

WQJ 2008 INVESTMENT, LLC
P.O. Box 220
Kihei, Maui, Hawaii 96753

LAND USE COMMISSION
STATE OF HAWAII

January 19, 2022

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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: **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:

This annual monitoring report is submitted on behalf of WQJ2008 Investment, LLC and Ukumehame Quarry Company Limited Partnership, (collectively "Owners"). Owners hereby submit its Annual Monitoring Report in accordance with Condition No. 15 of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, dated, filed and effective on February 26, 2016, in Docket No.: SP92-381. The enclosed matrix outlines compliance with each of the 16 conditions of approval under said Decision and Order.

Please feel free to contact me at (808) 270-5946 any time should you have any questions or require any additional information. Thank you for your attention.

Very truly yours,

WQJ 2008 Investment, LLC
By Pacific Rim Land, Inc.
Its Manager



By Ryan Churchill
Its President

Enclosure

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

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No.	Condition	Comments
1.	The applicant, its successors or 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 approval 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.	At the written request of the Department of Public Works ("DPW"), after the fifth anniversary of the issuance of the extended permit, the applicant shall prepare a Traffic Impact Analysis Report ("TAR"), at no cost to the County of Hawaii, for submission to the DPW. The applicant shall coordinate with the DPW on implementing the applicant's pro-rata share of appropriate traffic mitigation measures, if any, should it be determined through the TIAR that improvements to the Waikoloa/Quarry road intersection are needed due to the applicant's activity at the quarry. Access to Waikoloa Road shall comply with Chapter 22 of Hawai'i County Code.	The Applicant shall continue to comply with this condition.

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6.	<p>The following procedures shall be instituted for archaeological site mitigation:</p> <p>A. Possible burial sites identified in the Archaeological Inventory Survey (PHRI ms 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 (Ogphioglossum 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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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 the 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 in 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 for a period co-terminus with the existing license agreement with the owner of the property, or until December 31, 2043; 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.	Applicant shall 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.

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15.	<p>An annual monitoring report shall be submitted to the Planning Director and Land Use Commission prior to the anniversary date of the approval of this 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 current calendar year. Applicant shall continue to comply with this condition.</p> <p>The annual aggregate volumes of material quarried and complaints received:</p> <p>2021: 175,954 tons with no complaints</p>
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>