
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAILEA, MAUI,
TAX MAP KEY: (2) 2-1-008 FOR BEACH ACCESS STAIRWAY
PURPOSES.

1 WHEREAS, the Association of Apartment Owners of Wailea Elua
2 has requested a non-exclusive easement for a portion of a
3 stairway located on unencumbered state lands fronting property
4 located at 3600 Wailea Alanui Drive, Kihei, Maui, Hawaii, to
5 resolve a shoreline encroachment that consists of a beach access
6 stairway fronting the Wailua Elua Village that descends from the
7 Wailea Coastal Walk to Ulua Beach; and

8
9 WHEREAS, the Association of Apartment Owners of Wailea Elua
10 seeks to obtain an easement for the stairway to provide
11 additional access throughout the entire Wailea Resort area to
12 the central part of Ulua Beach from the Wailea Coastal Walk for
13 members of the public and Wailea Resort guests who utilize Ulua
14 Beach for recreational and marine activities; and

15
16 WHEREAS, the subject encroachment connects the Wailea
17 Coastal Walk to the middle section of Ulua Beach, a sandy pocket
18 beach fronting the Wailea Elua Village Resorts. North of Ulua
19 Beach Park sits the parking lot, restroom area, Mokapu Beach
20 Park, and another pocket beach, and south of Ulua Beach Park is
21 a rocky shoreline fronting more resorts; and

22
23 WHEREAS, Shoreline Erosion Rate Maps developed by the
24 University of Hawaii's Coastal Geology Group show that Ulua
25 Beach, as well as the majority of the entire Wailea-Makena
26 coastline, has experienced consistent erosion over the last
27 century, decreasing the width of Ulua Beach Park by roughly
28 thirty-five percent; and



1 WHEREAS, the total area of the stairway structure
2 originally built in the 1970s is one hundred twenty square feet,
3 with twenty-two square feet of the structure encroaching into
4 the shoreline, and serves as one of four access points to Ulua
5 Beach from the resort areas and the Coastal Walk; and
6

7 WHEREAS, on September 30, 2009, the County of Maui issued a
8 building permit to the Association of Apartment Owners of Wailea
9 Elua for the reconstruction of a stairway to the beach from the
10 public accessway fronting the building's complex as the County
11 assumed the stairway was mauka of the shoreline based on a
12 certified shoreline survey done in 1983 and a subsequent
13 shoreline survey in 2006 that was not certified; and
14

15 WHEREAS, on July 26, 2019, the Office of Conservation and
16 Coastal Lands concluded that removal of the encroaching stairway
17 would have minimal effects on the shoreline and beach
18 environment, there are no negative impacts on the beach
19 environment from the stairway, and removal of the encroachment
20 would not improve lateral access or interfere with natural
21 coastal processes; and
22

23 WHEREAS, the Office of Conservation and Coastal Lands also
24 found that the issuance of a term, non-exclusive easement in a
25 developed area for an existing stairway would involve a
26 negligible change in use of the subject area beyond previously
27 existing uses, the area is a portion of shoreline state lands
28 that is accessible to the public for the purposes of beach and
29 offshore recreational activities, and there would be no
30 significant impact to sensitive environmental or ecological
31 receptors; and
32

33 WHEREAS, in accordance with section 11-200.1-15, Hawaii
34 Administrative Rules, and the exemption list of the Department
35 of Land and Natural Resources reviewed and concurred on by the
36 Environmental Council on November 10, 2020, the request for an
37 easement is exempt from the preparation of an environmental
38 assessment; and
39

40 WHEREAS, at its meeting on January 22, 2021, under agenda
41 item D-5, the Board of Land and Natural Resources approved the
42 issuance of a twenty-five-year term, non-exclusive easement to



1 the Association of Apartment Owners of Wailea Elua for beach
2 access stairway purposes; and
3

4 WHEREAS, the grantee is required to pay the State the fair
5 market value of the easement as consideration for the use of
6 state submerged lands, to be determined by independent
7 appraisal; and
8

9 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
10 the prior approval of the Legislature by concurrent resolution
11 to lease state submerged lands; now, therefore,
12

13 BE IT RESOLVED by the Senate of the Thirty-first
14 Legislature of the State of Hawaii, Regular Session of 2021, the
15 House of Representatives concurring, that pursuant to
16 section 171-53, Hawaii Revised Statutes, the Board of Land and
17 Natural Resources is hereby authorized to issue a term, non-
18 exclusive easement covering portions of state submerged lands
19 fronting the property identified as Tax Map Key: (2) 2-1-008:
20 seaward of 069, Wailea, Maui, for beach access stairway
21 purposes; and
22

23 BE IT FURTHER RESOLVED that a certified copy of this
24 Concurrent Resolution be transmitted to the Chairperson of the
25 Board of Land and Natural Resources.

