

IEM Committee

From: thorne abbott <thorneabbott@yahoo.com>
Sent: Monday, September 11, 2017 8:39 PM
To: IEM Committee; Donald S. Guzman; Elle Cochran; Alike A. Atay
Cc: Robert Carroll; Riki Hokama; Yukilei Sugimura; Mike White
Subject: IEM-33 Testimony (support with critical amendments)
Attachments: 091117 Testimony to IEM.pdf

Dear Chair Cochran and esteemed Council and Committee Members:

It is excellent that you have taken this matter up, but a moratorium without exceptions for beach nourishment, beach restoration and other government-approved soft shoreline erosion responses could reasonably result in more seawalls that harm beaches and block public access. Accordingly, please allow exceptions to the sand mining moratorium for legally permitted, government-approved, beach nourishment, beach restoration, and soft shore protection actions.

Please see the attached testimony explaining why, and a recommended amendment to the bill's verbiage.

Mahalo!
Thorne Abbott

For additional information visit <http://www.CoastalZone.com>

September 11th, 2017

Maui County Council
Infrastructure and Environmental Committee
lem.committee@mauicounty.us

Subject: Moratorium on Sand Extraction, IEM-33

Aloha Chair Cochran and esteemed Committee Members:

Thank you for taking up this somewhat challenging, emotionally difficult, but critically important matter. The results of your discussions will significantly and substantially effect oceanfront landowners and shoreline access. We do not diminish the harm caused by recent extraction activities in Maui Lani, however a moratorium (as written) could have unforeseen negative consequences which we discuss below. A draft amendment is attached for your consideration.

PLEASE ALLOW for exceptions from the moratorium for the following legally permitted actions:

- a) Beach nourishment / restoration, and
- b) Soft shore protection

RATIONALE

County and State laws, regulations and agencies promote soft (sand-filled) responses to coastal erosion over shoreline armoring in order to protect beaches and retain access to and along the shoreline. For instance, the County's existing Shoreline Rules (12-203-12(a)(8)) allow beach nourishment and replenishment by permit. In addition, the State Conservation District Rules allow agency-authorized placement of sand-filled natural fiber bags to respond to erosion crisis. Using sand is the *only* management tool that protects buildings and property while simultaneously retaining sandy beach resources for the future..

Clean, Class A, Maui Inland dune sand can serve this purpose. Sand from other places like the mainland United States cannot ecologically substitute for native, coralline-type sands without potentially having negative effects on fish, marine life and wildlife. Adding sand doesn't destroy the beach, but shore armoring usually does!

When the Planning Commission evaluates a request to build a seawall or shoreline armoring, the applicant must prove hardship if the request is denied. One alternative to hardening the shoreline with seawalls, revetments and rock piles is to 'soften' the shoreline with Inland Sand. This sand can be placed on the beach (nourishment or replenishment), placed in retaining structures (natural fiber bags), or pushed / piled up against exposed embankments to prevent dirt and red clay from polluting the ocean. If Inland Sand is not available, there would be no practical alternative and the landowner is *entitled, by law*, to protect their legally habitable structure with shore armoring. The Commission will have little option but to approve the shoreline hardening request.

Its great that the ordinance has an exception for restoring a sand dune, a geologic feature normally located inland of the shoreline. But most of Maui's developed shorelines never had sand dunes and thus the exception will apply to only a small amount of Maui's eroding shorelines.

In very limited circumstances, sand from offshore can be used to restore beaches. However, offshore sand is often too deep to retrieve, too polluted to place on beaches where people will be laying and swimming, or located too far offshore to return it to its source practically. In Hawaii, only Waikiki has successfully implemented a large-scale offshore beach restoration project, although there are hopes for such efforts locally.

A moratorium without exceptions for beach nourishment, restoration and other government-approved soft erosion responses could reasonably result in more seawalls that harm beaches and block public access. Accordingly, please allow exceptions to the sand mining moratorium for legally permitted, government-approved beach nourishment, beach restoration, and soft shore protection actions.

Thank you for the consideration of my testimony.

Mahalo nui loa!

A handwritten signature in black ink, appearing to read 'Thorne Abbott', written in a cursive style.

Thorne Abbott

20.40.040 Exceptions. Sand mining of Central Maui inland sand shall be permitted during the term of the moratorium as follows, provided that an exception pursuant to this section does not obviate the need to obtain other permits or approvals:

A. Mining of Central Maui inland sand for purposes of rebuilding or enhancing the protective capacity and environmental quality of coastal dunes, as defined in section 20.08.020 of this title.

B. Mining of Central Maui inland sand for purposes of beach nourishment or replenishment as authorized by the Shoreline Rules for the Maui Planning Commission, 12-203-12(a)(8).

C. Mining of Central Maui inland sand for purposes of State-approved soft shore protection that is preferred and in keeping with the Shoreline Rules, 12-203 et. seq., as opposed to shoreline protection with seawalls, revetments, rock piles, and similar hardening structures.

DB. Mining of Central Maui inland sand used for activities such as land management for agriculture, landscaping, and related uses as described in subsection 20.08.030(C) of this title within the same lot.

EC. Excavation or grading of Central Maui inland sand directly related to on-site construction for purposes other than mining or quarrying, where no such sand is transported outside the same lot.

FD. Activities required to comply with County, State, or Federal regulations.

GE. The limited exclusions described in section 20.08.031 of this title.