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

May 26, 2021

RECEIVED
Director of Council Services
Traci N. T. Fujita, Esq.

2021 MAY 27 PM 12:43

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: AMENDMENT TO THE FISCAL YEAR ("FY") 2022
BUDGET, BILL 46 (2021), SPECIAL PURPOSE
REVENUES - SCHEDULE OF REVOLVING/ SPECIAL
FUNDS, RELATING TO THE HAMAKUALOA OPEN
SPACE PRESERVE**

May I request the matter relating to the attached proposed amendments to the FISCAL YEAR ("FY") 2022 BUDGET, BILL 46 (2021), SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/ SPECIAL FUNDS, RELATING TO THE HAMAKUALOA OPEN SPACE PRESERVE be placed on the next Council meeting agenda.

Sincerely

A handwritten signature in black ink, appearing to read "Michael J. Molina".

MICHAEL J. MOLINA
Councilmember

CM:MHP:Hamakua_mstr_pln_Council_refer:grs

Enclosure

COUNTY COMMUNICATION NO. 21-257

**MAUI COUNTY COUNCIL
Amendment Summary Form**

Legislation: Bill No. 46 (2021)

Proposer: Michael J. Molina, Councilmember 

Description: Amend Bill No. 46 (2021) to condition the use of the Special Management Area Revolving Fund for a portion of the Hamakualoa Open Space Preserve Master Plan.

Motion: Move to amend page 55, Bill 46 (2021), Appendix A, Part II, as it relates to the Special Management Area Revolving Fund ("Fund") to insert the following condition:

"Up to \$200,000 must be for the portion of the Hamakualoa Open Space Master Plan that relates to planning, studies, permitting, and implementation for parcels along the shoreline for purposes of providing shoreline access."

Effect: See attached marked-up copy.

Reasons: Section 3.49.020, A. (3), states: "A. The special management area revolving fund shall provide funds to be used for the following purposes:

"Master planning, studies, permitting, and implementation pertaining to coastal realignment, beach and shoreline management, beach or dune restoration, or managed retreat."

The Hamakua Open Space is fully within the SMA zone, along the coast and portions will be used for coastal access. Historically, the Hamakualoa Open Space coast has been used traditionally for fishing and access to the coast.

The Hamakualoa Open Space may require master planning and permitting for protecting and enhancing shoreline access.

Furthermore, the Director of Planning noted that "the Fund might be appropriate" for "the shoreline parcels for the purpose of providing shoreline access."

For these reasons, I believe the SMA Fund is appropriate for a portion of the master plan.

Attachments: Marked-up copy of pages 54-55 of Bill 46 (2021),
Appendix A, Part II.

CM:MHP:Hamakua_mstr_pln_ASF_SMA:grs

(1) Up to \$3,500,000 must be used for the Central Maui Regional WWRF (Waikapu) project.

	<u>ESTIMATED BALANCE AS OF 6/30/2021</u>	<u>ANTICIPATED REVENUES FOR FY 2022</u>	<u>TOTAL FOR FY 2022</u>
P. Upcountry Water System Expansion Capital Improvement Reserve Fund (Section 9-14, Revised Charter of the County of Maui (1983), as amended)	10,322,864	0	10,322,864
Q. Economic Development and Cultural Programs Revolving Fund (Chapter 3.81, Maui County Code) (1) Up to \$150,000 must be for the restoration of Ka`ahumanu Church, Wailuku, Maui, Hawaii.	220,000		220,000
R. Fireworks Auditor Fund (Chapter 3.95, Maui County Code)	88,000	19,833	107,833
S. Hawaiian Cultural Restoration Revolving Fund (Chapter 3.38, Maui County Code) (1) Up to \$400,000 must be for a master plan, management strategy, and implementation for the restoration of Moku'ula and Mokuhinia through community input and participation.	898,438	299,479	1,197,917
T. Employee Parking Fees Fund (Chapter 3.26, Maui County Code) (1) Up to \$50,000 must be for parking lot improvements, lighting, and security measures.	91,303	76,471	167,774
U. Maui Interscholastic League Fees Fund (Chapter 3.39, Maui County Code)	37,347	18,674	56,021
V. County Parks Special Revolving Fund (Section 13.04A.460, Maui County Code)	0	0	0
W. Special Management Area Revolving Fund (Chapter 3.49, Maui County Code) (1) Up to \$67,000 must be granted to Napili Bay and Beach Foundation for the construction of a new above grade TREX type decking path to spare more headland erosion by foot traffic.	365,439	275,738	641,177

	<u>ESTIMATED BALANCE AS OF 6/30/2021</u>	<u>ANTICIPATED REVENUES FOR FY 2022</u>	<u>TOTAL FOR FY 2022</u>
<p>(2) Up to \$175,000 must be for a shoreline access study to identify potentially obstructed shoreline areas, and assess lateral shoreline access and access point pathways and make recommendations for County action.</p> <p>(3) <u>"Up to \$200,000 must be for the portion of the Hamakualoa Open Space Master Plan that relates to planning, studies, permitting, and implementation for parcels along the shoreline for purposes of providing shoreline access."</u></p>			
X. Experimental and Demonstration Housing Projects Fund (Chapter 16.28, Maui County Code)	1,000,000	0	1,000,000
Y. Disposal of Vehicles Fee Fund (Chapter 3.27, Maui County Code)	2,035,224	2,172,501	4,207,725
<p>(1) Disbursement for salaries and premium pay is limited to \$169,734 and 3.5 equivalent personnel for the Environmental Protection and Sustainability Program.</p> <p>(2) Up to \$1,000,000 must be for disbursement for operations or services for the Environmental Protection and Sustainability Program.</p>			
Z. Home Acquisition and Ownership Programs Revolving Fund (Chapter 3.34, Maui County Code)	1,476,274	1,000,000	2,476,274
<p>(1) Must be for disbursement of grants, up to \$30,000 each, for qualified Maui County residents participating in the First-time Homebuyers Program.</p> <p>(2) Up to \$250,000 must be for the establishment of an Individual Development Account pilot program. This program will include up to 20 qualified homebuyers.</p>			

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

May 26, 2021

Honorable Michael P. Victorino, Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 5-26-21
Mayor Date

For transmittal to:

Honorable Michael J. Molina
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Councilmember Molina:

SUBJECT: SPECIAL MANAGEMENT AREA REVOLVING FUND

Thank you for your May 21, 2021 letter asking about use of the Special Management Area Revolving Fund (Fund) established pursuant to Chapter 3.49, Maui County Code, for master planning for the Hamakualoa Open Space Reserve (Reserve).

After reviewing the purpose of the Fund as noted in Chapter 3.49 and considering the parcels that comprise the Reserve, it seems that it would be a stretch to use the Fund to master plan all or part of the Reserve. Section 3.49.020.A.3 allows the Fund to be used for "master planning, studies, permitting, and implementation pertaining to coastal realignment, beach and shoreline management, beach or dune restoration, or managed retreat."

Coastal realignment and managed retreat appear inapplicable. Only one of the Reserve's parcels is situated along the shoreline (TMK 2-7-007: 079), and it is not clear that beach and shoreline management would be a compelling component of a master plan for the entire Reserve. Similarly, this shoreline area would not be appropriate for beach or dune restoration because the one shoreline parcel contains no sandy beaches or dunes. However, if it is believed or expected that a master plan would focus only on the shoreline parcel and would have the primary purpose of providing shoreline access, then the Fund might be an appropriate funding source for that narrow scope.

Honorable Michael P. Victorino
For Transmittal to:
Honorable Michael J. Molina
May 26, 2021
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Again, thank you for requesting our comments on the proposed use of the Fund. Please feel free to contact me if you have questions or need additional information.

Sincerely, .



MICHELE MCLEAN, AICP
Planning Director

xc: Michele Yoshimura, Budget Director (PDF)
Scott Teruya, Finance Director (PDF)
MCM:atw
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