

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

January 13, 2012

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

PSF No.: 11KD-003

Kauai

Set Aside to County of Kauai for Cemetery and Public purposes, Addition to the Veterans Cemetery Governor's Executive Order 1390 to the County of Kauai, and Immediate Right-of-Entry for Planning, Maintenance and Construction Improvement to Governor's Executive Order 1390, Hanapepe, Waimea, Kauai; Tax Map Key: (4) 1-8-08: 20.

APPLICANT:

County of Kauai, Department of Parks and Recreation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-08: 20, as shown on the attached map labeled Exhibit A.

AREA:

Revocable Permit S-6842, TMK:(4) 1-8-008: 020=379.060 acres, more or less

Addition to GEO 1390 = 6.00 acres, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Encumbered by Revocable Permit S-6842 to Gay and Robinson Inc.

PURPOSE:

County Cemetery and Public purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on May 8 1997 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) The County of Kauai shall provide a written concurrence from Gay and Robinson Inc. acknowledging approval for the removal of the 6.00 Acres from RP S-6842.

REMARKS:

Revocable Permit S-6627 was issued to Olokele Sugar Company Ltd. The revocable permit document covered TMK: 1-8-06: 02, 1-8-07: 10 and 1-8-08: 20

Board at its April 8, 1994, meeting under Item F-6 approved the cancellation of Revocable Permit S-6627 to Olokele Sugar Company Ltd. and the issuance of a new Revocable Permit to Gay & Robinson, Inc. TMK: (4) 1-8-06: 02, (4) 1-8-007: 003 and 010 and (4) 1-8-008: 20.

Revocable Permit S-6842 was issued to Gay and Robinson Inc. for sugar cultivation and Pasture purposes.

In a letter dated April 7, 2010 from Leonard Rapozo, Jr. Director of the Department of Parks and Recreation requesting an adjustment to the area and location of the land to be

set-aside to the County of Kauai for public cemetery purposes. The new 6.00 parcel is located on the west side of the existing Kauai Veterans Cemetery GEO 1390 and 1870. This parcel will be an addition to the existing Veterans Cemetery. (Exhibit B)

The additional 6.00 acres will be used for additional burial sites, support facilities, ceremonial/memorial facility and parking.

This will involve subdividing the 6.00 acres parcel from Parcel 20, Revocable Permit S-6842 to Gay and Robinson Inc. The County of Kauai has informed Gay and Robinson Inc. their plan to utilize 6.00 Acres of Parcel 20, identified on TMK: (4) 1-8-008.

AGENCIES COMMENTS:

County Of Kauai:

Department of Water: We have no objection (See Exhibit C)

Department of Planning: No objection

Department of Recreation: No comments

Department of Public Works: (See Exhibit D)

State Of Hawaii:

The Following Agencies did not respond:

Department of Health  
Department of Hawaiian Homes  
DLNR-Historic Preservation  
DLNR-Water Resource Management

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Office Of Hawaiian Affairs: No Objection (See Exhibit E)

RECOMMENDATION:

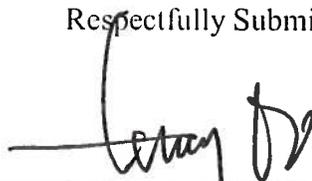
That the Board, subject to Applicant fulfilling the Applicant Requirements above:

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 County Of Kauai under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

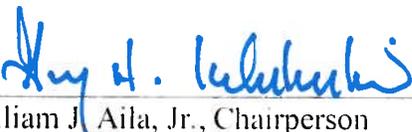
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following 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 an immediate right of entry to the County of Kauai for Planning, Maintenance and Construction Improvement to Governor's Executive Order 1390, subject 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,



Tommy Oi  
District Land Agent

APPROVED FOR SUBMITTAL:



For  
William J. Aila, Jr., Chairperson



BERNARD P. CARVALHO, JR.  
MAYOR



LEONARD A. RAPOZO, JR.  
DIRECTOR  
TELEPHONE 241-4456

GARY K. HEU  
ADMINISTRATIVE ASSISTANT

KYLAN K. DELA CRUZ  
DEPUTY DIRECTOR  
TELEPHONE 241-4460

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUA'I

DEPARTMENT OF PARKS AND RECREATION  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 105  
LIHU'E, KAUA'I, HAWAII 96766

April 7, 2010

Mr. Thomas Oi  
Kaua'i District Land Agent  
Department of Land and Natural Resources  
Land Division  
3060 Eiwa Street, Room 306  
Lihu'e, Hawai'i 96766

SUBJECT: AMEND LETTER DATED OCTOBER 28, 2009 TO SET ASIDE STATE  
LANDS TO THE COUNTY OF KAUA'I FOR KAUA'I VETERANS CEMETERY  
EXPANSION: PORTION OF TMK: 1-8-08:20

Dear Mr. Oi:

This is to adjust previous request to set aside a portion of TMK 1-8-08:20 for the County of Kaua'i Veterans Cemetery expansion. Earlier request involved the acquisition of an 11.84 acre portion of TMK: 1-8-08:20 located west of and adjacent to the existing County of Kaua'i Veterans cemetery facility.

The adjusted request is for a 6.00 acre portion of TMK 1-8-08:20 located west and adjacent to the existing County of Kaua'i Veterans Cemetery facility. The reason is due to a previous environmental assessment conducted on the 6.00 acre parcel. Also, by eliminating the 11.84 acres and requesting only the 6.00 acres would eliminate the parcel subdivision process and expedite the permitting, design, and construction of the Veterans Cemetery expansion.

The project consists of the development of land to include burial sites, support facilities, ceremonial/memorial facilities, access road and parking lot. Attached is the previous letter to your office dated October 28, 2009, a map of the 11.84 acres (to be rescinded), and a map of the adjusted request of the 6.00 acre parcel to set aside for the expansion of the Veterans Cemetery. Should you have any questions, please contact Kylan Dela Cruz, Deputy Director of Parks & Recreation at (808) 241-4460.

**EXHIBIT "B"**

Very truly yours,

LEONARD A. RAPOZO, JR.



Water has no substitute.....Conserve it

November 17, 2011

UID #341

Mr. Tommy Oi  
Dept. of Land & Natural Resources  
3060 Eiwa Street, Room 208  
Lihue, HI 96766

TO: Central  
FROM: KDLO  
No.: 11KD-003

Dear Mr. Oi:

Subject: Set Aside to county of Kauai for Cemetery purposes, Addition to the Veterans Cemetery Governor's Executive Order 1390 to the County of Kauai, and Immediate Right-of-Entry for Planning, Maintenance and Construction Improvements to Governor's Executive Order 1390, TMK:1-8-8:20, Off of Lele Road, Hanapepe, Kauai

We have no objections to the proposed request to set aside to the County of Kauai for Cemetery purposes, addition to the Veterans Cemetery Governor's Executive Order 1390 to the County of Kauai, and Immediate Right-of-Entry for Planning, Maintenance and Construction Improvements to Governor's Executive Order 1390.

However, the applicant is made aware that requests for additional water meters or an increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.

If you have any questions, please contact Mr. Edward Doi at (808) 245-5417.

Sincerely,

Gregg Fujikawa  
Chief of Water Resources and Planning Division

PM2:46:33

ED:loo  
T-13585 Hanapepe, Oi Veterans Cemetery addition

NOV 18 '11

DLNR KDLO RCVD

**EXHIBIT " C "**

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Gary K. Heu**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

November 25, 2011

DLNR KDLO RCVD  
DEC 8 '11  
PM 12:51:17

Mr. Thomas Oi, Kaua'i District Land Agent  
State of Hawai'i  
Department of Land and Natural Resources  
3060 Eiwa Street, Room 208  
Līhu'e, Hawai'i 96766

Ref. No.: PSF: 11KD-003

**SUBJECT:** Set Aside to County of Kaua'i for Cemetery purposes, Addition to the Veterans Cemetery Governor's Executive Order 1390 to the County of Kaua'i, and Immediate Right-of-Entry for Planning, Maintenance and Construction Improvements to Governor's Executive Order 1390 Tax Map Key: (4) 1-8-08:20, Hanapēpē, Waimea, Kaua'i **PW 10.11.190**

Dear Mr. Oi:

The Engineering Division of the Department of Public Works reviewed the subject Executive Order request to set-aside an additional 6.0 - acre parcel for the County of Kaua'i and issuance of a right-of-entry for planning, maintenance and construction of improvements for additional burial sites, support facilities, ceremonial/memorial facilities and parking. We offer the following comment:

1. If the development of impervious surfaces increase storm water runoff, the Applicant is required to maintain the existing drainage flow pattern and provide mitigating measures in accordance with the County's Storm Water Runoff System Manual.
2. Based on Panel No. 288F of the Flood Insurance Rate Maps (FIRM) dated November 26, 2010, the proposed improvements are located in Zone X. Zone X is described as an area outside of the 0.2% annual chance floodplain. There are no flood requirements for this flood zone.
3. ADA accessibility compliance should be provided as required under Title III of the ADA/ABA Accessibility Guidelines and in accordance with HAR Section 103.50. Section 103.50 states HRS 103-50 states that "all plans and specifications for the construction of public buildings, facilities and sites by the State or any County shall be prepared so that the buildings and facilities are accessible to and usable by persons with disabilities.

**EXHIBIT "D"**

*An Equal Opportunity Employer*

EXHIBIT

Public buildings, facilities and sites means buildings, facilities and sites that 1) are designed, constructed, purchased or leased with the use of any State or County funds; 2) house State or County programs, services, or activities that are intended to be accessed by the general public; or 3) are constructed on State or County lands to be transferred to the State or a County.”

4. The grading work **shall** be in compliance with the County's Sediment and Erosion Control Ordinance No. 808, when the proposed fill or excavation or combination thereof exceeds one hundred (100) cubic yards.
5. The site grading work may be exempted from a grading permit provided that the grading activities are contained within a self contained government controlled area. We interpret this to mean that the government agency will be overseeing and monitoring the grading activities.
6. A separate grading permit may be required for the offsite borrow and/or disposal site of the excess wasted excavated materials. Both borrow and disposal sites will need to comply with the Sediment and Erosion Control Ordinance No. 808.
7. Regardless if a grading permit is required, Best Management Practices (BMPs) **shall** be implemented at all times to the maximum extent practicable to prevent damage by sedimentation, erosion or dust to streams, watercourses, natural areas and the property of others.

If you have any questions or need additional information, please contact Wynne Ushigome, Engineering Division at (808) 241-4890.

Very truly yours,



LARRY DILL, P.E.  
County Engineer

WU

WU/WK

Copy to: DPW –Surveying & Mapping Section  
Department of Parks & Recreation



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
 711 KAPI'OLANI BOULEVARD, SUITE 500  
 HONOLULU, HAWAII 96813

HRD11/5992

November 7, 2011

TO: Central  
 FROM: KDLO  
 No.: 11K17-003

Tommy Oi, District Land Agent  
 Department of Land and Natural Resources-Land Division  
 3060 Eiwa Street, Room 208  
 Lihu'e, Kaua'i

**Re: Set Aside to the County of Kaua'i for Addition to Governor's Executive Order 1390  
 Kaua'i Veterans Cemetery  
 Hanapepe, Island of Kaua'i**

Aloha e Tommy Oi,

The Office of Hawaiian Affairs (OHA) is in receipt of your October 25, 2011 letter requesting comments on the withdrawal of approximately 6.0 acres of land (lands), the subsequent set aside of the land for addition to Governor's Executive Order 1390 and the issuance of an immediate right-of-entry to the County of Kaua'i (action). This action will support the expansion of the Kaua'i Veterans Cemetery (project) which is proposed by the County of Kaua'i with support from the State of Hawai'i-Department of Defense (DOD).

The lands which are the subject of this action are included in the approximately 379.060 acres of land currently encumbered by Revocable Permit S-6842 issued to Gay and Robinson, Inc. OHA has no objections to this action or the proposed Chapter 343, Hawaii Revised Statutes Exemption Declaration described in the draft Board of Land and Natural Resources submittal included with your letter at this time. OHA is aware that a final environmental assessment with a "finding of no significant impact" determination was previously accepted by the DOD for the project.

Thank you for the opportunity to comment. We do note that these lands are Section 5(b) lands of the Hawai'i Admission Act. Should you have any questions or concerns, please contact Keola Lindsey at 594-0244 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,

Clyde W. Nāmu'o  
 Chief Executive Officer

PM2:40:22

CWN:kl

NOV 14 '11

C: OHA- Kaua'i Community Outreach Coordinator

DLNR KDLO RCVD

**EXHIBIT "E"**