

STATE SPECIAL USE PERMIT  
(SP92-380) DECISION AND  
ORDER (THIRD AMENDMENT)  
DATED DECEMBER 3, 2014

APPENDIX

**B**



LAND USE COMMISSION  
STATE OF HAWAII

2014 DEC -3 P 12: 05

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 AN  
 )  
For An Amendment To Special Use Permit ) AMENDMENT TO SPECIAL  
That Established A Rock Quarrying/Crushing ) USE PERMIT; AND  
Operation And Related Uses On ) CERTIFICATE OF SERVICE  
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31 )  
 )  
\_\_\_\_\_ )

DECISION AND ORDER APPROVING AN AMENDMENT  
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

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.

Date

December 3, 2014

BY

Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

2014 DEC -3 P 12:05

BEFORE THE LAND USE COMMISSION

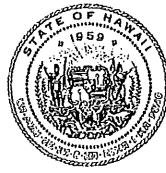
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Hawai'i, Tax Map Keys: 3-8-04; Portion Of 1	)	
And 3-8-08; Portion Of 1 And Portion Of 31	)	
	)	

DECISION AND ORDER APPROVING AN AMENDMENT  
TO SPECIAL USE PERMIT

On February 20, 2013, Hawaiian Cement ("Applicant") filed a request with the County of Maui Department of Planning ("DP") to amend the special use permit issued in the above-entitled docket pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR") by (1) expanding the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as Tax Map Key ("TMK"): 3-8-04: por. 1 ("Quarry Site 'C'"); (2) including 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) deleting Condition Number 16 of the

Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extending the life of the special use permit by 15 years (collectively "Request").

On May 27, 2014, the County of Maui Planning Commission ("Planning Commission") considered the Applicant's Request. There was no public testimony received by the Planning Commission. After due deliberation, at its meeting on May 27, 2014, the Planning Commission recommended approval of the Request to the State of Hawai'i Land Use Commission ("LUC").

On July 30, 2014, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Request. On October 15, 2014, the LUC received the remaining portion of the record.

The LUC has jurisdiction over the Applicant's Request. 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 November 20, 2014, the LUC met in Kahului, Maui, Hawai'i, to consider the Applicant's Request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Kristin Tarnstrom, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Rodney Funakoshi also were present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, the Commission heard public testimony from Wil Cambra, Keoni Gomes, Clare Apana, and Johanna Kamaunu. Following the receipt of public testimony, the Applicant provided a presentation on its Request.

As part of its testimony, the DP noted that it had thoroughly reviewed the Applicant's Request and affirmed the Planning Commission's recommendation on the matter. Upon questioning, the DP acknowledged receipt of the December 10, 2007, revised map of the boundaries of the then 105.957-acre Pu'unēnē Quarry approved pursuant to the Findings of Fact, Conclusions of Law, and Decision and Order filed November 25, 1996.

The OP stated that it had no objections to the Applicant's Request.

Following discussion, a motion was made and seconded to approve the Applicant's Request, subject to the following amendment to Condition Number 1 and additional Condition Numbers 16 and 17 as follows:

1. That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension 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.
16. That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.

17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 1 excused, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Request and the oral arguments presented by the Applicant, OP, and the DP, and a motion having been made at a meeting on November 20, 2014, in Kahului, Maui, 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 Request to (1) expand the existing Pu'unēnē Quarry by an additional 41.968 acres of land identified as TMK: 3-8-04: por. 1 and further identified as Quarry Site "C"; (2) include 9.697 acres of land identified as TMK: 3-8-04: por. 1 within the existing quarry operation as part of the permitted area; (3) delete Condition Number 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006; and (4) extend the life of the special use permit by 15 years be APPROVED, subject to the following amendment to Condition Number 1:

1. That the State Land Use Commission Special Use Permit shall be valid to July 21, 2032, subject to further extension by the Land Use

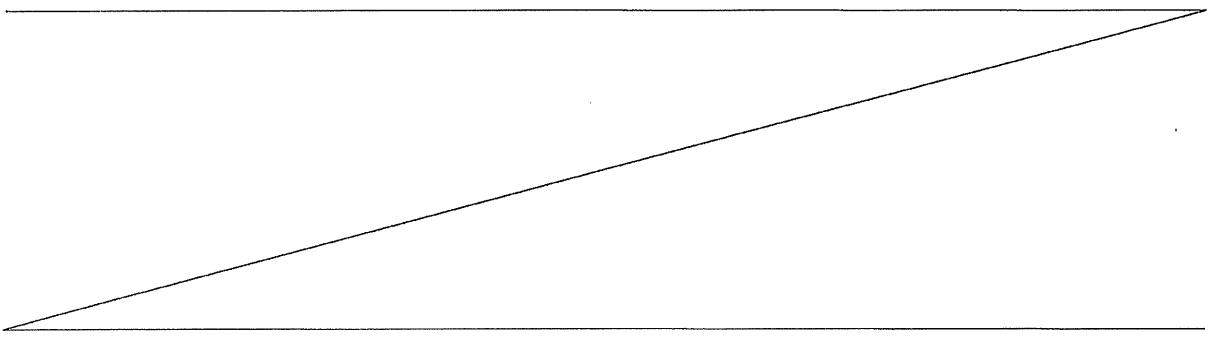
Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

IT IS FURTHER ORDERED that the Applicant's Request be APPROVED, subject to the following additional Condition Numbers 16 and 17:

- 16.<sup>1</sup> That prior to commencement of quarry operations on Quarry Site "C," the Applicant shall submit an archaeological inventory survey of Quarry Site "C" to the State Historic Preservation Division for their review and shall comply with their subsequent comments.
17. That the new quarry operations on Quarry Site "C" shall be confined to the area identified as Quarry Site "C" on the attached Exhibit "A" entitled *Plan Showing Hawaiian Cement Quarry Mining Sites* (Revised December 13, 2013).

IT IS FURTHER ORDERED that all other conditions to the Decision and Order Approving a Time Extension filed July 15, 2005, and the Decision and Order Approving Amendment to Special Use Permit filed December 18, 2006, shall remain in full force and effect.

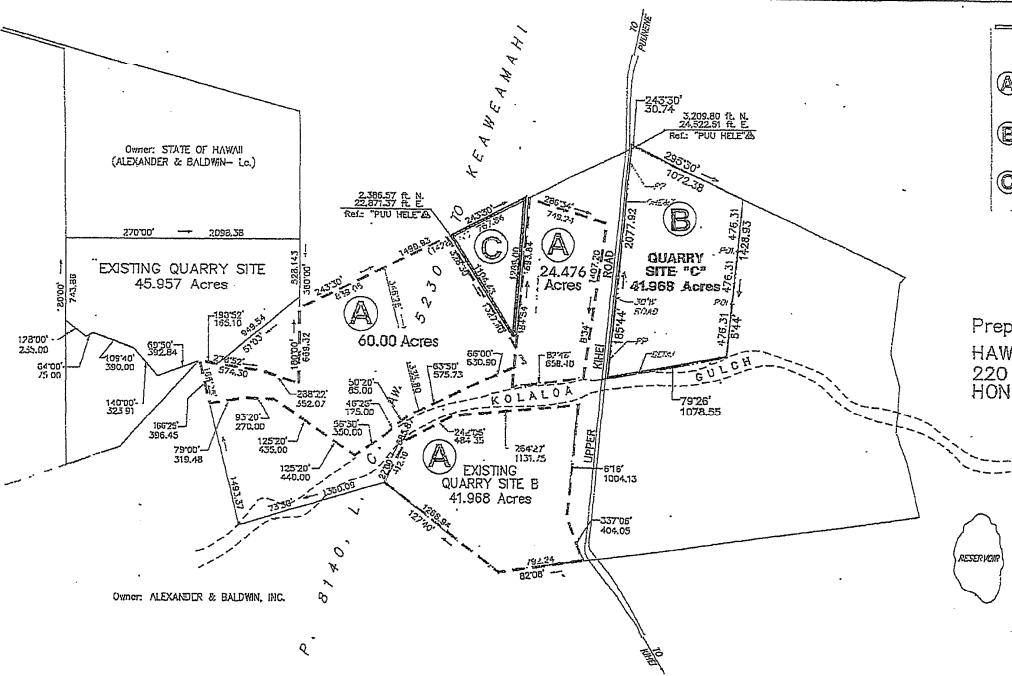
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<sup>1</sup> This new condition replaces the previous Condition No. 16 of the Decision and Order Approving Amendment to Special Permit filed December 18, 2006, which is deleted with this Decision and Order.

TRUE NORTH  
SCALE: 1 in. = 500ft.



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

KEY	
(A)	Area included in SUP and CUP approvals for Quarry
(B)	Proposed 41.9-acre expansion location for quarry
(C)	9.7-acre site that was previously quarried

## PLAN SHOWING HAWAIIAN CEMENT QUARRY MINING SITES AT PULEHUNUI, WAILUKU (KULAI), MAUI, HAWAII

800 400 0 500 1600  
GRAPHIC SCALE IN FEET

Tax Map Key (2) 3-6-04: 01 (Portion)

871 KOLU STREET, SUITE 201  
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.  
LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

REVISED: DECEMBER 13, 2015  
REVISED: OCTOBER 12, 2012  
REVISED: JUNE 14, 2012  
DECEMBER 10, 2007

HawCem\PanamaQuarryMiningJobs\JOB NO. 05-065

EXHIBIT "A"

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of December, 2014, per motion on November 20, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

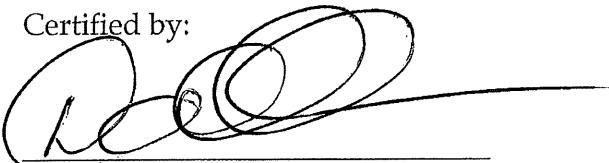
Diane Fuchs  
Deputy Attorney General

By Chad McDonald  
Chad McDonald  
Chairperson and Commissioner

Filed and effective on:

12/3/14

Certified by:



DANIEL ORODENKER  
Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

2014 DEC - 3 P 12:05

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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HAWAIIAN CEMENT ) CERTIFICATE OF SERVICE  
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That Established A Rock Quarrying/Crushing )  
Operation And Related Uses On )  
Approximately 172.401 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 3-8-08: Portion Of 1 And Portion Of 31 )  
 )

CERTIFICATE OF SERVICE

I hereby certify that a DECISION AND ORDER APPROVING AN AMENDMENT TO 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:

CERTIFIED KARLYNN FUKUDA  
MAIL: Munekiyo & Hiraga Inc.  
305 S. High Street  
Wailuku, Hawai'i 96793  
Petitioner Representative

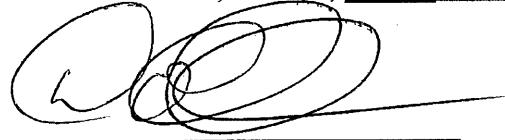
DEL.: LEO ASUNCION, Acting Director  
State Office of Planning  
P. O. Box 2359  
Honolulu, Hawai'i 96804-2359

REGULAR BRYAN C. YEE, Esq.  
MAIL: Deputy Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813  
Attorney for State Office of Planning

REGULAR KRISTIN TARNSTROM, Esq.  
MAIL: Department of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793  
Attorney for the County of Maui

REGULAR WILLIAM SPENCE, Director  
MAIL: Department of Planning  
County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, December 3, 2014



DANIEL ORODENKER

Executive Officer

COUNTY SPECIAL USE  
PERMIT (CUP 2006/0002)  
AMENDMENT APPROVAL  
LETTER DATED  
JUNE 18, 2014

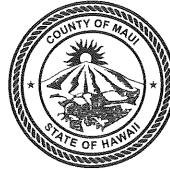
APPENDIX

C

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



JUN 19 2014

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

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

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

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

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at [paul.fasi@mauicounty.gov](mailto:paul.fasi@mauicounty.gov) or at (808) 270-7814.

Sincerely,



WILLIAM SPENCE  
Planning Director

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

WRS:PFF:nst  
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EXECUTED LEASE  
AMENDMENT

APPENDIX

D

## **FIRST AMENDMENT TO AMENDED AND RESTATED LICENSE AGREEMENT**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED LICENSE AGREEMENT (this “***Amendment***”) dated this \_\_\_\_ day of \_\_\_\_\_, 2017 (the “***Effective Date***”) is made by and between the ALEXANDER & BALDWIN, LLC, SERIES T, a series of a Delaware limited liability company (which series was established after the conversion from Alexander & Baldwin, LLC, a Hawaii limited liability company), hereinafter referred to as “***Licensor***,” whose principal place of business and post office address on Maui is 33 Lono Avenue, Kahului, Maui, Hawaii 96732 and in Honolulu is 822 Bishop Street, Honolulu, Hawaii 96813 and **HAWAIIAN CEMENT**, a Hawai‘i general partnership, hereinafter referred to as “***Licensee***,” whose post office address is 99-1300 Halawa Street, Aiea, Hawaii 96701.

A. Licensor and Licensee entered into that certain Amended and Restated License Agreement dated March 26, 2012, effective as of March 1, 2012 (the “***License Agreement***”) whereby Licensor licensed exclusively to Licensee various portions from time to time within up to 350 acres of that certain rock extraction area (the “***Rock Extraction Area***”) situate at Waikapu, Maui, Hawaii, being identified as a portion of TMK (2) 3-8-004-002 (“***Parcel 2***”) and further described in the License Agreement, for rock extraction. Although the License Agreement provides that the Rock Extraction Area comprises a portion of Parcel 2, the Rock Extraction Area also comprises a portion of TMK (2) 3-8-004-001 (“***Parcel 1***”).

B. Alexander & Baldwin, LLC, Series R, a series of a Delaware limited liability company (which series was established after the conversion from Alexander & Baldwin, LLC, a Hawaii limited liability company) (“***ABL Series R***”) is the current fee owner of Parcels 1 and 2.

C. ABL Series R, as Grantor, and Licensor, as Grantee, entered into that certain unrecorded Grant of Easement effective as of January 1, 2017, as amended by that certain First Amendment to Grant of Easement effective as of May 5, 2017 (as amended, the “***Easement Agreement***”) pursuant to which ABL Series R granted to Licensor and its successors and assigns, a perpetual and exclusive easement over, across, under, along and upon Parcels 1 and 2.

D. In connection with the Easement Agreement, ABL Series R, as Assignor, and Licensor, as Assignee, entered into that certain Assignment and Assumption of Amended and Restated License Agreement effective as of January 1, 2017 (“***Assignment and Assumption***”) whereby ABL Series R transferred and assigned to Licensor all right, title and interest of ABL Series R in and to the License Agreement.

E. Licensor and Licensee desire to modify certain terms of the License Agreement as set forth in this Amendment.

NOW, THEREFORE, the parties hereto, in consideration of the premises and of the covenants herein contained, hereby mutually agree to the following terms and conditions:

### **1. Amendments.**

1.1 Rock Extraction Area. The first sentence of Section 3 (License) of the License Agreement is hereby amended and restated as follows: “Licensor hereby licenses exclusively to Licensee (except for use by Licensor or its affiliated companies, including but not limited to Hawaiian Commercial and Sugar Company (“***HC&S***”) as provided herein, various portions from time to time within up to 350 acres of that certain rock extraction area (the “***Rock Extraction Area***”) situate at Waikapu, Maui, Hawaii, as more particularly shown on **Exhibit**

“A” attached hereto and made a part hereof, being identified as a portion of Tax Map Key Nos. (2) 3-8-004-001 and -002.”

1.2 Section 3(a) of Exhibit C to the License Agreement is amended and restated as follows:

- (a) Overburden (soil), in place before the mining occurred, shall be replaced with the same material over the quarry floor at a depth not less than 24”.

Except as amended by this Amendment, in all other respects, the License Agreement shall remain the same and in full force and effect.

2. **Other Agreements.**

2.1 Each individual signing on behalf of a party hereto is authorized to do so and no approval or consent of any person is required or, if required, has been obtained, in connection with the execution and performance of this Amendment.

2.2 This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

2.3 This Amendment may be executed in any number of counterparts and by either party hereto on a separate counterpart, each of which when so executed and delivered shall be deemed an original and all of which taken together shall constitute but one and the same instrument. Electronically transmitted executed copies of this Amendment shall be fully binding and effective for all purposes whether or not originally executed documents are transmitted to the other party. Facsimile signatures on documents are to be treated the same as original signatures.

*[signatures appear on following page]*

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

**ALEXANDER & BALDWIN, LLC, SERIES T**  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_, Series T

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_, Series T

**Licensor**

**HAWAIIAN CEMENT**, a Hawaii general partnership

By:   
Name: JASON MACY  
Its: PRESIDENT

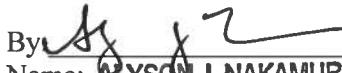
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**Licensee**

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

**ALEXANDER & BALDWIN, LLC, SERIES T**  
a Delaware limited liability company

By:   
Name: NELSON N.S. CHUN  
Its: SENIOR VICE PRESIDENT, Series T

By:   
Name: ALYSON J. NAKAMURA  
Its: SECRETARY, Series T

**Licensor**

**HAWAIIAN CEMENT**, a Hawaii general partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**Licensee**

HRS 6E SUBMITTAL  
FORM (Submitted in  
March 2019)

APPENDIX

**E**

**State Historic Preservation Division  
HRS 6E Submittal Form**

Per §6E, Hawai'i Revised Statutes, if the Project requires review by the State Historic Preservation Division (SHPD), please review and fill out this form and submit all requested information to SHPD. Please submit this form and project documentation **electronically to:**

dlnr.intake.shpd@hawaii.gov

If you are unable to submit electronically, please contact SHPD at (808) 692-8015. Mahalo.

---

The submission date of this form is:

**1. APPLICANT (select one)**

Property Owner       Government Agency

**2. AGENCY (select one)**

Planning Department     Department of Public Works     Other (specify):

Type of Permit Applied For: State Special Use Permit and County Special Use Permit

**3. APPLICANT CONTACT**

3.1) Name: David Gomes      3.2) Title: General Manager

3.3) Street Address:

3.4) County: Maui      3.5) State: Hawaii      3.6) Zip Code: 96732

3.7) Phone: (808) 871-7004      3.8) Email: David.Gomes@HawaiianCement.com

**4. PROJECT DATA**

4.1) Permit Number (if applicable): SUP92-308, SUP1 91-0013, and CUP 2006/0002

4.2) TMK [e.g. (3) 1-2-003:004]: (2)3-8-004:001 (por) and 002 (por) and (2)3-8-008:001 (por) and 031 (por)

4.3) Street Address:

4.4) County: Maui      4.5) State: Hawaii      4.6) Zip Code: 96732

4.7) Total Property Acreage: 400 Acres +

4.8) Project Area (acreage, square feet): 400 Acres

4.9) List any previous SHPD correspondence (LOG Number & DOC Number, if applicable):

LOG NO.

DOC NO.

**5. PROJECT INFORMATION**

5.1) Does the Project involve a Historic Property? A Historic Property is any building, structure, object,

district, area, or site, including heiau and underwater site, which is over 50 years old (HRS §6E-2).

Yes  No

5.2) The date(s) of construction for the historic property (building, structure, object, district, area, or site, including heiau and underwater site) is

5.3) Is the Property listed on the Hawai'i and or National Register of Historic Places? To check:  
<http://dlnr.hawaii.gov/shpd/>

Yes  No

5.4) Detailed Project Description and Scope of Work:

Hawaiian Cement, leasing the land from A&B, is submitting paperwork for an extension of a State and County Special Use Permit. The work involves rock extraction or quarrying of materials that are used as base course by the State, County, and private developers in construction projects. Hawaiian Cement

5.5) Description of previous ground disturbance (e.g. previous grading and grubbing):

The entirety of the 400 acre project area was formerly under intensive sugar cane cultivation.

5.6) Description of proposed ground disturbance (e.g. # of trenches, Length x Width x Depth):

Ground disturbance is conducted in several steps and will occur throughout the project area. The first step is clearing/grubbing the surface, followed by excavation of soils. Drilling occurs when bedrock is encountered, bedrock being a major part of the base course materials. Excavation is required to be conducted by benching locations such that the landscape is stepped and large open-air pits do not occur

5.7) The Agency shall ensure whether historic properties are present in the project area, and, if so, it shall ensure that these properties are properly identified and inventoried. Identify all known historic properties:

5.8) Once a historic property is identified, then an assessment of significance shall occur.

Integrity (check all that apply):

Location  Design  Setting  Materials  Workmanship  Feeling  Association

Criteria (check all that apply):

- a – associated with events that have made an important contribution to the broad patterns of our history
- b – associated with the lives of persons important in our past
- c – embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value
- d – have yielded, or is likely to yield, information important for research on prehistory or history
- e – have an important value to the Native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out or still carried out, at the property or due to associations with traditional beliefs, events, or oral accounts -- these associations being important to the group's history and cultural identity

5.9) The effects or impacts of a project on significant historic properties shall be determined by the agency.

Effect Determination (select one):

- No Historic Properties Affected
- Effect, with Agreed Upon Mitigation Commitments (§6E-42, HRS)
- Effect, with Proposed Mitigation Commitments (§6E-8, HRS)

5.10) This project is (check all that apply, if applicable):

- an activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency;
- carried out with Federal financial assistance; and or
- requiring a Federal permit, license or approval.

If any of these boxes are checked, then the Project may also be subject to compliance with Section 106 of the National Historic Preservation Act (NHPA).

## 6. PROJECT SUBMITTALS

6.1) Please submit a copy of the Tax Map Key (TMK) map

6.2) Please submit a copy of the property map showing the project area and indicate if the project area is smaller than the property area.

6.3) Please submit a permit set of drawings. A permit set is a set of drawings prepared and signed by a licensed architect or engineer and is at least 65% complete.

6.4) Are you submitting a survey?

- Yes
- No

Specify Survey:

6.5) Did SHPD request the survey?

- Yes
- No

If 'Yes', then please provide the date, SHPD LOG NO, and DOC NO:

Date: LOG NO. DOC NO.

6.6) **SURVEY REVIEW FEES.** Fee for Review of Reports and Plans (§§13-275-4 and 284-4). A filing fee will be charged for all reports and plans submitted to our office for review. Please go to:

<http://dlnr.hawaii.gov/shpd/about/branches/archaeology/filing-fee-schedule/>

A check payable to the Hawaii Historic Preservation Special Fund should accompany all reports or plans submitted.

6.7) Please submit color photos/images of the Historic Property (any building, structure, object, district, area, or site, including heiau and underwater site) that will be affected by the Project.

The following are the minimum number and type of color photographs required:

Quantity	Description
1-2	Street view(s) of the resource and surrounding area
1-2	Over view of exterior work area
1	exterior photo of the North elevation (if applicable)
1	exterior photo of the South elevation (if applicable)
1	exterior photo of the East elevation (if applicable)
1	exterior photo of the West elevation (if applicable)
1-2	interior photos(s) of areas affected (if applicable)

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#### CHECKLIST

- SHPD FORM 6E** (this form)
- PROJECT SUBMITTALS** (any requested documentation for items 6.1 - 6.7 of this form)
- FILING FEE FORM** (if applicable)