

IEM Committee

From: Amber Coutsos <execasst@mauichamber.com>
Sent: Friday, September 29, 2017 11:47 AM
To: IEM Committee
Subject: IEM-33 Testimony on Sand Mining for 10-2-17
Attachments: IEM-33 Moratorium on Sand 100217.pdf

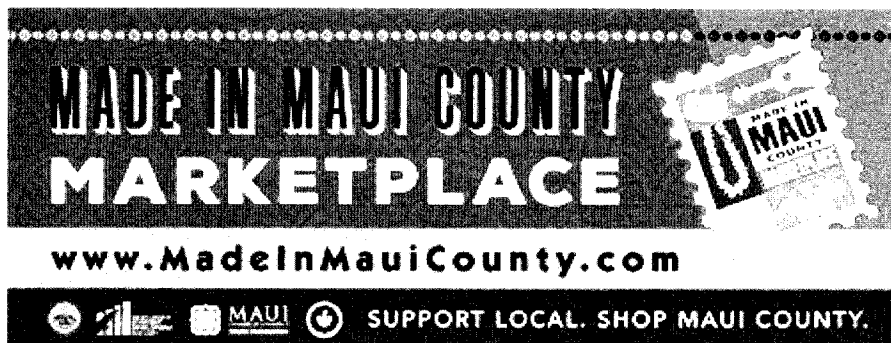
Aloha,

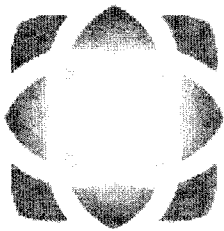
Please see attached testimony from Pamela Tumpap on IEM-33 on Sand Mining to be heard in the IEM Committee on Monday, October 2, 2017.

Mahalo,



Amber Coutsos
Executive Assistant
execasst@mauichamber.com
Maui Chamber of Commerce
95 Mahalani St RM 22A
Wailuku, HI 96793
Phone: 808-244-0081
Fax: 808-244-0083
<http://www.mauichamber.com>





MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on IEM-33

Re: Establishing a New Chapter 20.40, Maui County Code,
Declaring A Moratorium On Sand Mining
Monday, October 2, 2017

Dear Chair Cochran, Vice Chair Guzman &
Members of the Committee

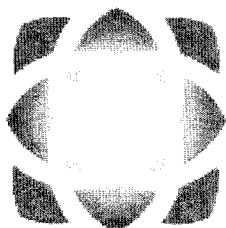
Aloha and Mahalo for the opportunity to provide testimony on this matter.

While the definition of this bill has been modified to narrow the scope to a very specifically defined area of Central Maui with inland sand which helps prevent negative unintended consequences in other areas, such as the Kaanapali Beach Restoration Project (which must be protected), it now does not address inland sand mining that could occur in other areas and the issue of the exportation of Maui sand off island, which seems to be the purpose all can agree on, is lost. Further, it is now targeted to one specific area/projects and does not address the mining of inland sand for off-island exportation that could occur in other areas in Maui County.

We believe legislation should be used to address a broad, overall concern (such as the off island exportation of a needed resource like sand) versus creating legislation to address a specific occurrence. With this legislation, are we saying that other areas of Maui, Molokai, and Lanai are okay with sand mining for off-island sand exportation? That would not be the case for our membership. We seek to protect and stop the off island exportation of sand now.

Additionally, while this new definition and narrowing of area has helped to eliminate the need for many other exemptions, it does not allow for the use of sand from the defined area for other needed on-island purposes given the lot limitation. It may also create a problem if the sand graded and/or excavated is not needed within that specific lot.

While a moratorium is being proposed, this bill does not address the funding and other resources needed to accomplish the stated purpose – an updated sand study and new ordinance. For the Department to get this work done in the specified time frame, this also has to be addressed.



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Further, the Maui Chamber of Commerce does not support unilateral moratoriums because they are inflexible and we do not know what the future holds. Given our concerns with the inflexibility of moratoriums, we do not support measures that make it harder for the County or Department Director to change the bill, if needed, with requirements that are higher than what is otherwise allowed by law. We understand that even a bill with a moratorium can be changed with a majority vote, unless there is a provision included that requires a resolution be passed (which requires two-thirds vote for approval), which this bill includes. Therefore, we oppose the inclusion of requiring a resolution, which would only make it more difficult to amend the moratorium, which is especially critical should there be an emergency.

Corporation Council has recommended a moratorium alternative, which is to strengthen the definition of resource extraction. This makes it clear that a moratorium is not needed as there is another route to address the public concern of sand mining for off island exportation. We support the Council moving in this direction. We recommend and ask that the Council strengthen the definition of resource extraction in Chapter 19.04, Maui County Code per Corporation Council's recommendation. Since time is being taken to craft legislation now and since we believe the public is seeking to prevent sand exportation now, the language of this bill could be changed to do just that so that continued progress on the intent is being made. However, it may just be easier to file this bill and draft a new bill which amends Chapter 19.04. This would allow for us to prevent the exportation of inland sand, without a moratorium, giving the County Council time to: determine the scope and cost of updating the sand study, budget for funding and other needed resources, and determine if any further ordinances are needed.

A moratorium should be the absolute last and final resort when no other avenues are possible and now we understand from Corporation Council that there is a very clear and sensible alternative to address the community's concern without a moratorium. Therefore all efforts should be focused on that route and we cannot support this bill as drafted.

We appreciate the opportunity to testify on this matter.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.