

STAND. COM. REP. NO.

1080

Honolulu, Hawaii

MAR 23 2021

RE: S.C.R. No. 141
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 141 entitled:

"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,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
issuance of a term, non-exclusive easement for the portions of
state submerged lands fronting the property identified as Tax Map
Key: (2) 2-1-008: seaward of 069, Wailea, Maui, for beach access
stairway purposes, pursuant to section 171-53, Hawaii Revised
Statutes.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources and Association
of Apartment Owners of Wailea Elua.

Your Committee finds that, pursuant to section 171-53, Hawaii
Revised Statutes, the Board of Land and Natural Resources (BLNR)
may lease submerged lands with the prior approval of the Governor
and the prior authorization of the Legislature by concurrent
resolution. Your Committee further finds that at its meeting on
January 22, 2021, under agenda item D-5, BLNR, subject to
conditions, approved the issuance of a twenty-five-year term, non-




exclusive easement to the Association of Apartment Owners of Wailea Elua for beach access stairway purposes. Your Committee concludes that the easement is necessary for continued public access for beach and offshore recreational activities at Ulua Beach.

Your Committee has amended this measure by:

- (1) Inserting a clause stating that the grantee shall pay the State the fair market value of the easement as consideration for the use of state submerged lands, to be determined by independent appraisal; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 141, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 141, S.D. 1.

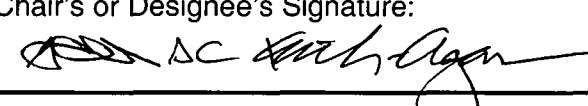
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUYE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 141	WTL, WAM	3/22/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	5			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes