



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of
AMERON HC&D
To Transfer Land Use Commission
Special Use Permit That Established
Quarry Operations On Approximately
167.7 Acres Of Land Within The State
Land Use Agricultural District At
Pu`unēnē, Maui, State Of Hawai`i, Tax
Map Keys: 3-8-01: Por. 1 And 3-8-03:
Por. 4, Por. 20, And Por. 21

DOCKET NO. SP77-271
ORDER GRANTING TRANSFER OF
SPECIAL USE PERMIT AND
CERTIFICATE OF SERVICE

LAND USE COMMISSION
STATE OF HAWAII
2014 OCT 10 P 4: 35

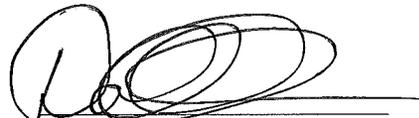
ORDER GRANTING TRANSFER OF SPECIAL USE PERMIT

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, Hawai`i.

October 10, 2014 by


Executive Officer



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ORDER GRANTING TRANSFER OF SPECIAL USE PERMIT

On March 13, 2014, Ameron International Corporation ("AIC"), a Delaware corporation based in Houston, Texas, and doing business as Ameron Hawai`i ("Applicant"), filed a request to transfer the special use permit issued in the above entitled docket from the Applicant to Ameron Hawai`i, LLC,¹ with the County of Maui Department of Planning ("DP"), pursuant to Condition Number 4 of the Decision and

¹ Ameron, Inc., and HC&D, Ltd., merged into one company and changed its name to AIC in 1996. In 2013, AIC formed Ameron Hawai`i, LLC, as a wholly-owned subsidiary for the purpose of owning and operating all of AIC's assets in Hawai`i, including its quarrying operations approved by the special use permit. AIC has since sold all of the membership interests in Ameron Hawai`i, LLC, to Pohaku Pa`a, LLC.

Order Approving the Fourth Amendment to the Land Use Commission Special Use

Permit filed April 10, 2002. Condition Number 4 states as follows:

The subject State Land Use Commission Special Permit shall not be transferred without the prior written approval of the Land Use Commission. In this regard, the Maui Planning Commission shall make a recommendation to the Land Use Commission. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Permit, a public hearing shall be held by the Maui Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

The State of Hawai'i Land Use Commission ("LUC") has jurisdiction over the Applicant's request. Hawai'i Revised Statutes §205-6 and Hawai'i Administrative Rules ("HAR") §§15-15-95 et seq. authorize the LUC to approve special use permits, amendments thereto, and related matters for areas greater than 15 acres.

On June 10, 2014, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's request. There was no public testimony provided on the request. After due deliberation, the Planning Commission recommended approval of the transfer of the special use permit to Ameron Hawai'i, LLC, to the LUC.

On September 5, 2014, the LUC received a copy of the decision and the complete record of the Planning Commission's proceedings on the Applicant's request.

On October 8, 2014, the LUC considered the Applicant's request at its meeting in Honolulu, Hawai'i.² Gabriel Gorman, Esq., Erin Mukai, and Eric Yoshizawa appeared on behalf of the Applicant. Paul Fasi was present via telephone conference on behalf of the DP. Bryan C. Yee, Esq., and Leo Asuncion were also present on behalf of the State of Hawai'i Office of Planning ("OP"). At the meeting, the Applicant provided a background of its request and a brief history of the quarrying operations. Upon questioning, the Applicant affirmed its commitment to comply with the conditions of approval imposed in the docket. OP and the DP had no comments or objections to the Applicant's request.

Thereafter, a motion was made and seconded to grant the Applicant's request. Following discussion by the Commissioners, a vote was taken on the motion. There being a vote tally of 5 ayes, 0 nays, and 2 excused, the motion carried.

ORDER

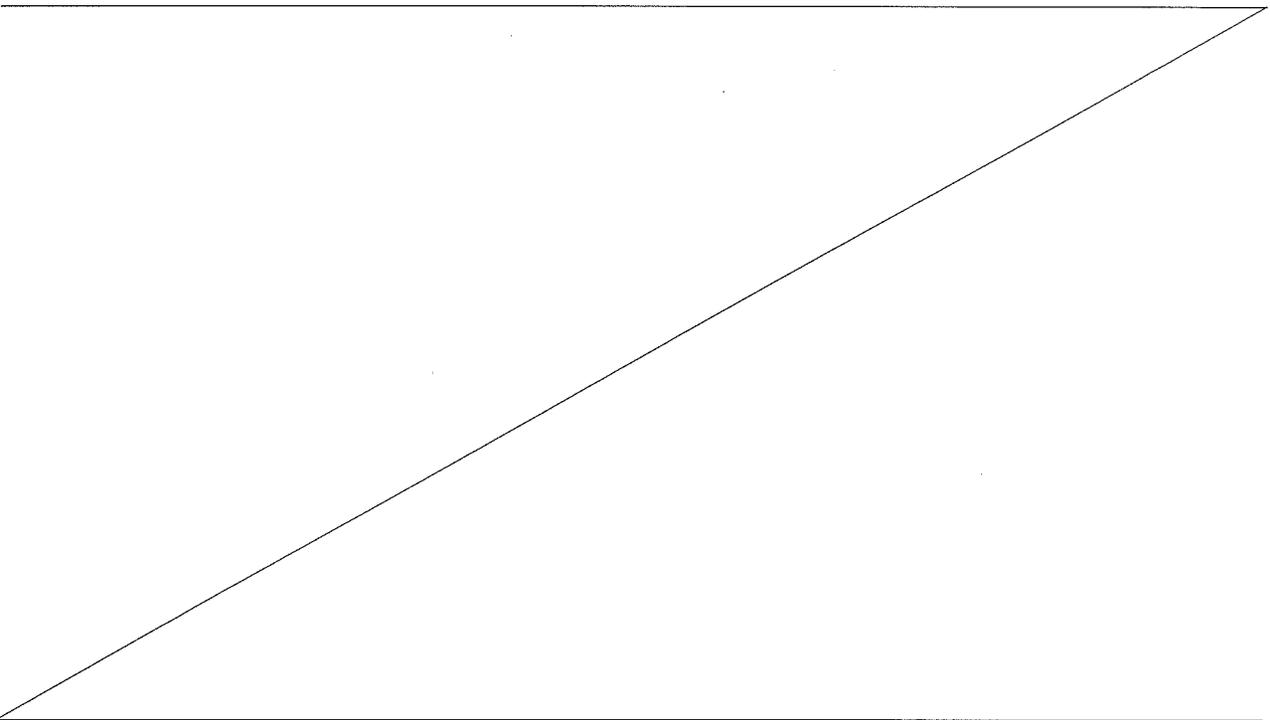
The LUC, having duly considered the complete record of the Applicant's request and the oral arguments presented in this matter, and a motion having been made at a meeting on October 8, 2014, in Honolulu, Hawai'i, and the motion having

² At the meeting, Vice Chair Arnold Wong disclosed that the Mills Development Corporation, owned by Bill D. Mills, owner of Pohaku Pa'a, LLC, recently provided a donation to the Iron Workers Scholarship Fund. Mr. Wong further stated that he serves on the fund, but that he could be impartial on this matter. There were no objections from the Applicant, OP, or the DP to Mr. Wong's participation in the proceeding.

received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion,

HEREBY ORDERS that the Applicant's request to transfer the special use permit to Ameron Hawai'i, LLC, be GRANTED.

Accordingly, Ameron Hawai'i, LLC, shall hereafter be identified as the Applicant in the above-entitled docket and shall comply with all of the conditions of approval to the Decision and Order dated April 10, 2002, as further amended on January 28, 2008, and March 23, 2009, which conditions will remain in full force and effect.



ADOPTION OF ORDER

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

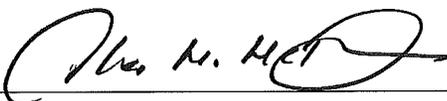
Done at Honolulu, Hawai'i, this 10th, day of October, 2014, per motion on October 8, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII


Deputy Attorney General

By 
CHAD MCDONALD
Chairperson and Commissioner

Filed and effective on:

October 19, 2014

Certified by:



DANIEL ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the ORDER GRANTING TRANSFER OF 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:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
Leo Asuncion, ACTING DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai`i 96813	X		

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
BRYAN YEE, ESQ. Deputy Attorney General Hale `Auhau, Third Floor 425 Queen Street Honolulu, Hawai`i 96813		X	
Michael Munekiyo/Erin Mukai Munekiyo & Hiraga, Inc. 395 High Street, Suite 104 Wailuku, Hawai`i 96793			X
William Spence, Director Department of Planning County of Maui 250 South High Street Wailuku, Hawaii 96793		X	
Michael Hopper, Esq. Deputy Corporation Counsel Department of Environmental Management 200 South High Street, Room 322 Wailuku, Hawaii 96793		X	

Honolulu, Hawai`i, October 10, 2014.


 for DANIEL ORODENKER
 Executive OfficeR