

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

April 13, 2018

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

PSF No.: 18KD-004

KAUAI

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

APPLICANT:

St. Theresa School, a Hawaii non-profit corporation, whose business address is 8311 Kaumualii Highway, Kekaha, Kauai, Hawaii, 96752 and mailing address is P.O. Box 277, Kekaha, Kauai, Hawaii 96752.

LEGAL REFERENCE:

Section 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:

TMK: (4) 1-3-004:054	0.13 acres, more or less
TMK: (4) 1-3-011:001	0.95 acres, more or less
Total:	2.08 acres, more or less

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. Between the hours of 6:00am to 12:00am, on April 20 & 21, 2018.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit D.

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:

The Roman Catholic Church of the State of Hawaii, St. Theresa School, will be holding its annual school carnival, a two day event, on April 20, 2018. As in the previous years, the St. Theresa School has requested a right-of-entry permit to authorize its use of the adjacent vacant State parcels for additional parking for the patrons of the carnival. The State parcels consist of a leveled clear lot, which is covered with lawn grass. The school

intends to sprinkle water regularly over the area, to minimize potential dust problems created by vehicles entering and exiting the area. The school has been granted these right-of-entry permits for parking purposes over the past several years without any complaints from area residents or negative effects to the property/environment. A request for a direct lease of the subject area to St. Theresa School is currently being reviewed for Land Board consideration

Staff is recommending the right-of-entry permit be *gratis* as there will be no profits made from the use of the subject parking area. This school event is one of its annual fundraising projects to assist the school in funding its programs for school aged students in the area community. There will be no entry fees charged the public. St. Theresa School's reported budget for Fiscal Year 2016-17 has generated about \$705,385.00 in income, with expenses of \$708,125.00. The school was left with a negative cash flow of \$2,740.00 for the year. (Exhibit B)

It has been confirmed that St. Theresa Church/School is currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. (Exhibit C)

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 to "Soar toward success: spiritually, academically, physically and in Service to the Community."

St. Theresa School plays a critical role in helping the West side community by supporting area 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, and many others, by offering use of the St. Theresa School Dinning Hall and kitchen facilities. The school also loans its carnival supplies to the Committees for the Annual Westside Fourth of July Celebration and the Annual Waimea Town Celebration. The St. Theresa School/Church and the Kekaha community is a very close knit community. The Church is always willing to support the needs of the keiki (children) and Kupuna (elderly), in efforts to give back to the community.

These subject State parcels and others across the State have historically been routinely utilized for additional parking adjacent to beach areas such as this with no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources of 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.

On January 11, 2018, staff solicited comments from various government agencies and community interest groups:

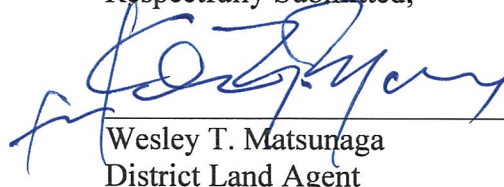
AGENCIES	COMMENTS
County of Hawaii	
Planning Dept.	No response
Public Works	No comments
State of Hawaii	
DOH	No objections
DLNR- Historic Preservation	No response
DOT-Highways	No response
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response

To date, only the Department of Health and County Public Works responded with no objections. The Department of Health indicated it has no health related issues or concerns relating to the proposed use of the State property. The County of Kauai, Department of Public Works had no comments to offer.

RECOMMENDATION: That the Board

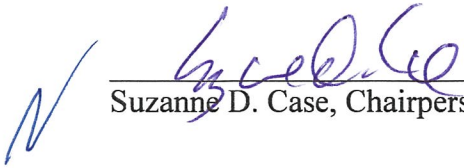
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this request will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to The Roman Catholic Church of the State of Hawaii, 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,



Wesley T. Matsunaga
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

SUBJECT

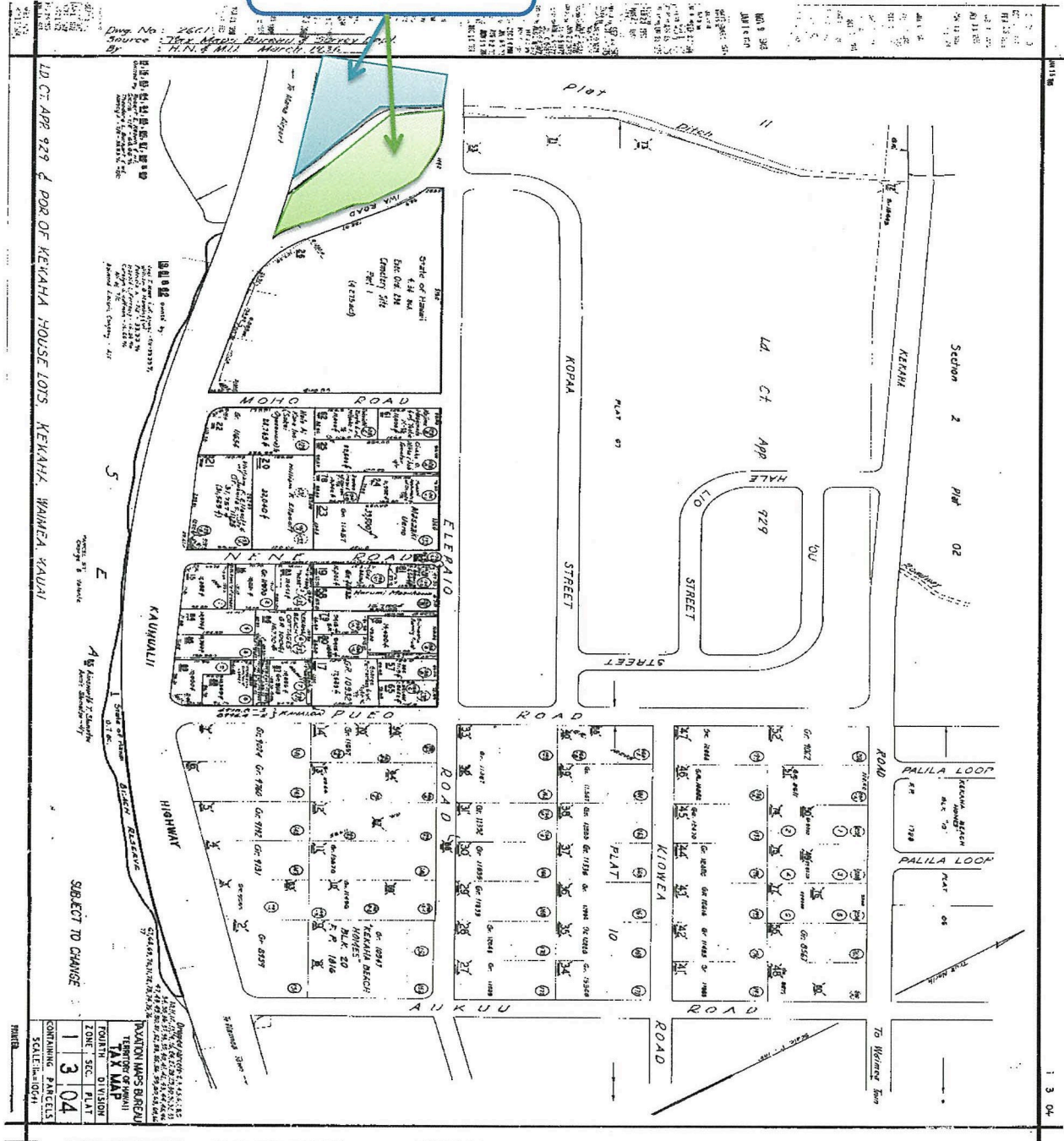


EXHIBIT A

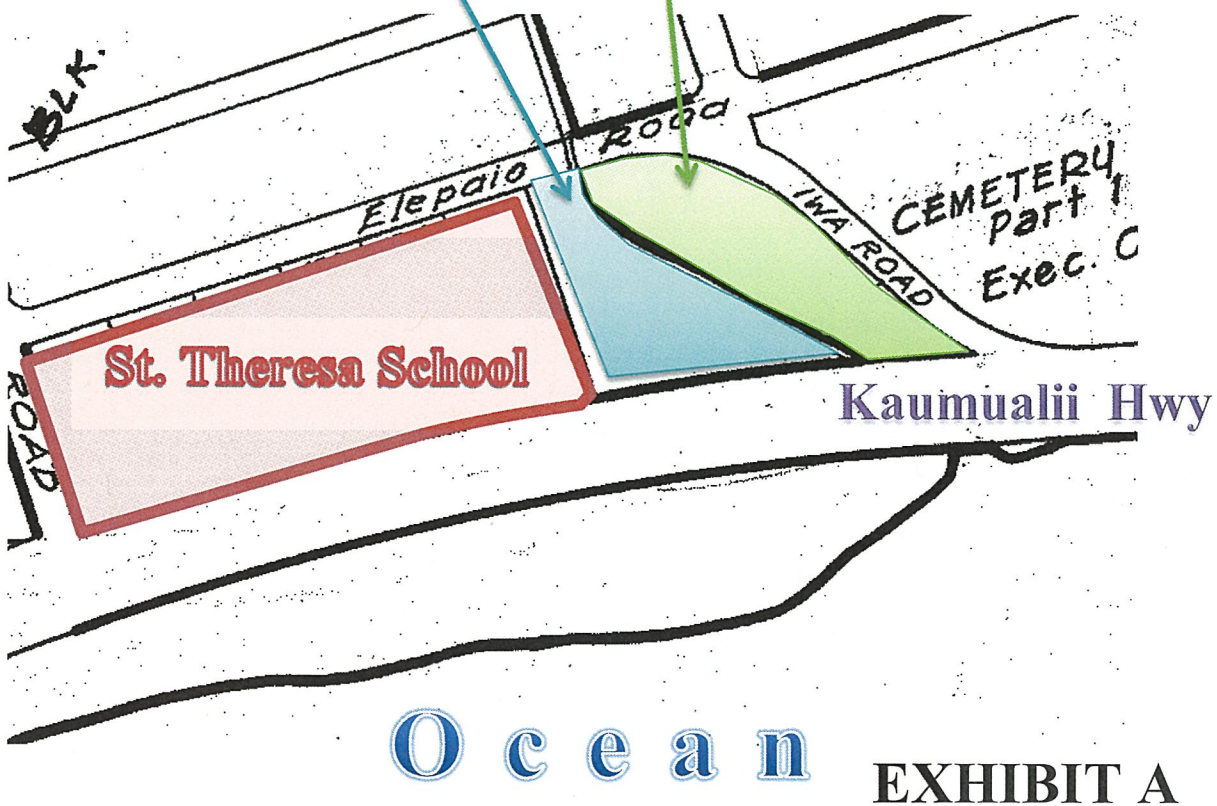




EXHIBIT A

ST. THERESA SCHOOL - Kekaha
BUDGET REPORT 2016-17

INCOME:

41100 Tuition	473,510.00
41500 Financial Aid Scholarships	63,500.00
41600 Fees	15,875.00
42500 Exempt Function Income	12,000.00
45000 Rev Sub To Get - Fundraising	65,000.00
47110 Unrest Donations	25,000.00
47200 Subsidies	45,000.00
47800 Other Income	5,500.00
Total Income:	\$ 705,385.00

EXPENSE:

50108 Salaries & Wages	433,000.00
50300 Employee Benefits	40,000.00
50500 Employer Taxes	31,000.00
51808 Professional Services	18,825.00
51500 Insurance	35,000.00
51700 Leadership Development	6,000.00
52100 Supplies & Equip <\$K	24,000.00
52551 Technology	25,000.00
52208 Cafeteria and Hall	2,000.00
52520 Bank Charges	1,500.00
52500 Other Services & Charges	3,000.00
5250 Administrative Supplies	1,000.00
5285 Admin Expense	300.00
52700 Instructional Dept Resource	2,000.00
5285 Professional Development	4,000.00
5290 Principals Office	5,000.00
62900 Fundraising Expense	46,000.00
53800 Repairs and Maintenance	5,000.00
54000 Utilities	23,000.00
57000 Taxes	1,500.00
58000 Depreciation	1,000.00
Total Expense:	\$ 708,125.00
Profit/Loss :	\$ (2,740.00)

EXHIBIT B

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: June 2, 2017

Person to Contact:

R. Meyer ID# 0110429

Toll Free Telephone Number:

877-829-5500

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Group Exemption Number:

0928

Dear Sir/Madam:

This responds to your June 2, 2017, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2017*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2017* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

Subordinate organizations under a group exemption do not receive individual exemption letters. Most subordinate organizations are not separately listed in Publication 78 or the EO Business Master File. Donors may verify that a subordinate organization is included

EXHIBIT C

in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

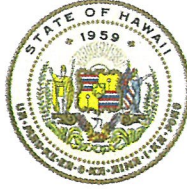
Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Martin".

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 13, 2018

Ref. No.: 18KD-004

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 the Roman Catholic Church in the State of Hawaii, Saint Theresa School
Project / Reference No.: PSF No.: 18KD-004
Project Location: Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-3-004:054 and (4) 1-3-011:001.
Project Description: Right-of-Entry to the Roman Catholic Church in the State of Hawaii, Saint Theresa School, for Parking Purposes.
Chap. 343 Trigger(s): Use of State land.

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to 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."

Exemption Item Description from Agency Exemption List: Item No. 51: "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

Consulted Parties: Agencies listed in submittal.

Recommendation: Over the years, the issuance of right-of-entry permits for parking purposes at this location has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources. As such staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing. It is recommended that the Board of Land and Natural Resources find that the action is exempt from the preparation of an environmental assessment.

EXHIBIT D