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# HOUSE 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 Wailea 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 the stairway serves as one of four access  
5 points to Ulua Beach from the resort areas and the Coastal Walk;  
6 and  
7

8           WHEREAS, on September 30, 2009, the County of Maui issued a  
9 building permit to the Association of Apartment Owners of Wailea  
10 Elua for the reconstruction of a stairway to the beach from the  
11 public accessway fronting the building's complex as the County  
12 assumed the stairway was mauka of the shoreline based on a  
13 certified shoreline survey done in 1983 and a subsequent  
14 shoreline survey in 2006 that was not certified; and  
15

16           WHEREAS, on July 26, 2019, the Office of Conservation and  
17 Coastal Lands concluded that removal of the encroaching stairway  
18 would have minimal effects on the shoreline and beach  
19 environment, there are no negative impacts on the beach  
20 environment from the stairway, and removal of the encroachment  
21 would not improve lateral access or interfere with natural  
22 coastal processes; and  
23

24           WHEREAS, the Office of Conservation and Coastal Lands also  
25 found that issuance of a term, non-exclusive easement in a  
26 developed area for an existing stairway would involve a  
27 negligible change in use of the subject area beyond previously  
28 existing uses, the area is a portion of shoreline state lands  
29 that is accessible to the public for the purposes of beach and  
30 offshore recreational activities, and there would be no  
31 significant impact to sensitive environmental or ecological  
32 receptors; and  
33

34           WHEREAS, in accordance with section 11-200.1-15, Hawaii  
35 Administrative Rules, and the exemption list of the Department  
36 of Land and Natural Resources reviewed and concurred on by the  
37 Environmental Council on November 10, 2020, the request for an  
38 easement is exempt from the preparation of an environmental  
39 assessment; and  
40

41           WHEREAS, on January 22, 2021, under agenda item D-5 and  
42 upon Department of Land and Natural Resources' staff



1 recommendations that the issuance of a twenty-five year term,  
2 non-exclusive easement to the Association of Apartment Owners of  
3 Wailea Elua covering the subject beach access stairway purposes  
4 would have minimal or no significant effect on the environment  
5 and is presumed to be exempt from the preparation of an  
6 environmental assessment, the Board of Land and Natural  
7 Resources voted to authorize the issuance of the easement; and  
8

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

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

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

