

# **EXHIBIT A.**

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



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

OF THE STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SP92-380
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HAWAIIAN CEMENT	)	DECISION AND ORDER
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Approximately 172.401 Acres Of Land Situated	)	
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DECISION AND ORDER APPROVING AN AMENDMENT  
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LAND USE COMMISSION  
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HAWAIIAN CEMENT	)	DECISION AND ORDER
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Approximately 172.401 Acres Of Land Situated	)	
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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).

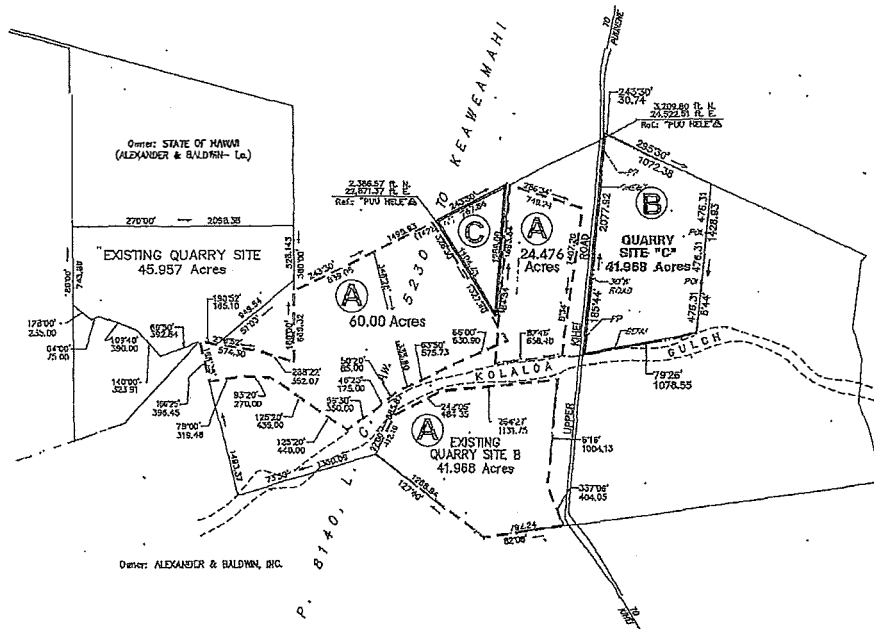
IT IS FURTHER ORDERED that all other conditions to the Decision and Order Approving a Time Extension filed July 15, 2005, and the Decision and Order Approving Amendment to Special Use Permit filed December 18, 2006, shall remain in full force and effect.

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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.



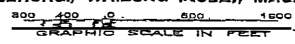
TRUE NORTH  
SCALE 1 in. = 600 ft.



- 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

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

**PLAN SHOWING  
HAWAIIAN CEMENT QUARRY MINING SITES  
AT PULEHUNI, WAILUKU (KULA), MAUI, HAWAII**



Tax Map Key (2) 3-8-04: 01 (Portion)  
871 KOLU STREET, SUITE 201  
WAILUKU, MAUI, HAWAII 96793

**R. T. TANAKA ENGINEERS, INC.**  
LAND SURVEYING CIVIL & STRUCTURAL ENGINEERS

REVISED: DECEMBER 13, 2013  
REVISED: OCTOBER 15, 2012  
REVISED: JUNE 14, 2012  
DECEMBER 10, 2007  
HawaiiOnlinePublications ddb JFO. 05-055

**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 Jackson  
Deputy Attorney General

By Chad McDonald  
Chad McDonald  
Chairperson and Commissioner

Filed and effective on:

12/3/14

Certified by:

Daniel Orodenger  
DANIEL ORODENKER  
Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

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BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SP92-380
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HAWAIIAN CEMENT	)	CERTIFICATE OF SERVICE
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For An Amendment To Special Use Permit	)	
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

A handwritten signature in black ink, appearing to read 'D. Orodener', written over a horizontal line.

DANIEL ORODENKER

Executive Officer

# **EXHIBIT B.**

## **Certificates of Insurance**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/19/2019

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 have ADDITIONAL INSURED provisions or 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 1400 Minneapolis, MN 55402-2400 Attn: MDU.CertRequest@marsh.com		<b>CONTACT NAME:</b> <b>PHONE</b> (A/C, No, Ext): <b>E-MAIL ADDRESS:</b>		<b>FAX</b> (A/C, No):
CN102293309-HAWAC-GAWX-20- 2010 2037 HAWCE AI Y		<b>INSURER(S) AFFORDING COVERAGE</b>		
<b>INSURED</b> HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET R AIEA, HI 96701R		<b>INSURER A:</b> Liberty Mutual Fire Ins Co		<b>NAIC #</b> 23035
		<b>INSURER B:</b> Associated Electric & Gas Ins Services Ltd		3190004
		<b>INSURER C:</b> Liberty Insurance Corporation		42404
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		
		<b>INSURER F:</b>		

<b>COVERAGES</b>	<b>CERTIFICATE NUMBER:</b> CHI-007164517-56	<b>REVISION NUMBER:</b>
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 INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<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 OTHER:		TB2-641-005097-040	01/01/2020	01/01/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 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	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		A12-641-005097-050	01/01/2020	01/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		XL5063409P	01/01/2020	01/01/2021	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 below: DESCRIPTION OF OPERATIONS below:	Y/N N/A	WA7-64D-005097-020 (Regulated) WA7-64D-005097-010 (AOS) "INCLUDES *STOP-GAP"	01/01/2020 01/01/2020	01/01/2021 01/01/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER 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 (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Re: Puunene Quarry and the TMKs (TMK 3-8-004: 001 and 002; TMKs 3-8-008: 001 and 031)  
County of Maui is included as an additional insured as required by permits SP92-380, SUP1 91/0013 and CUP 2006/0002 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 2048. 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 S. 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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DATE (MM/DD/YYYY)  
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<b>PRODUCER</b> Marsh USA Inc. 333 South 7th Street, Suite 1400 Minneapolis, MN 55402-2400 Attn: MDU.CertRequest@marsh.com		<b>CONTACT NAME:</b> <b>PHONE</b> (A/C No. Ext): <b>E-MAIL</b> <b>ADDRESS:</b>	
CN102299309-HAWAC-GAWX-20- 2010 2037 HAWCE AI Y		<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> HAWAIIAN CEMENT 99-1300 HALAWA VALLEY STREET AIEA, HI 98701		<b>INSURER A:</b> Liberty Mutual Fire Ins Co <b>INSURER B:</b> Associated Electric & Gas Ins Services Ltd <b>INSURER C:</b> Liberty Insurance Corporation <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 23035 3190004 42404	

**COVERAGES** **CERTIFICATE NUMBER:** CHI-007164668-53 **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 INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<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 OTHER:		TB2-641-005097-040	01/01/2020	01/01/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 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	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY/AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		A12-641-005097-050	01/01/2020	01/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
B	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		XL5063409P	01/01/2020	01/01/2021	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	Y/N <input checked="" type="checkbox"/> N	WA7-64D-005097-020 (Regulated) WA7-64D-005097-010 (AOS) "INCLUDES 'STOP-GAP'"	01/01/2020 01/01/2020	01/01/2021 01/01/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$T 1,000,000 E.L. DISEASE - POLICY LIMIT \$T 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Re: Puunene Quarry and the TMKs (TMK 3-8-004: 001 and 002; TMKs 3-8-006: 001 and 031)  
The State of Hawaii is included as an additional insured as required by permits SP92-380 and SUP1 91/0013 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

<b>CERTIFICATE HOLDER</b> State of Hawaii Land Use Commission P.O. Box 2357 Honolulu, HI 96804-2359	<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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**EXHIBIT C.**

**Restoration Plan**



## RECLAMATION PLAN

### EXHIBIT "C"

#### 1. Objective

To reclaim, for sugar cane cultivation, all areas quarried under subject licenses.

#### 2. Specifications

The reclaimed areas shall be prepared as per specifications issued by HC&S Co. from time to time. Initially, these specifications shall be as follows:

- a.e Overburden (soil) shall be placed over the quarry floore at a depth not less than 18" and no deeper than the original overburden existing in the general area prior to quarrying. No rocks over 6" diameter shall be utilized. It is the intent to provide 18" of rock-free soil if at all possible, given the nature of the overburden.
- b. The overburden shall be spread over the quarry floor as evenly as possible with crawler equipped bulldozers. The surface slope should not exceed 5% and should be considered ready for harrowing without further leveling operations.
- c. Where the overburden depth permits, the topsoil shall be removed and stored separately from the underlying subsoil. During reclamation, the subsoil shall be spread first and the final layer spread shall consist of topsoil.e

#### 3. Methodology

- a. As soon as the open area at the quarry face exceeds 15 acres in size, reclamation activities shall be initiated. Reclamation shall proceed at a pace equal to or exceeding the pace of quarrying.
- b. Reclaimed land shall be turned over to the Planation within six months of initiation of reclamation activities.
- c. Cane shall be taken to avoid drainage problems in areas to be reclaimed. Berms and cut-off ditches shall be used to prevent unwanted drainage into low lying reclaimed canefield areas.

Reclamation Plan - Exhibit "C"  
Page Two

- d.t Annually, the Licensee shall submit to the Planation, ont or before December 31st of each year, a specifict reclamation plan for their review and approval. The areat selected for reclamation shall be selected after carefult consideration of the following factors:t
- (1) location, relative to Licensee's quarrying operations to minimize interference between Planation and Licensee activities
  - (2) location, relative to availability of irrigation water, access to haul cane roads, etc.
  - (3) relationship of area chosen to adjoining field configurations, etc.
  - (4) other factors that may relate to early utilization of land for cane
- e.t All costs of the reclamation plan shall be borne by thet Licensee. This shall include the cost of installing irrigation mains and sub-mains required for drip irrigation. The Plantation shall assume the costst involved in harrowing, planting and drip tubing installation.t
- 4.t Disputes relative to the reclamation plan or activitiest therein shall be subject to arbitration is otherwise provided in the basic agreement.t
-

# **EXHIBIT D.**

## **State Department of Transportation Approval of Maintenance Plan**

## Gomes, David

---

**From:** Karlynn Kawahara [karlynn@mhincnline.com]  
**Sent:** Wednesday, October 31, 2007 10:59 AM  
**To:** Gomes, David  
**Subject:** FW: Hawaiian Cement Maintenance Plan

**Attachments:** 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf



081506  
mittal to DOT R  
Hi Dave,

Got your message. I am researching the original permit and will try to e-mail to you soon. This is the DOT message on the maintenance plan.

Thank you,  
Karlynn

Karlynn Kawahara  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793  
Telephone: (808) 244-2015  
Facsimile: (808) 244-8729  
Email: karlynn@mhincnline.com

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-----Original Message-----

**From:** Douglas.Meller@hawaii.gov [mailto:Douglas.Meller@hawaii.gov]  
**Sent:** Wednesday, November 15, 2006 3:18 PM  
**To:** Karlynn Kawahara  
**Subject:** Hawaiian Cement Maintenance Plan

Here are Freddieas comments on the proposed maintenance plan.

----- Forwarded by Douglas Meller/HWY/HIDOT on 11/15/2006 03:01 PM -----

Ferdinand

Cajigal/HWY/HIDOT

**To:** 11/15/2006 12:34 PM  
Antonie Wurster/HWY/HIDOT@HIDOT

**cc:** Ronald Tsuzuki/HWY/HIDOT@HIDOT,  
Douglas Meller/HWY/HIDOT@HIDOT,  
David Shimokawa/ADMIN/HIDOT@HIDOT

**Subject**

Hawaiian Cement Maintenance Plan

Toni: I understand that the matter will be heard by State Land Use Commission tomorrow. The maintenance plans is acceptable to us --- therefore recommend approval of the special use permit. My understanding is that the Maui Planning Commission granted the applicant a 3 year extension, thus, we recommend the same. Fifteen years would be too long for uss..... fred

----- Forwarded by Ferdinand Cajigal/HWY/HIDOT on 11/15/2006 12:29 PM -----

"Karlynn

Kawahara"

<karlynn@mhincorl

To

ine.com>

<ferdinand.cajigal@hawaii.gov>

cc

11/15/2006 12:01

"David Gomes"

PM

<Dave.Gomes@hawaiiancement.com>

Subject

Hawaiian Cement Maintenance Plan

Hi. Freddie,

Per your request, please see attached transmittal and maintenance plan for

Hawaiian Cement. Please let me know if you have trouble opening the file or if you have questions.

Thank you,  
Karlynn

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(See attached file: 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf)