

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

March 24, 2017

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

PSF No.: 16KD-172

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, an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity.

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 21 & 22, 2017 from 6:00am to 12:00am.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B.

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 and provide proof of same to the Kauai District Land Office.

REMARKS:

St. Theresa School is planning its annual school carnival on April 21 & 22, 2017. The school has 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.

The parking area is a grass field. School patrons will water the area to keep any dust to a minimum from the vehicles entering or exiting the field.

Staff is recommending *gratis* rent as there is no fee to any of the participants, the event is a not-for-profit event and is open to the community. The St. Theresa's School 2015 – 2016 budget reported income generated in the amount of \$661,585.00 and expenses in the amount of \$698,667.00 leaving it with a negative balance of \$37,082.00.

The mission statement of St. Theresa School is to provide dedicated guidance to its students in their religious upbringing. St. Theresa School believes faith, ohana (family) and quality education are the pillars upon which they build tomorrow's leaders. The school's motto is "Soar toward success: spiritually, academically, physically and in service to the community."

St. Theresa School explains that it plays a big part in helping the West Side community. Organizations such as the Kekaha Pop Warner Association, Kekaha Youth Baseball Organization, E Ola Mau Community, Kilohana Paddling Club, Ke Kula O Niihau and Waimea High School benefit from the use of the school's hall and kitchen facilities whenever needed by these organizations. The school provides carnival supplies for the Annual Westside 4th of July Celebration and the Annual Waimea Town Celebration. The West Side of Kauai is a very close community and St. Theresa School states it is always willing to help the keiki (children) and kupuna (elderly) and plays a big part in giving back to the community and the people of Kauai.

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.

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.

Comments were solicited from:

State Agencies:

DOH	No Environmental Health Concerns
DOT	No response
Historic Preservation	No response
OHA	No response

County Agencies

County Planning	No response
Public Works	No response

RECOMMENDATION: That the Board

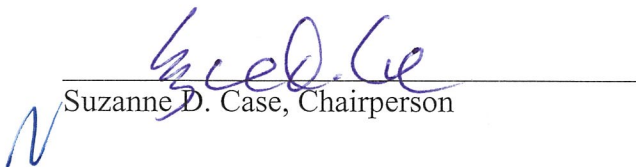
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Audrey Bonilla
Acting Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

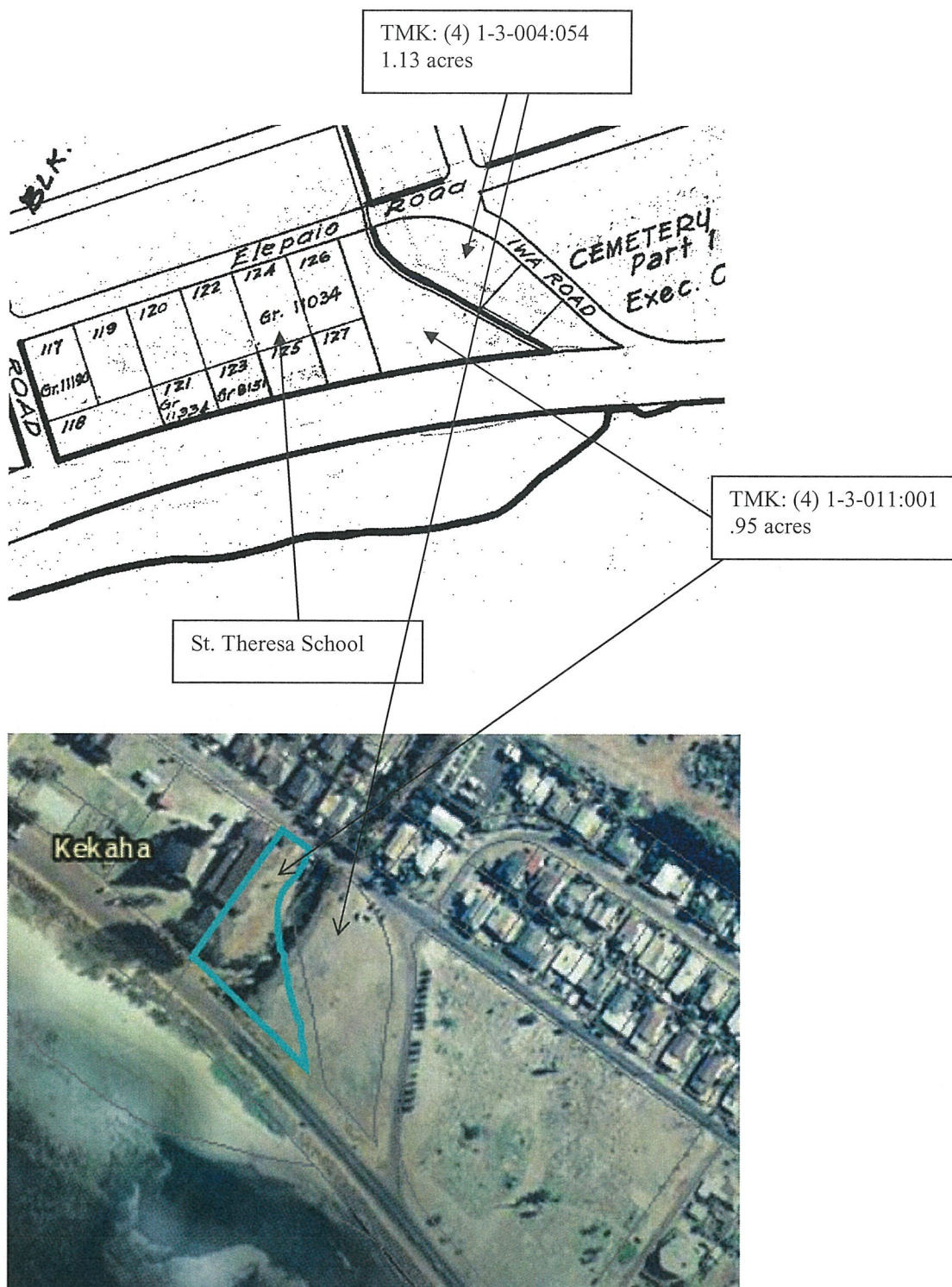
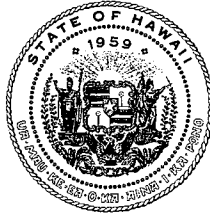


EXHIBIT A

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR RIGHT-OF-ENTRY PERMIT TO ST. THERESA SCHOOL, FOR PARKING PURPOSES FOR THEIR ANNUAL SCHOOL CARNIVAL UNDER PSF No. 16KD-172.

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Issuance of Right-of-Entry Permit to St. Theresa School for Parking Purposes for Annual School Carnival.

PSF Number: 16KD-172

Project Description:

The applicant is requesting a right-of-entry permit onto State Unencumbered lands adjacent to their school identified as Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001 for parking purposes for their annual carnival.

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

Consulted Parties:

The Right-of-Entry application was sent out for review and comments to the following agencies: Hawaii Department of Health (DOH), State of Hawaii – Department of Transportation, Highways Division, State of Hawaii Historic Preservation Division, Office of Hawaiian Affairs (OHA), Kauai County Planning Department, Kauai County Public Works Division.

EXHIBIT B

Exemption Determination:

After reviewing HAR § 11-200-(8), DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment.

According to the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, Exemption Class No.1, "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 [HAR § 11-200-8(a)(46)]".

Conclusion:

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


Suzanne D. Case

Board of Land and Natural Resources


Date