

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



Condition 1:

The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

Condition 1 Response:

The applicant, its successors and assigns (as applicable) has and shall continue to comply with all stated conditions of approval.

Condition 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.

Condition 2 Response:

Satisfied. The Planning Department issued Final Plan Approval on December 10, 1996.

Condition 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.

Condition 3 Response:

Satisfied. 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.

Condition 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.

Condition 4 Response:

Satisfied. 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.

The project operations are confined within the described area.

Condition 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 ("TIAR"), 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

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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.

Condition 5 Response:

We have not received any written requests from the Department of Public Works to prepare a Traffic Impact Analysis Report.

Condition 6:

The following procedures shall be instituted for archaeological site mitigation:

- 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.
- 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.
- 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.
- D. An archaeologist shall be on site to monitor initial land preparation activities that occur in the vicinity of the preservation area.

Condition 6 Response:

Satisfied.

- A. By letter dated November 2, 1992, the State Historic Preservation Division ("SHPD") confirmed 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 area has been avoided and remains "as-is."
- B. The preservation area was surveyed and staked on December 19, 1995. The LUC and Planning Department were notified by letter dated July 6, 1999, that the preservation area (including the 50-ft. buffer) was staked/flagged.
- C. The quarry operator has been notified of the significance of the preservation area.
- D. As confirmed by letter dated May 10, 1999, archaeological monitoring of the site was conducted during initial land preparation activities.

Condition 7:

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.

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Condition 7 Response:

The applicant shall continue to comply with this condition.

No new sites or remains have been discovered during the on-going operations on the Property.

Condition 8:

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.

Condition 8 Response:

Satisfied. 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.

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.

Condition 9:

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.

Condition 9 Response:

The applicant shall continue to comply with this condition.

Condition 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

Condition 10 Response:

The applicant shall comply with this condition.

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.

Condition 11 Response:

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The applicant shall comply with this condition.

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.

Condition 12 Response:

The license agreement with the Owner continues in full force and effect; the quarrying activities are continuing pursuant to the license agreement and the Special Permit.

Condition 13:

An adequate supply of water shall be made available for dust control and for fire prevention and pre-suppression.

Condition 13 Response:

Satisfied. Water to the site is provided by a waterline, 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.

Condition 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.

Condition 14 Response:

The applicant shall continue to comply with this condition.

Condition 15:

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.

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.

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.

The report shall also include Applicant's progress in complying with the conditions imposed.

Condition 15 Response:

Owner hereby submits this annual monitoring report covering activities in 2023.

The annual aggregate volumes of material quarried and complaints received:

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2023: 123,038 tons with no complaints received.

Condition 16:

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.

Condition 16 Response:

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.