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SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

April 7, 2014

William Spence, Director
Planning Department
Attention: Paul Fasi
County of Maui
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

SUBJECT: Request for Permit Transfer of Ameron International Corporation, dba Ameron Hawaii Puunene Quarry, Puunene, Maui, Hawaii; (TMK (2)3-8-001:001 (por.); (2)3-8-003:004 (por.); (2)3-8-003:020 (por.); and (2)3-8-003:021 (por.)); (SP77-271; CP 2008/0005; CUP 2001/0001)

Dear Mr. Spence:

As you know, by letter dated March 13, 2014, our office submitted to the Department of Planning, a request to transfer a State Land Use Commission Special Use Permit ("SUP") (SP77-271) and County Conditional Permit ("CP") (CP 2008/0005) currently under Ameron International Corporation, dba Ameron Hawaii ("Ameron") to Ameron Hawaii, LLC for its Puunene Quarry, also known as Camp 10.

We hereby submit this letter to amend the March 13, 2014 permit transfer request to include transfer of Ameron's County Special Use Permit ("CUP") (CUP 2001/0001) which was originally granted by the Maui Planning Commission at its meeting held on June 26, 2001. Attached herewith as **Exhibit "A"** is a copy of the Department of Planning's CUP approval letter dated June 28, 2001. Most recently, the Maui Planning Commission approved a request for time extension and amendment to the boundaries of the CUP at its meeting on October 28, 2008. Attached herewith as **Exhibit "B"** is a copy of the Department of Planning's approval letter dated November 17, 2008, amending the CUP. It is noted that the approval letter dated November 17, 2008 makes reference to TMK (2)3-8-003:004 (por.), however, the boundaries of the CUP includes TMK (2)3-8-001:001 (por.), (2)3-8-003:004 (por.), 020 (por.), and 021 (por.), as noted in the staff report prepared by the Department of Planning for the October 28, 2008 Maui

MAUI

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William Spence, Director
April 7, 2014
Page 2

Planning Commission meeting. A copy of the Department of Planning's staff report is provided herewith as **Exhibit "C"**.

Condition No. 3 of the CUP approval letter dated November 17, 2008 provides as follows:

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

In accordance with the above noted condition, Ameron respectfully requests transfer of its CUP, together with its SUP (SP77-271) and CP (CP 2008/0005) to Ameron Hawaii, LLC. As noted in our letter dated March 13, 2014, upon transfer of the permits to Ameron Hawaii, LLC, Ameron Hawaii, LLC will be responsible for compliance with all terms and conditions specified in the conditions of approval for the CUP, as well as the SUP and CP.

On behalf of Ameron, thank you for your time and attention to this matter. Should you have any questions or require additional information, please feel free to contact me at 244-2015.

Very truly yours,



Erin Mukai, Senior Associate

EM:la

Enclosures

cc: Eric Yoshizawa, Ameron Hawaii (w/enclosures)
Linda Goldstein, Ameron Hawaii (w/enclosures)
Joel Kam, Esq., Schneider Tanaka et. al (w/enclosures)
Calvert G. Chipchase, Cades Schutte, LLP (w/enclosures)
Riley Hakoda, State Land Use Commission (w/enclosures)

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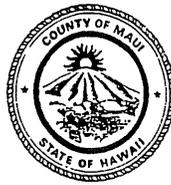
EXHIBIT "A"

**Letter Dated June 28, 2001
from the Department of Planning**

JAMES "KIMIO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



JUL 02 2001

COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 28, 2001

Mr. Eric Yoshizawa
Ameron HC&D
P. O. Box 86
Puunene, Hawaii 96784

Dear Mr. Yoshizawa:

- RE: a. Fourth Amendment of Land Use Commission Special Use Permit No. SP77-271 and a County Special Use Permit to Add 38.5 Acres to the Ameron Puunene Quarry and to Delete Condition Nos. 13 and 15 of the SP77-271, TMK: 3-8-003:004 (Por.) and 021 (Por.), Puunene, Maui, Hawaii (SUP 77/0001) (CUP 2001/0001)
- b. Withdrawal of Land Use Commission Special Use Permit SP66-31, TMK: 3-8-003:002, Puunene, Maui, Hawaii

At its regular meeting on June 26, 2001, the Maui Planning Commission (Commission) reviewed State Land Use Commission Special Use Permit SP77-271 and after due deliberation, voted to recommend to the State Land Use Commission approval of the amendments as follows:

1. Deletion of Condition No. 13 relating to the County variance.
2. Modification of Condition No. 15 to delete the requirement for a metes and bounds description as follows:

"Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP77-271 with the Maui Planning Commission and the Land Use Commission by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP77-271."

3. Approval of the additional 38.5 acres for the quarry operations subject to the current conditions of approval for SP77-271 and subject to the following new Condition No. 13:

"13. That the applicant shall incorporate improvements to the access to Haleakala Highway, with and without the proposed four lane widening improvements, as reviewed and approved by the Department of Transportation."

The Commission also reviewed the request to withdraw Land Use Commission Special Use Permit No. SP66-31 and after due deliberation, voted to recommend to the Land Use Commission acceptance of the withdrawal.

Please be advised that upon completion of the necessary documentation, we will be transmitting the recommendation of the Commission to the State Land Use Commission Special Use Permit for appropriate action.

In addition, the Commission voted to grant approval of the County Special Use Permit for the 38.5-acre addition, subject to the following conditions:

STANDARD CONDITIONS:

1. That the County Special Use Permit shall be valid until August 5, 2007, 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 nonobservance or nonperformance of any of the terms and conditions of this permit. Proof 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.

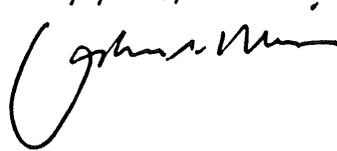
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the applicant within 90 days of the approval shall submit to the Planning Department for review and approval five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit. (As amended by Department)
6. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Further, the Commission adopted the Department Report and Recommendation prepared for the June 26, 2001 meeting as its Decision and Order for the County Special Use Permit. 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.

Mr. Eric Yoshizawa
June 28, 2001
Page 4

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

JEM:CMS:cmb

c: Clayton Yoshida, AICP, Deputy Planning Director
Jeffrey Chang, Acting Planning Program Administrator
Aaron Shinmoto, P.E., Planning Program Administrator
Colleen Suyama, Staff Planner
Michael Munekiyo, AICP, Munekiyo & Hiraga, Inc.
LUCA (2)
Brian Minaai, Director, Department of Transportation
Project File
General File
(K:\WP_DOCS\PLANNING\SUP1\SP77-271AmeronHC&D\MPC Action.wpd)

EXHIBIT "B"

**Letter Dated November 17, 2008
from the Department of Planning**

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



NOV 17 2008

COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 17, 2008

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

SUBJECT: REQUEST FOR A TIME EXTENSION AND AMENDMENT TO INCLUDE 9.5 ACRES OF LAND TO A COUNTY SPECIAL USE PERMIT FOR THE CONTINUED OPERATION OF THE AMERON QUARRY, LOCATED IN PU'UNENE, ISLAND OF MAUI, HAWAII, TMK: (2) 3-8-003:004 (POR) (CUP 2001/0001)

At its regular meeting on October 28, 2008, the Maui Planning Commission (Commission) reviewed the above-referenced permit and after due deliberation, voted to approve the amendment to add 9.5 acres of land while withdrawing 41.2 acres of land to the County Special Use Permit (CUP). The Commission also approved a nine (9) year time extension to the CUP, subject to the following conditions:

1. That the County Special Use Permit shall be valid until **August 5, 2017**, subject to extension by the 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 applicant shall keep yearly records of the amount of rock quarried at the site. The applicant shall provide the Department of Planning with a report of the amount of rock quarried prior to seeking any future amendments.
3. That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.
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 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. Proof 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 the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the time extension and amendment to the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Further, the Commission adopted the Department Report and Recommendation prepared for the October 28, 2008, meeting as its Decision and Order for the County Special Use Permit. 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.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Danny Dias at danny.dias@mauicounty.gov or by phone at 270-7557.

Sincerely,



JEFFREY S. HUNT, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Danny A. Dias, Staff Planner
Robyn L. Loudermilk, Staff Planner
Project File
General File

JSH:DAD:nst
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EXHIBIT "C"

**Department of Planning's Staff Report for the
October 28, 2008 Maui Planning Commission Meeting**

BEFORE THE MAUI PLANNING COMMISSION

**COUNTY OF MAUI
STATE OF HAWAI'I**

In The Matter Of The Application Of) DOCKET NO. **CUP 2001/0001**
)
AMERON HAWAI'I) Munekiyo & Hiraga, Inc. on behalf of
) **AMERON HAWAI'I**
) (DD)
To obtain a time extension and)
amendment to a County Special Use)
Permit for the operation of a Cement)
Quarry on property located within the)
State and County Agricultural)
Districts, at Maui Tax Map Keys)
(2) 3-8-003: 004, 020, 021 (por) and)
(2) 3-8-001: 001 (por), Pu'unene, Island)
of Maui, Hawai'i)

**MAUI PLANNING DEPARTMENT'S
REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION**

OCTOBER 28, 2008 MEETING

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI 96793**

County Special Use Permit Time Extension (CUP 2001/0001)

(K:\WP_DOCS\PLANNING\SUP1\SP77-271AmeronHC&D\2008_TimeExtension\MPCRReport.wpd)

BEFORE THE MAUI PLANNING COMMISSION

**COUNTY OF MAUI
STATE OF HAWAII**

In The Matter Of The Application Of) DOCKET NO. **CUP 2001/0001**
)
AMERON HAWAII) Munekiyo & Hiraga, Inc. on behalf of
) **AMERON HAWAII**
) (DD)
To obtain a time extension and)
amendment to a County Special Use)
Permit for the operation of a Cement)
Quarry on property located within the)
State and County Agricultural)
Districts, at Maui Tax Map Keys)
(2) 3-8-003: 004, 020, 021 (por) and)
(2) 3-8-001: 001 (por), Pu'unene,)
Island of Maui, Hawaii)

APPLICATION

This matter arises from applications for a time extension and amendments to a County Special Use Permit. The requests were filed on May 1, 2008, September 29, 2008, and October 9, 2008, respectively. The applications were filed pursuant to Chapters 19.30A and 19.510, Maui County Code, 1980, as amended; by Mr. Michael Munekiyo, on behalf of Ameron Hawaii, ("Applicant"). The project site is located on approximately 208.9 acres of land in the State and County Agricultural District, situated at Pu'unene, Island and County of Maui, identified as Maui Tax Map Key No. (2) 3-8-003: 004, 020, 021 (por.) and (2) 3-8-001: 001 (por) ("Property"). (**Exhibits 1 thru 3**)

PURPOSE OF THE APPLICATION

The Applicant is requesting a nine (9) year time extension to a County Special Use Permit (CUP) in order to continue the operation of the Ameron Hawaii quarry. In addition, the applicant is also requesting an amendment in order to include an additional 9.5 acres of land to the CUP, while withdrawing 41.2 acres of land from the CUP. The withdrawal is being done in order to accommodate the expansion of the Central Maui Landfill.

[Please note, the project also requires a State Land Use Commission Special Use Permit (SUP). On July 24, 2007, the Maui Planning Commission recommended that the State Land Use Commission approve a 10-year time extension to the SUP. On December 13, 2007, the State Land Use Commission granted approval of the time extension with an expiration date of August 5, 2017.]

APPLICABLE REGULATIONS

County Special Use Permit:

Within the Agricultural District, a special use may be granted pursuant to Title 19, Zoning, Chapter 19.30A Agricultural Districts, Section 19.30A.060 Special uses; Maui County Code, 1980, as amended. If a use described in section 19.30A.060 also requires a Special Permit pursuant to Chapter 205, Hawaii Revised Statutes, and if the land area of the subject parcel is fifteen (15) acres or less, the State Special Use Permit shall fulfill the requirements of this section.

Pursuant to Section 19.510.070 Special use permits of the Maui County Code, a special use permit shall comply with the criteria established for a special use permit and the policies and objectives of the general plan and community plans of the county, the Hawaii revised statutes, and the revised charter of the county.

A special use permit may be granted by the appropriate planning commission provided the following criteria have been met:

1. The proposed request meets the intent of the general plan, and the objectives and policies of the applicable community plan of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the applicable district;
4. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;
6. That the public shall be protected from the deleterious effects of the proposed use;
7. That the need for public service demands created by the proposed use shall be fulfilled; and
8. If the use is located in the state agricultural and rural district, the commission

shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the state.

PROCEDURAL MATTERS

1. On July 24, 2007, the Maui Planning Commission (MPC) granted approval of time extensions to both a County Special Use Permit (CUP) and State Land Use Commission Special Use Permit (SUP). The MPC recommended that the State Land Use Commission approve the SUP for a period of ten (10) years, while approving the CUP for a period of one (1) year. The CUP required that the applicant submit a Rock Quantification Study prior to seeking further time extensions. (Refer to Rock Quantification Study and Summary Report, **Exhibits 4 & 5**)
2. On May 1, 2008, ninety-seven days (97) days prior to the August 5, 2008 permit expiration date, the Maui Planning Department received an application for an extension to the CUP.
3. On September 29, 2008, the Applicant requested an amendment to add an additional 9.5 acres of land to the CUP.
4. On September 30, 2008, the Maui Planning Commission conducted a site visit of the Property and held an informational workshop.
5. By letter dated October 7, 2008, the Planning Department waived the public hearing for the proposed amendment. The Applicant concurred with the waiver on October 9, 2008.
6. On October 9, 2008, the Applicant requested an amendment to withdraw 41.2 acres of land from the CUP.

Please note, the request does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

GENERAL DESCRIPTION

Description of the Property

1. The Property, which is approximately 167.7 acres in size, is located adjacent to the Central Maui Landfill and Pulehu Road at Maui Tax Map Keys (2) 3-8-003:004, 020, 021 (por.) and (2) 3-8-001: 001 (por.), Pu'unene, Maui, Hawaii. (**Exhibit 6**)

2. Land Use Designations

- a. State Land Use District Agricultural
- b. Wailuku-Kahului Community Plan Agricultural
- c. County Zoning Agricultural
- d. Other Outside of the SMA

3. Surrounding Uses

- North – Agricultural Lands in Sugarcane Cultivation and the Central Maui Landfill
- East – Agricultural Lands in Sugarcane Cultivation
- South – Central Maui Landfill and Pulehu Road
- West – Pulehu Road and Agricultural Lands in Sugarcane Cultivation

4. Ameron Hawaii (Ameron) operates its quarry and concrete batching operations at its Pu`unene facility (also known as "Camp 10 Quarry") within an approximately 199.4-acre area identified as TMK (2) 3-8-003:004 (por.), 020 (por.), and 021(por.) (formerly, TMK (2) 3-8-001:001(por.) on the island of Maui. This 167.7-acre portion is permitted under State Land Use Commission Special Use Permit SP77-271. The property is located adjacent to the County of Maui's Central Maui Landfill, which is approximately four (4) miles southeast of the Kahului Airport. Access to the property is provided via the existing access road, Firebreak Road, located off of Haleakala Highway.

In addition, the subject property is owned by A&B Hawaii, Inc., under which the applicant holds a lease agreement. In addition, Ameron hosts sub-lessee agreements with two (2) asphalt paving contractors, Maui Paving and Sonny Vick's Paving, and a concrete precaster, Walker Industries. The three (3) sub-lessees conduct their production operations at the subject property.

Existing Services

- 1. **Water** – The Property is not serviced by the County of Maui water system. Non potable water for fire and dust control is currently being provided through Hawaiian Commercial & Sugar Company (HC&S). Supplemental water is trucked in when required for such uses as concrete batching.
- 2. **Sewers** – No county sewer facilities are available to the Property. Domestic wastewater is primarily handled by two (2) approved cesspool locations which are expected to be upgraded to septic system and leach field later in 2008. Contract portable toilet facilities are the primary accommodations for approximately 80

percent of the active employees on the site, due to location of their equipment and work stations.

3. **Drainage** – The Property is located in Flood Zone C as indicate by the Flood Insurance Rate Maps. Zone C identifies areas of minimal flooding. Kaliainui Gulch, an intermittent drainage way, traverses the Property.
4. **Roadways, Curbs, Gutters and Sidewalks** – The Wailuku-Kahului region is served by a roadway network which includes arterial, collector and local roads. Major roadways in the vicinity of the project site include Haleakala Highway, Hana Highway, Dairy Road, Pulehu Road, and Hansen Road.

Access to the project site is from Firebreak Road, a paved private agricultural access road off Haleakala Highway.

Given the agricultural and industrial uses of the properties around the quarry, nearby roads do not have curbs, gutters, and sidewalks.

5. **Electrical and Telephone** – Electrical and telephone service is available to the Property.
6. **Parks** – There are several parks in the Wailuku-Kahului region that provide recreational opportunities to the community. The nearest park facility is located at Kanaha Beach Park which contain bathrooms, showers, canoe hale, paved parking, beach volley ball courts.
7. **Schools** – The State of Hawai'i Department of Education (DOE) currently operates nine (9) public schools in the Central Maui area. Elementary Schools include Kahului, Lihikai, Wailuku, Pomaika'i at Maui Lani, and Waihe'e. Middle schools in central Maui include Iao Intermediate, Maui Waena Intermediate, with Maui High and Baldwin High Schools providing education to high school students.
8. **Solid Waste** – The Central Maui Sanitary Landfill is located adjacent to the quarry site.
9. **Public Services** – The Kahului Fire Station on Dairy Road is the nearest fire rescue facility and is located approximately 1.5 miles west of the quarry. The Maui Police Department is located in Wailuku Police Station on Mahalani Road. Community Police officers are stationed approximately 1.5 miles away in the Maui Market Place. The nearest hospital is Maui Memorial Hospital located in Wailuku providing acute, general and emergency care services from its 231 bed facility.

BRIEF HISTORY

1. A portion of the property was originally established as a quarry and rock crushing

site by the U.S. Navy Seabees in 1939. The quarry operation was later acquired for private use, first by Kahului Railroad Company and later by Concrete Industries, Inc., Ameron's predecessor company, in 1966.

2. On September 16, 1966 the Land Use Commission (LUC) granted Special Permit SP66-31 to Concrete Industries, Inc. to maintain and operate a rock quarry on approximately 28.19 acres within the State Agricultural District. Permitted uses were to include, but not be limited to: rock crushing and screening, concrete batching, the manufacture of concrete products, including ready mix concrete, cast concrete products, concrete blocks and pipe, and maintenance, storage and office facilities.
3. On August 24, 1977, the LUC approved Special Permit SP77-271, to allow the expansion of the existing quarry operation to approximately 194.5 acres, situated within the Agricultural District. The permit was valid for 20 years from final approval or until August 24, 1997. SP77-271 included a portion of the area identified in SP66-31.
4. On August 29, 1990 the LUC approved the first amendment to SP77-271 to allow sub-lessees or sub-licensees to operate the permitted activities on the property.
5. On June 27, 1997 the LUC approved the second amendment to SP77-271 to delete 59.686 acres from the permit which were lands subject to SP86-359 granted to the Department of Public Works and Waste Management as the site for the Central Maui Landfill. The permit area was reduced to approximately 134.814 acres.
6. On August 5, 1997 the LUC approved the third amendment to SP77-271 to replace lands being deleted from the permit by including 41.2 acres (TMK 3-8-003:por 4) to expand and continue its quarrying operation. The amendment also extended the permit for ten (10) years to August 5, 2007.
7. On October 18, 2001, the LUC approved a fourth amendment to SP77-271 in order to add 38.5 acres to quarry operations.
8. On June 26, 2001, the Maui Planning Commission (MPC) approved a County Special Use Permit (CUP) to allow for the continuation of quarry operations. With the adoption of the Agricultural District Ordinance in 1998, "Mining and resource extraction" was identified as a Special Use in the Agriculture Zoning District, thus requiring a CUP.
9. On July 24, 2007, the MPC approved the first amendment to the CUP which allowed the quarry to operate until August 5, 2008. The MPC included a condition which required the applicant to complete a rock quantification study prior to seeking further time extensions. On the same day, the MPC also recommended that the State Land Use Commission approve a 10-year time extension to the quarry's SUP.

10. On December 13, 2007, the LUC approved a fifth amendment to SP77-271 extending the permit for a period of ten (10) years, ending on August 5, 2017. (**Exhibit 7**)

DESCRIPTION OF THE PROJECT

Ameron operates as a producer of ready-mix concrete, crushed basalt rock products, screened sand, cinder, and topsoil mixes. The basalt rock quarry and crushed aggregate processing plant, main concrete batch plant, asphalt production facilities, precast and prestressed concrete casting operations, maintenance facilities, administrative offices and storage are located within the subject property. (**Exhibits 8 thru 12**)

The current boundaries of SP77-271, as reflected in the Fourth Amendment approved in June 2001, is shown in **Exhibit 13**. In recent review of project operations, Ameron determined that an approximately 7.4-acre area used for parking as well as used by sublessee Walker Industries for storage is located outside of the CUP permit area. The 7.4-acre area is owned by A&B Hawaii and identified as a portion of TMK (2) 3-8-003:004 and a portion of (2) 3-8-001:001. This new acreage, formerly in sugar cane cultivation by HC&S, is currently being used for manufacture and product storage of cast concrete products. A portion of the designated area also serves as paved employee parking. Other uses envisioned for the new area include equipment parking and staging.

In addition, it was also determined that approximately 2.1 acres located outside of the current CUP permit area is part of the mine area where processing and storage of rock materials are conducted. The 2.1-acre portion is also owned by A&B Hawaii, within the overall area being leased for quarry operations by Ameron, and is identified as a portion of TMK (2) 3-8-003:004. (**Exhibit 14**)

To correct the SUP area discrepancy created by the 7.4-acre area along with the 2.1-acre area, Ameron seeks an amendment to CUP 2001/0001 to include the additional 9.5 acres. Ameron also seeks to withdraw a 41.2 acre portion from the CUP 2001/0001 which would allow the Central Maui Landfill to expand into that area. The total area of the quarry site would therefore be 167.7 acres.

REVIEWING AGENCIES

The request for a nine (9) year time extension, amendment to add 9.5 acres of land and withdraw 41.2 acres of land from CUP 2001/0001 is being processed concurrently with permits SUP 2008/0002 and CP 2008/0005. The uses, actions, and properties involving those permits are the same as those for CUP 2001/0001. As such, the Department of Planning did not send the CUP portion of the request to other agencies for comments. This was done in order to avoid confusion and the duplication of comments by those agencies.

After review of the comments provided for SUP 2008/0002 and CP 2008/0005, the

Department of Planning has determined that the responses given are not substantial and does not affect the request for a nine (9) year time extension and amendment to add 9.5 acres of land while withdrawing 41.2 acres of land from CUP 2001/0001.

Comments from 2007 Time Extension Request

While processing the time extension for CUP 2001/0001 in 2007, the Department of Planning requested comments from the State Department of Health (DOH), State Department of Transportation (DOH), and what was then the Department of Public Works and Environmental Management (DPEWM). The DOH and DPEWM had no comments while the DOT did not respond. (**Exhibits 15 & 16**)

ANALYSIS

1. The proposed project, as amended, is in conformance with the goals, objectives and policies of the Hawaii State Plan. Its operation will continue to provide necessary products to various businesses on island. The operation of the quarry is also vital for the continued economic growth of the island.
2. The subject property is in the County Agriculture District. Ameron will continue to operate its facility in the same manner it has in previous years. In accordance with Chapter 19.30A.060 of the Maui County Code, "Mining and resource extraction" is considered an acceptable use within the Agricultural District if a County Special Use Permit is acquired.
3. Ameron Hawaii's quarry operations and related uses were established through Land Use Commission Special Use Permit SP77-271. The use was determined to be consistent with the Agricultural District prior to adoption of the special use permit.
4. Reviewing agencies have not responded with any significant comments regarding the proposed time extension and amendment to add 9.5 acres of land while withdrawing 41.2 acres of land from CUP 2001/0001. There has been no change in use and the general plan and community plan has not changed.

TESTIMONY

As of October 10, 2008, the Department of Planning has received no letters either in support, opposition, or of concern for the CUP time extension and amendment.

CONCLUSION OF LAW

The request for a time extension and amendment was timely filed. There are no deficiencies or violations that would affect the Applicant's request. Further, the scope of the project remains the same and the previous Findings of Fact, Conclusions of Law, and Decision and Order granting the permit are still applicable to the project.

RECOMMENDATION

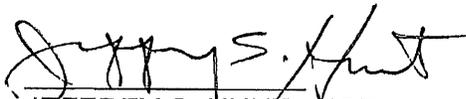
Pursuant to the foregoing the County of Maui Department of Planning recommends approval of the amendment to add 9.5 acres of land while withdrawing 41.2 acres of land to the County Special Use Permit. The Department also recommends approval of a nine (9) year time extension to CUP 2001/0001, subject to all applicable conditions placed on the permit approved on June 26, 2001. Condition No. 1 shall now read as follows (noted in bold):

1. That the County Special Use Permit shall be valid until **August 5, 2017**, 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 applicant shall keep yearly records of the amount of rock quarried at the site. The applicant shall provide the Department of Planning with a report of the amount of rock quarried prior to seeking any future amendments.
3. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.
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 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. Proof 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 the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the time extension and amendment to the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

In consideration of the foregoing, the Department of Planning recommends that the Maui Planning Commission adopt the Department of Planning's Report and Recommendation prepared for the October 28, 2008, meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said Decision and Order on behalf of the Planning Commission.

APPROVED:



JEFFREY S. HUNT, AICP
Planning Director



MICHAEL T. MUNEKIYO
GWEN DHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER RUI
KYLE D. ...

May 1, 2008

'08 MAY -1 P3:16

DEPT. OF PLANNING

Jeffrey S. Hunt, Director
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

SUBJECT: Time Extension Request for County Special Use Permit for Ameron Pu'unene Quarry at TMK (2) 3-8-003:004 (por.) and 021 (por.), Pu'unene, Maui, Hawai'i (CUP 2001/0001)

Dear Mr. Hunt:

At its meeting on July 24, 2007, the Maui Planning Commission approved the time extension request by one (1) year to County Special Use Permit (CUP 2001/0001) for Ameron Pu'unene Quarry operations at TMK Nos. (2) 3-8-003 (por.) and 021 (por.). See **Exhibit "A"**.

Condition No.1 under the County Special Use Permit (CUP 2001/0001) approval states:

"That the County Special Use Permit shall be valid until August 5, 2008, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration..."

On behalf of the applicant, Ameron Hawaii, we respectfully request a time extension to the County Special Use Permit (CUP 2001/0001) for an additional nine (9) years from the current expiration date of August 5, 2008 (or valid until August 5, 2017).

We note that at its meeting of July 24, 2007, the Maui Planning Commission recommended approval of the ten (10) year time extension request to the State Land Use Commission (LUC) for its State Special Use Permit SP77-271. The LUC, at its meeting of December 13, 2007, then approved the ten (10) year time extension request enabling SP77-271 to be valid until August 5, 2017.

Therefore, the applicant, Ameron Hawaii, is requesting a time extension of nine (9) years to its County Special Use Permit (CUP 2001/0001) to match the expiration date of its State Land Use Commission Special Use Permit.

Exhibit "1"

Jeffrey S. Hunt, Director
May 1, 2008
Page 2

Additionally, the one (1) year time extension to CUP 2001/001 granted by the Maui Planning Commission on July 24, 2007, required that Ameron submit a rock quantification study. Specifically, Condition No. 2 of the County Special Use Permit (CUP 2001/0001) approval states:

"That a report be prepared by the applicant for the presentation before the Maui Planning Commission. The report must list the following:

- *The amount of rock quarried at the site, year by year, for the last ten (10) years.*
- *The projected amount of rock anticipated to be quarried at the site for, but not limited to the next ten (10) years.*
- *A quantification study on the amount of rock available for mining in the vicinity of the Ameron Quarry."*

It is noted that the rock quantification study will be submitted under a separate cover.

A time extension fee of \$165.00 is enclosed to enable processing of this request.

Should you have any questions or if additional information is required, please contact me at 244-2015.

Very truly yours,



Erin Mukai, Planner

EM:yp

Enclosure

cc: Eric Yoshizawa, Ameron Hawaii, Inc. (w/out enclosure)

F:\DATA\Ameron\Quarry1977\CUP\timeextension.ltr.wpd

CUP 01/01



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

08 SEP 29 P2 54 ✓

MARK ALEXANDER ROY
KYLE BINGZA

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 29, 2008

Jeffrey S. Hunt, Director
Department of Planning
Attention: Danny Dias ✓
250 South High Street
Wailuku, Hawai'i 96793

SUBJECT: Proposed Amendment to County Special Use Permit for Ameron Pu'unene Quarry at TMK (2) 3-8-003:004 (por.); 020 (por.); 021 (por.) and TMK (2) 3-8-001:001 (por.)

Dear Mr. Hunt:

Munekiyo & Hiraga, Inc., on behalf of the applicant (Ameron Hawaii), submitted to your department a letter dated May 1, 2008, requesting a time extension to the County Special Use Permit (CUP 2001/0001) for Ameron Pu'unene Quarry operations at TMK Nos. (2) 3-8-003:004 (por.) and 021 (por.). The letter filed requested an additional nine (9) years to CUP 2001/0001.

It is also noted on July 2, 2008, Munekiyo & Hiraga, Inc., on behalf of the applicant, Ameron Hawaii, submitted an application for Conditional Permit and Amendment to State Land Use Commission Special Use Permit SP77-271. In part, the application requests an amendment to Ameron Hawaii's Special Use Permit (SP77-271) boundaries by including approximately 9.5 acres of adjacent lands.

The application for Conditional Permit and Amendment to SLUC SUP SP77-271 filed on July 2, 2008, did not request an amendment to Ameron Hawaii's County Special Use Permit to encompass the additional 9.5 acres. Therefore, on behalf of the applicant, we respectfully request an amendment to CUP 2001/0001 to encompass the 9.5 acres. See **Attachment "A"**.

An application form and filing fee of \$55.00 are enclosed to enable processing of this request.

It is noted that additional submittal requirements to the enclosed application form including the updated list of the names and addresses of owners of real property situated within 500 feet of the subject property, as well as the completed Zoning and Flood Confirmation form

Jeffrey S. Hunt, Director
September 29, 2008
Page 2

were submitted on July 2, 2008, as part of Ameron Hawaii's application for Conditional Permit and Amendment to SLUC SUP SP77-271. Letters of authorization from A&B Hawai'i, Inc. and Ameron Hawaii will be submitted under a separate cover.

Should you have any questions or if additional information is required, please contact me at 244-2015.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Erin Mukai', with a stylized flourish at the end.

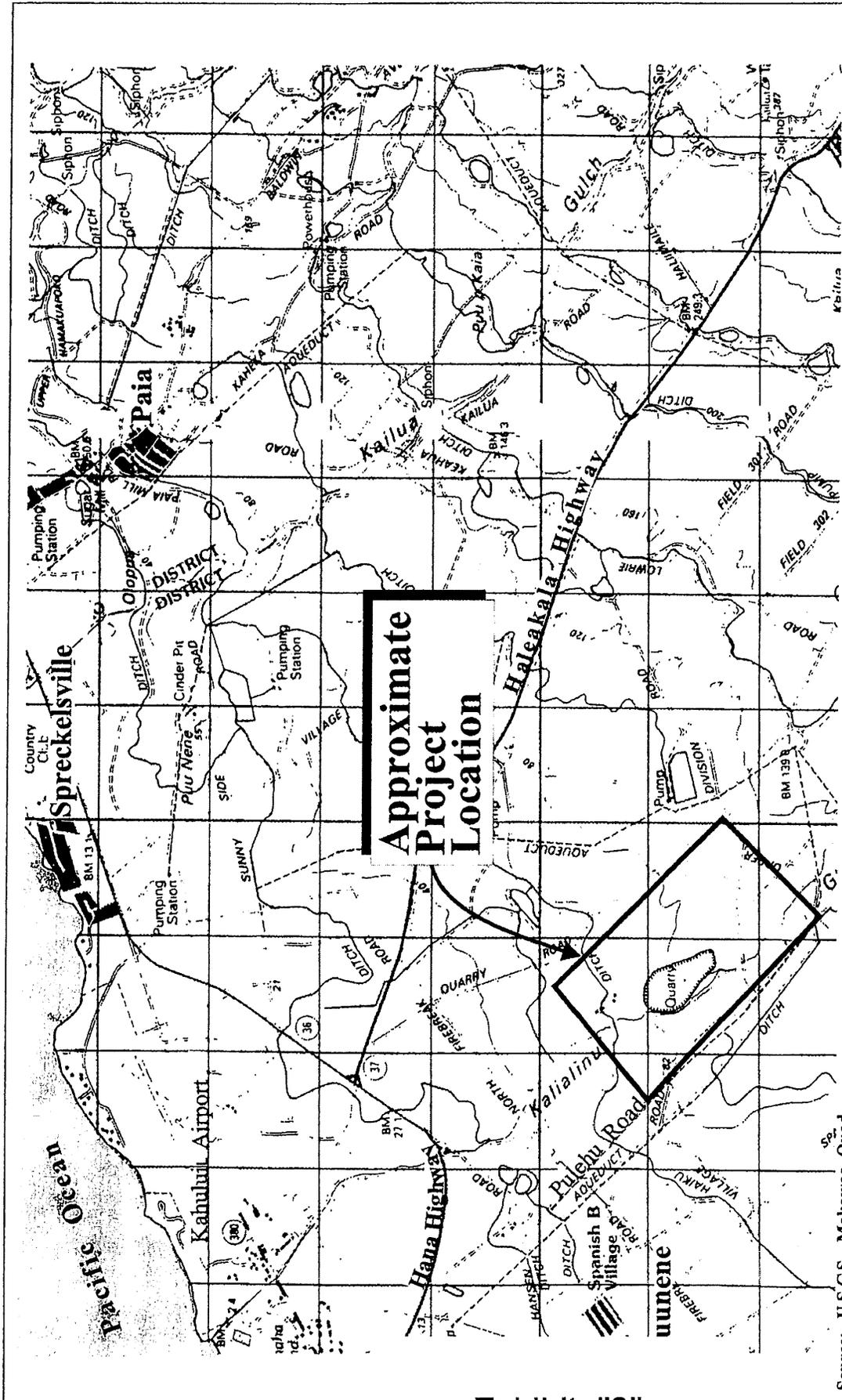
Erin Mukai, Planner

EM:yp

Enclosure

cc: Eric Yoshizawa, Ameron Hawai'i, Inc. (w/enclosures)

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NOT TO SCALE

Figure 1
 Ameron Pu'unene Quarry
 Regional Location Map



Source: U.S.G.S., Makawao Quad



Prepared for: Ameron Hawaii

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

COLLEEN M. SUYAMA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

August 7, 2007

Mr. Michael Munekiyo, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

RE: Request to Extend the Time Stipulation to a County Special Use Permit for the Continued Operation of the Ameron Quarry, Located on Agricultural Land in Pu'unene, Island of Maui, Hawai'i, TMK: (2) 3-8-003:004 (por) and 021 (por) (CUP 2001/0001)

At its regular meeting on July 24, 2007, the Maui Planning Commission (Commission) reviewed the above-referenced permit and after due deliberation, voted to recommend to the State Land Use Commission approval of the amendments as follows (amendments are in bold):

STANDARD CONDITIONS:

1. That the County Special Use Permit shall be valid until **August 5, 2008**, 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 a report be prepared by the applicant for presentation before the Maui Planning Commission. The report must list the following:
 - **The amount of rock quarried at the site, year by year, for the last ten (10) years.**
 - **The projected amount of rock anticipated to be quarried at the site for, but not limited to, the next ten (10) years.**

Exhibit "4"

- **A quantification study on the amount of rock available for mining in the vicinity of the Ameron Quarry.**
3. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission;
 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 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 nonobservance or nonperformance of any of the terms and conditions of this permit. Proof 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;
 5. That full compliance with all applicable governmental requirements shall be rendered;
 6. That the applicant within 90 days of the approval shall submit to the Department for review and approval five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit; and
 7. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Further, the Commission adopted the Department Report and Recommendation prepared for the July 24, 2007, meeting as its Decision and Order for the County Special Use Permit. 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.

Mr. Michael Munekiyo, AICP
August 7, 2007
Page 3

Thank you for your cooperation. If additional clarification is required, please contact Mr. Danny Dias, Staff Planner, at danny.dias@mauicounty.gov or by phone at 270-7557.

Sincerely,



for JEFFREY S. HUNT, AICP
Planning Director

JSH:DAD:nst

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator
Danny A. Dias, Staff Planner
Paul F. Fasi, Staff Planner
Project File
General File
K:\WP_DOCS\PLANNING\SUP1\SP77-271AmeronHC&D\2007_TimeExtension\MPCApprovalCUP.wpd



Subject: ***Rock Quantification Study and Summary Report***
 Conditional and Special Use Permit SP77-271
 To: Maui Planning Commission
 Date: June 6, 2008

Discussion: This report responds to the request for a ten-year history of mined rock volume on the subject Ameron Maui quarry location and a projection of remaining life of the rock reserve on the site. Future yield projections are based on core-mapping data performed periodically through exploratory drilling and the Company's expectations of market demand through the period of analysis.

*Ameron Maui Quarry Ten-Year Mining History
 Mined Rock Volume in Cubic Yards*

<i>FY</i>	<i>Annual Volume (cy)</i>
1998	309,739
1999	369,624
2000	369,303
2001	332,782
2002	358,778
2003	295,022
2004	318,791
2005	336,266
2006	382,351
2007	461,477
Avg	353,413 cubic yards

The mine site is apportioned into: 1) fixed areas for buildings, plant, and manufacturing activity; and 2) mining areas on which rock extraction occurs. Over the course of the quarry lease, the configuration of the mine area changes as new increments of rock deposit are activated and completed areas of mined space are returned for future use as new landfill cells. The bounds of the permitted parcel include both current and future mine areas. Over time, the quarry permit boundaries are revised as the County of Maui successively acquires new phases of expansion area of quarried lands.

The rock quantification study summarizes calculated yields of the designated mining areas depicted in the Special Use Permit and Conditional Use Permit Exhibit Map. Core drill data indicates significant variation in rock depth, density, and yield which are simplified for this study discussion in a composite equivalent average yield depth. Projected future extraction volume is based on the annual average of a twenty-five year market projection for all combined extracted rock products.

The study has determined the projected forward life of the current mapping to be 22 years. Future additions to the mining map are contemplated by way of periodic extensions to the quarry lease and (future use permits) as the extent of the rock deposit on the quarry periphery is significant and extensive.

Rock Quantification Study Data
Assumptions and Calculations

Area E: Future Mining Site (38.5 Acres) Currently Active

Yield Area: Acres	34
Average Projected Depth: Feet	36
Extraction Volume: Cubic Yards	1,950,000

Area A: Future Mining Site Portion

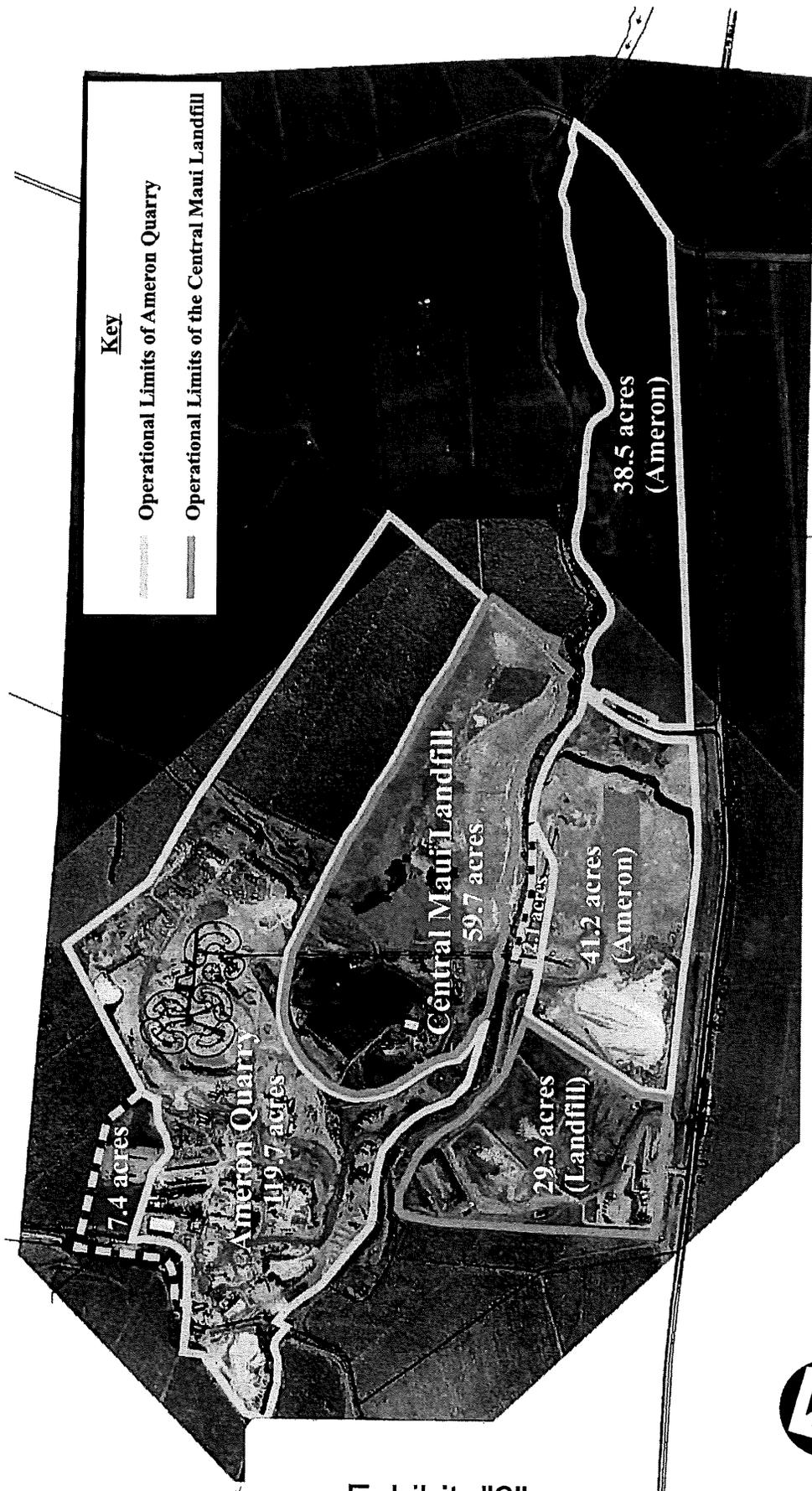
Balance of Yield Area: Acres	40.5
Average Projected Depth: Feet	32
Extraction Volume: Cubic Yards	2,060,000

Current Lease Area: Beyond CUP Designation

Yield Area: Acres	64
Average Projected Depth: Feet	35
Extraction Volume: Cubic Yards	3,570,000

Total CY under Current Lease	7,580,000
------------------------------	------------------

Future Volume Projection:	
Avg Annual Mined Volume (cy)	340,000
Lease Area Yield (years)	22.3



Ameron Quarry, PPT (Bishop) and its Operational Limits

Operational Limits of the Central Maui Landfill and Ameron Quarry



Source: R. T. Tanaka Engineers, Inc.

Exhibit "6"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. SP77-271
)
AMERON HC&D) DECISION AND ORDER APPROVING A
) FIFTH AMENDMENT TO THE LAND
To Obtain A Fifth Amendment To) USE COMMISSION SPECIAL USE
Land Use Commission Special Use) PERMIT
Permit To Amend Condition Number 2)
Of The Decision And Order Approving)
The Fourth Amendment To The Land)
Use Commission Special Use Permit)
That Established Quarry Operations)
On Approximately 199.4 Acres Of)
Land Within The State Land Use)
Agricultural District At Pu'unēnē,)
Maui, State Of Hawai'i, Tax Map Key:)
3-8-03: Por. 4 And Por. 21 (Formerly)
Tax Map Key: 3-8-01: Por. 1 Included))
_____)

DECISION AND ORDER APPROVING A FIFTH AMENDMENT TO THE LAND USE
COMMISSION 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.

JAN 28 2008

Date

by *Richard L. Ward*
Interim Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of) DOCKET NO. SP77-271
)
AMERON HC&D) DECISION AND ORDER APPROVING A
) FIFTH AMENDMENT TO THE LAND
To Obtain A Fifth Amendment To) USE COMMISSION SPECIAL USE
Land Use Commission Special Use) PERMIT
Permit To Amend Condition Number 2)
Of The Decision And Order Approving)
The Fourth Amendment To The Land)
Use Commission Special Use Permit)
That Established Quarry Operations)
On Approximately 199.4 Acres Of)
Land Within The State Land Use)
Agricultural District At Pu`unēnē,)
Maui, State Of Hawai'i, Tax Map Key:)
3-8-03: Por. 4 And Por. 21 (Formerly)
Tax Map Key: 3-8-01: Por. 1 Included))
_____)

DECISION AND ORDER APPROVING A FIFTH AMENDMENT TO THE LAND USE
COMMISSION SPECIAL USE PERMIT

On March 9, 2007, Michael T. Munekiyo of Munekiyo & Hiraga, Inc., filed a written request on behalf of Ameron HC&D ("Petitioner") with the County of Maui Department of Planning to amend Condition Number 2 of the Decision And Order Approving The Fourth Amendment To The Land Use Commission Special Use Permit ("Decision And Order") dated April 10, 2002, issued in the above-entitled docket ("Request"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). Petitioner requested a

10-year time extension to allow for the continued operation of Petitioner's quarry operations.

The Land Use Commission ("LUC") has jurisdiction over Petitioner'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 July 24, 2007, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on Petitioner's Request. There was no public testimony provided on the Request. After due deliberation, the Planning Commission recommended approval of Petitioner's Request to the LUC.¹

On August 29, 2007, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on Petitioner's Request. On October 31 and November 26, 2007, the LUC received the remaining portions of the record.

On December 13, 2007, the LUC met in Honolulu, Hawai'i, to consider Petitioner's Request. Michael T. Munekiyo and Eric Yoshizawa appeared on behalf of Petitioner. Madelyn D'Enbeau, Esq., and Robyn Loudermilk appeared on behalf of the

¹ At the hearing, an issue was raised as to whether the material that is quarried by Petitioner is considered a mineral, and therefore entitles the State of Hawai'i to collect royalties from its extraction. As a result, the Planning Commission recommended to the LUC that it "...verify that appropriate royalties for the extraction of minerals, if any, have been applied."

County of Maui. Bryan C. Yee, Esq., was also present on behalf of the State Office of Planning.

At the meeting, Petitioner noted that the subject property had rock reserves of approximately 12 to 15 years. Petitioner also noted that there remains a continuing need for the quarry within the community to provide concrete products and aggregate for construction and other local uses.²

Following discussion, a motion was made and seconded to approve Petitioner's Request to amend Condition Number 2 of the Decision And Order dated April 10, 2002, as follows:

2. That the State Land Use Commission Special Use Permit shall be valid until August 5, 2017, 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.

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

ORDER

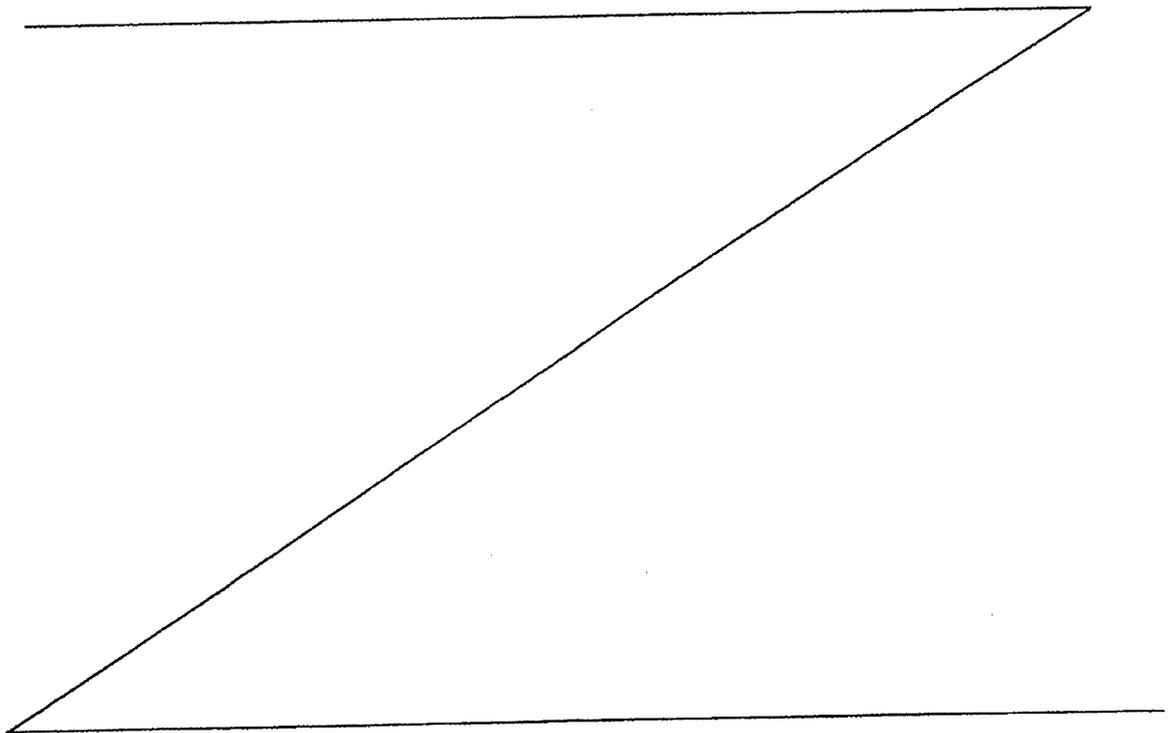
Having duly considered the complete record of Petitioner's Request and the oral arguments presented by the parties present in the proceeding, and a motion

² In response to the Planning Commission's recommendation, the LUC staff noted that it had received correspondence from the State Department of Land and Natural Resources which affirmed the State of Hawai'i's succession to the title and ownership interests of the Hawaiian government in and to the mineral rights on the subject property. Staff also clarified that section 182-1, HRS, specifically exempts rock that is used in general construction from the definition of *minerals*.

having been made at a meeting on December 13, 2007, in Honolulu, 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, the LUC hereby APPROVES Petitioner's Request, subject to the following amendment to Condition Number 2 of the Decision and Order dated April 10, 2002:

2. That the LUC Special Use Permit shall be valid until August 5, 2017, 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.

All other conditions to the Decision and Order dated April 10, 2002, are hereby reaffirmed and shall continue in effect.



ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 28th day of January, 2008. 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 28th day of January, 2008, per motion on December 13, 2007.

APPROVED AS TO FORM

Diane Mckin
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By Duane Kanuha
DUANE KANUHA
Presiding Officer

Filed and effective on
JAN 28 2008

Certified by:

Rodney G. Ward
Interim Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. SP77-271
)
AMERON HC&D) CERTIFICATE OF SERVICE
)
To Obtain A Fifth Amendment To)
Land Use Commission Special Use)
Permit To Amend Condition Number 2)
Of The Decision And Order Approving)
The Fourth Amendment To The Land)
Use Commission Special Use Permit)
That Established Quarry Operations)
On Approximately 199.4 Acres Of)
Land Within The State Land Use)
Agricultural District At Pu'unēnē,)
Maui, State Of Hawai`i, Tax Map Key:)
3-8-03: Por. 4 And Por. 21 (Formerly)
Tax Map Key: 3-8-01: Por. 1 Included))
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision and Order Approving A Fifth Amendment To The Land Use Commission 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:

DEL. MARY LOU KOBAYASHI, Acting Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

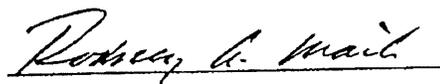
BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawaii 96813

JEFFREY S. HUNT, 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. MICHAEL MUNEKIYO
Munekiyo & Hiraga, Inc.
395 High Street, Suite 104
Wailuku, Hawai'i 96793

Dated: Honolulu, Hawaii, JAN 28 2008.



RODNEY A. MAILE
Interim Executive Officer

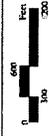


Ameron Pu'unene Quarry
Photographic Reference Map

Source: R. T. Tanaka Engineers, Inc.



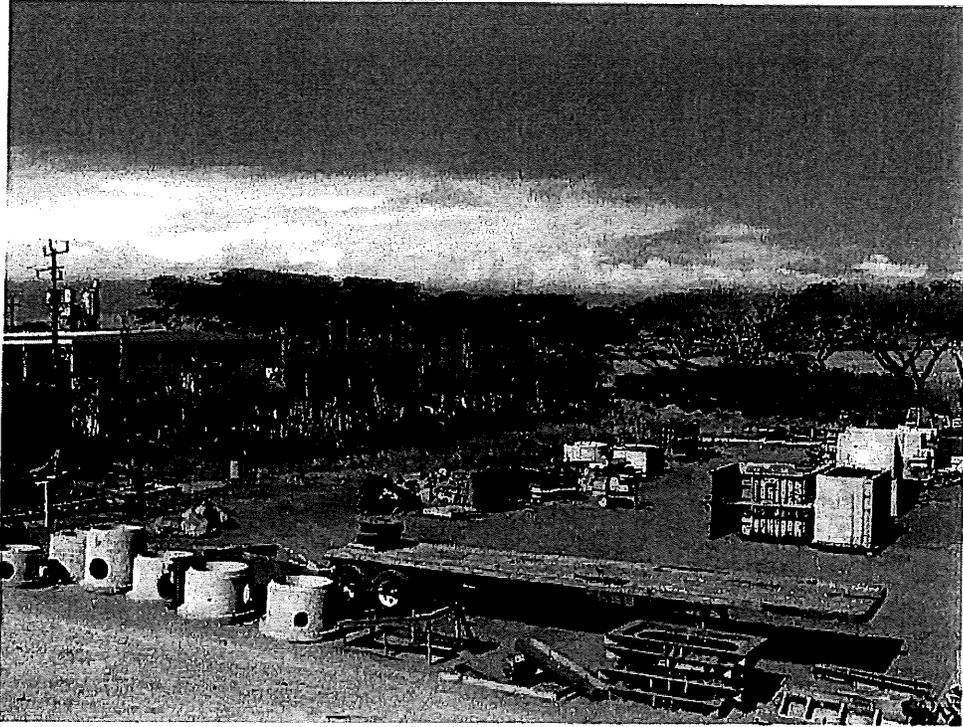
Prepared for: Ameron Hawaii



MUNEKIYO & HIRAGA, INC.

Ameron Quarry 1977 Rehabilitation Plan

Exhibit "8"

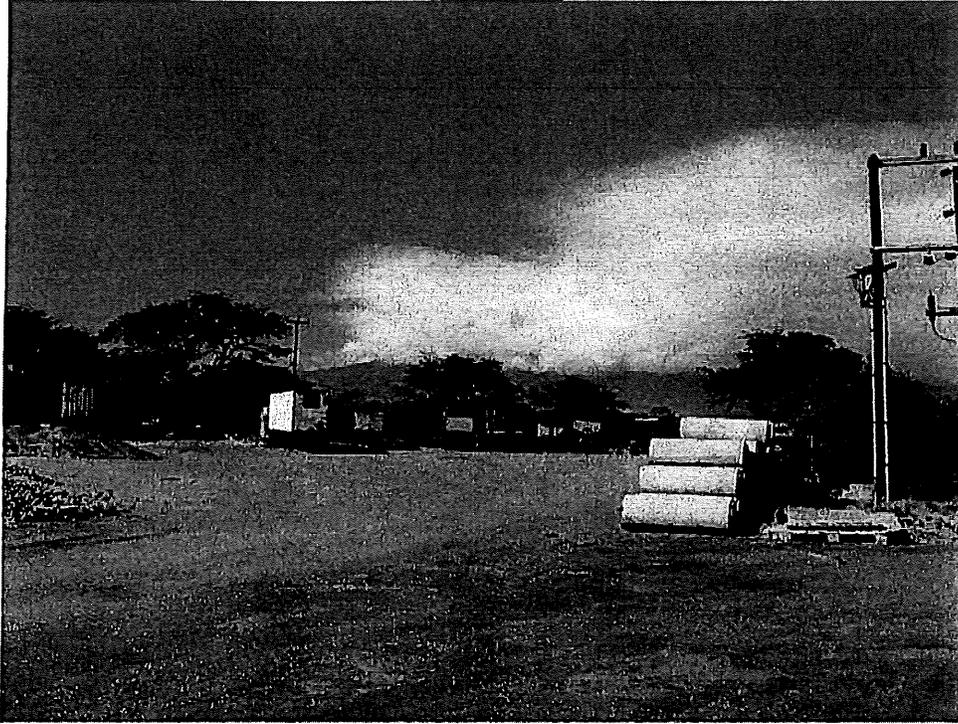


Photograph No. 1



Photograph No. 2

Exhibit "9"

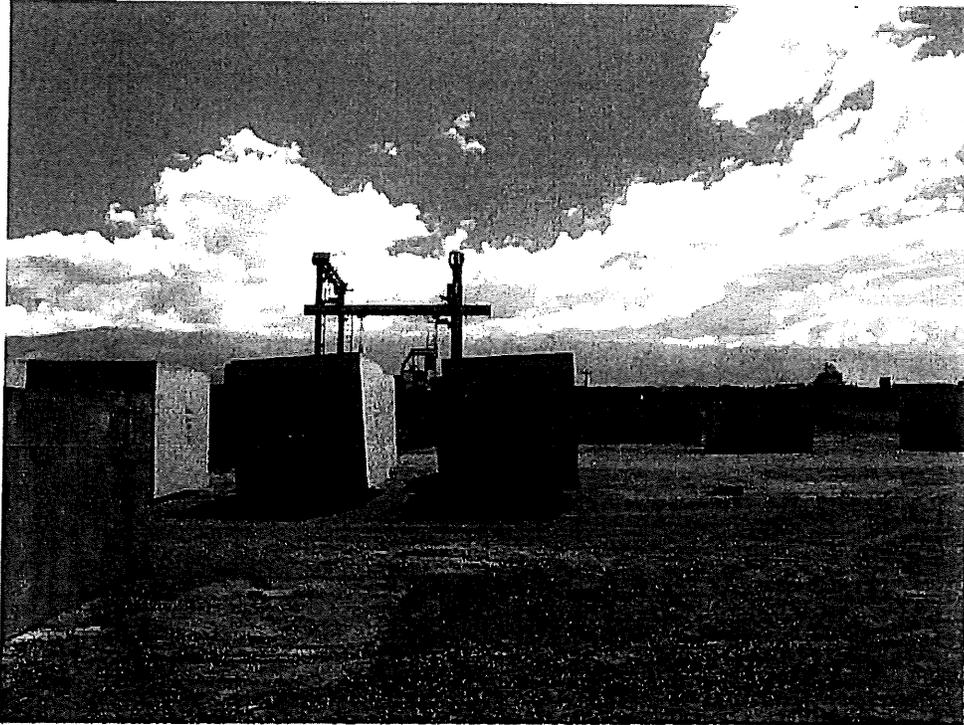


Photograph No. 3

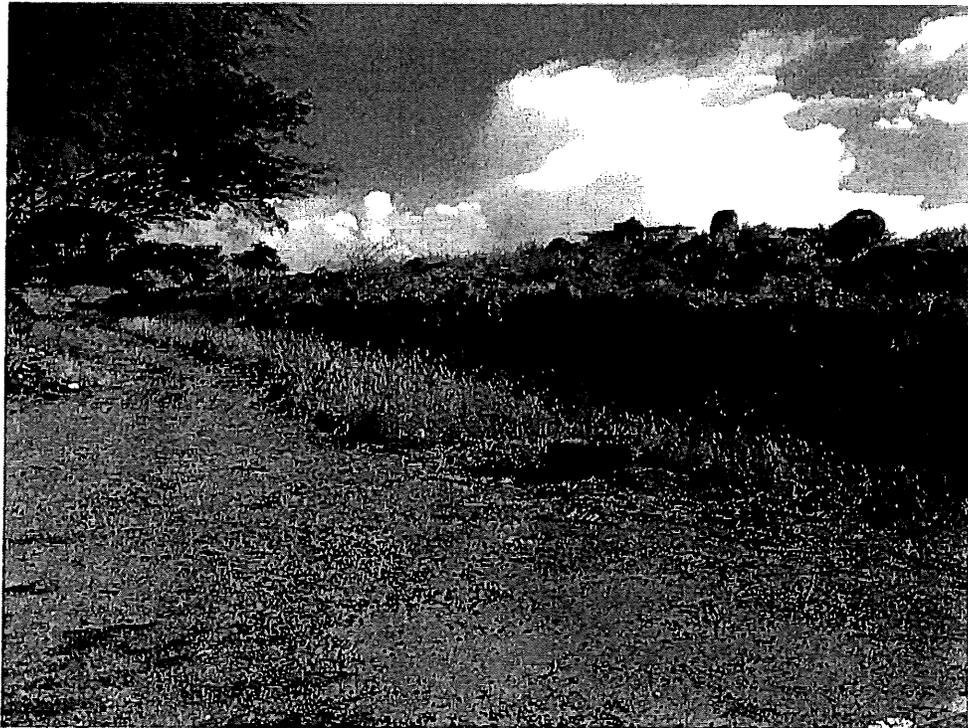


Photograph No. 4

Exhibit "10"

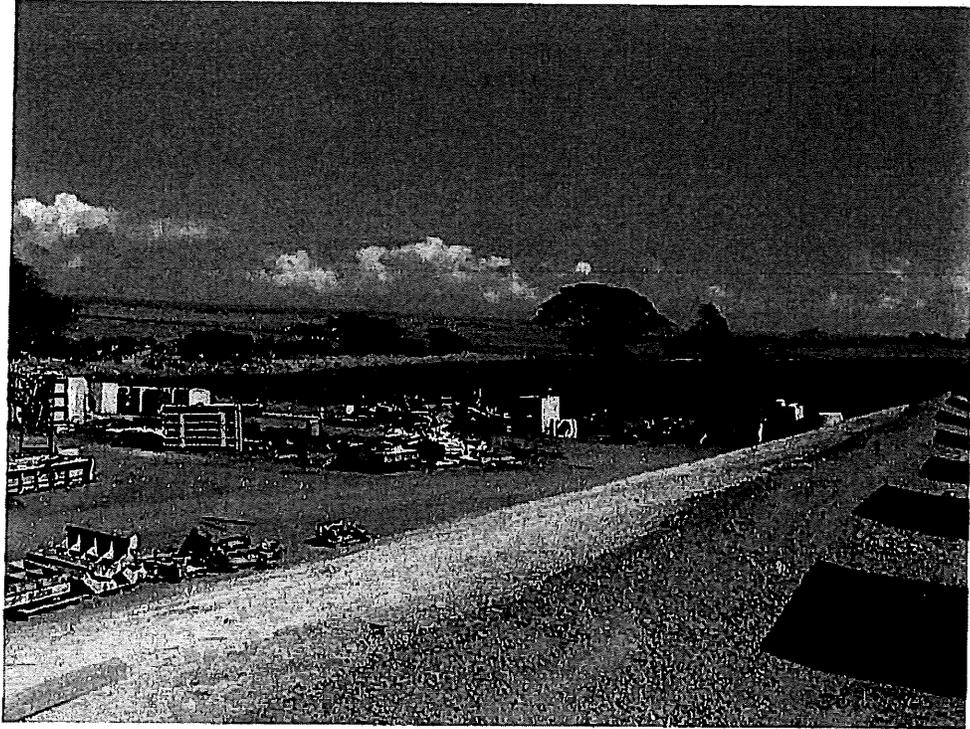


Photograph No. 5



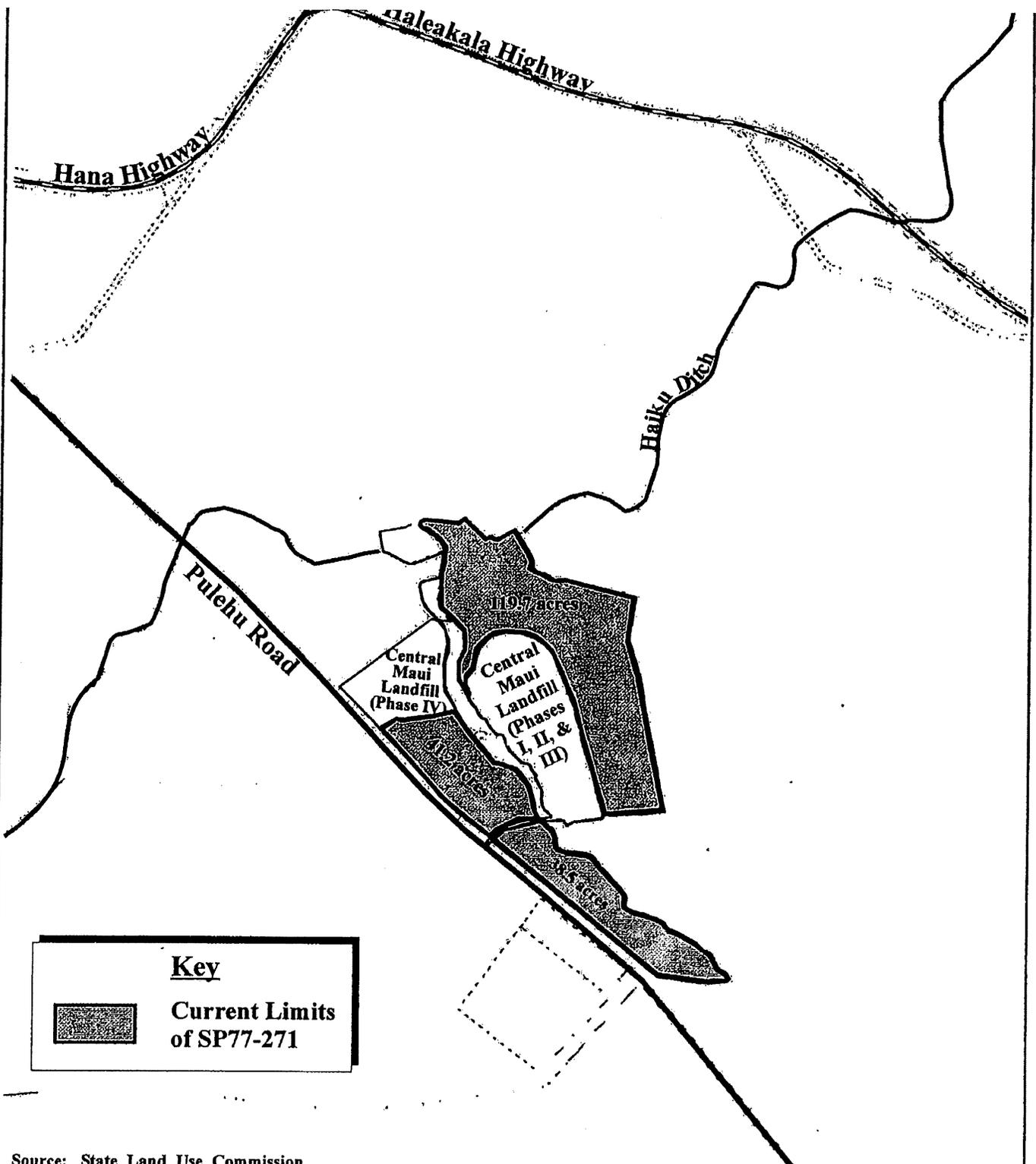
Photograph No. 6

Exhibit "11"



Photograph No. 7

Exhibit "12"



Source: State Land Use Commission

Figure 3

Ameron Pu'unene Quarry
Current Boundary of SP 77-271

NOT TO SCALE



Prepared for: Ameron Hawaii

Exhibit "13"

Proposed
Amendment
to SP77-271
(7.4 Acres)

Proposed
Amendment
to SP77-271
(2.1 Acres)

Exhibit "14"

Source: R. T. Tanaka Engineers, Inc.

Figure 10



Prepared for: Ameron Hawaii

Ameron Pu'unene Quarry
Proposed Amended Limits of SP77-271



MUNEKIYO & HIRAGA, INC.

Ameron Quarry SP77-271 Waikane Facility Permit No. SP77-271

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH
LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102
May 21, 2007

Mr. Jeffrey S. Hunt
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Attention: Danny A. Dias

Dear Mr. Hunt:

Subject: **Ameron HC&D Puunene Quarry**
TMK: (2) 3-8-003: 004 (por.), 021 (por.) & (2) 3-8-001: 001
CUP 2001/0001

Thank you for the opportunity to comment on the Ameron Puunene Quarry time extension. We have no comments to offer at this time.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Matsubayashi".

Herbert S. Matsubayashi
District Environmental Health Program Chief

Exhibit "15"

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

'07 MAY 30 A9:24

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES ADMINISTRATION

250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

May 30, 2007

MEMO TO: JEFFREY S. HUNT, A.I.C.P., PLANNING DIRECTOR

FROM: *for* MILTON M ARAKAWA, A.I.C.P, DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT *MM*

SUBJECT: APPLICATION FOR TEN YEAR TIME EXTENSION
FOR AMERON HC&D PUUNENE QUARRY
TMK: (2) 3-8-001:001 and 3-8-003:004 (por), 021
CUP 2001/0001

We reviewed the subject application and have no comments at this time.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MM:ls

S:\LUCA\CZMAmeron_HC&D_cup_sp77_38001001_074_ls.wpd

Exhibit "16"