

AB Maui Quarries, LLC

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Honolulu, Hawaii 96819
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March 20, 2026

VIA EMAIL TO

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Mr. Daniel E. Orodēnker, Executive Officer
State of Hawaii
Land Use Commission
P. O. Box 2359
Honolulu, Hawai'i 96804

Ms. Jacky Takakura, Acting Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

**Re: Landowner AB Maui Quarries, LLC's Objection to Application for Amendment to Permit Terms, Conditions, and Time Stipulations
Hawaiian Cement Pu'unēnē Quarry (CUP 2006/0002 / SP92-380)
Tax Map Key No. (2) 3-8-004:001 (portion)**

Dear Mr. Orodēnker and Ms. Takakura,

AB Maui Quarries, LLC ("AB Maui") is the fee owner of that certain parcel of land identified as Tax Map Key ("TMK") No. (2) 3-8-004:001 (portion), which is currently subject to the Conditional Use Permit ("CUP") 2006/0002 and Special Permit ("SP") 92-380. AB Maui hereby submits this formal and unequivocal objection to Hawaiian Cement's application (dated June 2025) seeking to amend the permits in a manner that would improperly remove AB Maui's permitted quarry area and otherwise alter land use entitlements affecting the Property. We understand that on or about June 27, 2025, our licensee Hawaiian Cement submitted an application to amend said permits, including the proposed removal of our property from the permitted quarry area. As the sole owner in fee of the land we have received no notice whatsoever in regard to Hawaiian Cement's application that involves our property and only by chance discovered the application ourselves on the Land Use Commission's website, otherwise would not have known.

This objection is submitted because Hawaiian Cement proceeded without AB Maui's written authorization and without providing AB Maui—the actual landowner—any notice or meaningful opportunity to participate before filing an application that directly affects AB Maui's Property interests. As the sole fee simple owner of the property, AB Maui retains all rights and interests in the subject property and Hawaiian Cement failed to obtain our prior consent to any such amendment. HAR § 15-15-95(a) clearly states:

Any person who desires to use land within an agricultural or rural district for other than a permissible agricultural or rural use may petition the county planning commission of the county within which the land is located for a special permit to use the land in the manner desired; **provided that if the person is not the owner or sole owner in fee simple of the land, the record shall include evidence that**

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the person requesting the special permit has written authorization of all fee simple owners to file the petition, which authorization shall also include an acknowledgement that the owners and their successors shall be bound by the special permit and its conditions.

(Bold added).

Hawaiian Cement’s application seeks to modify the already existing permits that apply to, encumber, or otherwise affect our parcel and such application constitutes a material change to land use entitlements. Accordingly, Hawaiian Cement, failed to comply with the express requirements of HAR § 15-15-95(a) and must be rejected outright.

We also note that both the applicant and the consultant submitting the application have actual knowledge of who the new landowner is based on prior discussions with both parties. Furthermore, the application confirms this actual knowledge as it states that “AB Maui Quarries LLC recently purchased the entirety of the existing quarry area from Alexander and Baldwin (A&B). The new landowner is honoring the lease held by the Applicant until January of 2027, at which point Hawaiian Cement will lose access to the quarry area.” Hawaiian Cement failed to provide AB Maui, the actual landowner, with any notice whatsoever and/or seemingly continued to notify A&B instead of AB Maui. Failure to provide notice to the current fee owner undermines due process and the integrity of the permitting review process. AB Maui received no advance notice of the filing and no meaningful opportunity to address the application prior to submission. This is not a harmless technicality—this is the kind of omission that deprives the affected landowner of timely participation and frustrates the transparency expected of the permitting process.

AB Maui does not consent to Hawaiian Cement’s request to remove AB Maui’s Property from the existing permitted quarry area or to any permit amendment that changes, extinguishes, re-defines, or otherwise impairs land use entitlements that run with (or have historically encumbered/benefited) AB Maui’s Property. Hawaiian Cement has no authority to unilaterally restructure entitlements affecting a third party’s fee-owned land without written authorization.

In light of the foregoing, we respectfully request that the County of Maui Department of Planning and the State Land Use Commission take the following actions:

1. Determine that the application is incomplete as it pertains to TMK No. (2) 3-8-004:001 (portion);
2. Refrain from processing or approving any amendment affecting our property without documented authorization from AB Maui Quarries, LLC; and
3. Provide AB Maui Quarries, LLC with all future notices, correspondence, and opportunities to participate in any proceedings related to this matter.

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Should you wish to discuss this matter further, please do not hesitate to contact me a
(808) 842-4929 or by email at wmatsubara@nanhawaii.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wyeth M. Matsubara', with a long horizontal flourish extending to the right.

Wyeth M. Matsubara
Authorized Agent