


July 25, 2017

MEMO TO: IEM-33

F R O M: Elle Cochran, Chair   
Infrastructure and Environmental Management Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO  
MORATORIUM ON EXPORTING SAND, THE MAUI INLAND SAND  
RESOURCE QUANTIFICATION STUDY AND SAND MINING  
REGULATION** (IEM-33)

The attached informational document pertains to Item IEM-33 on the Committee's agenda.

Iem:ltr:033amc03:grs

Attachment

cc:

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this ordinance is to authorize a temporary moratorium on the mining of inland sand to conduct further analysis and establish proper regulations of inland sand to protect Maui's environment, and to preserve, and avoid the disturbance of Hawaiian historical, cultural, or archaeological sites, and unmarked human burial sites. The Maui Inland Sand Resource Quantification Study (2006) found the remaining inland sand inventory is limited at approximately 970,000 tons. Given the finite nature of this important natural resource, it is necessary to limit and regulate the taking of inland sand.

SECTION 2. Title 20, Maui County Code, is amended by adding a new Chapter 20.40 to read as follows:

**"20.40.010 Definitions.**

"Inland sand" means sand, as defined in Chapter 20.08, located inland (mauka) from the shoreline area, as defined in Section 205A-41, Hawaii Revised Statutes."

"Sand mining" means activities related to the extraction or removal of sand from its original, natural location.

**20.40.020 Moratorium on Sand Mining.** No individual or entity shall mine inland sand in any district within the county: This section shall be repealed when the council receives an update to the Maui Inland Sand

Resource Quantification Study (2006) and the council passes an ordinance regulating the mining, extracting, excavating, or stockpiling of inland sand, or two years after the effective date of this ordinance, whichever is sooner, unless reenacted as provided by law.

**20.40.030 Penalty.** Any person who violates any provision of this chapter shall upon conviction, be guilty of a petty misdemeanor subject to fine up to \$1,000 or imprisonment for not more than one-year, or both. Each day of each violation shall constitute a separate offense.

**20.40.040 Administrative rules.** The director of public works may adopt administrative rules to implement this chapter, pursuant to chapter 91, Hawaii Revised Statutes.

**20.40.050 Administrative enforcement.** The director of public works shall enforce this chapter pursuant to section 19.530.030 of this code, relating to administrative enforcement.”

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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