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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 24, 2017

Mr. David Goode, Director
Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Goode:

**SUBJECT: CHAPTER 20.08, MAUI COUNTY CODE, RELATING
TO SOIL EROSION AND SEDIMENT CONTROL (LU-47)**

At its meeting of October 6, 2017, the Council referred to its Land Use Committee, County Communication 17-394, transmitting the attached proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY CODE, RELATING TO SOIL EROSION AND SEDIMENT CONTROL."

The purpose of the proposed bill is to preserve and protect sensitive historic, cultural, and archaeological sites, and unmarked human burial sites by clarifying the grading and grubbing permit process.

May I please request that your Department review the proposed bill and provide comments on it for the Committee's consideration?

I would appreciate receiving your response by **November 14, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Mr. David Goode
October 24, 2017
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Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in black ink that reads "Robert Carroll". The signature is written in a cursive style with a large, stylized initial "R".

ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:047apw01:cmn

Attachment

cc: Mayor Alan M. Arakawa

ORDINANCE NO. _____

BILL NO. _____ (2017)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY
CODE, RELATING TO SOIL EROSION AND SEDIMENT CONTROL**

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

SECTION 1. The purpose of this ordinance is to preserve and protect sensitive historic, cultural, and archaeological sites, and unmarked human burial sites by clarifying the grading and grubbing permit process.

SECTION 2. Section 20.08.020, Maui County Code, is amended by amending the definition of “director” to read as follows:

““Director” means the director of public works, [and environmental management,] County of Maui, or the director’s duly authorized representative.”

SECTION 3. Section 20.08.075, Maui County Code, is amended by amending subsection B to read as follows:

“B. The plot plan shall also state:

1. All construction related conditions of the special management area permit[;].

2. That the importation and placement of soil is prohibited within the shoreline area as defined by chapter [201A-41] ~~205A-41~~, Hawaii Revised Statutes, except for sand as defined in this chapter[; and].

3. That grading of the coastal dune is prohibited pursuant to section 20.08.035.”

SECTION 4. Section 20.08.120, Maui County Code, is amended to read as follows:

“20.08.120 Permit—suspension or revocation. The director may, in writing, suspend or revoke a permit issued under the provisions of sections 20.08.040 through 20.08.160 of this chapter whenever the permit has been issued on the basis of incorrect information supplied by the permittee or whenever the grubbing, stockpiling, or grading is not being performed in accordance with the terms and provisions of the permit, or the requirements of any state or county agency related to the work, including archaeological monitoring, preservation, or mitigation plans approved by the department of land and natural resources’ state historic preservation division or requirements of the soil and water conservation district(s).”

SECTION 5. Section 20.08.160, Maui County Code, is amended to read as follows:

“20.08.160 [~~Permit—Requirements~~] Permit—requirements. The permittee shall notify the director at least two days before the permittee or [his] the permittee’s agent begins any grading or grubbing. Plans and specifications for grading or grubbing bearing the approval of the director shall be maintained at the site during the progress of any work. Where it is found by inspection that the soil or other conditions are not the same as stated or shown in the application for a grading or grubbing permit, the director may stop the grading or grubbing until revised grading or grubbing plans, based upon the existing conditions, are submitted by the permittee and approved by the director. The permittee shall comply with state and county laws and regulations, and the terms, conditions, or requirements of the soil and water conservation district(s) and the department of land and natural resources’ state historic preservation division. The director or any state or county agency with authority relevant to the work, including soil and water conservation district(s), the department of planning, or the department of land and natural resources’ state historic preservation division, may enter onto the property to ensure compliance with this section.”

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



RICHELLE THOMSON
Deputy Corporation Counsel
LF 2017-1137