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MARK ALEXANDER ROY

November 17, 2011

Orlando Davidson, Executive Officer  
State of Hawaii  
State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

William Spence, Director  
County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Hawaii 96793

SUBJECT: State Special Use Permit and County Special Use Permit for Puunene Rock Quarry, TMK: (2)3-8-004:001(por.), and 002(por.), (2)3-8-008:001(por.) and 031(por.), Pulehunui, Wailuku, Hawaii (SP 92-380) (SUP1 91-0013) (CUP 2006/0002)

Dear Mr. Davidson and Mr. Spence:

The State Land Use Commission (SLUC) at a regularly scheduled meeting on May 5, 2005, voted to approve a time extension request for the existing State Special Use Permit (SUP) (SP92-380) for the Puunene Quarry. The SUP time extension was granted for 15 years from the date of July 13, 2002. The approval of the time extension request was subject to 11 conditions. See **Exhibit "A"**. It is noted that the Commission also voted to further amend the conditions of the SUP, effective December 18, 2006. See **Exhibit "B"**.

Condition Number 11 of the 2005 SUP time extension approval stated:

*"An annual progress report shall be submitted to the Planning Director and the State Land Use Commission 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 Planning Director acknowledges that further reports are not required."*

Further, at its regular meeting of June 27, 2006, the Maui Planning Commission (Commission) voted to recommend approval of an amendment to the SUP for the existing Puunene Rock Quarry to add additional areas to the SUP. Additionally, the Commission voted to approve an amendment to the existing County Special Use Permit (CUP) for the Puunene Rock Quarry to expand the area for the quarry. See **Exhibit "C"**.

Condition Number 5 of the CUP approval states,

*"That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit."*

The Applicant recently determined that annual compliance reports were not filed for said permits in the years 2007, 2008 and 2009. Hawaiian Cement apologizes for this oversight and notes that it has taken steps to ensure that in the future, annual reports will be filed on a regular basis. It is noted that the annual report for 2010 was submitted to both the State Land Use Commission and Department of Planning via letter report dated September 14, 2011. Hawaiian Cement has been and continues to be in compliance with all conditions since the granting of the permit approvals.

On behalf of the SUP and CUP permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition No. 11 of the SUP and Condition No. 5 of the CUP for the years 2007, 2008 and 2009.

### **STATE SPECIAL USE PERMIT CONDITIONS**

#### **Condition No. 1**

***That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.***

**Response:** The permittee concurs with the condition and will comply with the extension request procedures. We note that the SUP for the Puunene Quarry would expire in July 2017.

**Condition No. 2**

***That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii 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 sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (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 thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the planning department within said (30) days. Upon receipt of a request for a hearing, the Planning 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 or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.***

**Response:** The permittee concurs with this condition.

**Condition No. 3**

***That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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.***

**Response:** The permittee concurs with this condition. No permit transfer request is anticipated for the SUP.

**Condition No. 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 and State of Hawaii as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawaii 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 nonobservance or nonperformance 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 within ninety (90) calendar days from the date of transmittal of the decision and order.***

**Response:** Please find attached, as **Exhibit "D"**, current Certificates of Insurance for the Puunene Quarry, naming the State of Hawaii and County of Maui as an additional insured for the years 2007, 2008 and 2009.

**Condition No. 5**

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

**Response:** The permittee concurs with the condition.

**Condition No. 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 trees, shrubs, and ground cover shall be established.***

**Response:** The permittee understands this condition. A restoration plan, approved by the landowner, has previously been submitted to the SLUC.

**Condition No. 7**

***That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.***

**Response:** A detailed drainage plan was submitted and approved by the Department of Public Works (DPW). Said plan approvals have been previously submitted by the applicant.

**Condition No. 8**

***That a detailed solid waste management plan be submitted to the Public Works for their review and approval.***

**Response:** A detailed solid waste management plan was submitted to the DPW for their review and approval. Said plan approval has been previously submitted by the applicant.

**Condition No. 9**

***That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.***

**Response:** A maintenance program was for the access road and was submitted to the SDOT, Highway Division and DPW for review and approval. The SDOT approved said plan.

**Condition No. 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.***

**Response:** The permittee understands this condition and is continuing to comply with air pollution control and other related permits for the quarry operation. Copies of the current permits for the Pu'unene Quarry site were submitted with the September 14, 2011 report.

**Condition No. 11**

***An annual progress report shall be submitted to the Planning Director and the State Land Use Commission 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 of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.***

**Response:** This report is being submitted to satisfy this condition for the years 2007, 2008 and 2009.

At a meeting held on December 8, 2006, the SLUC voted to grant approval of an amendment to the SUP, thereby including an additional 41.968 acres of land to the existing Puunene Quarry site. As such, the new total acreage covered by the SUP was 105.957 acres. The approval of the amendment included five (5) additional conditions. Refer to **Exhibit "B"**. The permittee's responses to compliance with the five (5) additional conditions are noted below as Condition Nos. 12, 13, 14, 15, and 16.

**Condition No. 12**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.***

**Response:** As previously noted in the response to Condition No. 9, the SDOT has approved the maintenance program for the Puunene Quarry.

**Condition No. 13**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.***

**Response:** The permittee understands this condition. Copies of the State Department of Health permits have been previously submitted with the applicant's 2010 annual report.

**Condition No. 14**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.***

**Response:** The permittee had an archaeological inventory survey report prepared for the expansion area at the Puunene Quarry. The report was submitted to the State Historic Preservation Division (SHPD) for review and approval on January 24, 2011. The permittee will comply with the recommendations of the SHPD approval.

**Condition No. 15**

***That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).***

**Response:** The permittee concurs with this condition. New quarry activities are limited to the expansion area identified on the "Proposed Quarry Mining Site" map that was attached to the SLUC Decision and Order.

**Condition No. 16**

***That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.***

**Response:** The permittee concurs with this condition. As previously noted, Hawaiian Cement received approval for the amendment to the CUP from the County of Maui in July 2006 to reflect the expanded quarry area at the Puunene Quarry. Refer to **Exhibit "C"**.

**COUNTY SPECIAL USE PERMIT CONDITIONS**

**Condition No. 1**

***That the County Special Use Permit shall be valid until July 31, 2018, or the expiration date for the State Land Use Commission Special Use Permit, whichever is longer, subject to extension by the 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.***

**Response:** The permittee concurs with this condition and will comply with time extension request procedures.

**Condition No. 2**

***That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.***

**Response:** The permittee concurs with this condition. No permit transfer request is anticipated for the CUP.

**Condition No. 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 the County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.***

**Response:** Certificates of Insurance for years 2007, 2008 and 2009 are provided in **Exhibit "D"**.

**Condition No. 4**

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

**Response:** The permittee concurs with this condition.

**Condition No. 5**

***That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.***

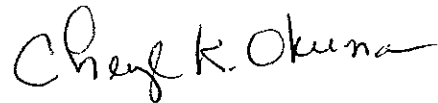
**Response:** This report is being submitted to satisfy this condition for years 2007, 2008 and 2009.

Finally, we would like to note that to date, Hawaiian Cement has extended its quarry operation to approximately 85 percent (85%) of the 24.5 acre expansion area at the Puunene Quarry. The 41-acre expansion area parcel has not been quarried to date.

Orlando Davidson and William Spence  
November 17, 2011  
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Should you have any further questions regarding this annual report, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Cheryl K. Okuma  
Senior Associate

CKO:yp

Enclosures

cc: Dave Gomes, Hawaiian Cement (w/enclosures)

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# **EXHIBIT A.**

## **Decision and Order Approving a Time Extension to a Special Use Permit**

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of ) DOCKET NO. SP92-380  
)  
HAWAIIAN CEMENT )  
) DECISION AND ORDER  
) APPROVING A TIME  
For A Special Permit To Allow A Rock ) EXTENSION TO A  
Quarrying/Crushing Operation And Related ) SPECIAL USE PERMIT  
Uses On Approximately 105.957 Acres Of )  
Land Situated Within The State Land Use )  
Agricultural District At Pulehunui, Waialuku, )  
Maui, Tax Map Key: 3-8-08: Portion Of 1 And )  
Portion Of 31 )  
\_\_\_\_\_ )

DECISION AND ORDER APPROVING A TIME  
EXTENSION TO A SPECIAL USE PERMIT

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

JUL 15 2005

Date

by *Arthuro J. Acuna*  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SP92-380
	)	
HAWAIIAN CEMENT	)	DECISION AND ORDER
	)	APPROVING A TIME
For A Special Permit To Allow A Rock	)	EXTENSION TO A
Quarrying/Crushing Operation And Related	)	SPECIAL USE PERMIT
Uses On Approximately 105.957 Acres Of	)	
Land Situated Within The State Land Use	)	
Agricultural District At Pulehunui, Wailuku,	)	
Maui, Tax Map Key: 3-8-08: Portion Of 1 And	)	
Portion Of 31	)	

DECISION AND ORDER APPROVING A TIME  
EXTENSION TO A SPECIAL USE PERMIT

On February 13, 2002, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). The Applicant requested a 15-year time extension to the life of the special use permit to allow for the continued operation of the Applicant's rock quarry and concrete aggregate operations ("Request").<sup>1</sup>

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<sup>1</sup> By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("Commission") approved the special use permit to establish the rock quarry on approximately 45.957 acres of land. The special use permit was valid for a period of 10 years to July 13, 2002. By Findings Of Fact, Conclusions Of Law, And Decision And Order ("Decision and Order") issued on November 25, 1996,

The Commission has jurisdiction over the Applicant's Request. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize this Commission to approve special use permits and amendments thereto for areas greater than 15 acres.

On July 8, 2003, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request. A member of the public provided testimony on the Request. After due deliberation, the Planning Commission recommended approval of the Applicant's Request to this Commission, subject to the following amendments to Condition Numbers 1, 2, 3, 4, 6, 7, 8, 9, and 12 of the Decision and Order issued on November 25, 1996:

1. That the State Land Use Commission Special Use Permit shall be valid until for a period of fifteen (15) years from the date of its granting, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii 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 sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (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;

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the Commission approved an additional 60 acres of land to the quarry for a total special use permit area of 105.957 acres. The 60 acres of land were previously the subject of another special use permit approved in LUC Docket No. SP90-376/Hawaiian Cement.

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 thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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 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 Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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 and State of Hawaii as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawaii 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 nonobservance or nonperformance 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 within ninety (90) calendar days from the date of transmittal of the decision and order.

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 trees, shrubs, and ground cover shall be established.
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 Public Works for their review and approval.
9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
12. That the applicant shall submit to the Maui Planning Department copies of a detailed report addressing its compliance with the conditions established with the subject State Land Use Commission Special Use Permit. The compliance report shall be reviewed and approved by the Maui Planning Department prior to a time extension request or an amendment to the existing Land Use Commission Special Use Permit.

The Planning Commission also recommended that Condition Number 5 be retained and that Condition Numbers 10 and 11 be deleted.

On January 29, 2004, the Commission received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's



Request. On April 6, 2005, the Commission received the remaining portion of the record.

On May 5, 2005, the Commission met in Makena, Maui, to consider the Applicant's Request. Bill Horneman appeared on behalf of the Applicant. Jane E. Lovell, Esq., and Robyn Loudermilk appeared on behalf of the DP. John W. K. Chang, Esq.; Abe Mitsuda; and Mary Alice Evans also were present on behalf of the State Office of Planning ("OP").

At the meeting, Commissioner Ransom Piltz disclosed that he served on the Planning Commission when the Applicant's Request was considered. There were no objections to Commissioner Piltz's participation in this proceeding. Following a presentation by the Commission's staff on the Applicant's Request, the Commission raised questions regarding the Applicant's compliance with the conditions of approval. The OP and the DP affirmed that the Applicant complied with Condition Numbers 6, 7, 8, 9, 10, and 11. Upon further questioning by the Commission, the DP and the Applicant stated that they had no objections to retaining the requirement that the Applicant file an annual report with the Planning Director and the Commission. The DP also clarified that the Planning Commission's recommendation to approve the Applicant's Request for a 15-year time extension was based on the understanding that it would commence from the July 13, 2002, expiration date of the special use permit.

Following further discussion, the Commission noted that the Applicant should continue to comply with all required permits for its operations and the restoration of the site.

Thereafter, a motion was made and seconded to approve the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
  
2. That the conditions of this 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 sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (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 thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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 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 Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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 and State of Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i 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 nonobservance or nonperformance 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 within ninety (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 trees, shrubs, and ground cover shall be established.

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 Public Works for their review and approval.
9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval 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. An annual progress report shall be submitted to the Planning Director and the State Land Use Commission 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 of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

#### ORDER

Having duly considered the complete record of the Applicant's Request and the oral arguments presented by the parties present in the proceeding, and a

motion having been made at a meeting on May 5, 2005, in Makena, Maui, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission hereby APPROVES the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
2. That the conditions of this 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 sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (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 thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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 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 Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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 and State of Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i 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 nonobservance or nonperformance 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 within ninety (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 trees, shrubs, and ground cover shall be established.


- 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 Public Works for their review and approval.
- 9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval 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. An annual progress report shall be submitted to the Planning Director and the State Land Use Commission 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 of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

ADOPTION OF ORDER

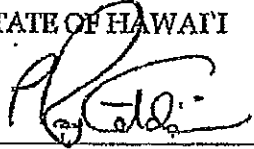
The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 15th day of July, 2005. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

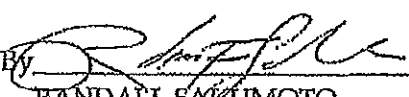
Done at Honolulu, Hawai'i, this 15th day of July, 2005, per motion on May 5, 2005.

APPROVED AS TO FORM

  
Deputy Attorney General

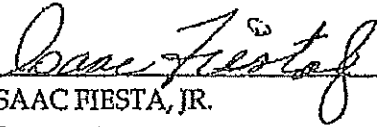
LAND USE COMMISSION  
STATE OF HAWAII

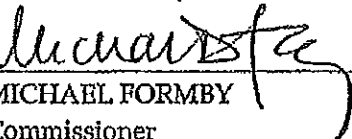
By   
P. ROY CATALANI  
Chairperson and Commissioner

By   
RANDALL SAKUMOTO  
Vice-Chairperson and Commissioner


By (absent)  
STEVEN LEE MONTGOMERY  
Vice Chair and Commissioner




By   
ISAAC FIESTA, JR.  
Commissioner

By   
MICHAEL FORMBY  
Commissioner

By \_\_\_\_\_ (absent)  
KYONG-SU IM  
Commissioner

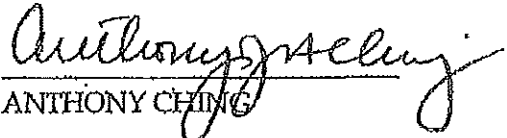
By   
LISA M. JUDGE  
Commissioner

By   
RANSOM A.K. FILTZ  
Commissioner

Filed and effective on  
JUL 15 2005

By \_\_\_\_\_ (absent)  
PETER YUKIMURA  
Commissioner

Certified by:

  
ANTHONY CHING

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of ) DOCKET NO. SP92-380  
)  
HAWAIIAN CEMENT ) CERTIFICATE OF SERVICE  
)  
For A Special Permit To Allow A Rock )  
Quarrying/Crushing Operation And Related )  
Uses On Approximately 105.957 Acres Of )  
Land Situated Within The State Land Use )  
Agricultural District At Pulehunui, Wailuku, )  
Maui, Tax Map Key: 3-8-08; Portion Of 1 And )  
Portion Of 31 )  
\_\_\_\_\_)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision And Order Approving A Time Extension To A Special Use Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DBL. LAURA THIELEN, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

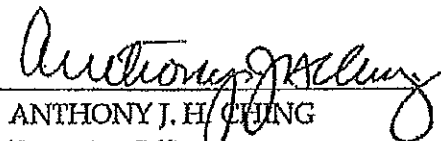
JOHN CHANG, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

MICHAEL FOLEY, Director  
County of Maui, Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.  
Corporation Counsel  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

CERT. WILDER W. HORNEMAN  
Vice President Concrete & Aggregate Operations  
Hawaiian Cement  
P. O. Box 488  
Kahului, Hawaii 96732

Dated: Honolulu, Hawaii, JUL 15 2005

  
ANTHONY J. H. CHUNG  
Executive Officer

# **EXHIBIT B.**

## **Decision and Order Approving Amendment to Special Use Permit**

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SP92-380
	)	
HAWAIIAN CEMENT	)	DECISION AND ORDER
	)	APPROVING AMENDMENT
For A Special Permit To Allow A Rock	)	TO SPECIAL USE PERMIT
Quarrying/Crushing Operation And Related	)	
Uses On Approximately 105.957 Acres Of	)	
Land Situated Within The State Land Use	)	
Agricultural District At Pulehunui, Wailuku,	)	
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion	)	
Of 1 And Portion Of 2 And 3-8-08: Portion Of	)	
1 And Portion Of 31	)	
_____		

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

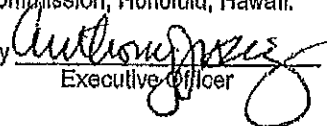
This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawaii.

DEC 18 2008

Date

by

Executive Officer



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SP92-380
	)	
HAWAIIAN CEMENT	)	DECISION AND ORDER
	)	APPROVING AMENDMENT
For A Special Permit To Allow A Rock	)	TO SPECIAL USE PERMIT
Quarrying/Crushing Operation And Related	)	
Uses On Approximately 105.957 Acres Of	)	
Land Situated Within The State Land Use	)	
Agricultural District At Pulehunui, Wailuku,	)	
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion	)	
Of 1 And Portion Of 2 And 3-8-08: Portion Of	)	
1 And Portion Of 31	)	
_____	)	

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

On August 30, 2005, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket ("Proposed Amendment") with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). The Applicant requested the expansion of its existing rock quarry and concrete aggregate operations on approximately 66,444 acres of land within the State Land Use Agricultural District,

identified as Tax Map Key: 3-8-04: por. 1, at Pulehunui, Wailuku, Maui, Hawai'i ("Expansion Areas").<sup>1</sup>

The LUC has jurisdiction over the Applicant's Proposed Amendment. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize the LUC to approve special use permits and amendments thereto for areas greater than 15 acres.

On June 27, 2006, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Proposed Amendment. There was no public testimony provided on the Proposed Amendment. After due deliberation, the Planning Commission recommended approval of the Applicant's Proposed Amendment to the LUC, subject to the following five additional conditions, which augment the existing 11 conditions previously imposed by the LUC in its Decision And Order Approving A Time Extension To A Special Use Permit ("Decision And Order Approving A Time Extension") dated July 15, 2005:

12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas.

---

<sup>1</sup> By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("LUC") approved the special use permit to establish the rock quarry and concrete aggregate operations on approximately 45,957 acres of land. By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on November 25, 1996, the LUC approved an additional approximately 60 acres of land to the special use permit for a total area of 105,957 acres. Based on the configuration of the 105,957 acres in the record and the current tax maps, the existing rock quarry and concrete aggregate operations are located on Tax Map Keys: 3-8-04: por. 1 and 3-8-08: por. 20 and por. 31.

The existing configuration of the 105,957 acres in the record differs significantly from the boundaries of the actual area of use.

13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
15. That prior to issuance of a grading permit, the applicant shall submit an archeological [sic] inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
16. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).

On August 25 and October 30, 2006, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Proposed Amendment. On November 14, 2006, the LUC received the remaining portion of the record.

On December 8, 2006, the LUC met at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, to consider the Applicant's Proposed Amendment. William Horneman appeared on behalf of the Applicant. Jeff Hunt appeared on behalf of the DP. Bryan C. Yee, Esq., and Abe Mitsuda also were present on behalf of the State Office of Planning ("OP").



At the meeting, the DP stated, among other things, that based on an e-mail received on July 18, 2006, the County Department of Public Works and Environmental Management clarified that the expansion of the quarry was in fact exempt from a grading permit, and therefore Condition Number 12 should be deleted and that references to the issuance of a grading permit in Condition Numbers 13, 14, and 15 should be rephrased to require that the respective actions occur prior to initiating the proposed quarry operations. The DP also clarified that Condition Number 13 addresses a maintenance program for the driveway and surrounding roadway including Mokulele Highway, whereas Condition Number 9 pertains primarily to a maintenance program for the access road. The Applicant then provided a background of the existing rock quarry and concrete aggregate operations. The Applicant pointed out, among other things, that he provided approximately 80,000 tons of aggregate per year and in excess of 160,000 cubic yards of concrete from the existing quarry to the economy of Maui. The Applicant noted that at the current rate of mining, he would run out of material at the current site by the middle of 2007, and therefore he intended to start quarrying operations into the Expansion Areas as soon as possible. In response to questioning from the LUC, the Applicant clarified that its existing restoration plan will apply to the Expansion Areas, and that it will amend or supplement its existing solid waste management plan to include the Expansion Areas. The Applicant further noted that it had no

objections to the revisions to Condition Numbers 13, 14, and 15 as recommended by the DP. The OP was then asked to provide comments on the Proposed Amendment. The OP stated that it had not yet received confirmation that the State Department of Transportation ("DOT") reviewed and approved the Applicant's maintenance program. The OP added, however, that with the assumption that (i) the term "surrounding roadway" in Condition Number 13 includes Mokulele Highway; (ii) the DOT's approval of a maintenance program is necessary prior to commencement of quarrying in the Expansion Areas; and (iii) the County of Maui will enforce violations of any maintenance program approved by the DOT, the OP had no objections to the Proposed Amendment.

Thereafter, a motion was made and seconded to approve the Applicant's Proposed Amendment, subject to the following additional conditions to the Decision And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.

15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24,476 Acres" and "41,968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105,957-acre quarry site.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 2 absent, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Proposed Amendment and the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting on December 8, 2006, at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the Applicant's Proposed Amendment to expand its existing rock quarry and concrete aggregate operations on approximately 66,444 acres of land within the State Land Use Agricultural District at Pulehunui, Wailuku, Maui, Hawai'i, identified as Tax Map Key: 3-8-04; por. 1, and approximately identified on Exhibit "A," attached hereto and incorporated by

reference herein, be APPROVED, subject to the following conditions to the Decision

And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

All other conditions to the Decision And Order Approving A Time Extension dated July 15, 2005, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawai'i, this 18th day of

December, 2006.

APPROVED AS TO FORM:

*Dean Jackson*  
Deputy Attorney General

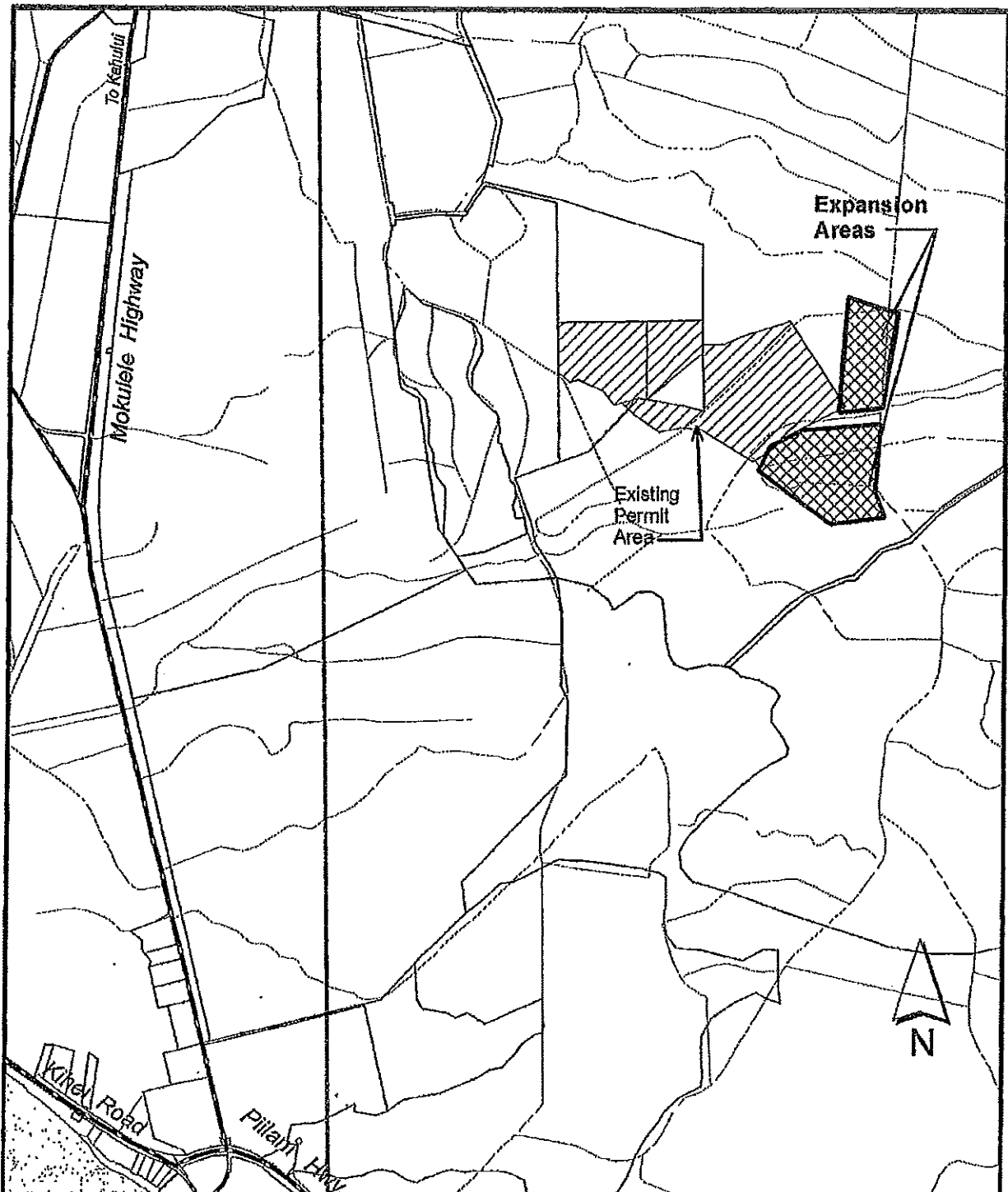
LAND USE COMMISSION  
STATE OF HAWAII

By *Lisa Judge*  
LISA JUDGE  
Chairperson and Commissioner

Filed and effective on  
DEC 18 2006

Certified by:

*Anthony J. H. Young*  
ANTHONY J. H. YOUNG, Executive Officer



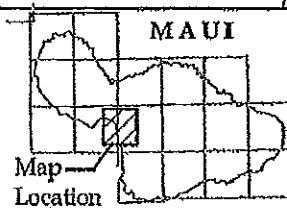
**SP92-380 HAWAIIAN CEMENT  
LOCATION MAP**

Tax Map Key: 3-8-04: 1 (por.), 2 (por.), and  
3-8-08: 1 (por.) and 31 (por.)

Pulehunui, Wailuku, Maui, Hawai'i

Scale 1" = 2,000 feet

Exhibit "A"



Top Map Key (2) 3-8-04: 01 (Parton)  
321 SOUTH STREET, SUITE 207  
321 SOUTH STREET, HAWAII, HONOLULU

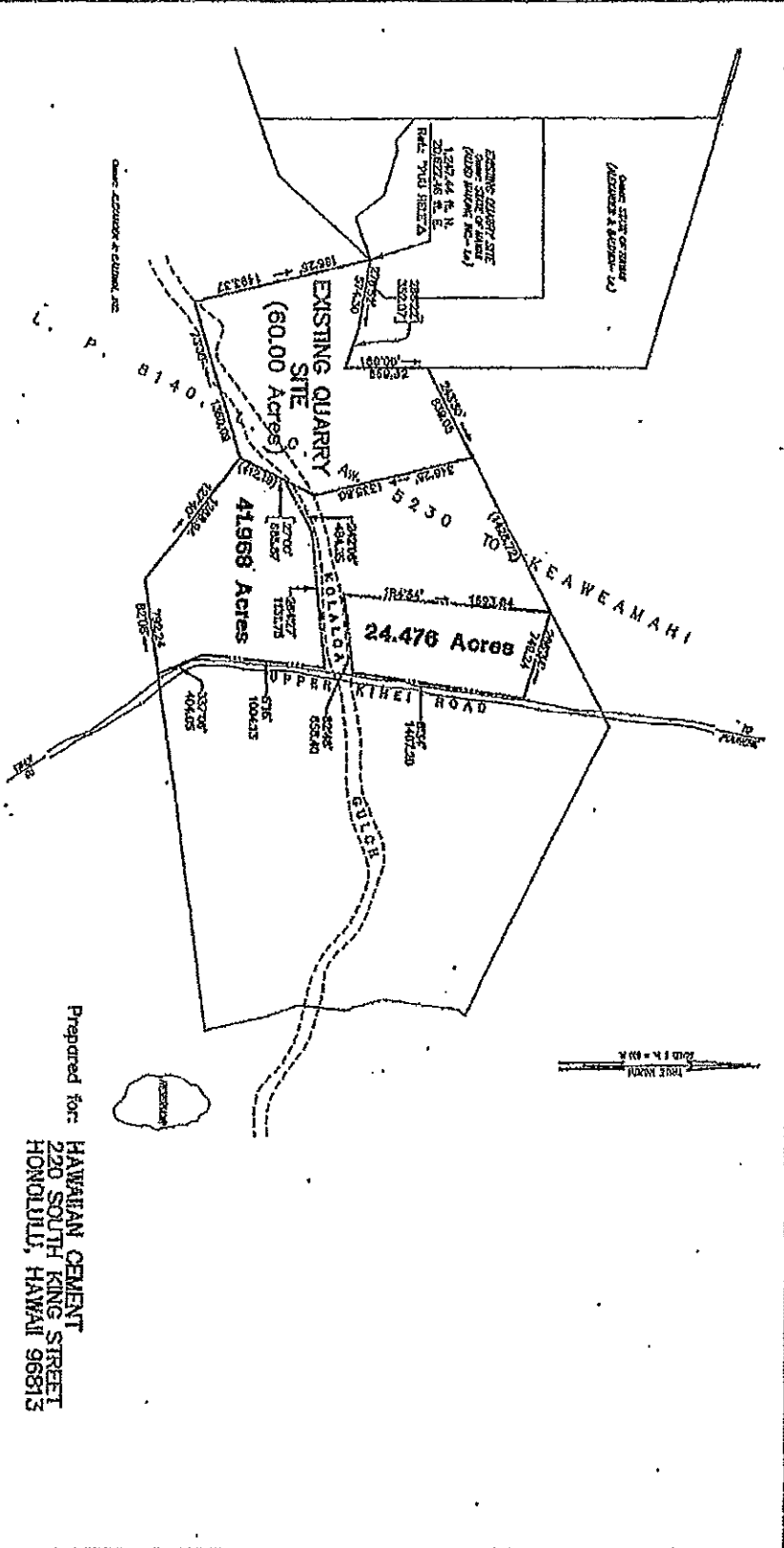
F. T. TANAKA ENGINEERS, INC.

# PROPOSED QUARRY MINING SITE AT PULEHUNU, WAIALUKU (KULA), MAUI, HAWAII

Prepared for: HAWAIIAN CEMENT  
220 SOUTH KING STREET  
HONOLULU, HAWAII 96813

2003  
ORIGINATING SCALE IN FEET  
1:500

JULY 07, 2005  
JOB NO. 05-055





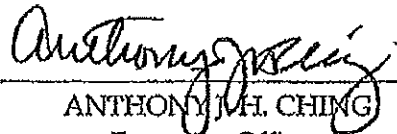


MICHAEL FOLEY, Director  
County of Maui, Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.  
JANE LOVELL, Esq.  
Corporation Counsel  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

CERT: WILLIAM HORNEMAN  
99-130 Halawa Valley Street  
Aiea, Hawaii 96701-3289

Honolulu, Hawai'i, DEC 18 2006

  
\_\_\_\_\_  
ANTHONY H. CHING  
Executive Officer

# **EXHIBIT C.**

**Letter from Department of  
Planning Dated  
June 27, 2006**

ALAN M. ARAKAWA  
Mayor

MICHAEL W. FOLEY  
Director

Don Couch  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

June 27, 2006

Mr. Wilder W. Hornerman  
Vice President  
Hawaiian Cement  
P. O. Box 488  
Kahului, Hawaii 96733

Dear Mr. Hornerman:

RE: Amendment to State Land Use Commission Special Use Permit and a County Special Use Permit to Move the Location of the Pu'unene Rock Quarry at TMK (2) 3-8-004:001 por., Pulehunui, Wailuku, Island of Maui, Hawaii (SUP 92-380), (SUP1 91-0013), (CUP 2006/0002)

At its regular meeting on June 27, 2006, the Maui Planning Commission reviewed the above requests and voted to recommend approval for the amendment to the State Land Use Commission Special Use Permit (SUP 92-380) (SUP1 91-0013) subject to the following conditions:

**STATE SPECIAL USE PERMIT AMENDMENT CONDITIONS:**

In addition to compliance with conditions 1 through 11 from the July 15, 2005 Order approving the timeline extension, compliance with the following additional conditions for the proposed quarry sites of 24.47 acres and 41.96 acres:

12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas;
13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway;
14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit;

Mr. Wilder W. Hornerman  
June 27, 2006  
Page 2

15. That prior to issuance of a grading permit, the applicant shall submit an archeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments; and
16. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.988 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2006).

Furthermore, at its regular meeting on June 27, 2006, the Maui Planning Commission voted to approve the County Special Use Permit (CUP 2006/0002) to include the new quarry area, subject to the following conditions:

**STANDARD CONDITIONS:**

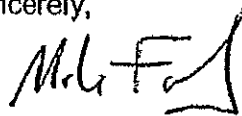
1. That the County Special Use Permit shall be valid until July 31, 2018, or the expiration date for the State Land Use Commission Special Use Permit, whichever is longer, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to 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 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 within ninety (90) calendar days from the date of transmittal of the decision and order;

Mr. Wilder W. Hornerman  
June 27, 2006  
Page 3

4. That full compliance with all applicable governmental requirements shall be rendered; and
5. That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Jeff Hunt, AICP, Staff Planner, of this office at 270-6271.

Sincerely,



MICHAEL W. FOLEY  
Planning Director

Enclosure

MWF:JH:sec

c: Clayton I. Yoshida, AICP, Planning Program Administrator  
Aaron H. Shinmoto, Planning Program Administrator (2)  
Development Services Administration (2)  
Anthony Ching, Executive Officer, State Land Use Commission  
Herbert S. Matsubayashi, State Department of Health, Maui District  
Rodney K. Haraga, State Department of Transportation  
Melanie Chinen, State Historic Preservation Division  
Jeff Hunt, AICP, Staff Planner  
Bob Tanaka, Tanaka Engineers, Inc.  
Project File  
General File  
K:\WP\_DOCS\PLANNING\SUP\1\1991\0013\_HawaiianCementQuarry\_b\QuarryExpansion2005MPC\_approval.wpd

# **EXHIBIT D.**

## **Certificates of Insurance**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/30/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA Inc. 333 South 7th Street, Suite 1600 Minneapolis, MN 55402-2400	<b>CONTACT NAME:</b> _____	
	<b>PHONE (A/C, No, Ext):</b> _____	<b>FAX (A/C, No):</b> _____
<b>E-MAIL ADDRESS:</b> _____		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
J43750-HC-GAUC-07-08      na      na      na      na      N	<b>INSURER A:</b> Liberty Mutual Fire Ins Co	23035
<b>INSURED</b> HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 96701	<b>INSURER B:</b> Associated Electric & Gas Ins Services Ltd	3190004
	<b>INSURER C:</b> Liberty Mutual Insurance Company	23043
	<b>INSURER D:</b> _____	
	<b>INSURER E:</b> _____	
<b>INSURER F:</b> _____		

**COVERAGES**      **CERTIFICATE NUMBER:** CHI-004271410-01      **REVISION NUMBER:** 4

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			TB2641005097-047	01/01/2007	01/01/2008	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			AS2-641-005097-057	01/01/2007	01/01/2008	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			XO259A1A-07	01/01/2007	01/01/2008	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WA7-64D-005097-017 (AOS) WC7-641-005097-027(Guar.Cost) WC7-641-005097-037 (OR,WI) Includes *Stop Gap*	01/01/2007	01/01/2008	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Puunene Quarry

State of Hawaii is included as additional insured with respects to general and auto liability where required by written contract. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

## CERTIFICATE HOLDER

## CANCELLATION

State of Hawaii Land Use Commission P.O. Box 2357 Honolulu, HI 96804-2359	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>
	<b>AUTHORIZED REPRESENTATIVE</b> of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>

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# MARSH

# CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER  
CHI-001217099-21

**PRODUCER**

Marsh USA Inc.  
333 South 7th Street, Suite 1600  
Minneapolis, MN 55402-2400

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

**COMPANIES AFFORDING COVERAGE**

- COMPANY  
A Liberty Mutual Fire Ins Co
- COMPANY  
B Associated Electric & Gas Ins Services Ltd
- COMPANY  
C Liberty Insurance Corporation
- COMPANY  
D

J43750-HAWAI-GAWX-08-09

**INSURED**

HAWAIIAN CEMENT  
99-1300 HALAWA VALLEY STRET  
AIEA, HI 96701

**COVERAGES**

This certificate supersedes and replaces any previously issued certificate for the policy period noted below.

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CD LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR OWNER'S & CONTRACTOR'S PROT <input checked="" type="checkbox"/> PER PROJECT	TB2641005097-048	01/01/08	01/01/09	GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 PERSONAL & ADV INJURY \$ 1,000,000 EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 500,000 MED EXP (Any one person) \$ 10,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	AS2 641 005097-058	01/01/08	01/01/09	COMBINED SINGLE LIMIT \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
B	<b>EXCESS LIABILITY</b> <input type="checkbox"/> UMBRELLA FORM <input checked="" type="checkbox"/> OTHER THAN UMBRELLA FORM	X0259A1A08	01/01/08	01/01/09	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input checked="" type="checkbox"/> INCL <input type="checkbox"/> EXCL	WC7-641-005097-028 (Guar. Cost) WA7-64D-005097-018 (AOS) WC7-641-005097-038 (OR,WI) INCLUDES "STOP-GAP"	01/01/08 01/01/08 01/01/08	01/01/09 01/01/09 01/01/09	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ \$1,000,000 EL DISEASE-POLICY LIMIT \$ \$1,000,000 EL DISEASE-EACH EMPLOYEE \$ \$1,000,000
	OTHER WORKERS COMPENSATION IS EXCLUDED FROM ADDITIONAL INSURED WORDING				

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**

RE: PUUNEVE QUARRY  
STATE OF HAWAII IS INCLUDED AS ADDITIONAL INSURED AS REQUIRED BY WRITTEN CONTRACT. (SP06-400)

**CERTIFICATE HOLDER**

STATE OF HAWAII  
LAND USC COMMISSION  
P.O. BOX 2357  
HONOLULU, HI 96804-2359

**CANCELLATION**

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.  
BY: Mary Radaszewski

*Mary Radaszewski*

MM1(3/02)

VALID AS OF: 10/24/08





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/30/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA Inc. 333 South 7th Street, Suite 1600 Minneapolis, MN 55402-2400	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
E-MAIL ADDRESS:		
INSURER(S) AFFORDING COVERAGE		NAIC #
J43750-HC-GAUC-09-10      na      na      na      na      N	INSURER A : Liberty Mutual Fire Ins Co	23035
INSURED HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 96701	INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
	INSURER C : Liberty Mutual Insurance Company	23043
	INSURER D :	
	INSURER E :	
INSURER F :		

**COVERAGES**      **CERTIFICATE NUMBER:** CHI-004271419-01      **REVISION NUMBER:** 3

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC			TB2641005097-049	01/01/2009	01/01/2010	EACH OCCURRENCE	\$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 2,000,000
							GENERAL AGGREGATE	\$ 4,000,000
							PRODUCTS - COMP/OP AGG	\$ 4,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			AS2 641 005097-059	01/01/2009	01/01/2010	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			X0259A1A09	01/01/2009	01/01/2010	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$ 5,000,000
								\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WA7-64D-005097-019 (AOS)	01/01/2009	01/01/2010	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	
C	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		N/A	WC7-641-005097-029 (Guar. Cost)	01/01/2009	01/01/2010	E.L. EACH ACCIDENT	\$ 1,000,000
C				WC7-641-005097-039 (OR,WI) "Includes *Stop Gap"	01/01/2009	01/01/2010	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Puunene Quarry

State of Hawaii is included as additional insured with respects to general and auto liability where required by written contract. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

## CERTIFICATE HOLDER

State of Hawaii  
 Land Use Commission  
 P.O. Box 2357  
 Honolulu, HI 96804-2359

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
 of Marsh USA Inc.

Manashi Mukherjee

*Manashi Mukherjee*

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/30/2011

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<b>PRODUCER</b> Marsh USA Inc. 333 South 7th Street, Suite 1600 Minneapolis, MN 55402-2400	<b>CONTACT NAME:</b> _____	
	<b>PHONE (A/C, No, Ext):</b> _____	<b>FAX (A/C, No):</b> _____
<b>E-MAIL ADDRESS:</b> _____		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
J43750-HC-GAUC-08-09      na      na      na      AI      N	<b>INSURER A:</b> Liberty Mutual Fire Ins Co	23035
<b>INSURED</b> HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 96701	<b>INSURER B:</b> Associated Electric & Gas Ins Services Ltd	3190004
	<b>INSURER C:</b> Liberty Mutual Insurance Company	23043
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
<b>INSURER F:</b>		

**COVERAGES**      **CERTIFICATE NUMBER:** CHI-004271426-01      **REVISION NUMBER:** 1

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			TB2641005097-048	01/01/2008	01/01/2009	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			AS2 641 005097-058	01/01/2008	01/01/2009	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED      RETENTION \$			X0259A1A08	01/01/2008	01/01/2009	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$ 5,000,000
								\$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WA7-64D-005097-018 (AOS)	01/01/2008	01/01/2009	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS	
C	Y/N <input checked="" type="checkbox"/> N      N/A			WC7-641-005097-028 (Guar. Cost)	01/01/2008	01/01/2009	E.L. EACH ACCIDENT	\$ 1,000,000
C				WC7-641-005097-038 (OR,WI) Includes "Stop Gap"	01/01/2008	01/01/2009	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Puunene Quarry

County of Maui is included as additional insured with respects to general and auto liability where required by written contract. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

## CERTIFICATE HOLDER

County of Maui  
 Department of Planning  
 200 South High Street  
 Wailuku, Maui, HI 96793

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
 of Marsh USA Inc.

Manashi Mukherjee

*Manashi Mukherjee*

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/30/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA Inc. 333 South 7th Street, Suite 1600 Minneapolis, MN 55402-2400	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL: ADDRESS:		<b>FAX (A/C, No):</b>
	<b>INSURER(S) AFFORDING COVERAGE</b>		
J43750-HC-GAUC-09-10      na      na      na      AI      N	<b>INSURER A:</b> Liberty Mutual Fire Ins Co	<b>NAIC #</b> 23035	
<b>INSURED</b> HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 96701	<b>INSURER B:</b> Associated Electric & Gas Ins Services Ltd	<b>NAIC #</b> 3190004	
	<b>INSURER C:</b> Liberty Mutual insurance Company	<b>NAIC #</b> 23043	
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
	<b>INSURER F:</b>		

**COVERAGES**      **CERTIFICATE NUMBER:** CHI-004271428-01      **REVISION NUMBER:** 2

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		TB2641005097-049	01/01/2009	01/01/2010	EACH OCCURRENCE	\$ 2,000,000	
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000	
						MED EXP (Any one person)	\$ 10,000	
						PERSONAL & ADV INJURY	\$ 2,000,000	
						GENERAL AGGREGATE	\$ 4,000,000	
						PRODUCTS - COMP/OP AGG	\$ 4,000,000	
							\$	
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		AS2 641 005097-059	01/01/2009	01/01/2010	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000	
						BODILY INJURY (Per person)	\$	
						BODILY INJURY (Per accident)	\$	
						PROPERTY DAMAGE (Per accident)	\$	
							\$	
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		X0259A1A09	01/01/2009	01/01/2010	EACH OCCURRENCE	\$ 5,000,000	
						AGGREGATE	\$ 5,000,000	
							\$	
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WA7-64D-005097-019 (AOS)	01/01/2009	01/01/2010	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
C				WC7-641-005097-029 (Guar. Cost)	01/01/2009	01/01/2010	E.L. EACH ACCIDENT	\$ 1,000,000
C				WC7-641-005097-039 (OR, WI) "Includes "Stop Gap"	01/01/2009	01/01/2010	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Puunene Quarry  
 County of Maui is included as additional insured with respects to general and auto liability where required by written contract. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

<b>CERTIFICATE HOLDER</b> County of Maui Department of Planning 200 South High Street Wailuku, Maui, HI 96793	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
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