

MICHAEL P. VICTORINO
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Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

April 29, 2021

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

Dear Mr. Orodener:

**SUBJECT: TIME EXTENSION REQUEST FOR HAWAIIAN CEMENT
POHAKEA QUARRY, MAALAEA, ISLAND OF MAUI,
HAWAII; TMK: (2) 3-6-004:007 (SUP1 2006/0001)**

The Department of Planning (Department) is transmitting for your review and action the above referenced application.

The Applicant is requesting a 15-year time extension for an existing State Land Use Commission (LUC) Special Permit to continue operation of the Pohakea Quarry facilities on approximately 79.2 acres of land in the State Agricultural District, TMK: (2) 3-6-004:007, Maalaea, Maui, Hawaii.

At its regular meeting on November 24, 2020, the Maui Planning Commission (MPC) voted to recommend approval of the Applicant's 15-year time extension request to the LUC. Attached and listed as "EXHIBIT 1," is the MPC recommendation to the LUC. Please note that EXHIBIT 1 lists the MPC action as "approved" but it should correctly be noted as "recommended" to the LUC. The Department respectfully requests the LUC to concur with the MPC recommendation.

Also at the same meeting, the MPC voted to recommend deletion of Conditions 10 and 16 from LUC Special Permit SP06-400 (EXHIBIT 5) as they are no longer applicable. They are as follows:

10. *That prior to any excavation work within the 64.4-acre expansion, the following shall be resolved with the DLNR, SHPD:*
 - a. *Clarification in the form of an archaeological survey level documentation as to whether Temporary Site T-9 is a previously identified historic site;*
 - b. *A preservation plan for the "agreed upon preservation areas"; and*
 - c. *A thorough field inspection of the 65+ acres into which the proposed quarry will expand to determine the condition of the previously identified sites as well as documentation of any additional sites. Documentation from the DLNR, SHPD, that all concerns have been*

addressed shall be filed with the DP and the County Department of Public Works and Environmental Management ("DPWEM") prior to issuance of any grading permit, if required, and initiation of excavation work within the expansion area.

16. *That the protective construction fencing located around site T-9 (a remnant of a historic wall) shall be maintained for the life of the LUC Special Use Permit. All individuals and/or organizations working on this site shall be briefed on the location of Site T-9 to avoid damaging this site.*

An Archaeological Inventory Survey (AIS) and Archaeological Monitoring Plan (AMP) were prepared for the quarry expansion area in 2008 and were submitted to the State Historic Preservation Division for review. Both the AIS and AMP have been accepted. Further, it is noted that no additional expansion of the quarry is being proposed. As such, the Applicant is also requesting that Condition Nos. 10 and 16 of the Special Permit SP06-400 SUP be removed.

At the same meeting, the MPC also voted to approve the Applicant's similar request for a 15-year time extension with the same expiration date as the State Special Permit (*December 15, 2035*) for its existing County Special Use Permit.

The Department respectfully transmits the subject application and supporting documentation for consideration and action. Please find attached:

1. Department's approval and recommendation letter from Michele McLean, AICP, Planning Director, to Mr. David Gomes, Applicant, dated January 6, 2021 (EXHIBIT 1);
2. Department's Report and Recommendation to the MPC dated November 24, 2020 (EXHIBIT 2);
3. Approved minutes of the November 24, 2020 meeting (EXHIBIT 3);
4. Applicant's submitted Amendment to Permit Terms application, dated June 2019 (EXHIBIT 4);
5. Initial LUC D&O dated 12-04-06 (EXHIBIT 5);
6. First time extension D&O dated 1-7-11 (EXHIBIT 6) and;
7. One CD with the above documents.

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Thank you for your attention to this matter. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Paul F. Fasi, Staff Planner
David Gomes, Applicant, Hawaiian Cement
Bryan Esmeralda, Munekiyo Hiraga
Project File

MCM:PFF:rma

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