

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 12, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 13KD-024

Kauai

Issuance of Right-of-Entry Permit to St. Theresa School for Parking Purposes for Annual School Carnival on State Unencumbered Lands, por. of Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001

APPLICANT:

St. Theresa School, whose business address is 8311 Kaunualii Highway, Kekaha, Kauai, Hawaii, 96752 and mailing address is P.O. Box 277, Kekaha, Kauai, Hawaii 96752.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kekaha House Lots situated at Kekaha, Waimea, Kauai, identified by Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001, as shown on the attached map labeled Exhibit A.

AREA:

1.13 acres, more or less, TMK: (4) 1-3-004:054
0.95 acres, more or less, TMK: (4) 1-3-011:001
2.08 acres, more or less – Total

ZONING:

State Land Use District: Urban
County of Kauai CZO: Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and Unencumbered

CHARACTER OF USE:

Parking purposes.

TERM OF RIGHT-OF-ENTRY:

Two days only, April 19 & 20, 2013 from 6:00am to 12:00am.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

APPLICANT REQUIREMENTS:

- 1) Obtain liability insurance

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of activities in the past.

After discussion about different types of activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a Right-of-Entry Permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

St. Theresa School is planning their school carnival on April 19 & 20, 2013. They have very limited parking area for patrons of the carnival to park. The school is located in a residential area and State unencumbered lands are next to the school and St. Theresa Church.

Per comments from County of Kauai, Public Works Department concerning traffic ingress and egress, St. Theresa School will have parking attendants directing traffic to and from Elepaio and Iwa Roads. Traffic will not be allowed from Kaumualii Highway.

Staff is recommending gratis for rent as there is no fee to any of the participants, the event is a not-for-profit event and this is open to the community.

The proposed activity has historically and routinely occurred and continues to occur on this and other areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
DOT	No comments
Historic Preservation	No response by suspense date
OHA	No response by suspense date

County Agencies

County Planning	No response by suspense date
Public Works	Concern about ingress/egress to parking area

RECOMMENDATION: That the Board

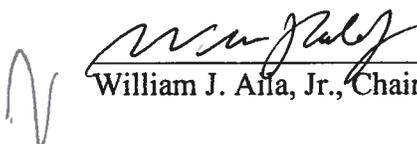
- I. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to St. Theresa School covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aifa, Jr., Chairperson

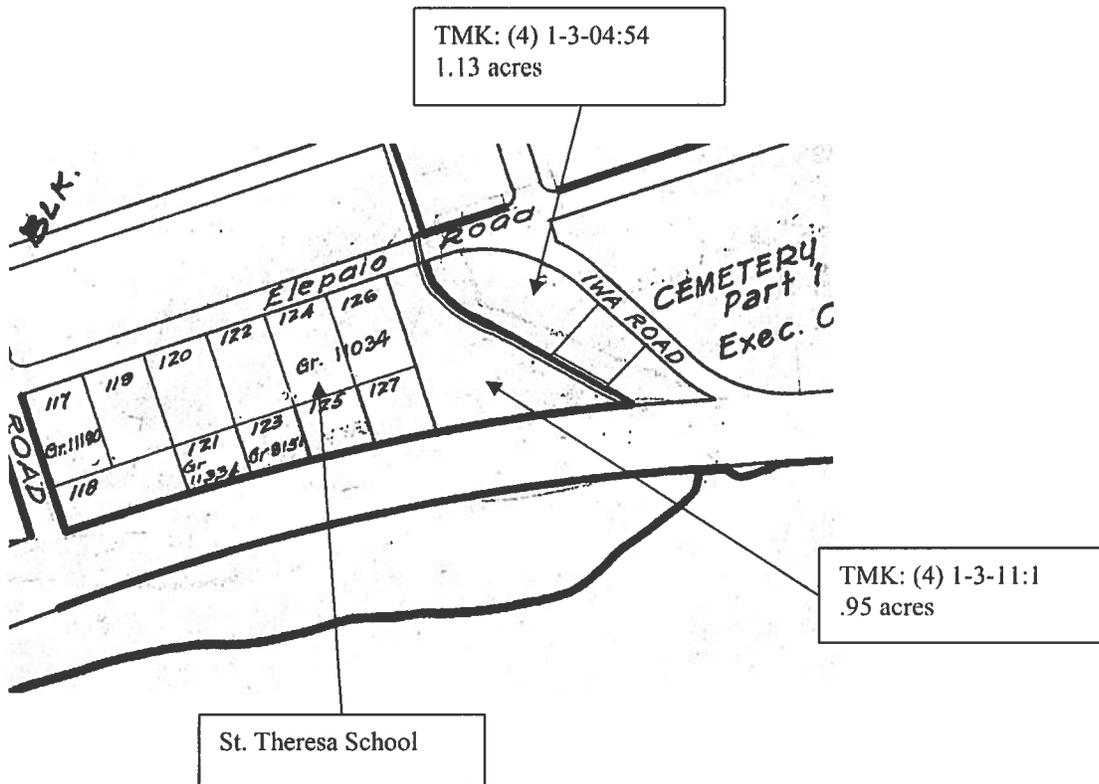


EXHIBIT 'A'



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Eiwa Street, Room 208
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EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit to St. Theresa Parish, for the St. Theresa School Carnival for Parking Purposes

Project / Reference No.: 13KD-024

Project Location: Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-3-004:054 and (4) 1-3-011:001.

Project Description: Two-day R.O.E. permit for parking purposes

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule, Section 11-200-8(a)(1)(4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No.4, that states "Minor alteration in the conditions of land, water, or vegetation".

This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

2



William J. Aila, Jr., Chairperson

4/11/13

Date