

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

July 28, 2017

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

Ref: 17OD-052

OAHU

Set Aside to Department of Accounting and General Services for Cemetery
Purposes, Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-001:002 and (1)
8-5-013:012

APPLICANT:

Department of Accounting and General Services.

LEGAL REFERENCE:

Section 110-1 and 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waianae-Kai, Waianae, Oahu, identified by Tax
Map Key: (1) 8-5-001:002 and (1) 8-5-013:012, as shown on the maps attached as
Exhibit A1 to A4.

AREA:

(1) 8-5-001:002 – 4.200 acres; and
(1) 8-5-013:012 – 0.395 acre; more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: P-2

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:

Unencumbered.

PURPOSE:

Cemetery Purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, 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." Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside for state lands to or from other government agencies through a Governor's executive order". See **Exhibit B**.

APPLICANT REQUIREMENTS:

None.

REMARKS:

The Hawaii Revised Statutes Section 110-1 states that "the comptroller shall be responsible for the operation, maintenance, improvement, redevelopment, and disposal of state-owned cemeteries; for the determination of ownership of plots therein; and for the proper maintenance of records pertaining to the cemeteries, including cemetery plot plans, and records of plot ownership, interments, and disinterments."

Although Land Division has maintained the subject two State cemeteries for a long time, it is now making an effort to effectuate this statute and transfer cemeteries to the appropriate agency. The maintenance crew of the Division is limited both in terms of manpower and equipment, and the crew's limited resources need to be directed toward maintaining other State unencumbered parcels on Oahu falling under the jurisdiction of Land Division.

Staff believes that it is prudent that the subject cemeteries be placed under the management jurisdiction of the Department of Account and General Services (DAGS) pursuant to a Governor's executive order. Today's request will be in compliance with the Hawaii Revised Statutes.

At a meeting attended by the Chairperson and Land Division, DAGS indicated that they are also facing the same problems regarding limited resources, and asked if Land Division could postpone the proposed set aside until FY 2019. In response, Land Division will continue the maintenance of the two cemeteries up to June 30, 2018 giving DAGS more time to plan for future maintenance of the two cemeteries. However, the executive order under the subject request will continue to be processed, if the Board approved today's request.

Department of Parks and Recreation, Board of Water Supply, and Department of Planning and Permitting have no comments/objections to the subject request.

At the time of finalizing the submittal, Department of Facility Maintenance, Department of Health, Department of Hawaiian Home Lands, State Historic Preservation Division, Division of Forestry and Wildlife, and Office of Hawaiian Affairs have not responded to our request for comments.

There are no other pertinent issues or concerns. Staff recommends the Board approve the recommendation to the Governor for the issuance of the requested executive order.

RECOMMENDATION:

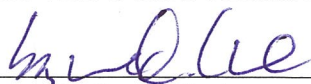
That the Board, subject to Applicant fulfilling the Applicant Requirements above:

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. Approve of and recommend to the Governor the issuance of executive order setting aside the subject lands to Department of Accounting and General Services under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson





TMK (1) 8-5-013:012

**Subject
Location**

EXHIBIT A2

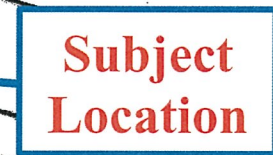


EXHIBIT A3



TMK (1) 8-5-001:002

EXHIBIT A4

EXEMPTION NOTIFICATION

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

Project Title: Setting aside for Cemetery Purposes.

Project / Reference No.: PSF 17OD-052

Project Location: Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-001:002 and (1) 8-5-013:012.

Project Description: Set aside for cemetery purposes

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, 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." Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside for state lands to or from other government agencies through a Governor's executive order".

Since the request is pertaining to transfer of management jurisdiction. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Agencies as noted in the submittal.

Recommendation: That the Board find 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, Chairperson

Date:

EXHIBIT B