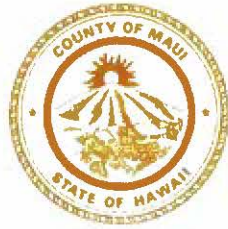


**RICHARD T. BISSEN, JR.**  
Mayor

**JACKY TAKAKURA**  
Director

**ANA LILLIS**  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAI'I 96793

May 7, 2026



Ms. Karlynn Fukuda  
Munekiyo Hiraga  
305 High Street, Suite 104  
Wailuku, Hawai'i 96793

Dear Ms. Fukuda:

**SUBJECT: AMENDMENT TO A STATE LAND USE COMMISSION SPECIAL PERMIT (SP) AND AMENDMENT TO A COUNTY SPECIAL USE PERMIT (CUP) IN ORDER TO RELOCATE THE EXISTING HAWAIIAN CEMENT PU'UNĒNĒ QUARRY FROM A PORTION OF PARCEL 001 TO A DIFFERENT PORTION ON THE SAME PARCEL, LOCATED EAST OF THE INTERSECTION OF MAUI VETERANS HIGHWAY AND KAMA'ĀINA ROAD, PU'UNĒNĒ, MAUI, HAWAI'I; TMK: (2) 3-8-004:001 (POR.) (SUP1910013) (SP 92-380) (CUP20060002)**

At its regular meeting on April 28, 2026, the Maui Planning Commission (Commission) accepted additional information for the record, in particular a determination letter from the State Historic Preservation Division regarding the above-referenced project. The Commission voted to adopt the Planning Department's (Department) Proposed Findings of Fact, Conclusions of Law, and Decision and Order recommending approval of the amendment to the State Land Use Commission Special Permit (SP 92-380) and approving the amendment to the County Special Use Permit (CUP20060002). SP 92-380 is subject to the following 15 conditions recommended by the Commission and the Department is forwarding the matter to the State Land Use Commission (SLUC) for final approval:

1. That the State Land Use Commission Special Permit shall be valid to **January 1, 2050**, subject to further extensions by the SLUC upon a timely request for extension filed at least 120 days prior to its expiration.
2. That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i Revised Statutes. Failure to comply with one or more of the conditions herein shall

result in a Notice of Violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than 60 days to cure the violation. If the permit holder fails to cure the violation within 60 days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six months of the issuance of the order. The order shall become final 30 days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department within said 30 days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director (Director) or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the SLUC. The appropriate Planning Commission shall make a recommendation to the SLUC. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Use Permit, a Public Hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
4. 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 State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission 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) and State of Hawai'i (State) as an additional named insured, insuring and defending the Applicant, County and State 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 name insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the Decision and Order.
5. That full compliance with all applicable governmental requirements shall be rendered.

6. That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of mulch, trees, shrubs, and ground cover shall be established. Seeding with grass is not mandatory unless required by law.
7. That a detailed Drainage Plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed Solid Waste Management Plan be submitted to the Department of Public Works for their review and approval.
9. That an updated maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval prior to commencement of quarry operations into the Supplemental Quarry Area to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
10. That the Applicant shall continue to comply with air pollution control and all other permits for rock crushing, asphalt batching, and all other operations, including the restoration of the site.
11. That an Annual Progress Report (Report) shall be submitted to the Director and the SLUC prior to the anniversary date of the approval of the permit. The Report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all conditions of approval have been complied with and the Director acknowledges that further Reports are not required.
12. That prior to commencement of quarry operations into the Supplemental Quarry Area, the Applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
13. That prior to commencement of quarry operations into the Supplemental Quarry Area, the Applicant shall submit an Archaeological Inventory Survey to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for their review; and shall comply with their subsequent comments.
14. That the new quarry operations shall be confined to the areas depicted on the Project Location Map "Proposed Quarry Site" in Exhibit 1 of the Department's Staff Report, dated November 25, 2025.
15. In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the quarrying activity, the Applicant shall cease work in the

immediate vicinity of the find, protect the find from additional disturbance, and contact DLNR-SHPD, at (808) 692-8015. Work shall not continue in the area of the find until cleared by DLNR-SHPD. The Applicant shall comply with the recommendations of the DLNR-SHPD for archaeological mitigation, as may be required.

Further, the Commission approved the proposed amendment to the County Special Use Permit (CUP20060002), subject to the seven conditions recommended by the Department as follows:

1. That the County Special Use Permit shall be valid until **January 1, 2050**, or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Director upon a timely request for extension filed at least 90 days prior to its expiration. The Director may require a public hearing before the Commission 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 \$1,000,000.00 naming the 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 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 a copy of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit CUP20060002 and State Land Use Commission Special Permit SP92-380. The Compliance Report shall be submitted to the Department for review and approval prior to a time extension request of an amendment to the existing County Special Use Permit.

6. In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the quarrying activity, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact DLNR-SHPD, at (808) 692-8015. Work shall not continue in the area of the find until cleared by DLNR-SHPD. The Applicant shall comply with the recommendations of the DLNR-SHPD for archaeological mitigation, as may be required.
7. That the Applicant shall undertake quarrying of the 125-acre project site in stages and the existing agricultural activity will be allowed to continue in non-quarrying areas. The reclamation of each completed quarried stage shall include topsoil suited for agricultural cultivation of at least 24 inches depth and the reclaimed lands shall be made available for agricultural use.

The Commission adopted the Findings of Fact, Conclusions of Law, and Decision and Order prepared by the Department for the April 28, 2026, meeting. 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, Hawai'i Revised Statutes (HRS).

Thank you for your cooperation. If additional clarification is required, please contact Planner Brailey Gonsalves at [brailey.k.gonsalves@mauicounty.gov](mailto:brailey.k.gonsalves@mauicounty.gov) or at (808) 270-6297.

Sincerely,



JACKY TAKAKURA  
Director

cc: Danny A. Dias, Planning Program Administrator (PDF)  
Brailey Gonsalves, Planner (PDF)  
Department of Land and Natural Resources – Land, Maui and O'ahu (PDF)  
State of Hawai'i Land Use Commission (PDF)  
Karlynn Fukuda, Consultant, Munekiyo & Hiraga (PDF)  
Finn Gibson, Consultant, Munekiyo & Hiraga (PDF)  
Dave Gomes, Applicant, Hawaiian Cement (PDF)

JMCT:BKG:

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