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LAND USE COMMISSION
STATE OF HAWAI'I

HEARING AND ACTION
SP77-271 Ameron HC&D)
)
_____)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for a Public Hearing
at Leiopapa A Kamehameha Bldg. Room #405, Honolulu
Hawai'i, commencing at 9:30 a.m. on October 8, 2014,
pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR
Certified Shorthand Reporter

A P P E A R A N C E S

COMMISSIONERS:

Edmund Aczon

Brandon Ahakuelo

Kent Hiranaga

Vice Chair Chad McDonald

Jonathan Likeke Scheuer

Arnold Wong

EXECUTIVE OFFICER: DAN ORODENKER

CHIEF CLERK/STAFF PLANNER: RILEY HAKODA

STAFF PLANNERS: SCOTT DERRICKSON/BERT SARUWATARI

DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

SECRETARY: HAUNANI NAGLE

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. SP77-271 Ameron HC&D

For the Petitioner: Joel Kam, Esq.
Erin Mukai, Esq.

For the Maui County: Paul Fasi
Deputy Corporation Counsel
(Via telephone)

I N D E X cont'd

For the State:

BRYAN YEE, ESQ.

Deputy Attorney General

Leo Asuncion

Director Office of Planning

Rodney Funakoshi, OP

1 VICE CHAIR McDONALD: I'd like to call the
2 state of Hawai'i Land Use Commission meeting to order.
3 The first order of businesses is the adoption of the
4 September 24th meeting. Commissioners, any revisions,
5 edits? Seeing none, do I have a motion?

6 COMMISSIONER HIRANAGA: So moved.

7 VICE CHAIR McDONALD: Motion to approve.
8 Is there a second?

9 Unknown: Second.

10 VICE CHAIR McDONALD: Any discussion? All
11 those in favor say yeah. (Aye) Any opposed? Hearing
12 none the minutes for the September 24th meeting are
13 documented. Mr. Orodenger, can you please review with
14 the Commission the tentative meeting schedule.

15 MR. ORODENER: Thank you, Mr. Chair. Our
16 next meeting will be on October 29th and 30th. It
17 will be a meeting to discuss Petitioner Kamehameha
18 Schools' Motion to Amend Conditions. That will be on
19 O'ahu. We'll also be holding a hearing with regard to
20 declaratory ruling DR14-51 which is the Mauna Lani
21 Neighbors petition.

22 On November 12th and 13th we will be also
23 here on O'ahu, Halekua Development Company, Motion to
24 Amend. And November 20th we will be in Hilo for the
25 Jason Glover permit application. And December 10th

1 and 11th is still to be determined.

2 VICE CHAIR McDONALD: Great. Thank you,
3 Mr. Orodenker. This is a meeting on Docket No.
4 SP77-271 Ameron HC&D Maui to consider Ameron
5 International Corporation's request to transfer the
6 special permit to Ameron Hawai'i, LLC for quarrying
7 operations at Pu'unene Island of Maui, Hawai'i.

8 Will the applicants or representatives
9 please identify themselves for the record.

10 MS. MUKAI: Hi. Good morning. My name is
11 Aaron Mukai. I'm with Munekiyo and Hiraga, a planning
12 consulting firm here on the Island of Maui. With me
13 here today is Eric Yoshizawa. Eric has been with
14 Ameron International Corporation and now the Island of
15 Maui.

16 MR. GORMAN: Hi. I'm Gabriel Gorman.
17 I'm with Cades Schutte law firm here on Oahu. And I'm
18 appearing on behalf of Ameron International.

19 MR. YEE: Good morning. Deputy Attorney
20 General Bryan Yee on behalf of the Office of Planning.
21 With me is Leo Asuncion, the director of the Office of
22 Planning.

23 VICE CHAIR McDONALD: Do we have somebody
24 on the telephone?

25 MR. FASI: Yes, Paul Fasi, senior planner

1 with the county of Maui.

2 VICE CHAIR McDONALD: Thank you, Mr. Fasi.

3 COMMISSIONER WONG: Arnold Wong. I just
4 want to state for the record I also sit on our Workers
5 Scholarship Fund. And just recently the Mill's
6 Development Corporation gave a donation to the
7 scholarship fund. But I don't see I will be in any,
8 have any problems with today's agenda item.

9 VICE CHAIR McDONALD: Parties, any issues?

10 MR. YEE: No objection.

11 MS. MUKAI: No objection.

12 VICE CHAIR McDONALD: Thank you. On
13 March 19, 2014 the Commission received a copy of a
14 letter to the Maui County Planning Department from
15 Applicant's consultant regarding Applicant Ameron
16 International Corporation's request for permit
17 transfers to Ameron Hawaii, LLC, a Hawai'i Limited
18 Liability Company.

19 On April 7, 2014 the Commission received a
20 copy of the Applicant's correspondence providing
21 additional information to the Maui County Planning
22 Department to process Applicant Ameron International
23 Corporation's request for a permit transfer to Ameron
24 Hawai'i LLC.

25 On June 23rd, 2014 the Commission received

1 a copy of a letter from Maui County Planning
2 Department to the Applicant's consultant regarding
3 Maui Planning Commission's unanimous approval of the
4 transfer of all permits under the county's
5 jurisdiction to Ameron Hawai'i, LLC. And it also
6 recommended approval to the State LUC at its June 10,
7 2014 meeting?

8 On June 26, 2014 the Commission received a
9 copy of a letter from Maui County Planning Department
10 to Applicant's consultant regarding amending the Maui
11 Planning Commission's previous letter about unanimous
12 approval of the transfer of permits under the county's
13 jurisdiction to Ameron Hawai'i, LLC and its
14 recommendation of approval to the State LUC at its
15 June 10, 2014 meeting.

16 On December 5th, 2014, the Commission
17 received the record of the Maui Planning Commission's
18 proceeding on the application regarding the permitted
19 transfer. On September 30th, 2014 the Commission sent
20 an October 8, 2014 LUC agenda notices to the parties
21 and to its statewide O'ahu and Maui mailing list.

22 Let me briefly describe our procedure for
23 today. First I'll call those individuals desiring to
24 provide public testimony to identify themselves. All
25 such individuals will be called in turn to our witness

1 box where they will be sworn in prior to their
2 testimony. After completion of public testimony the
3 Applicant will make its presentation. After
4 completion of the Applicant's presentation we will
5 receive any public comments from the Maui County
6 Planning Department, if any. After completion of the
7 County's presentation, we will receive any public
8 comments from the State Office of Planning.

9 After receipt of public comments from the
10 State Office of Planning the Commission will discuss
11 it's deliberations. Are there any questions on our
12 procedure today? Seeing none, is there anyone in the
13 audience wishing to provide public testimony?

14 MR. ORODENKER: Mr. Chairman, we don't
15 have anyone signed up.

16 VICE CHAIR McDONALD: Thank you. Seeing
17 none, Applicant, are you prepared with your petition?
18 Please proceed.

19 MS. MUKAI: Good morning again. My name
20 is Erin Mukai. I'm with Munekio and Hiraga. Our
21 office prepared the application requested to transfer
22 Special Permit 77271 on behalf of Ameron International
23 Corporation. Ameron International Corporation
24 requests transfer of its Special Permit to Ameron
25 Hawai'i, LLC. The transfer of the permit is being

1 requested due to a sale of Ameron International
2 Corporation's Hawai'i division under the name of
3 Ameron Hawai'i, LLC, Pu Haku Pa'a, LLC. At this time
4 I think it'd be appropriate to introduce Eric
5 Yoshizawa who will speak a little more about Ameron
6 Corporation.

7 VICE CHAIR McDONALD: Excuse me,
8 Mr. Yoshizawa.

9 ERIC YOSHIZAWA
10 being first duly sworn to tell the truth, was examined
11 and testified as follows:

12 THE WITNESS: Yes. I do.

13 VICE CHAIR McDONALD: Please proceed.

14 MR. YOSHIZAWA: Good morning, Chairman
15 and Commissioners. I'm Eric Yoshizawa representing
16 Ameron Hawai'i, the proposed transferee as its vice
17 president of operations. My history with the company
18 goes back 40 years this year, 25 of which have been --
19 my principal responsibility has been with the Maui
20 operations and this particular quarry.

21 So there has been a long continuum of the
22 existence of that quarry. It does go back to the late
23 '30s. And some of our earliest employees trace the
24 history back to the Alexander & Baldwin's interest and
25 subsequently Ameron's interest.

1 On behalf of the staff who's intact
2 through this transition and moves forward, on their
3 behalf, on behalf of the construction community who we
4 provide materials and aggregates to, we seek this
5 transfer. And through the ownership change, the
6 nature of our business such that it does require heavy
7 capital outlay to sustain this type of operation, the
8 heavy equipment, the nature of the long-term planning
9 in the operations and such.

10 So we see -- we see this continuum, the
11 commitment as we move forward, the continuation of a
12 seasoned staff to continue supplying materials that
13 become more and more technical and diverse as we
14 support transportation projects with higher
15 requirements for concrete technology, rock technology
16 and to support that industry in this manner. So I'm
17 here to entertain any questions you may have on the
18 operations specifically.

19 VICE CHAIR McDONALD: Great, thank you.
20 That's it.

21 MS. MUKAI: Yes.

22 VICE CHAIR McDONALD: Parties, any
23 question for the Applicant?

24 MR. YEE: No questions, thank you.

25 VICE CHAIR McDONALD: Commissioners, any

1 questions for the Applicant? Seeing none, Bryan --
2 Mr. Yee, do you have any witnesses you would like to
3 offer at this point?

4 MR. YEE: No. The Office of Planning has
5 no witnesses. I may as well just provide our public
6 comment. The Office of Planning has no objection to
7 this request.

8 VICE CHAIR McDONALD: Thank you.
9 Mr. Fasi, does the Maui County have a presentation or
10 any witnesses to provide?

11 MR. FASI: (via telephone) We do not.

12 VICE CHAIR McDONALD: Thank you. Okay,
13 Commissioners. Having heard the presentation by the
14 Applicant and the documents provided by staff, what's
15 your pleasure on this matter?

16 COMMISSIONER WONG: Chair, I just wanted
17 to ask one question. Will the conditions on the
18 special permit follow with the transfer? The
19 conditions that was part of the land to the new
20 owners?

21 MR. ORODENKER: The attorney general.

22 MS. ERICKSON: They should.

23 COMMISSIONER WONG: They will? Okay.

24 VICE CHAIR McDONALD: I guess I'll ask
25 this of the Applicant. Are you folks aware of the

1 requirements of the conditions noted in the existing
2 Special Use Permit?

3 MR. YOSHIZAWA: Yes, we are. We do file
4 an annual report in which we report and update special
5 conditions to this permit. And I'll pledge our
6 continued commitment to those conditions.

7 VICE CHAIR McDONALD: Thank you.
8 Commissioner Wong, anything else?

9 COMMISSIONER WONG: No, that's it.

10 COMMISSIONER HIRANAGA: Mr. Chair, is the
11 time for a motion?

12 VICE CHAIR McDONALD: Absolutely.

13 COMMISSIONER HIRANAGA: I make a motion to
14 approve as recommended by staff.

15 COMMISSIONER ACZON: Second.

16 VICE CHAIR McDONALD: It's been moved and
17 seconded. Any discussion, Commissioners?

18 COMMISSIONER HIRANAGA: Mr. Chair? Just
19 one comment. I do live about 2 miles from the quarry,
20 3 miles. I think they run a very clean operation.
21 Their cement truck drivers are very courteous. They
22 drive on the right-hand side of a 4-lane highway.
23 Maui style you drive in the fast lane at the speed
24 limit. (Laughter).

25 So I have no concerns regarding this

1 application. I got one question, though. The Maui
2 Planning Commission reviewed this application,
3 correct?

4 MS. MUKAI: Right.

5 COMMISSIONER HIRANAGA: I'm wondering why
6 the minutes of that meeting were not included in the
7 staff report? Because sometimes my experience is that
8 they may make certain comments or concerns that might
9 be useful to Commissioners, especially the
10 Commissioners who are not from the island of Maui. I
11 guess that's more of a procedural question.

12 MR. SARUWATARI: (off mic) It may be hard
13 before the report but only the setback wide.

14 COMMISSIONER HIRANAGA: I looked at the
15 public documents. I saw the letter from the director
16 of planning but I did not see the minutes of the Maui
17 Planning meeting.

18 MR. HAKODA: I e-mailed you that.

19 COMMISSIONER HIRANAGA: Thank you.

20 MR. ORODENKER: My apologies,
21 Commissioner. I'll make sure that things are clearer
22 for the next hearing.

23 VICE CHAIR McDONALD: Thank you. Thank
24 you, Commissioner Hiranaga. Commissioners, anything
25 else to add? So we have a motion and its been

1 seconded. Mr. Orodenger, will you please poll the
2 Commission.

3 MR. ORODENKER: Thank you, Mr. Chair. The
4 motion is to approve the transfer as recommended by
5 staff. Commissioner Hiranaga?

6 COMMISSIONER HIRANAGA: (pause) I'm
7 sorry. I was looking for the minutes.

8 MR. ORODENKER: We're asking to vote on
9 the motion.

10 COMMISSIONER HIRANAGA: Aye.

11 MR. ORODENKER: Commissioner Aczon?

12 COMMISSIONER ACZON: Aye.

13 MR. ORODENKER: Commissioner Wong?

14 COMMISSIONER WONG: Aye.

15 MR. ORODENKER: Commissioner Ahakuelo?

16 COMMISSIONER AHAKUELO: Aye.

17 MR. ORODENKER: Chair McDonald?

18 VICE CHAIR McDONALD: Aye.

19 MR. ORODENKER: Thank you, Mr. Chair. The
20 motion passes unanimously.

21 VICE CHAIR McDONALD: Thank you,
22 Commissioners. And thank you, Parties for your time
23 spent. And, Ms. Mukai thank you for coming over from
24 Maui. We're hereby adjourned. Thank you.

25 (The proceedings were adjourned at 10:45 a.m.)

C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State
of Hawai'i, do hereby certify;

That I was acting as court reporter in the
foregoing LUC matters on the 8th day of October 2014;

That the proceedings were taken down in
computerized machine shorthand by me and were
thereafter reduced to print by me;

That the foregoing represents, to the best
of my ability, a true and correct transcript of the
proceedings had in the foregoing matters.

DATED: This _____ day of _____ 2014

HOLLY M. HACKETT, HI CSR #130, RPR #5910
Certified Shorthand Reporter