

, 2021

RE: S.C.R. No. 141

S.D. 1

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii  
Sir:

Your Committee on Water & Land, to which was referred S.C.R. No. 141, S.D. 1, 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 of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering portions of state submerged lands at Wailea, Maui, for the existing beach access stairway fronting the Wailea Elua Village that descends from the Wailea Coastal Walk to Ulua Beach.

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

Your Committee finds that a portion of an existing, wooden beach access stairway fronting the Wailea Elua Village Resorts encroaches on state submerged lands. Your Committee further finds that the Department of Land and Natural Resources has worked with the Association of Apartment Owners of Wailea Elua to resolve the encroachment by granting a twenty-five-year non-exclusive easement for the beach access stairway. Pursuant to section 171-53(c), Hawaii Revised Statutes, the Legislature must grant prior authorization before state submerged lands may be leased. This measure authorizes the granting of a term, non-exclusive easement for the portion of identified state submerged lands in Wailea, Maui, that have been encroached upon by the beach access stairway.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

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

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DAVID A. TARNAS, Chair