

## IEM Committee

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**From:** Leinaala Vedder <puniawalei@hotmail.com>  
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**To:** IEM Committee  
**Subject:** Testimony for 9-11-17 IEM Committee  
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Aloha,

Attached is my testimony on item IEM-33.

Mahalo,  
Leinā'ala Kuloloio Vedder

Testimony of Leinā‘ala Kuloloio Vedder  
Infrastructure and Environmental Management Committee  
Maui County Council  
September 12, 2017

Good afternoon Chair Cochran and Maui County Councilmembers. My name is Leinā‘ala Kuloloio Vedder. I am testifying on IEM-33, County Communication 17-214, County Communications 17-215 and “A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING.”

It is my understanding that the purpose and true intent of the makers of this bill is to stop excavation of sand from properties located within the Maui Lani development areas to O‘ahu. If the makers of this bill wrote that in the beginning then it would be specific and less confusing. Basically, plot the undeveloped areas you want preserved in perpetuity and plot the areas you want for continued development and use of the Maui inland sand.

The affects of the making of this Bill has:

1. Questioned the entire process of acquiring County grading and grubbing permits.
2. Questioned the best practices of the State Historic Preservation Department.
3. Questioned the best practices of all Maui Island Burial Council members since it’s creation.
4. Questioned the validity of Hawaiian history.
5. Discredited particularly 2 experienced and highly respected kūpuna/ activist/ scholar/ kama‘āina/ lawai‘a/ poet.
6. Caused confusion and dissent among the native Hawaiian, Native Hawaiian, kanaka, Kanaka Maoli, Kanaka ‘Ōiwi (all of the above) via social media.
7. Questioned location of sacred sites, unknown burial and burial sites, and dunes.
8. Perhaps has caused or is causing confusion among educators, parents, and students in our schools who are teaching and making relevant and cultural connections to our rich history of Hawai‘i.
9. Perhaps has caused or will cause an increase the cost using imported sand for materials.
10. Included other departments and commissions to adjudicate this moratorium.
11. Exposed the County to litigation.

I wonder if the voting members of this committee as a whole have ever sat down and talked to the property owner(s), company(s), or individuals in question. Are the intended goals of this committee aimed to:

1. Place a moratorium of the extraction of Maui sand to O‘ahu.
2. Stop development.

3. Ask for funding to complete the update to the 2006 Maui Inland Sand Resource Quantification Study.
4. Add present archeological research/findings to the history of Maui.
5. Diminish the rights of property owners.
6. Improve communication between the Chair and this committee with developers and construction companies as a result of community concerns.
7. Stop development in a specific area.
8. Identify NEW cultural experts/advisors.
9. Rebuild trust in the process and best practices among the community and the different Maui County Departments.
10. Set standards for accountability.
11. Identify the location of Maui inland grade "A" dune sand.
12. Collect income from the importation of sand.

Decisions made by the IEM Committee should be unbiased to the whole public not just a few individuals and constituents. The burden of this bill has moved from the original intent suited to affect a particular landowner to now displacing the burden upon the greater community who reside in the areas as defined in **20.40.020 indicating the location of "Central Maui Inland sand"**. This committee wants to establish a new chapter under **SECTION 1. Title 20, of the Maui County Code**. Included in **Chapter 20.40 "... is to declare a moratorium on mining of Central Maui inland sand ... to protect Maui's environment and limited natural resources and prevent the disturbance of Hawaiian historical, cultural, or archaeological sites, and unmarked human burial sites.** For some reason, this addition does not seem to justify the cause for a moratorium. What would have happened if the discovery of inadvertent burials were not found? If they did not excavate, then what would the result be? Prior to excavation was there any knowledge of a burial site(s)? Could the unidentified remains have been enemies, invaders, transients, the losers of the massacre, or the winners? Burials are not limited to sand. Do not limit the sacredness of iwi found in sand. Include the topsoil, which should be of great concern to the Chair where iwi was found at the Kaanapali Waste Water Plant a few months ago. Were the remains left in place? Were the remains disinterred at another location away from feces and urine? Who had the authority to remove the remains? Has anyone stepped forward to claim it? I would hope that the person(s) relocated the remains with respect and utmost care. Why is it that this seems to be a targeted this issue, with bias intent? Have some already made up their minds but yet, two districts away they have found individuals under the wastewater plant in topsoil. Vast amounts of topsoil are being moved daily. I am hopeful that machine operators follow proper procedures and protocols upon inadvertent discoveries.

Let me quote the great *Jesus Christ, the Son of God*, " *He without sin shall cast the first stone.*" Claire Apana is affiliated with the destruction and desecration of sacred sand.

Her affiliation of adulterating toxic chemicals seeped into the sacred sands for many generations on A&B property. Do you have any account of this? What has she done to stop her own desecration? Many institutions are built on sand. You can start from the sand dunes of Waiehu, Wailuku, Waikapū. In fact our own Correctional Facility sits on sacred sand. Which is right next to the graveyard and cemetery of marked burials. Do you know if there were inadvertent burials where you set foot everyday? If so, then what happened to them? Some have spoken and targeted their own family member. Their own kupuna whom they say, "... respect your kūpuna!" Yet they target living kupuna who don't own an ounce of sand in the Maui Lani area. No one has ever targeted A&B, HC&S, Maui Land and Pine, and others. There is sand in the isthmus of Central Maui as well as Kula, Hāmākuapoko, and Wailuku. Which is sand that came from the depths of the ocean long before we were here.

What has to be addressed? What is the real problem? Was there a violation? Is this a title issue? Everyone is claiming that it's their sand. Who has the land title? Is the solution a moratorium? Will this set the precedence of many more moratoriums of sacredness? Haleakalā is sacred, but there is no moratorium of the amount of buildings or moving of rocks atop the entire area. Is this the body to set that kind of restrictions? Is this the onset of declaring a moratorium for Haleakala or other areas?

Does the county have the money and personnel to oversee every project that will fall under this bill? I recommend deferring IEM-33 until further examination of the intent of this bill is completely anatomized and focused on the ramifications of such intentions.

Mahalo.