

MAR 12 2021

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

29
30 WHEREAS, the total area of the stairway structure
31 originally built in the 1970s is one hundred twenty square feet,
32 with twenty-two square feet of the structure encroaching into



1 the shoreline, and serves as one of four access points to Ulua
2 Beach from the resort areas and the Coastal Walk; and
3

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

12 WHEREAS, on July 26, 2019, the Office of Conservation and
13 Coastal Lands concluded that removal of the encroaching stairway
14 would have minimal effects on the shoreline and beach
15 environment, there are no negative impacts on the beach
16 environment from the stairway, and that removal of the
17 encroachment would not improve lateral access or interfere with
18 natural coastal processes; and
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20 WHEREAS, the Office of Conservation and Coastal Lands also
21 found that issuance of a term, non-exclusive easement in a
22 developed area for an existing stairway would involve a
23 negligible change in use of the subject area beyond previously
24 existing uses, the area is a portion of shoreline state lands
25 that is accessible to the public for the purposes of beach and
26 offshore recreational activities, and there would be no
27 significant impact to sensitive environmental or ecological
28 receptors; and
29

30 WHEREAS, in accordance with section 11-2001.1-15, Hawaii
31 Administrative Rules, and the exemption list of the Department
32 of Land and Natural Resources reviewed and concurred on by the
33 Environmental Council on November 10, 2020, the request for an
34 easement is exempt from the preparation of an environmental
35 assessment; and
36

37 WHEREAS, on January 22, 2021, under agenda item D-5 and
38 upon Department of Land and Natural Resources' staff
39 recommendations that the issuance of a twenty-five year term,
40 non-exclusive easement to the Association of Apartment Owners of
41 Wailea Elua covering the subject beach access stairway purposes
42 would have minimal or no significant effect on the environment



1 and is presumed to be exempt from the preparation of an
2 environmental assessment, the Board of Land and Natural
3 Resources voted to authorize the issuance of the easement; and
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5 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
6 the prior approval of the Legislature by concurrent resolution
7 to lease state submerged lands; now, therefore,
8

9 BE IT RESOLVED by the Senate of the Thirty-first
10 Legislature of the State of Hawaii, Regular Session of 2021, the
11 House of Representatives concurring, that pursuant to section
12 171-53, Hawaii Revised Statutes, the Board of Land and Natural
13 Resources is hereby authorized to issue a term, non-exclusive
14 easement covering portions of state submerged lands fronting the
15 property identified as Tax Map Key: (2) 2-1-008: seaward of
16 069, Wailea, Maui, for beach access stairway purposes; and
17

18 BE IT FURTHER RESOLVED that a certified copy of this
19 Concurrent Resolution be transmitted to the Chairperson of the
20 Board of Land and Natural Resources.
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OFFERED BY:

Rosalyn H. Baker

