MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

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

June 23, 2022

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

LAND USE COMMISSION
STATE OF HAWAII
2022 JUN 30 A

Dear Ms. Fukuda:

SUBJECT: AMENDMENTS TO STATE LAND USE COMMISSION SPECIAL PERMIT AND COUNTY SPECIAL USE PERMIT FOR THE HAWAIIAN CEMENT PUUNENE ROCK QUARRY, PULEHUNUI, KAHULUI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-004:001 (POR.) (SUP1 91-0013) (SP 92-380) (CUP 2006/0002)

At its regular meeting on May 24, 2022, the Maui Planning Commission (Commission) approved amendments to both the State Special Permit (SP 92-380) and County Special Use Permit (CUP 2006/0002) subject to their existing conditions. Added were the following <u>underlined</u> conditions to both permits (see 7 and 8):

1. That the County Special Use Permit shall be valid until July 21, 2032, or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Planning Director (Director) upon a timely request for extension filed at least 90 days prior to its expiration. The Commission may require a public hearing on the time extension.

2. That the County Special Use Permit shall not be transferred without the prior written approval of the Director.

3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of

ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui (County) as an additional named insured, insuring and defending the Applicant and County against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming the County as an additional named insured shall be submitted to the Department of Planning (Department) within 90 calendar days from the date of transmittal of the decision and order.

4. That full compliance with all applicable governmental requirements shall be rendered.

5. That the Applicant shall submit to the Department two copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

6. That the quarry area is expanded by approximately 42 acres and includes the 9.697-acre portion of the quarry within the permitted area, known as Area "C".

7. <u>That the quarry area is expanded by approximately by 45.4 acres at TMK: (2) 3-8-004:001 (por.);</u>

8. <u>That the Applicant comply with the reclamation plan identified as "Exhibit 15" of the staff report and to stabilize the soil after the use is complete.</u> (Exhibit 15 attached)

The Commission has adopted the Department's Report and Recommendation as its Findings of Fact, Conclusions of Law, and Decision and Order will forward the approval of SP 92-380 to the State Land Use Commission for further action.

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

xc: Ann Cua, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
State Land Use Commission
Project File

MCM:PFF:rma
K:\WP_DOCS\PLANNING\CUP\2006\0002_Hawaiian Cement (Puunene)\2021 Amendment\MPCappvl2.doc