

LAND USE COMMITTEE
Council of the County of Maui

MINUTES

Council Chamber

June 16, 2010

CONVENE: 1:33 p.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember Jo Anne Johnson, Member (in 1:39 p.m.)
Councilmember Sol P. Kaho`ohalahala, Member (in 1:46 p.m.)
Councilmember Bill Kauakea Medeiros, Member
Councilmember Wayne K. Nishiki, Member
Councilmember Joseph Pontanilla, Member

EXCUSED: Councilmember Danny A. Mateo, Member
Councilmember Michael P. Victorino, Member

STAFF: Carla Nakata, Legislative Attorney
Yvette Bouthillier, Substitute Committee Secretary

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Ann Cua, Deputy Director, Department of Planning
Danny Dias, Planner, Department of Planning

Seated in the gallery:

Greggory R. Kresge, Deputy Director, Department of Environmental
Management
Tracy Takamine, Chief, Solid Waste Division, Department of
Environmental Management

OTHERS: Greggory R. Kresge, Deputy Director, Department of Environmental
Management
Frederick Wong, President, Walker Industries Ltd.
Ken Kekona, Ameron Hawaii
Randall Moore, Manager, Department of Agricultural Engineering Services,
Hawaiian Commercial & Sugar Company
Lincoln Lin Kee, Quarry Leadperson, Ameron Hawaii
Grant Chun, Vice President, A&B Properties

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

Jason Medeiros, ILWU
Michael Munekiyo, A.I.C.P., Principal, Munekiyo & Hiraga, Inc. (Planning Consultant)
Eric Yoshizawa, Vice President of Operations, Ameron Hawaii (Applicant)
Kurt Tanaka, R. T. Tanaka Engineers
Lisa Rotunno-Hazuka, Archaeologist, Archaeologist Services Hawaii LLC
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*
Chris Hamilton, The Maui News

CHAIR BAISA: . . .*(gavel)*. . . Will the meeting of the Land Use Committee please come to order. Good afternoon, everyone. Let us, let's, let us note that this is June 16th and it is about 1:32 or 3 and the Chair would like to call this meeting to order and note that a quorum is present.

May I ask everyone in the room if you would please turn your noisemaking devices to the silent mode so that we won't have to have any unnecessary music and I . . .that goes for me too. Thank you very much.

Members, this afternoon we have Committee Voting Members present here. We are all voting Members of this Committee. My Vice-Chair Michael Molina.

VICE-CHAIR MOLINA: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon and thank you very much for being here. Good afternoon, Mr. Medeiros, Bill Medeiros.

COUNCILMEMBER MEDEIROS: Aloha and good afternoon, Madam Chair.

CHAIR BAISA: And thank you very much. I know you folks had a busy morning and I . . .I'm sure you had to rush to be here this afternoon, thank you. Member Wayne Nishiki.

COUNCILMEMBER NISHIKI: Good afternoon.

CHAIR BAISA: Thank you, Wayne. And Member Joe Pontanilla.

COUNCILMEMBER PONTANILLA: Good afternoon.

CHAIR BAISA: Thank you. And excused this afternoon are Members Danny Mateo, Member Jo Anne Johnson, Member Sol Kaho`ohalahala, and Member Mike Victorino.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

From the Department of Corporation Counsel this morning, we have with us Mike Hopper, Deputy Corporation Counsel. Good afternoon. It's a pleasure to have you. Michael is pinch hitting for our regular Corporation Counsel James Giroux this afternoon. We also have with us Ann Cua, the Deputy Planning Director.

MS. CUA: Good afternoon, Chair.

CHAIR BAISA: Good afternoon. And we also have Danny Dias, Planner, with the Department of Planning.

MR. DIAS: Good afternoon, Madam Chair.

CHAIR BAISA: At some point this afternoon Mr. Dias will need to be excused and he will have Clayton Yoshida covering for him after that.

We have the applicant representatives. We have Eric Yoshizawa from Ameron Hawaii. We have Lisa Rotunno-Hazuka, an archaeologist, from Archaeological Services Hawaii LLC. Mike Munekiyo from Munekiyo & Hiraga, Inc. And I'm imagining that Ms. Mukai is excused this afternoon. Am I right? Thank you very much.

I also have my Committee Staff, Carla Nakata, the Legislative Attorney. And we also have. . .oh, I'm sorry. We have a substitute again. . .this is not a very good day for everybody being able to be here. There's an ill-wind blowing somewhere. We also have helping us this afternoon, Yvette Bouthillier, as Committee Secretary. Thank you very much for being here this afternoon.

Public testimony will be accepted starting in a few moments. Those wishing to testify should sign up at the table that's set up in the lobby. Testimony will be limited to three minutes. The yellow light will indicate that you have 30 seconds remaining and you should begin to conclude. Testifiers are requested to state their name for the record and to indicate who they are representing if that is applicable.

**LU-17 CONDITIONAL PERMIT FOR CONCRETE BATCHING, ASPHALT
PRODUCTION, AND CONCRETE CASTING OPERATIONS FOR AMERON
HAWAII (PUUNENE) (C.C. No. 09-104)**

Members, we have a single item on our agenda today. It's Land Use 17 and it's a Conditional Permit for Concrete Batching, Asphalt Production, and Concrete Casting Operations for Ameron Hawaii (Puunene).

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

The Committee will now accept public testimony and we have several testifiers today. Our first testifier is Greg Kresge and he will be followed by Frederick Wong. Mr. Kresge.

.. BEGIN PUBLIC TESTIMONY...

MR. KRESGE: Good afternoon, Committee Chair Baisa and Committee Members. Thank you for hearing me today. My name is Greg Kresge. I'm the Deputy Director for Environmental Management. I'm here wearing the hat of...for Solid Waste today, for our Solid Waste Operations, which are at the...in the same location or next to the Ameron, the Ameron batch operations at Puunene.

I'm here today to testify on behalf of the Department of Environmental Management in favor of the bill before you today granting continued Ameron operations in Puunene. I'd like to provide some important background information about the relationship between Ameron and the...A&B and the County. We have a mutually beneficial sequential relationship. I'm talk...the, the land that I'm talking about is located in Puunene at the Central Maui Landfill. The land, the land surrounding the landfill is owned by A&B and is first leased to Ameron for quarry operations, at least as far as we are involved. And then when Ameron is finished quarrying the resulting below-grade areas then made available to the County for land filling.

This benefits the County directly by making available more usable land filling capacity within a smaller footprint. Without quarrying, the County would have to find land with a natural depression or dig a depression or build embankments to provide an area to then line and then fill with solid waste. This means that the deeper the depression the less surface land needed to hold the same quantity of waste.

Other benefits to this also include, on our side, from the County's side, from Solid Waste Operations, also includes less liner costs, less land to manage for post closure, and easier leachate management and pumping, to just name a few items.

Then Maui Planning Commission toured when this first came before the Maui Planning Commission. We actually set up a tour to educate them on this unique relationship between Ameron, A&B, Ameron and the County, and so that they could see the batching operations and saw that this natural, you know, this mutual relationship firsthand. And then from that and the discussion that ensued they then made the recommendation to go forward with this granting of this continued operation.

Environmental Management fully supports the recommendation and is available for...to answer any questions you may have and mahalo for hearing me out today. Thank you.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Thank you very much, Mr. Kresge. Members, any questions for clarification to our testifier? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. Mr. Kresge, thank you for being here this afternoon and for your testimony. The property that the County is currently on, is it a part of the property that is seeking this extension of ten, ten years?

MR. KRESGE: The, the property that the County is currently on that we currently. . .we have recently purchased so that we can move into, into various phases. So, right now we are in Phase 4B. We have already purchased Phase 5. Where Ameron has gone will be Phases 6 and then continued on from there Phase 7. And so as far as where we're at this is not the same property that, that this is their future, their future operations.

COUNCILMEMBER MEDEIROS: Okay, so, this. . .the permit is for property that does not currently have any of the County landfill operations on? Is that correct?

MR. KRESGE: I think that's correct. Actually, Munekiyo here can give you more information about that. The consultants that were both the consult. . .they were consultants for us as well. We presented together at the Maui Planning Commission. So, he'll be presenting that in his PowerPoint.

COUNCILMEMBER MEDEIROS: And then finally the property that is used by the County from Ameron, do we lease it? Or we purchased it outright?

MR. KRESGE: We purchased the, the land. So, basically Ameron leases the property, then we purchase the property, and because we have to maintain that property for 30 years. And for us that right now, that. . . the most beneficial situation for that is to have total control and fee simple ownership.

COUNCILMEMBER MEDEIROS: Okay, thank you, Mr. Kresge. Thank you, Madam Chair.

CHAIR BAISA: You're welcome, Mr. Medeiros. Mr. Nishiki, but before Mr. Nishiki begins, the Chair would like to note the presence of Member Jo Anne Johnson.

COUNCILMEMBER JOHNSON: Aloha.

CHAIR BAISA: Good afternoon. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Let me, let me get it clear. The applicant is Ameron. The land use designation is Agriculture in the community plan. And, and, and we're operating our landfill on Ag land?

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. KRESGE: Well that's in . . .and this is better...probably better answered by Planning because they'll have all the designations, the Land Use Code designations, but it is one of the allowable uses in Agricultural, landfilling.

COUNCILMEMBER NISHIKI: The land that Ameron is doing their operation on, who owns the land?

MR. KRESGE: I'm going to refer that to . . .because I'm just talking about Solid Waste operations for us right now. But we purchased the land that Ameron has quarried from A&B. That's the extent of my knowledge of it.

COUNCILMEMBER NISHIKI: So it is in fact they are on land that the County owns.

MR. KRESGE: No, this is . . .the land that they're on right now. . .sorry for interrupting, Councilmember Nishiki. The land that they're on right now is not land that we've purchased yet. That . . .their . . .basically we follow their quarrying operations so they have their agreements with A&B first, and then when they're finished with the land for quarrying purposes, we then have the quarry that is there, and then we come along and we purchase the land fee simple from A&B to continue our landfilling operations. So, we don't, we wouldn't be purchasing land in advance of their, of what they're seeking.

CHAIR BAISA: Mr. Nishiki, could you use your mic, please? The secretaries are having a hard time. Thank you.

COUNCILMEMBER NISHIKI: Yeah, thank you. Yeah, you, you, you, you seem to say that we've already got plans for something that Ameron is doing on their land, and, and yet if the ownership is A&B we don't really, we really haven't purchased it yet. So, my, my question to you is, you seem to indicate that as soon as they exhaust that quarry then the County is going to purchase it.

MR. KRESGE: Well we would. . .of course, that's all up in the air and depending on funding. But...

COUNCILMEMBER NISHIKI: Okay, okay, and, and, and that's what I need to know.

MR. KRESGE: Yeah. Yeah.

COUNCILMEMBER NISHIKI: You know, I mean, you, you, you're coming and supporting 'em but with the, with the, the, the, the backing that the County's going to purchase it and that's why we're going to be able to use our landfill there. So, that's neither here nor there.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. KRESGE: Well so far, we have secured phases that should carry us through, I think, it's 2024. So, we do have that. We do have that secured. That's what we have purchased so far. That takes us through Phase 6, I believe.

But the, the situation beyond that, and this relationship is also outlined in our Integrated Solid Waste Management Plan that it makes sense for us to continue that relationship, because it's beneficial to the County. If for some reason that changed we would have to hopefully. . .we would need to have enough planning to be able to move in another direction. And even if that direction, for example, included waste-to-energy we would still need to have some land to landfill, what they call monofill, which is the ash from those operations, or any sort of waste from those operations. So...yeah.

COUNCILMEMBER NISHIKI: You're, you're saying this land here that is being asked for a Conditional Use Permit, which is 200 point...208.9 acres. My question is why wouldn't the County purchase it then if it, it is the intention of the County to do operations there?

MR. KRESGE: Well I think...

COUNCILMEMBER NISHIKI: It would seem like it would make more sense.

CHAIR BAISA: Excuse me, Mr. Nishiki, I think it might be better if we wait to. . .because, Mr. Kresge's, you know, area is a little different. We do have in the audience. . .we're very fortunate to have Tracy Takamine available for questions to the Department of Environmental Management, and maybe he can, you know, could deal with details that you would like to have --

COUNCILMEMBER NISHIKI: Okay.

CHAIR BAISA: --if you don't mind.

COUNCILMEMBER NISHIKI: No, I, I, I don't mind. It's just that I, I, I think as policy...as the policy maker and I'm listening to these people, I'm a bit concerned as to how they think. You know, they're thinking without really no grounds that we're going to purchase this land. And so, they got all of these grandeur plans but when we went through the budget, Madam Chairman, I think that many of us were quite disappointed. And so, I, I am just trying to get more clarity as they give testimony.

CHAIR BAISA: I certainly understand where you're going, and we'll have the opportunity to talk with those who might have a little more management authority here.

COUNCILMEMBER NISHIKI: Thank you. I'm done.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Thank you very much. Any further questions for Mr. Kresge? If not, thank you very much for being here this afternoon.

MR. KRESGE: Yes, thank you.

CHAIR BAISA: The Chair would also like to note the presence of Member Sol Kaho`ohalahala.

COUNCILMEMBER KAHO`OHALAHALA: Thank you.

CHAIR BAISA: Good afternoon. And our next testifier will be Frederick Wong, and Mr. Wong will be followed Ken Kekona.

MR. WONG: Good afternoon, Madam Chairperson, Members of the Committee. My name is Frederick Wong and I am here representing Walker Industries Ltd. We are located within Ameron's quarry area at Puunene. We are a local company that specializes in the manufacture of concrete products for the infrastructure. Our products are used in sewer, water, drainage, bridge, and underground utility applications throughout Hawaii. We support Ameron Hawaii and encourage approval of the application to extend its existing Special Use Permit.

Walker Industries has been a part of the Ameron. . .of the activity at Ameron's quarry since 1974. We employ all local personnel and we service Hawaii's construction industry and its clients, including Hawaii DOT, DAGS, DHHL, the four Counties, Navy PACDIV, among other agencies. Our relationship with Ameron is mutually supportive and synergistic, one that we hope to continue for a long time. Please allow us to continue being of service by approving this application. Thank you.

CHAIR BAISA: Thank you, Mr. Wong. Members, any questions for clarification? Seeing none, Mr. Wong, thank you very much. Our next testifier will be Ken Kekona, and Mr. Kekona will be followed by Randall Moore. Good afternoon.

MR. KEKONA: Good afternoon, Madam Chair, Members of the County Council. My name is Ken Kekona. I am an employee for Ameron Hawaii or Ameron International. I've been there for 22 years, and with Ameron there has been there from the 1930's. So, we've been there around, around that area for a longest time. I've seen my uncle's families that have been there, working there, and we're all a working family.

We do a lot of concrete, a lot of asphalt, rock mining that we. . .for our customers, like yourself, for all you folks should know that we probably poured your concrete, your homes, your structures, your driveways. We are not only just Ameron but there's Walker Industries, there's Maui Paving. We have tremendous neighbors and also with EKO too and the County. We're all neighbors and we try to work with each other in everything. And all I'm saying is that please by all means let us stay there for a much more longer time. I want to be able to retire

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

there and not be able to be on the roads looking for job elsewhere. That's all I have to say. There's more people.

CHAIR BAISA: Thank you very much, Mr. Kekona. Members, questions for clarification of the testimony? If not, Mr. Kekona, thank you very much for being here. Our next testifier is Randall Moore, and he will be followed by Lincoln Lin Kee.

MR. MOORE: Good afternoon, Madam Chairman and Committee Members. My name is Randall Moore. I'm the Department Manager for Agricultural Engineering Services at Hawaiian Commercial & Sugar Company that's a division of Alexander & Baldwin. HC&S and A&B support Ameron Hawaii's request for a Conditional Permit for the concrete and asphalt operations at the Puunene Quarry.

This location is good for this type of operation for. . .due to the rock deposits in that area and also the concrete operations are, are far away from residential areas. The quarry has a long history at, at this location since the operation started in the area prior to World War II under the US Navy operations. Ameron has operated the quarry at this site since about 1966.

HC&S works closely with Ameron concerning the mining areas and we provide the areas to Ameron especially after the cane fields are harvested in, in the area. We also work closely with the County of Maui, Solid Waste Division and Ameron concerning the Central Maui Landfill operations that are nearby and also the future landfill phases. We developed a good relationship with the County. I believe there's a good partnership with the three groups between HC&S sugar operations, Ameron, and the County Solid Waste Division for the landfill operations.

The present phases of the landfill, they're in Phase 4 and Phase 5 now, and these, these lands were formally mined by Ameron. So, we'd ask your support for the Conditional Permit for Ameron's concrete and asphalt operations and related activities at the Puunene Quarry. Thank you for this opportunity to testify.

CHAIR BAISA: Thank you very much, Mr. Moore. Members, questions for clarification of the testimony? If not, Mr. Moore, thank you very much.

MR. MOORE: Thanks.

CHAIR BAISA: Our next testifier will be Lincoln Lin Kee, and Mr. Lin Kee will be followed by Grant Chun.

MR. LIN KEE: Hi, Madam Chairperson and Members of the Committee. My name is Lincoln Lin Kee and I work for Ameron. I'm the quarry lead person, and I'm here in support of our permits. Besides us, we have Walker Industry, Maui Paving, and couple other

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

businesses. But all us together, you know, I believe we, we contribute as a vital link to the Maui's, Maui's growth and infrastructure.

And on a personal point I like keep my job too. So, I ask you to please allow us to continue. And I also like to point out the location we're at is very isolated. You don't hear too much of the public grumbling about what we do, and at the same time we able to provide a service to the community. And that's all I have to say. Thank you.

CHAIR BAISA: Thank you, Mr. Lin Kee. Members, questions for clarification? Seeing none, Mr. Lin Kee, thank you very much. Our next testifier will be Grant Chun, and Mr. Chun was the last testifier who signed up before the beginning of the meeting. If anybody else would like to testify, please sign up outside, we appreciate it. Good afternoon, Grant.

MR. CHUN: Good afternoon, Chairman. Good afternoon, Committee Members. My name is Grant Chun and I'm here on behalf of A&B Properties Maui. I'm here today to express our support as well for Ameron Hawaii's request for a Conditional Permit for concrete batching, asphalt production, and concrete casting. It's noteworthy that the requests before you also encompass the activities at Maui Paving, Black Maui Rose, Sonny Vick's Paving, Walker Industries, and GPRM Prestress, Prestress.

Ameron Hawaii and all of these companies are pillars of our community and of our economy. Approving the request before you will enable these providers to continue their work for our community and to situate them to be a part of what we hope will be an economic recovery here on Maui in the coming months and years.

Ameron's operations, as you heard, are a very good fit for this area because of the synergy that has been established between Ameron, HC&S, and the County Landfill. And so for these reasons, I respectfully urge your favorable consideration of this request. Thank you.

CHAIR BAISA: Thank, thank you, Mr. Chun. Members, questions for the testifier, any clarification needed? Seeing none, Mr. Chun, thank you very much. The Chair believes we have one additional testifier and that's Mr. Jason Medeiros.

MR. MEDEIROS: Aloha, Madam Chairman.

CHAIR BAISA: Good afternoon.

MR. MEDEIROS: Aloha, County Council. I'm here to speak on behalf of the workers of Ameron, on behalf of the company, in support of the permit extension. Ameron has been a part of this community for a long, long time, you know. Their, the services they provide to the County and to other businesses and the growth of Maui has been a part of Maui for so long. I believe that

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

to not extend the permit or...would hurt us, in not only our membership, but the community as whole. You know so, I ask for consideration that you extend the permit.

CHAIR BAISA: Thank you very much, Mr. Medeiros. Members, questions for Mr. Medeiros? Clarifications? Seeing none, Mr. Medeiros, thank you very much. Is there anyone else in the audience who would like to testify? If you would last chance. Members, it appears that that's the end of public testimony for, for today. Without your objections, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR BAISA: Thank you very much. Public testimony is now closed.

... END OF PUBLIC TESTIMONY ...

CHAIR BAISA: Members, I'd like to refer your attention to the revised proposed bill transmitted by correspondence dated February 24, 2010 from the Planning Director entitled "A BILL FOR AN ORDINANCE GRANTING AMERON HAWAII A CONDITIONAL PERMIT TO ALLOW CONCRETE BATCHING, ASPHALT PRODUCTION, AND CONCRETE CASTING OPERATIONS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII". The revised proposed bill, if passed, would grant a ten-year Conditional Permit for the operation subject to five conditions. I have asked the consultant for the applicant, Munekiyo & Hiraga, Inc., to provide the Committee with a short PowerPoint presentation. The Committee will be in recess for a couple of minutes in order so that we can prepare the Chamber for the presentation. The Committee is now in recess. ... *(gavel)* ...

RECESS: 1:58 p.m.

RECONVENE: 2:00 p.m.

CHAIR BAISA: ... *(gavel)* ... The Land Use Committee will come back to order. Mr. Munekiyo, would you proceed with the presentation.

MR. MUNEKIYO: I will, Madam Chair. Good afternoon, Committee Members. My name is Mike Munekiyo and I'm here on behalf of Ameron Hawaii. Joining me on this presentation will be Eric Yoshizawa, who is responsible for Ameron's operation here on Maui. And so, we have our project team as the Chair listed previously.

Just for orientation, I know all of the Committee Members are familiar with the site, but just for geographic reference. This is the area of the quarry and landfill site relative to the airport. The

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

airport is here, Spreckelsville, Hana Highway. So, again, just an overview of the general project location.

Three tax parcels are encompassed in the request area and for a community plan, County zoning, and State Land Use, the parcels are all designated for agricultural purpose. Just a bit of background, this particular site originally was quarried starting in 1939 by the Navy Seabees. Following that Navy effort, HC&S and Concrete Industries and Ameron were subsequently involved in developing the site further for quarrying purposes. So, effectively this site has been used for quarrying and related activities for about over 70 years now.

And this green highlighted area designates a 167 acre limit, which was originally defined as the project limits when we filed the application. The application was filed back in 2007. The Maui Planning Commission recommended approval on this application in October of 2008. And since that time, the County, as Mr. Kresge has indicated, has acquired a portion of this site.

So, what I'd like to do if I may have the opportunity following this presentation, Madam Chair, is to talk a little bit about the new project limits. We've passed out maps. but again this was the project as presented...project limits as presented to the Maui Planning Commission. And again, since that time the County has acquired this portion here and a portion of, of land here. So, really the, the area that we're talking about is approximately 165.6 acres but I'll, I'll go over that if I could following this presentation.

At this point what I'd like to do is to ask Mr. Yoshizawa to talk a little bit about the quarrying and operations. I think the, the photographs that he has are quite helpful in setting context for our discussion. And again, the purpose of our request is to seek a Conditional Permit for concrete batching, asphalt batching, and concrete casting operations.

And again, just to refresh the Committee's...Members kind of information. The quarry itself is a permitted special use. The batching operations, however, under our Chapter 19.30, the Agricultural District Zoning Ordinance, is not identified as a specific special use. And so, although these uses have been in place for decades, what we are seeking now is to comply with the County Agricultural District Ordinance by seeking a Conditional Permit for the batching operations and the casting operations. So, with that brief background I'd like to ask Mr. Yoshizawa to talk a little bit about the quarry itself through these photographs.

MR. YOSHIZAWA: Good afternoon, Madam Chair and Members of the Committee, and Maui County Council. I'm Eric Yoshizawa representing Ameron Hawaii's Maui operations as its Vice-President of Operations.

The slides that we have before you will help illustrate the various activities that take place on the site and generally how they're laid out, and what compromise as the acreage that for which we're asking the conditional uses.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

Just in terms of orientation. This is Pulehu Road. We're looking from a north easterly direction, West Maui Mountains here. Here's the location of the County Landfill Transfer Station. The existing Phase 4 and Phase 5. . .5A in preparation under construction. The Ameron premises wrap around that existing land filling space.

This is, this is Site 6 referred to as a future site. Here is where existing operations continue, the mining continues here, future mining space in this area. This is the former Phase 1, 2, and 3 of the landfill. One, two, and three, here's where the compositing currently takes place, and the rest of the operations we'll see in the following slide. So, you can see the relationship between the sugar operation on the periphery, the landfill activity, which occupies this space, and the quarrying mining activity or rock here, and processing on this side.

Next slide. Now, we're from the other perspective. We're looking from Kahului Airport in the direction of Haleakala. And this portion of the quarry here, here again, in reference to the land filling operation, this is where the fixed spaces occur, so processing, buildings, various casting activities. And again, the mining occurs here and the rock is transferred into the processing space. Just want to point out there's a reference to 7.4 acres on the site and that is an expansion of the parcel. That's primarily just for storage of concrete cast pieces, and also recognizing some existing parking area under the tree line that's existed for 25 plus years.

Now looking from the north, we can see relative to the land filling space here. The rock is brought from the mine area here by field conveyor and it's processed within the crushing plant operations here. And I'll make reference a little bit later on on another slide showing concrete batching operation and asphalt production facilities.

Here's a close-up of the . . .our crushing operation. This is our secondary plant where the rock is manufactured. So, it has been brought in already by a field conveyor from where it is mined and harvested and here it's processed into different product types.

Off to the side of that operation there's a Ready Mix concrete batch facility. You can see some trucks in waiting. So, the various materials that go into the concrete product are mixed together in the plant and then the trucks are filled and it's dispatched from this location to various locations in the community.

Just adjacent to that is an asphalt production facility where the asphaltic paving material is made and then leaves the site to be laid down as your common road base, the road pavement. This particular facility is Maui Paving's operation. Off onto the side, you can see some casting activity going on and that is concrete casting by Walker Industries.

Here's a close-up of the concrete batch facility. On the other side of the site, we have another asphalt producer, that's Black Maui Rose. The orientation on this slide is as you come in from

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

Firebreak Road off Haleakala Highway, the entrance will come along Haiku ditch, you enter here.

Here's a close-up of the mining face showing the rock in its natural format. And when it's fractured it looks. . .it's, it's hard to see in the shadows but you can see the fragmented rock after it's been blasted, and from there it is moved on to further processing.

And this is a close-up shot of the main portion of our crushing plant where further crushing occurs.

And then the follow-up shot, each of these goes out to a specific product stockpile, which is stocked around the perimeter of the plant.

This is a close-up of the concrete batch plant and the concrete batch plant uses the crushed aggregates as an ingredient in concrete just as the asphalt producers use the crushed aggregates as an ingredient in paving. . .asphalt paving.

And mixer trucks are part of the equipment that's used for delivery.

Here is Maui Paving's asphalt location.

And here's a ground view of Black Maui Rose's asphalt plant.

The other part of the operations on the site include concrete casting. So, these next slides show Walker Industries in various stages of producing and casting different concrete shapes. That are used primarily for infrastructure in underground application, these particular ones here are electric utility boxes.

And the follow-up slide shows the type of forms that are used that you can get some idea of the height by the ladder and the railing. But that, that is used in casting and fabricating these types of shapes. And here are other types of. . .there's a variety of different products and shapes that are formed. These are parking bumpers.

There's another casting type of activity that also occurs on the site. This is for aboveground use. In this case, this is GPRM Prestress doing wall panels for a warehouse in Maui Lani and, and these are the floor elements, double T's, pre-stressed double T's, and this, this piece of equipment is used to move these pieces around, but you can also see concrete piling that's used for foundation work and in this case these are the flooring elements, double T's.

And the site also, of course, would house several buildings, the administrative building for Ameron is in this view, and alongside of that a truck scale so the truck traffic is where the trucks are weighed and ticketed before exiting with the various aggregate materials and while

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

the ticketing occurs. . .Mike, can you go back just a moment. . .ticketing occurs by zip tube and it's computer controlled.

And our, our last slide over here just shows maintenance facilities on the property. So, we host a variety of these structures to engage in the activities that were presented.

MR. MUNEKIYO: So, just to summarize, Committee Members, the request is for a Conditional Permit for concrete batching, asphalt batching, and concrete casting, and related uses. Again, the reason for this is that the, the County's Agricultural Zoning Ordinance while it does permit mining and resource extractions of quarrying elements, it does not specifically list batching operations and casting operations as special uses. And so for that reason, we are here before the Committee to request your favorable consideration for the batching operations and casting operations.

And again, previously just to reiterate. . .previously these batching and casting operations were permitted under Special Use Permit, but with the adoption of the County Agricultural Zoning Ordinances they now become County conditional permitted, permitted uses.

And again, just from a justification standpoint this area has been used for this type of use since 1939. And again, the batching and casting operations are an integral component of quarrying. It's really inseparable and I think the, the uses here really reflect a, a synergy between mining and its various product outputs as well as, as previously indicated via testimony the, the relationships between the HC&S and the County Department of Environmental Management.

So, with that, Madam Chair, we have concluded our presentation and we are pleased to answer questions following recess.

CHAIR BAISA: Thank you very much, Mr. Munekiyo and Mr. Yoshizawa. The Chair, the Chair is now going to call a very short recess while we restore the screen. Members, if you just could hang in the, in the Chamber here, we'll proceed shortly. Meeting is now in recess. . . . (*gavel*) . . .

RECESS: 2:14 p.m.

RECONVENE: 2:16 p.m.

CHAIR BAISA: . . . (*gavel*) . . . Will the Land Use Committee meeting come back to order. We'd like to thank the consultant for that presentation and we'll be talking about it more as we go. But for now, the Chair would like to ask Planning if they would make their comments. Ms. Cua, please, or Mr. Dias, whoever is going to take the lead. Mr. Dias? Fine.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. DIAS: Good afternoon, Madam Chair, and Members of the Land Use Committee. As stated by the applicant's representative, the item before you involves a request by Ameron Hawaii for a Conditional Permit in order to batch concrete, produce asphalt, and cast concrete on property within the County Agricultural District. Since the applicant's representative has provided a thorough overview of the operations of the project site, the Department would like to briefly summarize the permitting of the entire operation.

Currently, there are two permits granted to Ameron. The first is a State Land Use Commission Special Use Permit and the second is a County Special Use Permit. These permits were granted by the State Land Use Commission and the Maui Planning Commission, respectively. The State Land Use Commission permit is necessary as the entire project is located within the State Agricultural District. The State Land Use Commission permit was originally granted in September of 1996 and has been continually amended for both time extensions and changes in the areas of operation. The most recent time extension and area amendment was granted by the State Land Use Commission on December 13, 2007 and is valid until August 5, 2017. All the uses on the property, such as rock quarrying, rock crushing, concrete batching, et cetera are covered under the State Land Use Commission approval and therefore covers the requirements of the State Agricultural District.

With respect to County of Maui requirements, Ameron needs both a County Special Use Permit and a Conditional Permit. The County Special Use Permit covers mining and resource extracting or in simpler terms Ameron's rock quarrying and related activities. A County Special Use Permit was originally granted by the Maui Planning Commission to Ameron on June 16th of 2001. Subsequently, two time extension requests to the County Special Use Permit were requested by Ameron. The first was granted on July 24, 2007 and the applicant was given a one year time extension. The second was granted by the Maui Planning Commission on October 28, 2008 and is valid until August 5, 2017.

This leads us to the Conditional Permit. As previously indicated concrete batching, concrete casting, and asphalt production also occur on the site, and these activities are not covered under the County's Special Use Permit and requires a Conditional Permit. The Conditional Permit would essentially allow Ameron and its subless...sublessees, such as Maui Paving, Sonny Vick's Paving, and Walker Industries to take what's quarried on the site and actually produce something with it.

The public hearing on this item was held by the Maui Planning Commission on October 28, 2008. There were four people who testified in support of the project. The Maui Planning Commission voted to recommend approval of the Conditional Permit subject to five conditions, which was forwarded to this Committee, and we can discuss that if necessary. That concludes the Department's summary on this item. Thank you, Madam Chair.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Thank you very much, Mr. Dias. Any additional comments from Planning? Ms. Cua, no problem?

MS. CUA: No comments, Madam Chair.

CHAIR BAISA: Okay, thank you very much. Before the Chair opens to questions, the Chair would like to ask Mr. Munekiyo if he would please. . .you mentioned that he had wanted to make some more comments, and then we'll get into the discussion.

MR. MUNEKIYO: Thank you, Madam Chair and Committee Members. What I had indicated during the slide presentation is that the original boundaries that was delineated as part of our application back in 2007 reflected a 167.7 acre area. That area was still appropriate when the Planning Commission considered the item in...on October 28, 2008.

Now since that time, the County of Maui has acquired portions of the previously delineated area that Ameron was operating in but no longer operates in. And, and so, I've passed out a map. It looks like this and it's called Exhibit Maps Showing Updated Conditional Permit Area (165.6 acres). And what the red line indicates is that this is the most current boundary for Ameron's operations following acquisition of lands from A&B by the County of Maui.

So, I, I, I, I understand, Madam Chair, that if this request moves forward then the acreage figures would need to be revised in the ordinance, but I thought I'd. . .it would be important to understand that certain things happen over time. And this is, this is a continuous very dynamic process in this area as boundaries change, as quarrying areas move, as landfill expands. And so, this is just an occurrence that has occurred since the end of 2008.

CHAIR BAISA: Thank you very much. I think that's a very important point, because later on the Chair will be suggesting a revision to the bill deleting that portion that is now, now belongs to the County so we won't have to do that. Members, open for questions? Discussions?

COUNCILMEMBER NISHIKI: Munekiyo.

CHAIR BAISA: Ah, yes, Mr. Munekiyo. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah, Mike, you may know or I need to call A&B. Is any of the, the portions of land that are being described in this project and agriculturally being active in sugar?

MR. MUNEKIYO: Portions of the permit area are currently active. And perhaps I can ask Mr. Yoshizawa to explain, because I think he's got information with respect to the, the, the phasing and progress of quarrying relative to agricultural operations with HC&S. I think that's, that's a very important question that the Council Member raises.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Mr. Yoshizawa, could you please help us?

MR. YOSHIZAWA: Councilman Nishiki, I think I understood your question to be whether portions of the 167 acres were in cultivation, and the answer is yes. Actually, there... maybe logically we might divide it into three components. One are fixed areas in which the land space is, is given, and over time, over the permit cycle it is not expected to change. The other portions that are currently active in mining that over time go back to the landlord, A&B, and later on are going for other uses. Most currently those uses have been for continued land filling. And the third component are future areas that are not actively mined but contemplated that we seek zoning for.

So, what tends to... what happens is that there is a, there is a planning cycle that occurs between ourselves, HC&S for their plant...planting, and the County of Maui land filling. To look at future direction where expansion makes sense, where the rock reserves are, and how we proceed, what the timing looks like, so that as at least it's coordinated so at the time of need should the conveyance happen then at least it occurs in logical progression. The other thing we try to do is that we are very cognizant of the harvest cycle with HC&S, and these discussions are timed with their harvest cycle so we do not interrupt the cane growth at any point. So, when we come up for a decision on additional lands it occurs at, at the planting cycle so we are not disrupting active cane and cultivation.

COUNCILMEMBER NISHIKI: How many acres are now within the area that you so designate that are actively in cane?

MR. YOSHIZAWA: Okay, if we can refer to this map and this sheet.

COUNCILMEMBER NISHIKI: Got it.

MR. YOSHIZAWA: The portions of Area E and Area F on the right most portions of the eastern portions of the sheet, you can actually see where the fields are green and they do represent future areas as of the timing of this shot. This particular aerial, I believe, is a 2009 or late 2008 aerial, and over time the mining progression is in the direction, in the eastern direction, more toward Haleakala. So, if you look along Pulehu Road at the bottom of the map, we're proceeding in the Area E quadrant in the easterly direction, which is toward the right edge of your page, and finishing that we expect to go into Area F, and that will occur from where the quarry portion is active. You see a brown space that is in preparation and then the green spaces that follow on the right side of the Area F portion that you see. And that's the mining progression that we are planning.

COUNCILMEMBER NISHIKI: And, and what are those acreages in totality that are now in green in cultivating?

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. YOSHIZAWA: If I just may have a moment then I'll do an estimation quickly.

COUNCILMEMBER NISHIKI: And while you do your estimation in the future you're talking about using more land for your operations. What is the, the acreage there and what is it under right now? What, what exists?

MR. YOSHIZAWA: Okay.

COUNCILMEMBER NISHIKI: Okay.

MR. YOSHIZAWA: Generally, on average our agreement with HC&S calls for about 30 acres to be actively quarried on the, on the mine side of it, and we continually give, to give back at each harvest cycle about an equal amount as what's taken. On a two year harvest cycle that has tended to be somewhere in the vicinity of about eight acres. It depends on market conditions, how busy that is. It depends on the rock yield. It depends on the quality of the rock and how much. . .how much rock clarity we expect to get in a given area. It depends on rock depth. So, we do some testing and core drilling ahead of our request, and on a two-year basis do that with HC&S. In Area E approximately 15 acres is in green over the 38. I believe that, I believe that figure is 38.5.

Of...I'm sorry, I, I made reference to Area F that's actually Area A. I stand corrected. Of the 119.7 acres in there, the future landfill spaces of that. I'm going to estimate that probably about a little more than a third of that, yeah, so, 40-45 acres. Kurt, would you say that's 45 acres? And I'm, I'm including the, the un-mined portion in the brown.

COUNCILMEMBER NISHIKI: The brown portion . . .*(inaudible)*. . .

MR. YOSHIZAWA: Yeah. Yeah, yes, I wanna...that, that should be included.

MR. TANAKA (SPOKE FROM THE AUDIENCE): The brown portion is . . .*(inaudible)*. . .

MR. YOSHIZAWA: Not in the cultivated but it, it represents future mine acreage that has not been mined yet.

MR. TANAKA (SPOKE FROM THE AUDIENCE): So the brown portion . . .*(inaudible)*. . .

MR. YOSHIZAWA: And the green.

MR. TANAKA (SPOKE FROM THE AUDIENCE): . . .*(inaudible)*. . .

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. YOSHIZAWA: About 45? Okay. And, and, we, we use Tanaka Engineers and Kurt on a regular basis in our land planning, our mapping. So, so, we are very familiar with quantifying those spaces.

COUNCILMEMBER NISHIKI: Okay, and then, and then, and then what is not identified is the future after you exhaust these areas. How many acres were you planning to then get for, for more mining?

MR. YOSHIZAWA: Okay, well over the course of the ten years of the permit we believe there's enough land area here to cover that unless there's a change in mining direction that we would then acquire further land and discuss it with A&B and subsequently come before you. We estimate in terms of future land space still available under these areas to take us out approximately 12 to 15 years, approximately, that's currently in the spaces that we describe.

COUNCILMEMBER NISHIKI: Okay, and, and who knows what in 15 years will happen to the plantation anyway, I think, the writing is in the wall despite that they say other things. The, the question that I have is, you know, when you exhaust these areas and then we heard the County say what their intentions were because now it's a big hole but yet not all of it's a big hole. You said that the land then reverts to A&B, but what kinds of conditions do you guarantee what the land will be like after you exhausted these areas and do what you do. What is it conducive for normally?

MR. YOSHIZAWA: We have an agreement with, with A&B and HC&S that the land is to be reclaimed so some of the soils that are removed from the surface that cover the existing rock. The existing rock is about six feet below the surface. You have probably three or four feet of solid material and then you have decomposed rock, which is probably not a good planting medium. But our agreement calls for replacing 18 inches of that for reclamation so they could replant at. . . although albeit it be a lower elevation but that area could be reclaimed and replanted, except when it's waived. And currently for the areas that are contemplated as future land filling space potential, at least as long as there's a potential, we've been instructed not to replace that otherwise it would have to be removed again. But we do land bank a certain amount of soils for that purpose.

COUNCILMEMBER NISHIKI: Thank you. Thank you, Madam Chairman.

CHAIR BAISA: Thank you, Mr. Nishiki. And thank you, Mr. Yoshizawa. The Chair would like to note just for the record in case there is a question that it was Mr. Kurt Tanaka who was assisting with providing information. Thank you very much. Mr. Munekiyo, before you take off. Earlier Mr. Munekiyo and I were talking about the PowerPoint and he pointed out to me. . . I can't remember which picture it was, Mr. Munekiyo, where you showed the former landfill?

MR. MUNEKIYO: Yes.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: And it was very interesting to see how it looks now that it's been properly restored and, you know, taken care of. It looks really nice. I wanted you guys to take a look at it so I wanted to point it out to you.

MR. MUNEKIYO: I think...

CHAIR BAISA: What page. . .where is that?

MR. MUNEKIYO: Madam Chair, it is in our PowerPoint slide, which Members have as handouts. It is the first photograph and second photograph that the...Mr. Yoshizawa spoke to and that is on Page 6. But, I think, the comment that we shared with Chairwoman is that the area in general has been very well maintained by the partners and stakeholders and that the, the operations themselves has been. . .have been undertaken quite effectively, efficiently, and cleanly. And so, this is also the comment I shared.

CHAIR BAISA: Thank you very much. You know, in looking at the PowerPoint and I'm looking at the pile of rock after it's been gone through the process. Everything looks so neat, I mean I was taken aback by how neat everything looks. I mean you'd expect it to be kind of a mess with concrete batching and smashing, you know, and all these things going on. And it's, it's very, very well maintained and that was very impressive to me. Members, any additional clarifications? The needed or any questions that you have? Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. And if I could have Mr. Munekiyo step back.

CHAIR BAISA: Mr. Munekiyo, you might want to hang for a while. I think you're the man of the hour. Thank you.

COUNCILMEMBER MEDEIROS: Thank you for that presentation and the information and the photographs. I, I'm, you know, familiar with this property and operations because of my 25 years in Public Works. We purchased a lot of infrastructure material from this area from Walker Industries and from the batching, the asphalt batching plant, and, and cold mix, and hot asphalt, and so forth.

I tried to look at your, your hard copy of your PowerPoint presentation, and I, I see where there's the rock, the rock quarry, the concrete batching, the crush rock operations, the Maui Block Asphalt Plant, the Walker Industries, the asphalt batching separately, the concrete mixers trucking operations, the truck scale, the administration building, and maintenance facility. For me, I, I think it's a benefit to island of Maui that the operations out there, and as was mentioned it's very isolated so it doesn't present any kind of problem for any neighbors because the neighbors are really far, especially residential areas. So, I, I think, it's a real benefit that this

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

area has incorporated that many kinds of operations in that area. And, I think, as far as the customers for these products they can go to one place and get it and not go from site to site.

I wanted to ask is there any plans for other industrial operations to be in this area also or on this property?

CHAIR BAISA: Mr. Munekiyo?

MR. MUNEKIYO: Thank you, Madam Chair and Council Member, not at this time. I, I think the operations what we'd like to say is that the operations that we have permitted under the Special Use Permit and the operations that we are seeking approval for, for the Conditional Permit would be those that are envisioned for, for the mid to long term. If there are new uses different from what we've specified, and of course we would need to go back to the permitting process with the Commission. . . Land Use Commission, Planning Commission, Land Use Commission, and, and this body.

COUNCILMEMBER MEDEIROS: Okay.

MR. MUNEKIYO: So, at this point, I think the, the plan is to continue with the batching and quarrying operations and its related activities. And if something different arises that might be compatible with these uses then of course we would come back to the appropriate bodies for approval.

COUNCILMEMBER MEDEIROS: Yeah, I think, the site is buffered from the noise to other areas because of the sugar cane operations around it and the isolation of the site, which makes it really good

And I just want to echo what the Chair mentioned, you know, when I used to go there. For the kind of heavy industrial operations going on there it is really well organized and kept in really nice condition for safety reasons. So, I, I would compliment those companies that are there and their operations. But I just wanted to know if there were any plans in the near, near, or, you know, long-term future about other operations being added to that site. But thank you for your information. Mahalo, Madam Chair.

CHAIR BAISA: Thank you, Mr. Medeiros. Members, additional questions for Mr. Munekiyo? Member Pontanilla and then we'll get to Member Kaho`ohalahala.

COUNCILMEMBER PONTANILLA: Thank you. Just for my own curiosity, where mining is currently going on, you know, you, you have the grade level and then you have the level where Pulehu Road is above, what's the height of that particular wall there?

MR. MUNEKIYO: It's 30 to 40 feet.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

COUNCILMEMBER PONTANILLA: Thirty to 40 feet?

MR. MUNEKIYO: Depth of the quarry.

COUNCILMEMBER MEDEIROS: The quarry wall.

MR. MUNEKIYO: Yeah. About 30 to 40 feet. It kind of varies but that order of magnitude.

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR BAISA: Thank you. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, thank you, Chair. I'm not sure, Mike, if this question is, is for you, but it has to do with the, the, the products are being produced in, in terms of cement. And the question is about the sand, and I read through your commissioner's review on this and it was part of a discussion. So, I just wanted to clarify for us that the, the issue of sand that is being used currently on. . .in the, the, the making of cement. In your report to the Commission, you said that you had mined enough sand that you were contracted for to a supply of five years of that. But it also states that by the year 2011 and 2012 that you may need to be seeking other sources of, of sand for the production of, of cement. So, do you have any comments on that?

MR. MUNEKIYO: I do and actually I'd like to ask Mr. Yoshizawa to comment, because those projections, I think, have been updated and I think it might be useful for the Council Committee to understand.

CHAIR BAISA: Mr. Yoshizawa, would you join us please?

MR. YOSHIZAWA: Councilman Kaho`ohalahala, the sand inventory the company has in total will probably go out another seven to nine years. What's on the site as was originally indicated will go for approximately what was originally indicated. At that time we were before the Planning Commission, where I think, we represented what was on the site being used for concrete use was going to go through the year 2011. It will probably go into mid 2012. And...

COUNCILMEMBER KAHO`OHALAHALA: That's from the same source of sand then?

MR. YOSHIZAWA: That's correct.

COUNCILMEMBER KAHO`OHALAHALA: So, according to what you've stated in, in the Commission Report here that that was a finite amount of sand that you were contracted for? And that you are saying that that...

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

MR. YOSHIZAWA: What, what we currently, what we currently had contracted for at that time, but the, the total of resource and availability will, I think, as we say will carry us out another seven or nine years. So, you know, we have, we have further time ahead of us on what is in inventory than we had earlier projected.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so, as, as I'm trying to just understand it and clarify for me. So, as I'm reading the Commission's concern for sand, you stated that you had already a contract of which you mine sand and the sand was being stored --

MR. YOSHIZAWA: Yes.

COUNCILMEMBER KAHO`OHALAHALA: --in a location other than its original location.

MR. YOSHIZAWA: Yes.

COUNCILMEMBER KAHO`OHALAHALA: And then that amount of sand you said would be available for your use and that you would see it being available for a five-year period. So, you're saying to me right now that that source of sand now in your view is, is available and extended out into what 2017?

MR. YOSHIZAWA: No, probably...well, yes. Seven, seven to...it's actually seven to nine years. Part of that is where the market is, part of that is how we use it and integrate it, the different ways of formulating the mix. So, it's kind of reflection both of where the current market is, market volume, which is reduced, and how it's currently being used. But that's the current projection.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so are you currently mining sand itself?

MR. YOSHIZAWA: Our contract is essentially over.

COUNCILMEMBER KAHO`OHALAHALA: It's completed?

MR. YOSHIZAWA: Yeah, that's...

COUNCILMEMBER KAHO`OHALAHALA: So, all of your mining of sand is completed?

MR. YOSHIZAWA: We have, we have about 10 percent on that agreement that we're waiting for permits on that, that have yet to occur. But essentially and then so we've accounted for that 10 percent in our total number. So there's 10 percent that's still in the ground that hasn't come out.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

COUNCILMEMBER KAHO`OHALAHALA: Okay and then the other concern that was raised by the Commission was you're moving sand from Maui island to, to off island, well to Oahu, for your other operations. Is that still a part of what you, you do then?

MR. YOSHIZAWA: Yes, and, and the estimates I've given you account for all activity.

COUNCILMEMBER KAHO`OHALAHALA: So, all activity means Statewide activity?

MR. YOSHIZAWA: That's correct.

COUNCILMEMBER KAHO`OHALAHALA: Not just Maui island activities?

MR. YOSHIZAWA: That's correct.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so, but what is clear is that with the mining of sand from Maui island is also being used in your operations Statewide then. So, sand does get taken from Maui and shipped to other locations in the State?

MR. YOSHIZAWA: Yes.

COUNCILMEMBER KAHO`OHALAHALA: Okay. Okay. I just wanted that. . .and I just asked the question about the mining part because, as you know, that the area of mining of sand is, is a very sensitive one culturally because of burial sites. So, but I just for the record wanted to clarify that you are completed in terms of your mining contract except a what 10 percent, is that what you're saying?

MR. YOSHIZAWA: That's correct. All...I think all burials that have been encountered in the course of that project we have made resolution with Burial Council and SHPD for everything that's occurred up to this point. So, all of those are, are completed. But, you know, again, just a general comment is that on a quarry there, there are no sand mining or sand resource --

COUNCILMEMBER KAHO`OHALAHALA: Right.

MR. YOSHIZAWA: --on, on the areas that we're discussing today.

COUNCILMEMBER KAHO`OHALAHALA: Right, I know, I'm just asking the sand question because you're bringing it in to the quarry site and you're using it there. And so, that's my question about what the amount of sand is and how much is being utilized and how much more are you planning to, to bring into the quarry site. Thank you.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Thank you, Member Kaho`ohalahala. That was a large part of that discussion at the Planning Commission meeting and is part of the record in, in our binder if you've had a chance to read all of it. Member Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. Good afternoon, Mr. Yoshizawa. I just...I was looking at the response, I guess, from the consultant to the State Historic Preservation Division, Ms. McMahan. And I'll just read quickly verbatim what it says in here, one of the final paragraphs.

In relation to the nine and a half acre expansion area indicated in your letter Ameron has no objections that an archaeological inventory survey for the area be prepared by a qualified archaeological consultant. And I guess that person would be Ms. Lisa Rotunno-Hazuka. And I just wanted to get more clarification and confirmation. I, I don't know if it's something we're going to have to add. I guess, in that letter from Ms. McMahan, they're suggesting that it be added as a condition, and in what we've been given here today I don't know if that's been put on, or on this, you know, list of conditions. We have currently five. I'm sorry; I just wanted to confirm that, that you'll be, I guess, doing this as part of the conditions for the permit?

CHAIR BAISA: Mr. Molina, before he answers the Chair would like to let you know that there will...I will be proposing a condition to add that.

VICE-CHAIR MOLINA: Okay, good, yeah, because we hadn't received anything --

CHAIR BAISA: Thank you.

VICE-CHAIR MOLINA: --posted yet. So I just wanted to --

CHAIR BAISA: Yes..

VICE-CHAIR MOLINA: --just get clarification.

CHAIR BAISA: Thank you.

VICE-CHAIR MOLINA: And, and because the consultant had been speaking for the applicant I wanted to just, you know --

CHAIR BAISA: It's a very opportune time to get his response. Go right head.

VICE-CHAIR MOLINA: --make sure, yeah, exactly, that's why I'm asking. Thank you.

MR. YOSHIZAWA: Ameron Hawaii has no objection to that requirement, which we stated prior to contemplated grading work or disturbance that we would perform an archaeological survey.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

VICE-CHAIR MOLINA: Okay, great.

MR. YOSHIZAWA: Yes.

VICE-CHAIR MOLINA: All right, thank you. Thank you, Madam Chair.

CHAIR BAISA: And thank you, Member Molina, for, for bringing it up. Mr. Munekiyo?

MR. MUNEKIYO: Madam Chair, just a, if I might, just add a comment to previous discussions. The reference to the 9.5 acres, I think, would need to reflect that a portion of that 9.5 acres has been acquired by the County. So, the area that would be subject to archaeological inventory by Ameron under the Conditional Permit would be 7.4 acres, I believe, so.

CHAIR BAISA: Right, at this point, to try and kind of help us as we go through this so you can see where we're going. The Chair will ask Ms. Nakata if she could please pass out couple of proposed revisions to the proposed bill and the conditions, which essentially address the reduction of the acreage that we're talking about and also includes a condition to handle the State Historic Preservation reference.

Members, any additional items that you'd like to discuss? Any more questions? Member Medeiros?

COUNCILMEMBER MEDEIROS: Madam Chair, are we being allowed to ask Planning?

CHAIR BAISA: Absolutely.

COUNCILMEMBER MEDEIROS: Okay.

CHAIR BAISA: And any, any of the resource people that are here today. I'll remind you again that Mr. Takamine's here if you have any questions for him. If we're not going to ask him any questions, the Chair would like to know that because I maybe can excuse him and he can go back to all the hard work he has. Are there any. . .you guys going to have any questions for Mr. Takamine? Members? Seeing none, Mr. Takamine, thank you for being here.

Questions for Mr. Kresge, that's Solid Waste? None? Mr. Kresge, thank you also.

Okay, Mr. Medeiros, please proceed.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. For the Planning Department, you know, trying to go through all this documents and put them into chronological order and perspectives.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

I wanted to ask so are they operating under a current permit right now? And what's the expiration of that permit?

MR. DIAS: The current permit that they're operating under is the SUP Permit, State Special Use Permit, and that expires on August 5, 2017.

COUNCILMEMBER MEDEIROS: Twenty seventeen?

MR. DIAS: Twenty seventeen, correct. And also there's the County Special Use Permit, which expires on the same date, August 5, 2017.

COUNCILMEMBER MEDEIROS: Okay, both of them expire the same time?

MR. DIAS: Correct.

COUNCILMEMBER MEDEIROS: Okay, so, what we're discussing here today is an extension of that permit?

CHAIR BAISA: No.

COUNCILMEMBER MEDEIROS: No, what, what are we discussing?

MR. DIAS: It's for a, a new Conditional Permit.

COUNCILMEMBER MEDEIROS: A new Conditional Permit?

MR. DIAS: Correct.

COUNCILMEMBER MEDEIROS: Okay, I, I heard it mentioned that we're extending the permit. No.

CHAIR BAISA: Mr. Medeiros, maybe I can help.

COUNCILMEMBER MEDEIROS: Okay.

CHAIR BAISA: The reason why we're here for a Conditional Permit, if I understand this correctly, is that the use of concrete casting has to be included in a Conditional Permit, because it's not covered under the Special Use Permit.

COUNCILMEMBER MEDEIROS: Okay.

CHAIR BAISA: And that casting, of course, as we saw all those pictures, you probably were not surprised, but I was 'cause I didn't understand. They make all these forms and, and big pipes

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

that we use when we're doing irrigation and then those things. So, that's a really important part of what the work they're doing and in order to do it they need a Conditional Permit.

COUNCILMEMBER MEDEIROS: I see.

CHAIR BAISA: Yeah.

COUNCILMEMBER MEDEIROS: Okay. So, the permits being applied for are for ten-year increments?

CHAIR BAISA: Today, yes.

COUNCILMEMBER MEDEIROS: As of when the . . . this is passed, if it is, right?

CHAIR BAISA: Maybe Corp. Counsel can answer that question.

COUNCILMEMBER MEDEIROS: What would be the...

CHAIR BAISA: What is the period of the permit if we give a ten year permit, what are, what are dates?

MR. HOPPER: Thank you, Madam Chair. The Condition 2 states ten years from the effective date of this ordinance.

COUNCILMEMBER MEDEIROS: Okay.

MR. HOPPER: So, that, that's the time period from the date the ordinance is effective.

COUNCILMEMBER MEDEIROS: Okay, thank you, Corp. Counsel. And, Department, thank you for that information. Mahalo, Madam Chair.

CHAIR BAISA: Thank you, Mr. Medeiros. Members? Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah. So I'm just doing the math here and you're saying you have till 2017 but we're looking at a ten year Special Use Permit. So, wouldn't it make sense that you tie it to the same timeframe?

CHAIR BAISA: Ms. Cua, can you help us?

MS. CUA: I would love to. There's, there's three permits that we talked about, the State Special Permit, the County Special Permit, and the Conditional Permit that is before you today. Both

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

the State Special Permit and the County Special Use Permit currently have an expiration date of August 5, 2017.

COUNCILMEMBER KAHO`OHALAHALA: Right.

MS. CUA: The, the request or the request today is a for ten year permit, not an extension, 'cause it's a new permit for the Conditional Permit. You know, it does take, I guess, a lot longer for the permit to go through Planning Commission and to come up to Council. So, I think, they were hoping that...and we agree that a ten year permit in this particular case would be appropriate for a Conditional Permit. And then the other permits when they need to be extended we'll take those as they come forward.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so, you're not looking at making them congruent or?

CHAIR BAISA: Simultaneous.

MS. CUA: No, 'cause that would just make the time shorter on the Conditional Permit.

COUNCILMEMBER KAHO`OHALAHALA: Okay, thank you for that explanation.

CHAIR BAISA: Thank you, Member Kaho`ohalahala. Members, additional questions? Seeing none, the Chair is ready to make a recommendation.

COUNCIL MEMBERS: Recommendation.

CHAIR BAISA: Before we get to that, I'm sorry, we're going to have to make a couple of amendments and you have them before you. Chair would entertain a motion to number one, delete the reference to TMK: (2) 3-8-003:020 (por.) in Section 1 of the revised proposed bill. And we have to do that because you've noticed that the parcel, Parcel 20, is no longer a part of the subject application.

VICE-CHAIR MOLINA: Madam Chair, move to amend.

COUNCILMEMBER PONTANILLA: Second.

CHAIR BAISA: Moved by Member Molina, seconded by Member Pontanilla. Any discussion? I think we're pretty clear on why that needs to happen. All those in favor please say "aye".

COUNCIL MEMBERS: Aye.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Opposed, opposed say “no”. The Chair will mark it seven ayes with two Members excused, Member Mateo and Member Victorino.

VOTE: AYES: Councilmembers Johnson, Kaho`ohalahala, Medeiros, Nishiki, Pontanilla, and Vice-Chair Molina, and Chair Baisa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo, and Victorino.

MOTION CARRIED.

ACTION: APPROVE.

CHAIR BAISA: The second action we need to take is to add a new Condition No. 6 to read “That an archaeological inventory survey for a . . .for the 7.4 acre expansion”--you’ll notice that this has been corrected to remove that area again--“shall be conducted by a qualified archaeological consultant with a report of the findings, significant assessments, and recommended mitigation submitted to the State Historical Preservation Division for review and acceptance prior to proceeding with any grubbing or grading activity.” And this will incorporate the SHPD condition.

VICE-CHAIR MOLINA: Madam Chair, move to add a Condition No. 6 as stated by you.

COUNCILMEMBER PONTANILLA: Second.

CHAIR BAISA: Thank you very much. We have a motion by Vice-Chair Molina and a second by Member Pontanilla. Any discussion of this condition? If not, seeing none, all those in favor please say “aye”.

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Oppose, “no”. Motion carries. Chair will mark it seven ayes and two excused, Member Mateo and Member Victorino.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

VOTE: AYES: Councilmembers Johnson, Kaho`ohalahala, Medeiros, Nishiki, Pontanilla, and Vice-Chair Molina, and Chair Baisa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo, and Victorino.

MOTION CARRIED.

ACTION: APPROVE.

CHAIR BAISA: Members, those are all of the amendments that the Chair is recommending. Is there any...anything else? Ms. Nakata?

MS. NAKATA: Madam Chair, I believe, there's a correction to the acreage that was stated by Mr. Munekiyo at the meeting today. So the acreage listed in Section 1 of the bill, is 167.7 acres. And I believe he indicated the 2.1-acre expansion area is no longer a part of the permit application. So that would be reduced to 165.6.

CHAIR BAISA: Thank you very much. Members, if you will take the proposed bill and you'll see the very first Section 1 of the bill, that's in the last sentence. In sentence...I believe it's marked two, it's the second two, and there's 167.7. We have to correct that to be 165.6. And, Ms. Nakata, do we also delete the (2) that's 3-8-003:020?

MS. NAKATA: Madam Chair, I believe, you took care of that with an earlier motion.

CHAIR BAISA: Okay, so, it's already done? So, this will just automatically come out?

MS. NAKATA: Actually what I'm referring to is the line below that TMK

CHAIR BAISA: Right.

MS. NAKATA: Where Parcel 20.

CHAIR BAISA: Right.

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: --you know the amendment we made --

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: --in regards to incorporating SHPD condition.

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: You mentioned 7.4 acres and 2.1 acre expansion.

CHAIR BAISA: Would you use your mic, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Oh, I'm sorry.

CHAIR BAISA: We're having a hard time. Thank you.

COUNCILMEMBER PONTANILLA: You know, the added Condition No. 6 --

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: --to include the incorporation of SHPD's condition.

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: The 7.4 acres --

CHAIR BAISA: Yes.

COUNCILMEMBER PONTANILLA: --and the, the 2.1 acre, the, the question I have is the 2.1 acre, is that acreage was given to the County? Is that the County's acreage?

CHAIR BAISA: Ms. Nakata, can you please answer why we took that 2.1 acre out just so everybody's clear.

MS. NAKATA: Staff's understanding from Mr. Munekiyo's statement is that that 2.1 acres has been conveyed over to the County. We may want to ask for clarification from Mr. Munekiyo, but Staff's understanding is that the motion was amended what was distributed to the Members to state for the 7.4 acre expansion area and deleted reference to 2.1 acre expansion.

COUNCILMEMBER PONTANILLA: I see, okay. So, the 2.1 acre wasn't mentioned?

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

CHAIR BAISA: No, we took it out.

COUNCILMEMBER PONTANILLA: Thank you. Thank you.

CHAIR BAISA: Yeah. Okay, are we all okay now? If not, the Chair will go ahead with her recommendation. Members, the Chair will entertain a motion to recommend passage on first reading of the revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING AMERON HAWAII A CONDITIONAL PERMIT TO ALLOW CONCRETE BATCHING, ASPHALT PRODUCTION, AND CONCRETE CASTING OPERATIONS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII", incorporating any amendments made at today's meeting and nonsubstantive revisions and to file County Communication No. 09-104.

VICE-CHAIR MOLINA: So moved, Madam Chair.

COUNCILMEMBER PONTANILLA: Second.

CHAIR BAISA: Thank you very much. We have a motion by Member Molina and seconded by Member Pontanilla. Any discussion on this motion before we go ahead? Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. I'll, I'll be supporting your recommendation for reasons that I gave previously. I, I think it's a unique situation to have that site with so many heavy industrial operations going away from any near residential area. So, I, I, I think, this is something that we should encourage and continue, and the ten-year permit will allow them to continue this. And, and the history of it started way back in 1939 with the United States Navy World War II shows that the area was, you know, it does provide the rock that is necessary for the quarry to produce aggregates and, and so forth for construction materials of concrete and other products. So, I'm supporting your recommendation, Madam Chair, because it's an important one for us to continue these operations. Mahalo.

CHAIR BAISA: Thank you, Member Medeiros. Any other comments? Chair would like to just make a couple of comments. One is it's exciting to have something that's been going on since 1939 that's something older than me, it's good.

And the other thing is, you know, in discussing this project with the applicant, I found it very refreshing. You know, in reading the files on this whole matter that's been hanging around for a very long time. I was very impressed to find out how much this, this company really means to our community. You know, nothing would be happening here if we didn't have the products that these people produce, and I think at this time it's extremely critical that we get our economy going and have the products that we need in order to replace water mains and, you

LAND USE COMMITTEE

Council of the County of Maui

June 16, 2010

know, all the other things that they produce, concrete. In fact, asphalt, you know, how do we pave our roads if we don't have that. And so, this is a very essential industry in our community.

But this industry is also very modest, because I asked them to tell you and they're not going to tell you so I'm going to tell you. Because in reading the documents in the file I discovered that they also contribute a substantial amount to our community. I didn't realize that they had contributed so much to the building of the playground that. . .the County, the new County playground, and, you know, nobody talks about that. They're very modest. They just do it and they don't expect accolades, but I thought it was important that we realize that not only is this, this company essential to our construction industry and, you know, getting things done here, but they also are philanthropic, and that's very important to our community. We need that community spirit of company's helping, helping us have a better community. So, I just wanted to share that with you.

Any additional comments? If not, the Chair will call for the vote. Seeing none, all those in favor please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Oppose, "no". The motion is carried. The Chair will mark it seven ayes, no noes, and note the, the excusal of Members Mateo and Victorino.

VOTE: AYES: Councilmembers Johnson, Kaho`ohalahala, Medeiros, Nishiki, Pontanilla, and Vice-Chair Molina, and Chair Baisa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo, and Victorino.

MOTION CARRIED.

ACTION: FIRST READING of revised bill; and FILING of communication by C.R.

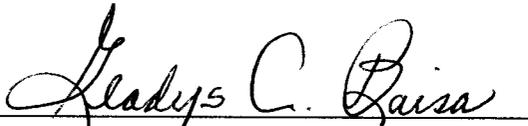
LAND USE COMMITTEE
Council of the County of Maui

June 16, 2010

CHAIR BAISA: Members, this is all the business we have before us today. The Chair would like to thank all of you very much for being here and for your active participation. We'd like to thank the resource people who come to us from Administration, thank you very much. I'd like to thank my Staff. And Members, this meeting is now adjourned. . . . (gavel) . . .

ADJOURN: 3:05 p.m.

APPROVED BY:


GLADYS C. BAISA, Chair
Land Use Committee

lu:min:100616

Transcribed by: Delfey Fernandez

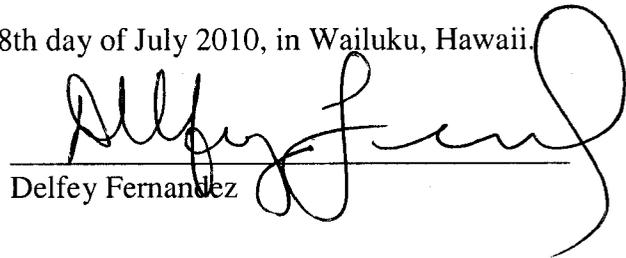
LAND USE COMMITTEE
Council of the County of Maui

June 16, 2010

CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 8th day of July 2010, in Wailuku, Hawaii.



Delfey Fernandez