Planning Department by letter dated October 22, 1992, acknowledged satisfaction of this condition, and a copy was transmitted to the Commission.
5.	Access onto Waikoloa Road from the project site, including provision of adequate sight distance, shall meet with the approval of the Department of Public Works prior to final plan approval. Should additional intersection improvements such as channelization be required by the Department of Public Works during the life of the permit, such improvements shall be provided in a timely manner by the applicant at no cost to the County of Hawaii.	The Applicant shall continue to comply with this condition. Construction of the intersection of the access road with Waikoloa Road was completed in 1997, and the A/C paved access road leading to the quarry site was completed in June 1999.

**State Land Use Commission Docket No. SP 92-381
2008-2015 Annual Monitoring Report**

No.	Condition	Comments
6.	<p>The following procedures shall be instituted for archaeological site mitigation:</p> <p>A. Possible burial sites identified in the Archaeological Inventory Survey (PHRIMS 1041-122091) shall be approved by the Hawaii Island Burial Council prior to receipt of Final Plan Approval.</p> <p>B. The preservation area, including a 50-foot buffer zone, shall be staked/flagged prior to receipt of Final Plan Approval. A confirming letter from the archaeologist shall be submitted.</p> <p>C. Construction workers and quarry operational personnel shall be informed of the significance of the staked preservation area. Construction plans shall also note the area.</p> <p>D. An archaeologist shall be on site to monitor initial land preparation activities that occur in the vicinity of the preservation area.</p>	<p>The Applicant has satisfied this condition.</p> <p>A. By letter dated November 2, 1992, the State Historic Preservation Division ("SHPD") informed the Applicant that approval by the Hawaii Island Burial Council ("HIBC") would be required only if the area where the sites are located is to be developed. The preservation area has been preserved "as-is."</p> <p>B. The preservation area was surveyed and staked on December 19, 1995. By confirmation letter dated July 6, 1999, the Applicant notified the LUC and Planning Department that the preservation area (including the 50-ft. buffer) was staked/flagged.</p> <p>C. Quarry operator, WHC, was notified of the significance of the preservation area.</p> <p>D. By letter dated May 10, 1999, the Applicant verified that archaeological monitoring of the site was conducted during initial land preparation activities.</p>
7.	<p>Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be uncovered during land preparation activities, work in the area shall immediately cease and the Planning Department notified. No work within the affected area shall resume until clearance from the Planning Department is received.</p>	<p>The Applicant shall continue to comply with this condition.</p> <p>No new sites or remains have been discovered during the on-going operations on the Property.</p>
8.	<p>If required by the Department of Land and Natural Resources, a survey of the area identified as "Suitable Habitat for the Ophioglossum Fern" in the "Botanical Assessment" conducted by Winona Char shall be performed prior to any land alterations of the affected area. The survey and any mitigation measures shall be reviewed and approved by the Planning Department, in consultation with the Department of Land and Natural Resources.</p>	<p>The Applicant has satisfied this condition.</p> <p>In October 1993, the US Fish & Wildlife Service provided written confirmation to the County Planning Director that the Pololei fern (Ophioglossum concinnum) was not a threatened or endangered species.</p> <p>By letter dated March 1, 1994, a copy of which was sent to the Commission, the Planning Department confirmed that Condition No. 8 had been deemed satisfied.</p>
9.	<p>The quarry activity shall be limited to the hours of 6:30 a.m. to 5:30 p.m. daily; provided active noise-generating activity (i.e., blasting, crushing) shall commence no earlier than 7:30 a.m.</p>	<p>The Applicant shall continue to comply with this condition.</p>

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2008-2015 Annual Monitoring Report**

No.	Condition	Comments
10.	The applicant shall submit an Erosion Control and Site Restoration Plan for review and approval by the Planning Director, in consultation with the Department of Public Works, one year prior to the expiration date of the permit or prior to termination of the operations, whichever occurs first.	The Applicant shall comply with this condition.
11.	Upon termination of the operations or abandonment of any portion of the affected site, the land shall be graded to blend with the surrounding area and rehabilitated as approved by the Erosion Control and Site Restoration Plan. The affected site shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Department and the Department of Public Works for review and approval within ninety (90) days from the date of termination or abandonment.	The Applicant shall comply with this condition.
12.	The life of this permit shall be until December 31, 2018; the date of completion of the proposed quarrying; or its abandonment, whichever comes first.	The Applicant acknowledges this condition.
13.	An adequate supply of water shall be made available for dust control and for fire prevention and pre-suppression.	The Applicant has complied with this condition. Water to the site is provided by a pipeline, with backflow preventer, connected to the existing 16-inch water line owned by West Hawaii Water Company which runs along the south side of Waikoloa Road.
14.	Comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Hawaii Electric Light Company, and the Department of Public Works.	The Applicant shall continue to comply with this condition.

**State Land Use Commission Docket No. SP 92-381
2008-2015 Annual Monitoring Report**

No.	Condition	Comments																
15.	<p>An annual monitoring report shall be submitted to the Planning Director and Land Use Commission prior to each anniversary date of the approval of the permit.</p> <p>The report shall include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems and their disposition.</p> <p>Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.</p> <p>The report shall also include Applicant's progress in complying with the conditions imposed.</p>	<p>The Applicant hereby submits its annual monitoring report for the 2008 to 2014 calendar years. Applicant shall continue to comply with this condition.</p> <p>The Applicant is not aware of any public complaints or problems associated with the quarry operation during calendar years 2008 to 2014.</p> <p>The quarry has not produced concrete products or asphalt products during calendar years 2008 to 2014. The annual aggregate volumes of material quarried from January 1 to December 31 for each calendar year are as follows:</p> <table border="1" data-bbox="592 892 787 1102"> <thead> <tr> <th></th> <th>Aggregates (tons)</th> </tr> </thead> <tbody> <tr> <td>2008</td> <td>117,063</td> </tr> <tr> <td>2009</td> <td>26,344</td> </tr> <tr> <td>2010</td> <td>12,125</td> </tr> <tr> <td>2011</td> <td>5,635</td> </tr> <tr> <td>2012</td> <td>27,533</td> </tr> <tr> <td>2013</td> <td>33,049</td> </tr> <tr> <td>2014</td> <td>32,771</td> </tr> </tbody> </table>		Aggregates (tons)	2008	117,063	2009	26,344	2010	12,125	2011	5,635	2012	27,533	2013	33,049	2014	32,771
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16.	<p>An extension of time for the performance of conditions within the permit, with the exception of Condition 12, may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.</p>	<p>The Applicant acknowledges that a time extension for the performance of conditions within the permit, with the exception of Condition 12, may be granted by the Planning Director.</p>																