

STAND. COM. REP. NO. 1080
Honolulu, Hawaii

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) 2â€”1â€”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. INOUE, Chair