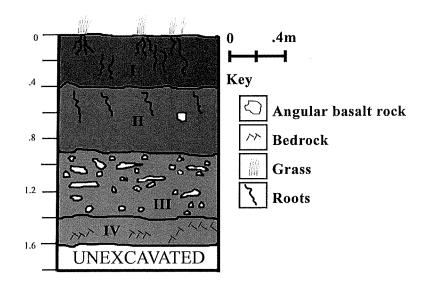
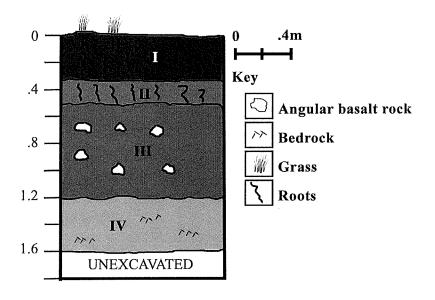
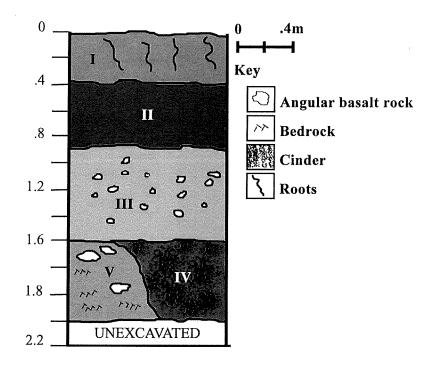
## APPENDIX A



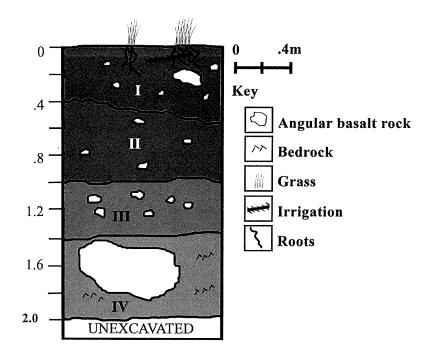
Stratigraphic Profile of West Wall at TR1



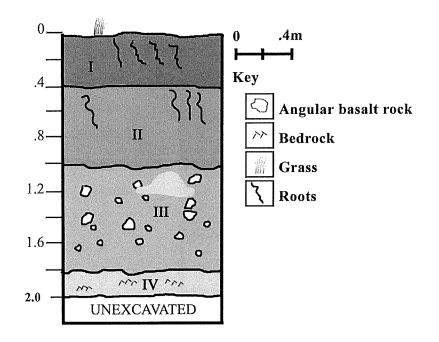
Stratigraphic Profile of East Wall at TR2



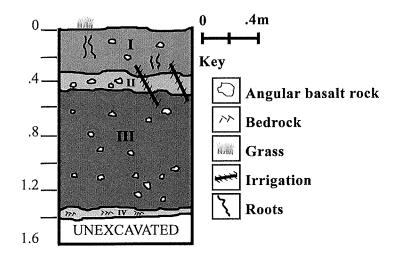
Stratigraphic Profile of North Wall at TR3



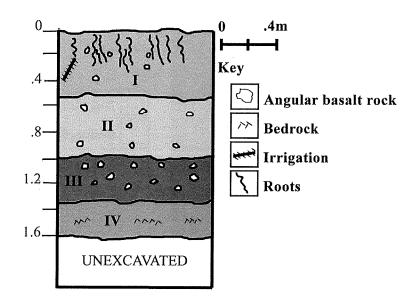
Stratigraphic Profile of West Wall at TR4



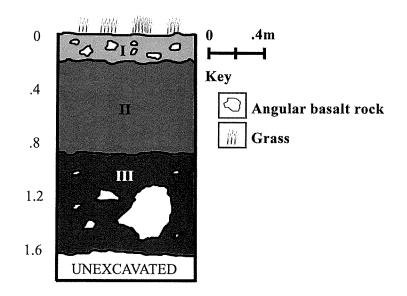
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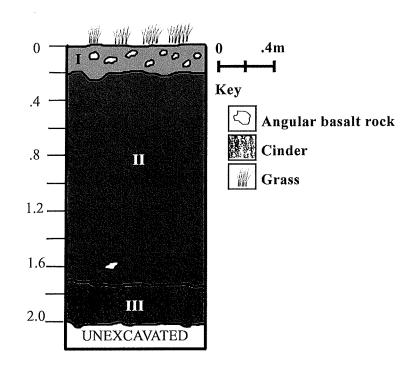
Stratigraphic Profile of North Wall at BD1



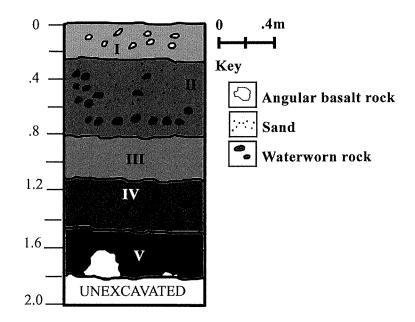
Stratigraphic Profile of North Wall at BD2



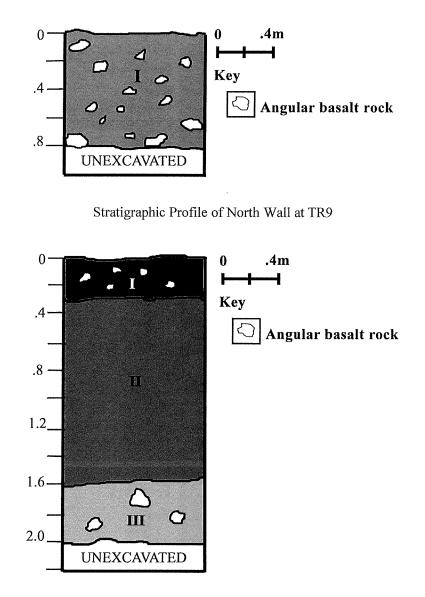
Stratigraphic Profile of South Wall at TR6



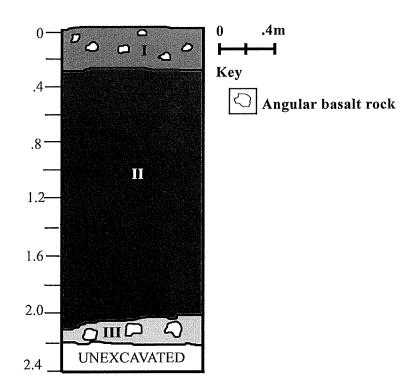
Stratigraphic Profile of North Wall at TR7



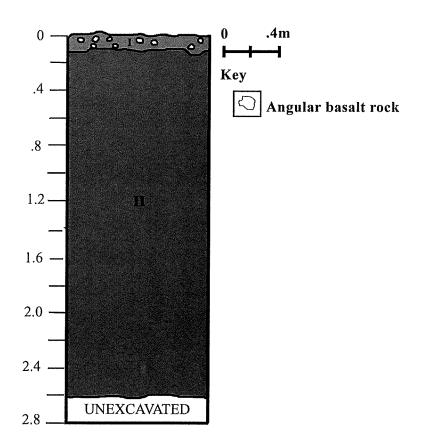
Stratigraphic Profile of North Wall at TR8



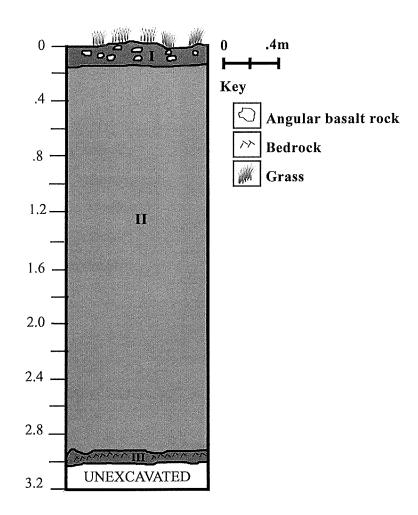
Stratigraphic Profile of North Wall at TR10

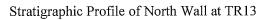


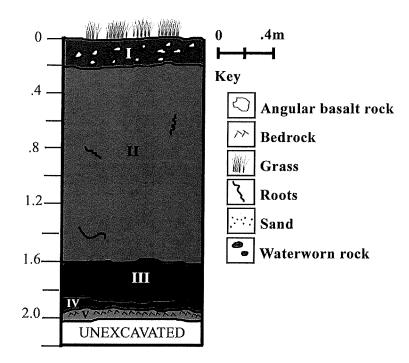
Stratigraphic Profile of North Wall at TR11



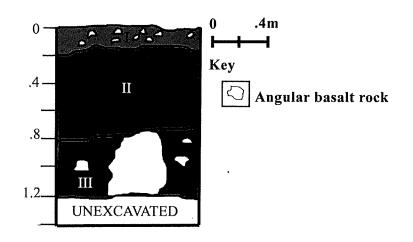
Stratigraphic Profile of North Wall at TR12



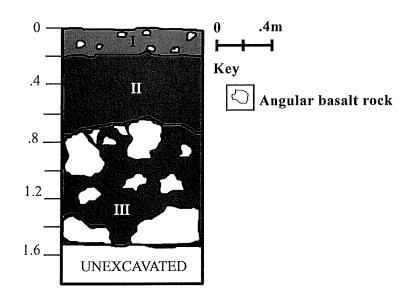




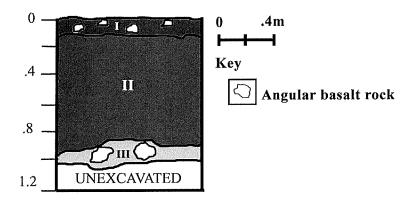
Stratigraphic Profile of North Wall at TR14



Stratigraphic Profile of North Wall at TR15



Stratigraphic Profile of North Wall at TR16



Stratigraphic Profile of South Wall at TR17

# **APPENDIX**

2020 COUNTY SPECIAL USE PERMIT COMPLIANCE REPORT



Michael T. Munekiyo CHAIRMAN Karlynn K. Fukuda PRESIDENT Mark Alexander Roy VICE PRESIDENT

Tessa Munekiyo Ng VICE PRESIDENT

November 6, 2020

Michele Chouteau McLean, AICP, Director County of Maui Department of Planning **Attention: Paul Fasi, Planner** 2200 Main Street, Suite 315 Wailuku, Hawai'i 96793

> SUBJECT: County Special Use Permit for the Hawaiian Cement Pu'unēnē Quarry; Pūlehunui, Kahului, Maui; TMK (2)3-8-004:001(por.); CUP 2006/0002

Dear Ms. McLean:

At is regularly scheduled meeting on May 27, 2014, the Maui Planning Commission (Commission) approved a time extension request for the County Special Use Permit (CUP) (CUP 2006/0002) for the Hawaiian Cement Pu'unēnē Quarry at Pūlehunui, Kahului, Hawai'i. The Commission's approval was subject to six (6) conditions. See **Exhibit "A"**.

Condition Number 5 of the 2014 CUP time extension approval recommended:

That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and the State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

On behalf of Hawaiian Cement, we are submitting this compliance report in order to fulfil Condition Number 5 of the CUP time extension approval.

### **Condition Number 1:**

That the County Special Use Permit shall be valid until July 21, 2032 or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the Planning Director upon a Michele Chouteau McLean, AICP, Director November 6, 2020 Page 2

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.

**<u>Response</u>**: The Applicant acknowledges this condition. Future time extension requests, if needed, will be submitted in a timely manner as noted in this condition.

#### Condition Number 2:

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

**<u>Response</u>**: The Applicant acknowledges this condition and notes that a transfer of permit is not contemplated.

#### Condition Number 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 N0/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.

**<u>Response</u>**: The Applicant acknowledges this condition. A current Certificate of Insurance is provided herein as **Exhibit "B"**.

Michele Chouteau McLean, AICP, Director November 6, 2020 Page 3

### Condition Number 4:

That full compliance with all applicable governmental requirements shall be rendered; and

**Response:** The Applicant acknowledges this condition.

#### Condition Number 5:

That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

**Response:** The Applicant acknowledges this condition and notes that this report addresses compliance with the CUP conditions. A report addressing compliance with the State Land Use Commission Special Permit was submitted on January 31, 2020 to the State Land Use Commission and Department of Planning.

#### **Condition Number 6:**

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

**<u>Response</u>**: The Applicant acknowledges this condition relative to a previously approved expansion of the quarry area.

Michele Chouteau McLean, AICP, Director November 6, 2020 Page 4

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233, or via email at <u>planning@munekiyohioraga.com</u>.

Very truly yours,

Bryan K. Esmeralda, AICP Senior Associate

BE:la Attachments

cc: Dave Gomes, Hawaiian Cement (w/attachments) K:\DATA\HawnCemt\PuuneneQuarry\CUP Compliance Report\CUPComplianceRept.ltr.docx

## EXHIBIT A.

## County Special Use Permit Amendment Approval Letter Dated June 18, 2014

ALAN M. ARAKAWA Mayor

WILLIAM R. SPENCE Director

MICHELE CHOUTEAU McLEAN Deputy Director



COUNTY OF MAUI

### DEPARTMENT OF PLANNING

June 18, 2014

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

Dear Ms. Fukuda:

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

At its regular meeting on May 27, 2014, the Maui Planning Commission (Commission) voted to recommend approval to the State Land Use Commission, the following proposed amendments to State Land Use Commission Special Permit (SP 92-380):

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

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

Note: New material underlined; deleted material [bracketed]

1. That the County Special Use Permit shall be valid until <u>July 21, 2032</u> [July 31, 2018], or the expiration date for the State Land Use Commission Special Permit, whichever is longer, subject to extension by the <u>Planning Director</u> [Maul 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.

Ms. Karlynn Fukuda, Executive Vice President June 18, 2014 Page 2

- 2. That the County Special Use Permit shall not be transferred without the prior written approval of the <u>Planning Director</u> [Maui Planning Commission].
- That the Applicant, its successors and permitted assigns shall exercise reasonable 3. due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.
- 4. That full compliance with all applicable governmental requirements shall be rendered; and
- 5. That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the County Special Use Permit CUP 2006/0002 and State Land Use Commission Special Permit SP 92-380. The compliance report shall be submitted to the Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.
- 6. That the quarry area is expanded by approximately 42 acres and includes the 9.697-acre portion of the quarry within the permitted area, known as Area "C".

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

Ms. Karlynn Fukuda, Executive Vice President June 18, 2014 Page 3

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at <u>paul.fasi@mauicounty.gov</u> or at (808) 270-7814.

Sincerely,

Minhun

WILLIAM SPENCE Planning Director

 Xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF) Paul F. Fasi, Staff Planner (PDF) Development Services Administration William Aila, Jr., Chairperson, Department of Land and Natural Resources State of Hawaii Land Use Commission CZM File (SUP) Project File General File
WRS:PFF:nst K:\WP\_DOCS\PLANNING\SUP1\1991\0013\_HawalianCementQuarry\_tx\Quarry Expansion 2014\MPCappvl.doc

# EXHIBIT B.

**Certificate of Insurance** 

.

ACORD <sup>®</sup> CERTIFICATE OF LIABILITY INSURANCE								DATE (MM/DD/YYYY) 12/19/2019	
THIS CERTIFICATE IS ISSUED AS A CERTIFICATE DOES NOT AFFIRMAT BELOW. THIS CERTIFICATE OF IN REPRESENTATIVE OR PRODUCER, A IMPORTANT: If the certificate holder	IVELY O SURANCI ND THE (	R NEGATIVELY AMEND, E DOES NOT CONSTITU CERTIFICATE HOLDER. DITIONAL INSURED, the I	EXTE TE A (	ND OR ALT CONTRACT	ER THE CO BETWEEN T	VERAGE AFFORDED E HE ISSUING INSURER	(S), A	e POLICIES UTHORIZED	
If SUBROGATION IS WAIVED, subject this certificate does not confer rights	t to the te to the cer	erms and conditions of the transfer of the tra	ie poli uch en	cy, certain p dorsement(s	olicies may    }.	require an enconsemen	(, <b>A</b> 8	tatement on	
PRODUCER	CONTA	CONTACT NAME:							
Marsh USA Inc. 333 South 7th Street, Suite 1400				PHONE FAX [AVC, No. Ext]: [AVC, No]: E-MAIL ADDRE89:					
Minneapolis, MN 55402-2400 Attn: MDU.CertRequest@marsh.com									
				INSURER(S) AFFORDING COVERAGE					
CN102299309-HAWAC-GAWX-20- 2010 2037 HAWCE AI Y INBURED HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 90701				INSURER A : Liberty Mutual Fire Ins Co INSURER B : Associated Electric & Gas Ins Services Ltd				23036 3190004	
				INSURER C: Liberty insurance Corporation				42404	
				INSURER D :					
				INSURER E :					
	INSURER F :					<u></u>			
COVERAGES CERTIFICATE NUMBER:				CHI-007164517-56 REVISION NUMBER:					
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 INBURANCE	ADDLISUB	R		MM/DD/YYYY)	MM/RP/YYYY)	LIMIT	8		
A X COMMERCIAL GENERAL LIABILITY		TB2-641-005097-040		01/01/2020	01/01/2021	EACH OCCURRENCE	\$	2,000,000	
CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	5	1,000,000	
						MED EXP (Any one person) PERSONAL & ADV INJURY	\$ \$	2,000,000	
						GENERAL AGGREGATE	\$	4,000,000	
GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	\$	4,000,000	
OTHER:							\$		
		Al2-641-005097-050		01/01/2020	01/01/2021	COMBINED SINGLE LIMIT (Es accident)	\$	2,000,000	
X ANY AUTO						BODILY INJURY (Per person)	\$		
AUTOS ONLY AUTOS HIRED Y NON-OWNED						BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	\$	• • • • • • • • • • • • • • • • • • • •	
X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						(Per socident)			
		XL5063409P	<u></u>	01/01/2020	01/01/2021	EACH OCCURRENCE	5	5,000,000	
X EXCESS LIAB CLAIMS-MADE						AGGREGATE	\$	5,000,000	
DED RETENTION \$	1						\$		
C WORKERS COMPENSATION		WA7-64D-005097-020 (Regulated	d)	01/01/2020	01/01/2021	X PER OTH-			
C AND EMPLOYERS LIABILITY Y/N ANYPROPRIETOR/PARTNER/EXECUTIVE N	NIA	WA7-64D-005097-010 (AOS)		01/01/2020	01/01/2021	E.L. EACH ACCIDENT	\$	1,000,000	
(Mandatory In NH)		"INCLUDES 'STOP-GAP"				E.L. DISEASE - EA EMPLOYEE	\$	1,000,000	
DESCRIPTION OF OPERATIONS DOWN	<u> </u>					E.L. DISEASE - POLICY LIMIT	3		
DESCRIPTION OF OPERATIONS / LOOATIONS / VEHIC	LES (ACOR	1 10 101. Additional Remarks Schedu	le, may t	i He attached if mor	i ne apace (a requir	i	L		
Re: Puunene Quary and the TMKs (TMK 3-8-004: 001 a County of Maul is included as an additional insured as re- Liability is included per attached CG 2010 and CG 2037 t Insured Endorsement CA 20 48. Excess liability applies i	nd 002; TMK/ julred by pen Endorsement	s 3-8-008: 001 and 031) mile SP92-380, SUP1 91/0013 and C s and does not include professional li	UP 2006 ability cov	/0002 as respects verege. Blanket A	the General Liabi dditional Insured I	lity and Auto Liability. Blanket Add for Automobile Liability is included	itkonal In per attac	sured for General thed designated	
CERTIFICATE HOLDER				CANCELLATION					
County of Maul Department of Planning 200 S. High Street Welluku, Maul, HI 96793				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 Marroom Mulcherjee					

