

## IEM Committee

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**From:** Amy <wahine96779@yahoo.com>  
**Sent:** Monday, August 14, 2017 9:04 PM  
**To:** IEM Committee  
**Subject:** EDITED!! IEM-33 Testimony for Monday, August 14, 2017 1:30 pm Meeting  
**Attachments:** Amy Halas.docx

hi

i just re-read my testimony and cleaned up some of my typos made in haste this afternoon. would it please be possible to remove and replace the testimony that i sent earlier today (around 1:00 pm) with this edited version?

Mahalo,  
Amy Halas

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**From:** Amy <wahine96779@yahoo.com>  
**To:** "iem.committee@mauicounty.us" <iem.committee@mauicounty.us>  
**Sent:** Monday, August 14, 2017 12:59 PM  
**Subject:** IEM-33 Testimony for Monday, August 14, 2017 1:30 pm Meeting

Amy Halas  
PO Box 331370  
Kahului, Hawai'i 96733

August 14, 2017

Honorable Elle Cochran, Chair  
Honorable Don Guzman, Vice-Chair  
And Members of the Infrastructure &  
Environmental Management Committee  
County of Maui  
200 South High Street, Floor 8  
Wailuku, Hawai'i 96793

Re: IEM-33: A Bill for an Ordinance Establishing a New Chapter 20.40, Maui County Code, Declaring a Moratorium on Sand Mining

Dear Chair Cochran and Members of the Maui County Council Infrastructure & Environmental Management Committee:

In regards to this proposed bill, Exceptions A, B, C, and E listed under Section 20.20.040, fail to safeguard the very limited sand resources that remain on Maui; and will undermine and negate the intent and purpose of this legislation.

Exception A states: *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.* However, the July 29, 2017 IEM-33 testimony submitted by Paul Hanada informs us that: "Using this precious natural resource in unsanitary school and playground sand boxes, on golf courses, for building materials, farming and landscaping is ludicrous. There are better alternatives. Using inland sand to nourish beach replenishment projects should be prohibited because of the negative consequences to the marine environment. The inland sand is fine grained and contains a lot of silt and dirt. When placed in the ocean, it covers, suffocates and kills the living reef, destroying its ability to produce more sand. The cloudy water decreases the amount of sunlight necessary for coral and seaweed growth." Thus, Exception A is inherently problematic because the sand from the Central Maui Pu'uone Sand Dunes complex is NOT suitable or compatible for the purpose of beach replenishment. Such actions will destroy our already threatened reefs and sea life.

Exception B is written as follows: *Mining of Central Maui inland sand used for activities such as land management for agriculture, landscaping, and related uses as described in subsections 20.08.030(C) of this title within the same lot.* This will allow developers to justify the continuation of sand mining on the terms specified in Exception B.

And Exception C provides opens the door to the complete and total demolition and destruction of the last remaining sand dune which is situated at Maui Lani Phase 9. Exception C states: *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 lot.* Unless a County Inspector is present, who is to enforce this Exception? I witnessed a front-loader accessing the egress to Maui Lani Phase 9 on the afternoon of Friday, April 28, 2017, in anticipation of the mass removal of sand the following day, Saturday, April 29, 2017--- the day

after the County issued a violations notice to HC&D. No one in the County seemed to be aware of this activity that occurred on the same day that a notice of violations was issued to HC&D; or on the following day when a non-stop convoy that took endless loads of sand from Maui Lani Phase 9.

Even Exception E provides an opportunity for the developer to undermine the law. Exception E reads: *Emergency operations, as described in subsection 20.08.030.A of this code which would allow: Emergency operations for the protection of the general public and community.* In consideration of the very large fissure in the Maui Lani Phase 9 sand dune that appeared after stabilization efforts, what is to stop the developer from demolishing it entirely and utilizing Exception E as a justification to obliterate this once majestic pu'uone?

All four of these Exceptions are problematic because they provide the developer with an opportunity to undermine the proposed Sand Mining Moratorium bill.

Sand is a finite natural resource. Sand is a precious cultural resource where Kanaka Maoli have been interred for generations. Most of the sand in the Central Maui Pu'uone Sand Dunes Complex that is occupied by the Maui Lani development, has already been mass graded and mined. For the sake of future generations, I urge the County Council to:

- 1). Enact a complete and total moratorium and prohibition on all sand mining in Maui County
- 2). Strike Exceptions A, B, C, and E
- 2). Update the The Maui Inland Sand Resource Quantification Study (2006)
- 3). Preserve the topography of this storied landscape by designating the remaining undeveloped and unbuilt sections as a dedicated cultural preserve, especially the areas surrounding the extraordinarily large burial preserve located in Maui Lani Phase 6 (HBT Towne Realty's Parkway development); and what remains of the massive sand dune at Maui Lani Phase 9.

Sadly, most of the inland sand is gone. It has been mined and mass graded for decades. We must preserve the little remaining sand that most importantly characterizes these wahi pana and these wahi kapu for future generations. Therefore, a permanent ban on all sand mining and mass grading must be enacted immediately.

Most Sincerely,

Amy Halas