

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

July 27, 2018

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

PSF No.: 15KD-126

KAUAI

Affirm Board's Prior Action of July 13, 2018, Item D-1, as amended, which amended Board's Prior Action of April 28, 2017, Item D-2, *Set Aside and Immediate Management Right-of-Entry Permit to County of Kauai for Affordable Housing, Por. of Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-008:008*.

The purpose of the affirmation is to acknowledge: 1) the change in the intended use of the set-aside from affordable housing purposes to community needs and social services purposes; 2) the inclusion of TMK: (4) 4-5-008:009 in the set-aside; and 3) the prior authorization to grant an immediate management and construction right-of-entry, as applied to the amended purpose of the set-aside, to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf.

BACKGROUND:

At its meeting of July 13, 2018, under agenda Item D-1, the Board of Land and Natural Resources (Board), approved, as amended, an action regarding the set-aside of two parcels of land designated as TMKs: (4) 4-5-008:008 and 009 to the County of Kauai. The Board amended the purpose of the set-aside from "community needs and related purposes" to "community needs and social services purposes." The Board also amended language in the submittal relating to the issuance of an immediate management and construction right-of-entry to the County. A copy of the Board action of July 13, 2018, Item D-1, as amended, is attached as Exhibit 1.

DISCUSSION:

The Board's amendments required changes to the title of the submittal, which can lead to sunshine law complications under Chapter 92, Hawaii Revised Statutes. Out of an abundance of caution, staff is therefore recommending that Board affirm its action of July 13, 2018, Item D-1, as amended. The title of the present staff submittal before the Board correctly sets forth the actions needed to effectuate the set-aside of the parcels to the County and to issue the management and construction right-of-entry.


RECOMMENDATION: That the Board affirm its action of July 13, 2018, Item D-1, as amended, which included the following recommendations:

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 an executive order setting aside the subject lands to the County of Kauai 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.
3. Acknowledge the prior authorization to grant an immediate management and construction right-of-entry, as applied to the amended purpose of the set-aside, to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf, 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 management and construction right-of-entry form, as may be amended from time to time;
 - B. Prior to the commencement of any work related activities, the County shall consult with the County Planning Department and the Office of Conservation and Coastal Lands to inquire if any special permits are required prior to the commencement of any work activities;
 - C. The County shall consult with the State Historic Preservation Division prior to conducting any excavations on the property;
 - D. This management and construction right-of-entry is effective upon Land Board approval and shall continue until the set-aside is issued; and

July 27, 2018

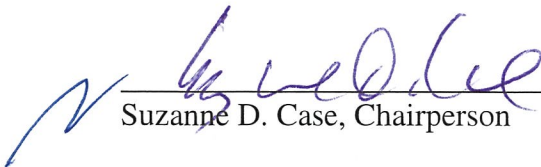
- E. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



Wesley T. Matsunaga
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

D-1

AMENDED

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

July 13, 2018

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

PSF No.: 15KD-126

KAUAI

Amend Prior Board Actions of April 28, 2017, Item D-2, *Set Aside and Immediate Management Right-of-Entry Permit to County of Kauai for Affordable Housing, Por. of Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-008:008.*

Purpose of the amendment is to: 1) change the intended use of the set aside from Affordable Housing Purposes to Community Needs Related purposes, and 2) include TMK: (4) 4-5-008:009 to the set aside.

APPLICANT:

County of Kauai, a municipal corporation of the State of Hawaii.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapaa Town Lots 2 & 3, First Series, situate at Kapaa, Kawaihau (Puna), Kauai, identified by Tax Map Keys: (4) 4-5-008:008 & 009, as shown on the attached map labeled Exhibit A.

AREA:

Parcel 8: 0.3470 acres (15,120 s.f.), more or less.
Parcel 9: 0.1736 acres (7,560 s.f.), 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:

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
July 13, 2018

D-1

EXHIBIT 1

YES ____ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Community needs related purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit D

REMARKS:

The subject State property was previously encumbered under a sixty-five year lease identified as General Lease No. S-4436 to the Tenrikyo Taiheiyo Kyokai, a Hawaii nonprofit corporation, for church and allied purposes. The lease, effective on September 1, 1975, was scheduled to expire on August 31, 2040. Due to numerous defaults in the curing of delinquent rents, sewer charges, and for failure to provide the required liability insurance, at its meeting of May 22, 2015 (D-2), the Land Board approved the forfeiture of General Lease No. S-4436.

Throughout these past couple years, many homeless individuals have entered the structures through broken windows and doors, to hunker-down for the night in a nice warm dry refuge. Staff has received numerous calls from concerned area residents and business establishments of the derelict activities occurring on the property during the nights. Several attempts have been made to barricade the windows and doors with boards, to restrict the unauthorized entry of individuals into the building. However, these measures to bar entry proved unsuccessful, as the drug users and homeless continue to enter and sleep in the rundown buildings nightly.

In 2017, staff recommended that the subject property be used for a public purpose through a formal set-aside by Governor's Executive Order, pursuant to Section 171-11, HRS. At its meeting of April 28, 2017, Item D-2, the Board of Land and Natural Resources approved a set aside to the County of Kauai for affordable housing purposes, for a portion of Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-008:008. (Exhibit B). It is anticipated that once the property is set aside to the County of Kauai for its intended community needs and purpose, the unauthorized occupancy described above will subside. As a matter of fact, the homeless and needy may find the proposed services to be offered helpful for their personal care, wellbeing, survival, and housing needs.

By letter dated August 15, 2017, the Honorable Mayor Bernard P. Carvalho Jr., requested to amend its prior request for a set aside of the former Tenrikyo Church leasehold property, identified as TMK: (4) 4-5-008:008 & 009, from affordable housing purposes,

to Community needs related purposes. The county intends to award a religious based vendor to occupy, operate, and manage the property, to provide community/public services for the needy, as well to operate as a church. (Exhibit C)

There have been no other government agencies interested in acquiring the former Tenrikyo Church property, however, there were a few interested individuals/ private entities making inquiry on the availability of a lease for the property. Some of the proposals made were concerning establishing a charter school, constructing a cultural center, for landscaping purposes, and to purchase property for private residence.

At time the County requested a set aside of the former Tenrikyo Church property for affordable housing purposes, only the County Public Works responded, indicating it had no objections to the request.

On March 14, 2018, staff again solicited various government agencies and community interest groups for comments, relating to amend the prior Board actions of 4/28/17, D-2, to change the intended use of the set aside from Affordable Housing purposes to Community Needs Related purposes, and to include TMK: (4) 4-5-008:009. There were no respondents to our solicitation for comments by the suspense date.

Staff has no objections to the proposed set aside to the County of Kauai, for community needs related purposes.

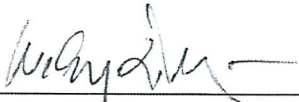
RECOMMENDATION: That the Board:

1. Subject to Applicant fulfilling the Applicant Requirements above, 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 an executive order setting aside the subject lands to the County of Kauai 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.

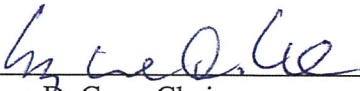
3. Grant an immediate management and construction right-of-entry to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf, onto the subject property to secure the property, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current management and construction right-of-entry form, as may be amended from time to time;
 - B. Prior to the commencement of any work related activities, the COK shall consult with the County Planning Department and the Office of Conservation and Coastal Lands to inquire if any special permit are required prior to the commencement of any work activities;
 - C. COK shall consult with the State Historic Preservation Division prior to conducting any excavations on the property;
 - D. This management and construction right-of-entry is effective upon Land Board approval and shall continue until the set aside is issued; and
 - E. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



Wesley T. Matsunaga
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

Land Board Meeting: July 13, 2018; D-1: Approved as amended.

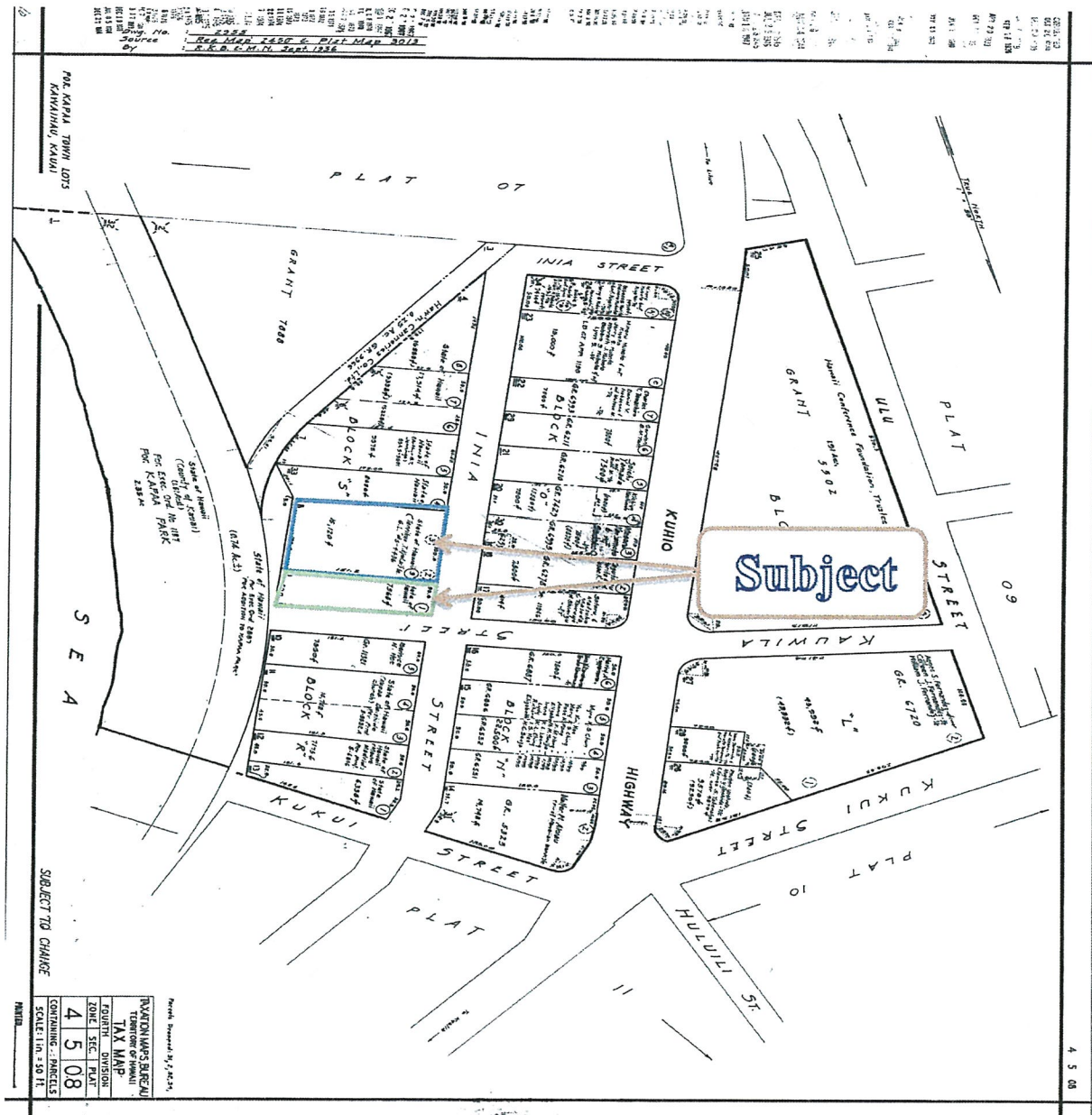
Approved as amended. See attached page.

Land Board Meeting: July 13, 2018; D-1: Approved as amended.

Approved as amended. The Board amended the title and text of the submittal to state that the purpose of the set aside is for “community needs and social services”, and to amend Recommendation 3 to read as follows:

“3. Acknowledges the prior authorization to grant an immediate management and construction right-of-entry, as applied to the amended purpose of the set aside, to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf...”¹

¹ Staff will bring back to the Board a submittal restate and reaffirm the Right of Entry, as amended on July 13, 2018, and to assure compliance with the requirements of law.





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

April 28, 2017

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

PSF No.: 15KD-126

Kauai

Set Aside and Immediate Management Right-of-Entry Permit to County of Kauai
for Affordable Housing, Por. of Kapaa Town Lots, Kawaihau, Kauai, Tax Map
Key: (4) 4-5-008:008.

APPLICANT:

County of Kauai

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kauai situated at Por. of Kapaa Town Lots, Kawaihau,
Kauai, Tax Map Key: (4) 4-5-008:008, as shown on the attached map labeled Exhibit
"A".

AREA and ZONING:

TMK#	AREA	STATE LUD	COUNTY CZO
(4) 4-5-008: 008	15,120 square feet	Urban	Open/SPA-A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
April 28, 2017 Go.

EXHIBIT B

D-2

CURRENT USE STATUS:

Lot is improved and unencumbered.

PURPOSE:

Affordable housing purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance of the executive order is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 43 (See Exhibit "C"). Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the land, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

At its meeting on February 14, 2014, under item D-4, the Board approved the set-aside to the County of Kauai for affordable housing purposes, various lots in Wailua Houselots, Kapaa, Hanapepe and Waimea, Kauai. At the time, the subject parcel was encumbered by General Lease No. S-4436 to Tenrikyo Taiheiyo Kyokai.

At its meeting on May 22, 2015, under item D-2, the Board approved the forfeiture of General Lease No. S-4436 for various defaults. On July 21, 2015, the former lessee vacated the property. The cancellation of the general lease was finalized by the Attorney General's Office in May 2016.

This parcel has been identified under HRS 171-49.7 as public lands suitable and available for residential development. It is 15,120 square feet in the CZO Open/SPA-A. This lot may not be subdivided and is suitable for 1 unit. A church and residential structure are currently located on the parcel. See photos attached as Exhibit "D".

The Kauai County Housing Agency (KCHA) was formed in May 1976 in recognition of the need to provide housing for low-income households and the elderly and to participate

in the federal Housing Assistance Payments Program under Section 8 of the Housing and Community Development Act of 1974. Its mission is to provide greater opportunities for Kauai's citizens to choose and secure affordable, safe, decent and sanitary housing and to live and work in neighborhoods and communities that can accommodate the needs and desires of all households and individuals.

The KCHA is composed of two divisions: the Housing & Community Development Division and the Rental Assistance Division. The Development Division develops affordable housing with government resources, plans and monitors affordable housing with private developers, monitors restrictions on affordable projects, provides research and community education regarding housing needs and solutions, administers the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), Residential Rehabilitation and Home-buyer Loan Programs, various fair housing activities, and other related County, State, and federal housing programs.

KCHA is proposing to use the parcel to develop an in-fill, single family, affordable housing development. By using United States Department of Agriculture (USDA) Rural Development Direct Loan funds for 80% of the cost of the unit and 20% from KCHA, the County of Kauai will be able to leverage its funds and provide an affordable rental home for a Kauai family. KCHA has a current list of qualified applicants and approved designs for development.

The Kauai District Land Office receives complaints about over-grown vegetation on this parcel and does regular maintenance to ensure that any potential liability is mitigated. In addition, Kauai District Land Office receives numerous complaints about homeless breaking into and dwelling in the structures on the unencumbered State parcel. Staff has boarded up the structures' entrances several times.

This parcel is within residentially developed neighborhoods and the highest and best use for the parcels would be for residential use. DLNR and the BLNR are not in the business of developing residential units and therefore staff recommends that the BLNR set aside the parcel to the County of Kauai to develop affordable housing. This would allow for development of the parcel's highest and best use and would remove an expense and liability from BLNR management.

State Agencies:

DLNR-Historic Preservation	No response by suspense date.
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County Agencies:

Planning	No response by suspense date.
Parks & Recreation	No response by suspense date.
Public Works	No objections.
Water Department	No response by suspense date.

Other Agencies:

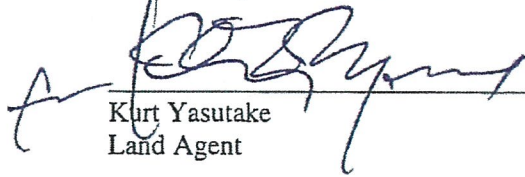
OHA	No response by suspense date.
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RECOMMENDATION:

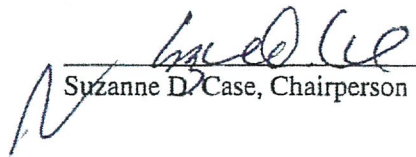
That the Board, subject to Applicant fulfilling the Applicant Requirements above:

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 an executive order setting aside the subject lands to the County of Kauai 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.
3. Authorize the issuance of a right-of-entry permit to the County of Kauai 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. The right-of-entry shall remain in effect until the executive order effecting the set-aside is executed; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



Bernard P. Carvalho, Jr.
Mayor

Nadine K. Nakamura
Managing Director



Kamuela Cobb-Adams
Housing Director

KAUA'I COUNTY HOUSING AGENCY
County of Kaua'i, State of Hawai'i
Pi'ikoi Building 4444 Rice Street Suite 330 Lihue Hawai'i 96766
TEL (808) 241-4444 FAX (808) 241-5118

July 29, 2015

Susan D. Case, Chairperson
State of Hawai'i, Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

Subject: Request for Executive Order of a Parcel to the County of Kaua'i for Affordable
Housing, TMK: (4) 4-5-008:008

Dear Chairperson Case,

A top priority from Mayor Carvalho's administration is to provide affordable housing opportunities for the people of Kaua'i. Achieving this has become increasingly difficult as Kaua'i's median housing prices continue to outpace the median incomes of Kaua'i's workforce. (See Exhibit A) Thankfully, the Kaua'i County Housing Agency (KCHA) is working diligently to create innovative partnerships and development strategies that will result in affordable housing opportunities for Kaua'i's families.

The "Scattered Lots Development Model" combines the resources of Federal, State and Local government to realize housing that is affordable (See Exhibit B). By developing existing un-encumbered and appropriately zoned State lands, land cost, generally the greatest cost of housing, is minimized. Additionally, KCHA coordinates the development efforts, thus eliminating developer profit. Lastly, special financing by KCHA and the United States Department of Agriculture-Rural Development (USDA-RD) could provide lower loan payments. In summary, such partnerships will allow families to achieve the dream of owning an affordable home on Kaua'i rather than moving elsewhere.

I respectfully request the Board's support and approval of an executive order for the subject parcel to the County of Kaua'i. Together, we can implement the Scattered Lots Development Model, thus providing affordable housing opportunities for the people of Kaua'i.

Mahalo,

A handwritten signature in black ink, appearing to read "KCHA", is written over the name and title of the Housing Director.

KAMUELA COBB-ADAMS
Housing Director

APPROVED:

A handwritten signature in black ink, appearing to read "Bernard P. Carvalho, Jr.", is written over the "APPROVED:" text.

BERNARD P. CARVALHO, JR.
Mayor

cc: Marvin Mikasa, Kaua'i District Land Agent



An Equal Opportunity Employer

EXHIBIT "B"

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 28, 2017

TO: Land Division

THROUGH: Suzanne D. Case, Chairperson

FROM: County of Kauai

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR SET ASIDE AND IMMEDIATE MANAGEMENT RIGHT-OF-ENTRY PERMIT TO COUNTY OF KAUAI, FOR AFFORDABLE HOUSING PURPOSES ON POR. KAPAA TOWN LOTS, KAWAIHAU, KAUAI, TMK: (4) 4-5-008:008.

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:

Set Aside and Immediate Management Right-of-Entry Permit to County of Kauai for Affordable Housing.

PSF Number:

15KD-126

Project Description:

This parcel has been identified under HRS 171-49.7 as public lands suitable and available for residential development.

KCHA is proposing to use the parcel to develop an in-fill, single family, affordable housing development. By using United States Department of Agriculture (USDA) Rural Development Direct Loan funds for 80% of the cost of the unit and 20% from KCHA, the County of Kauai will be able to leverage its funds and provide an affordable rental home for a Kauai family. KCHA has a current list of qualified applicants and approved designs for development.

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
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Exhibit C

April 28, 2017

Consulted Parties:

A Draft Board Submittal was sent out for review and comments to the following agencies: Department of Land and Natural Resources – Historic Preservation, Kauai County – Planning, Kauai County – Parks and Recreation, Kauai County – Public Works, Kauai County – Water Department, and the Office of Hawaiian Affairs.

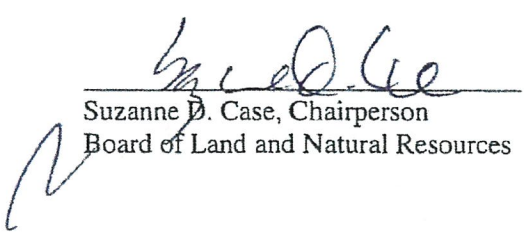
Exemption Determination:

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)]".

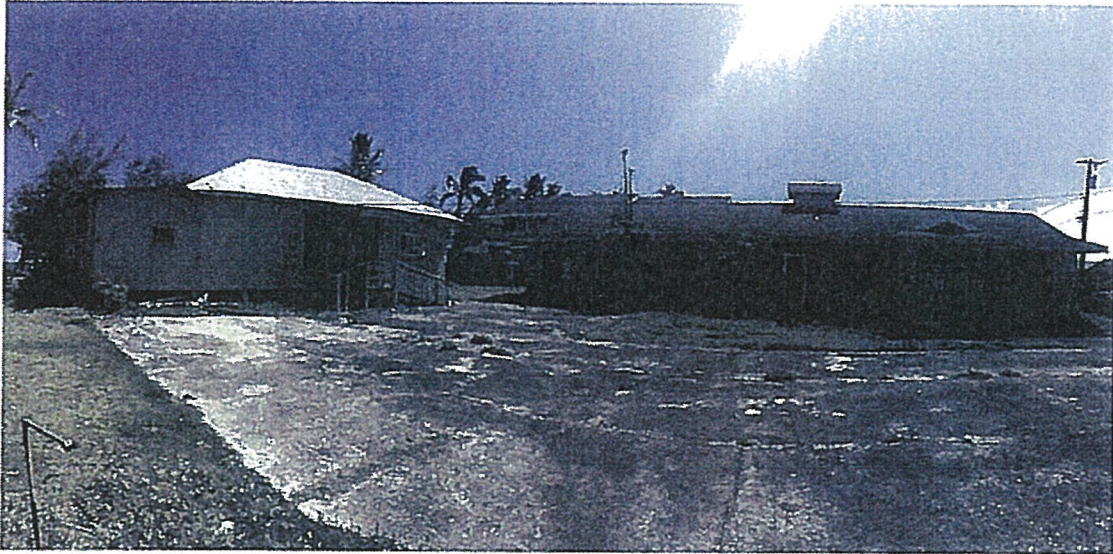
Conclusion:

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.

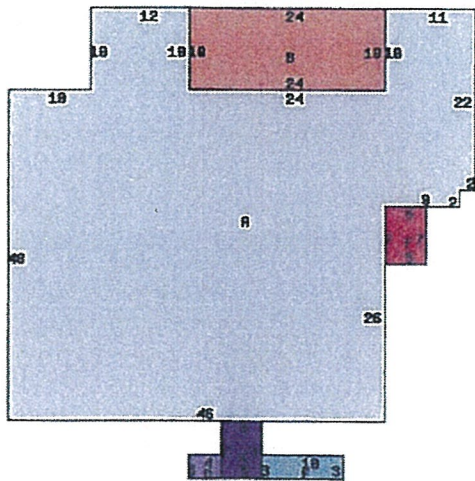

Suzanne D. Case, Chairperson
Board of Land and Natural Resources

4/6/17
Date

Photo Taken: March 14, 2017



Sketch of Building 1



Sketch of Building 2

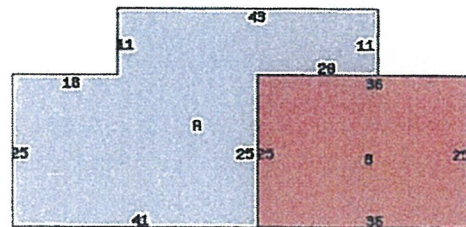


Exhibit D

Bernard P. Carvalho, Jr.
Mayor

Wallace G. Rezentes, Jr.
Managing Director



KAUA'I COUNTY HOUSING AGENCY

4444 Rice Street Suite 330
Lihue, Hawai'i 96766
TEL (808) 241-4444 FAX (808) 241-5118
www.kauai.gov/housing
August 15, 2017

Kanani Fu
Housing Director

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

2017 AUG 23 AM 9:36

RECEIVED

Susan D. Case, Chairperson
State of Hawai'i, Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

Ref. No.: 15KD-126

Subject: 1. Request Amendment Change to Tax Map Key: (4) 4-5-008:008 from Set
Aside for County of Kauai Affordable Housing to Set Aside for County of
Kauai Community Needs Related Purposes; and 2. Add Tax Map Key: (4) 4-5-
008:009 to Set Aside for County of Kauai Community Needs Related Purposes

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

2017 AUG 24 AM 11:00

RECEIVED
LAND DIVISION

Dear Chairperson Case,

We appreciate the Board's continued support in providing the people of Kauai areas of opportunity for affordable housing. A top priority of Mayor Carvalho's administration is to continue to provide affordable housing opportunities for the people of Kaua'i.

The Kaua'i County Housing Agency (KCHA) is working diligently to conduct feasibility assessments as well as create innovative partnerships and development strategies that will result in affordable housing opportunities for Kaua'i's families.

In addition, another top priority of Mayor Carvalho's administration is to provide for community services related opportunities where there are needed. Tax Map Key: (4) 4-5-008:008 and (4) 4-5-008:009 provides a great opportunity for this. The intention is for the County to be the recipient of the Executive Order to manage the parcels and to utilize community organizations to fund and operate activities such as providing homeless services and other services for those in need, park clean up services, etc. for the community.

We respectfully request the Board's support and approval of a set aside change and an executive order for the subject parcels to the County of Kaua'i for community needs related purposes in order to better serve the people of Kaua'i.

Mahalo,

KANANI FU
Housing Director

APPROVED:

BERNARD P. CARVALHO, JR.
Mayor



An Equal Opportunity Employer

EXHIBIT C

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 13, 2018

EXEMPTION NOTIFICATION

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

Project Title: Amend Prior Board Actions of April 28, 2017, Item D-2, Set Aside to County of Kauai for Community Needs Related Purposes.

Project / Reference No.: PSF No. 15KD-126

Project Location: (4) 4-5-008:008 & 009.

Project Description: Amend Prior Board Actions of April 28, 2017, Item D-2, Set Aside to County of Kauai for Community Needs Related Purposes.

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

Exemption Class No. and Item No. : In accordance with Hawaii Administrative Rule Section 11-200-8 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, 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 Item 47, which states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existed."

Cumulative Impact of Planned Successive Actions in Same Place Significant: No. The request is a single occurrence in the area.

Action May Have Significant Impact on Particularly Sensitive Environment: No. The action proposed will have no significant impact on any particularly sensitive environment.

EXHIBIT D

Analysis:

After the cancellation of the Tenrikyo Church lease, the subject property remained vacant for several years. Since then, the homeless in the area have entered, ransacking and slept in the abandoned buildings. The County of Kauai initially requested a set aside for affordable housing purposes, but later decided that it would be best used for Community Needs Related purposes. Prior to occupancy, the county intends to repair and renovate the existing structures, bringing the structures to current county building codes. As such, staff believes that the requests would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

AGENCIES	COMMENTS	
	as of 1/24/14	as of 3/14/18
County of Hawaii:		
Board of Water Supply	No response	No response
Fire Department	No response	No response
Parks & Recreation	No response	No response
Planning Department	No response	No response
Police Department	No response	No response
Public Works	No response	No response
State of Hawaii:		
DHHL	No response	No response
DLNR-Aquatic Resources	No response	No response
DLNR-DOFAW	No response	
DLNR-Historic Preservation	No objections	No response
DLNR-OCCL	No response	No response
DLNR-State Parks	No comments	No response
DOH-EPO	No comments	No response
Other Agencies/ Interest Groups:		
Office of Hawaiian Affairs	No response	No response

The County originally requested a set aside of the property for affordable housing purposes. A request for comments was solicited with SHPD, State Parks, and DOH responding having no comments to offer. The County later decided that community needs purposes was of better and higher use of the subject property, and is now requesting an amendment to its previous request.

Declaration:

It is recommended that the Board find that the change in the original use, first as a church, then for proposed affordable housing, and now for community needs purposes, will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.