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Chairperson, Board of Agriculture

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State of Hawaii
DEPARTMENT OF AGRICULTURE
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July 27, 2022



Ms. Karlynn Fukuda
President
Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Subject: Hawaiian Cement
Request to Amend State Special Use Permit and County Special Use Permit (SP92-380 and CUP 2006/0002, respectively)
Puunene Quarry
Adding 45.4 acres to the existing 214.01 acre quarry and rock crushing operation
TMK: 3-8-004: por. 001 Puunene, Maui

Dear Ms. Fukuda:

The Department of Agriculture (“Department”) has reviewed the Application for Amendment to Permit Terms, Conditions, and Time Stipulations (“Document”) in support of the subject proposed amendments and offers the following comments.

Position statement:

The Department requests that Applicant Hawaiian Cement and landowner Alexander and Baldwin, LLC (“A&B”) earnestly adhere to the commitments made for a restoration plan as described in the license agreement referred to as Exhibit C that was submitted by Land Use Commission (“LUC”) staff to the Department on July 20, 2022, and subsequently amended in 2017 (Appendix D. Executed Lease Agreement) to increase the soil depth to be placed on the quarry floor from 18 inches to 24 inches, and other actions to be undertaken to return the quarried land to a semblance of its former state.



Analysis:

The 45.4 acres of additional lands sought to be added to the Special Use Permit area were designated as Important Agricultural Land by action of the Land Use Commission on June, 2009 (Document, page 13 and Figure 7, page 15). The Document notes that "...the Applicant is required by its lease agreement with A&B to restore quarried areas for agricultural use (and) provide for the continued use of the land area for agricultural cultivation." The Document goes on to state that the "...temporary quarry activity is not in conflict with the policies and standards of the IAL as outlined in Hawaii Revised Statutes (HRS) Chapter 205-43."

Appendix D of the Document (Executed Lease Agreement First Amendment to Amended and Restated License Agreement (undated)) is the only reference in the application to the aforementioned lease agreement between Hawaiian Cement and A&B. On July 20, 2022, we received from the LUC, "Exhibit C" of the amended and restated license agreement dated March 26, 2012, and effective March 1, 2012. In Appendix D of the Document, the "First Amendment to Amended and Restated License Agreement" of 2017, item 1. Amendments, Section 1.2, the following statement referring to the Lease Agreement is made:

"Section 3(a) of Exhibit C to the License Agreement is amended and restated as following:

(a) Overburden (soil), in place before the mining occurred, shall be replaced with the same material over the quarry floor at a depth not less than 24".

The Department requests the Applicant respond to the following questions about the terms relating to restoration of the quarried areas for agricultural use:

1. Does the term "quarry floor" mean the land where the quarried material is extracted will be filled with "overburden" (subsoil?), and then two feet of topsoil(??).
2. Will the "quarry floor" then be equal in elevation to that of the original land, prior to quarrying?

The Department does not have or know of existing standards for restoration of quarried land for agricultural use. In an email communication with A&B for Special Use Permit SP77-271 (April 21, 2020), we expressed satisfaction that an 8-acre portion of the area was to be reclaimed with 6 feet of sublayer material and 2 feet of topsoil.

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This concludes our comments. Should you have any questions, please contact Earl Yamamoto at (808) 973-9466, or email at earl.j.yamamoto@hawaii.gov.

Sincerely,

A handwritten signature in black ink, reading "Phyllis Shimabukuro-Geiser". The signature is written in a cursive style with some loops and flourishes.

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

c: Office of Planning and Sustainable Development
Maui County Department of Planning
Land Use Commission