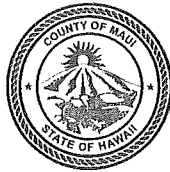


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



LAND USE COMMISSION
STATE OF HAWAII

COUNTY OF MAUI
DEPARTMENT OF PLANNING 2014 JUN 23 A 8:10

June 18, 2014

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

Dear Ms. Fukuda:

SUBJECT: AMENDMENT TO STATE LAND USE COMMISSION SPECIAL PERMIT (SP) AND AMENDMENT TO COUNTY SPECIAL USE PERMIT (CUP) 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 27, 2014, the Maui Planning Commission (Commission) voted to recommend approval to the State Land Use Commission, the following proposed amendments to **State Land Use Commission Special Permit (SP 92-380)**:

1. To expand the quarry area by approximately 42 acres at TMK: (2) 3-8-004:001 (por.);
2. To include the 9.697-acre portion of the quarry within the permitted area (Area "C");
3. To delete Condition No. 16 of SP 92-380 as the Applicant has submitted said updated map to the Department of Planning; and
4. To approve a 15-year time extension for SP 92-380.

Further, the Commission also approved the proposed amendments to the **County Special Use Permit (CUP 2006/0002)** as follows:

Note: New material underlined; deleted material [bracketed]

1. That the County Special Use Permit shall be valid until July 21, 2032 [July 31, 2018], or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Planning Director [Maui Planning Commission] upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension.

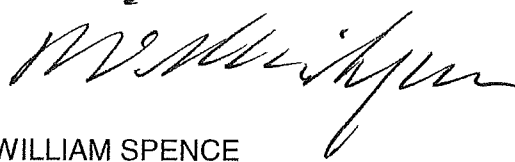
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Planning Director [Maui Planning Commission].
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected 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 as an additional named insured, insuring and defending the Applicant and County of Maui 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 County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (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; and
5. That the Applicant shall submit to the Department two (2) 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".

The Commission adopted the Report and Recommendation prepared by the Department of Planning for the May 27, 2014, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes (HRS).

Ms. Karlynn Fukuda, Executive Vice President
June 18, 2014
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Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Development Services Administration
William Aila, Jr., Chairperson, Department of Land and Natural Resources
State of Hawaii Land Use Commission
CZM File (SUP)
Project File
General File

WRS:PFF:nst

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