



STATE OF HAWAII  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 LAND DIVISION  
 3060 EIWA STREET, RM. #306  
 LIHUE, HAWAII 96766

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 LAND DIVISION  
 STATE PARKS  
 WATER RESOURCE MANAGEMENT

OFFICE OF ENVIRONMENTAL  
 QUALITY CONTROL  
 May 29, 1997

KD-96:1969

Gary Gill, Director  
 Office of Environmental Quality Control  
 235 South Beretania Street, Suite 702  
 Honolulu, Hawaii 96813

Subject: Determination of No-Significant Impact, Roman Catholic Church in the State of Hawaii on Behalf of St. Catherine's Church, Kapaa, Kauai, Hawaii, Tax Map Key 4-6-14: por. 31

Dear Mr. Gill:

Having reviewed the comments received on the draft environmental assessment for St. Catherine's Church, located at Kapaaa, Kauai, Tax Map Key 4-6-14. por. 31, during the thirty day public review period which began on April 8, 1997, the Department of Land and Natural Resources has determined that this project will have no significant environmental effect and with this letter, issues a finding of no-significant impact. We request that you publish notice of this determination in the June 23, 1997 issue of the Environmental Notice.

Enclosed is a completed Bulletin publication form and 4 copies of the final environmental assessment. Please call Sidney Fuke at 969-1522 if there are any questions.

Very truly yours,

MICHAEL LAURETA  
 Land Agent

Enclosures

c: Luke Yasaka  
 Dean Uchida, Land Division Administrator  
 Lynn McCrory, Kauai Land Board Member  
 Sidney Fuke

ML:ml

60

1997-06-23-KA-FEA-St. Catherine's  
Parish Cemetery

JUN 23 1997  
**FILE COPY**

**FINAL**

**ENVIRONMENTAL ASSESSMENT**

**LEASE OF STATE LANDS  
BY  
ROMAN CATHOLIC CHURCH IN THE STATE  
OF HAWAII IN BEHALF OF  
ST. CATHERINE'S PARISH**

**KAPAA, KAWAIIHAU, KAUAI, HAWAII  
TMK: 4/4-6-14: por 31**

**FINAL**  
**ENVIRONMENTAL ASSESSMENT**

**LEASE OF STATE LANDS**  
**BY**  
**ROMAN CATHOLIC CHURCH IN THE STATE**  
**OF HAWAII IN BEHALF OF**  
**ST. CATHERINE'S PARISH**

**KAPAA, KAWAIHAU, KAUAI, HAWAII**  
**TMK: 4/4-6-14: por 31**

**FINAL ENVIRONMENTAL ASSESSMENT**

Kapaa, Kawaihau, Kauai, Hawaii  
TMK: 4/4-6-14: por 31

**APPLICANT:** Roman Catholic Church in the State of Hawaii  
1184 Bishop Street  
Honolulu, Hawaii 96813-2858

ATTN: Mr. Luke H. Yasaka  
Director of Construction Services

Phone: (808) 533-1791  
FAX: (808) 521-8428

**CONSULTANT:** Sidney Fuke, Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

+  
**APPROVING AGENCY:** Mr. Mike Wilson, Chairman  
Board of Land and Natural Resources  
1151 Punchbowl Street  
P. O. Box 621  
Honolulu, Hawaii 96809

**CLASS OF ACTION:** Use of State Lands

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- B. Planning Department, County of Kauai, February 19, 1997
- Department of Water, County of Kauai, February 24, 1997
- Police Department, County of Kauai, February 7, 1997
- Department of Public Works, County of Kauai, February 5, 1997
- Department of Health, State of Hawaii, February 5, 1997
- Department of Transportation, State of Hawaii, February 7, 1997
- Department of Land and Natural Resources, Division of Land Management, State of Hawaii, February 12, 1997
- Department of Land and Natural Resources, State Historic Preservation Division, State of Hawaii, February 6, 1997

- Department of Education, State of Hawaii, February 4, 1997
- Office of Hawaiian Affairs, State of Hawaii, February 10, 1997
- C. State of Hawaii, Office of Hawaiian Affairs, April 15, 1997
- Sidney Fuke, Sidney Fuke & Associates, May 20, 1997
- State of Hawaii, Office of Environmental Quality Control, May 5, 1997
- Sidney Fuke, Sidney Fuke & Associates, May 19, 1997

## CHAPTER 1: DESCRIPTION OF PROPOSED ACTION

### 1.1 Purpose of Document

The request involves the lease and use of State lands for a 65-year period. As such, the environmental review and approval requirements outlined in Hawaii, Revised Statutes, Chapter 343 and Hawaii Administrative Rules, Chapter 11-200 must be complied with.

The approving agency is the State Board of Land and Natural Resources, the agency that has the authority to approve of the request.

This document has been compiled from published and unpublished studies, field investigations, and inputs from various public agencies.

### 1.2 Location and Ownership

The Kapaa Educational Complex, identified by TMK: 4/4-6-14: 31, consists of 52.166 acres. This complex is located in the town of Kapaa, Kauai (Figure 1) and is home to the Kapaa High and Intermediate School. More specifically, the complex is bounded by Kawaihau Road and Mailihuna Road (Figure 2). It is under the jurisdiction of the State Department of Education.

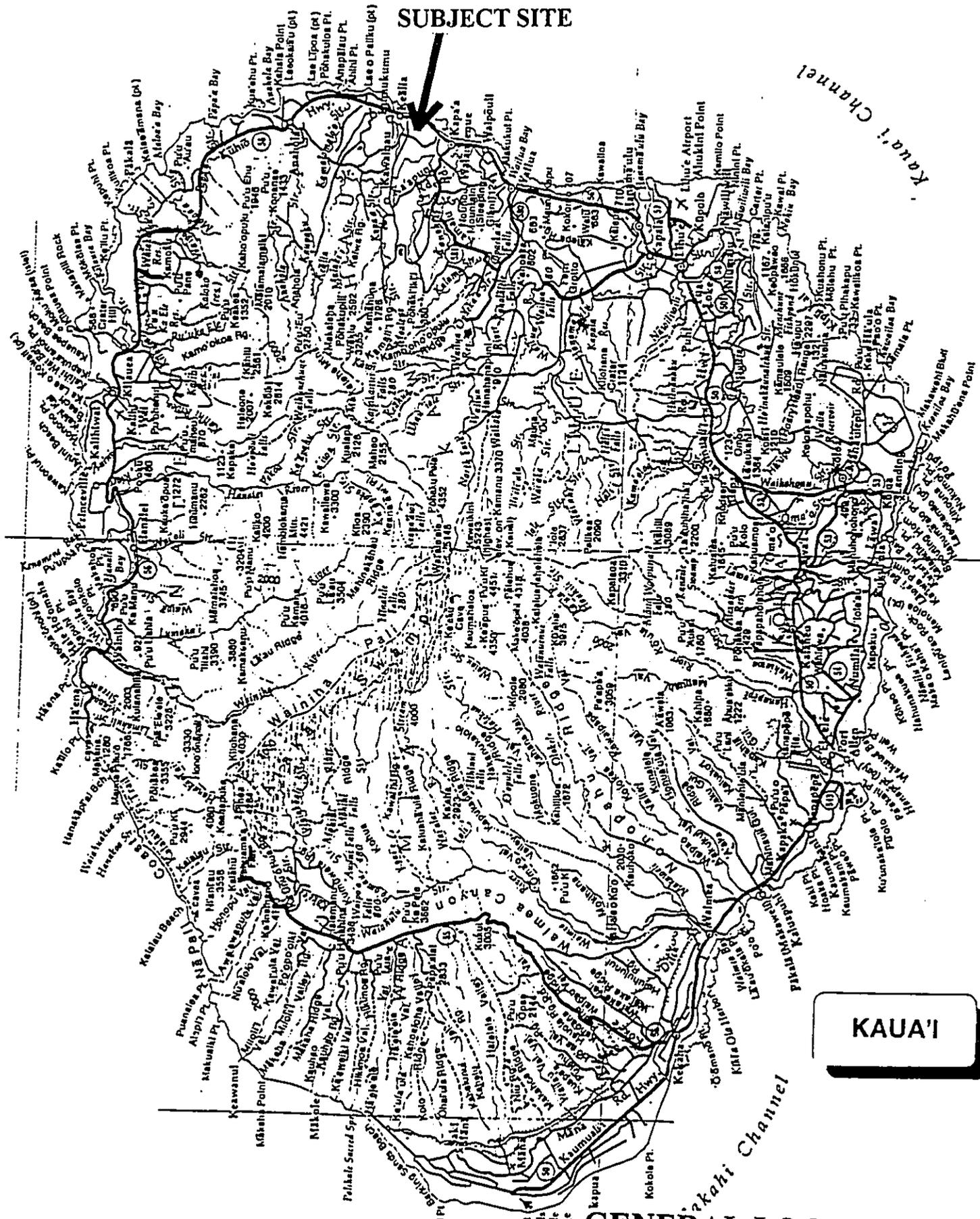
The requested area is located along the eastern or makai edge of the complex and adjacent to the St. Catherine's Parish cemetery (Figure 3) in the vicinity of the school's athletic and physical education playground. At the edge of the playground area, there is a chain link fence followed by a 30± foot sloping embankment. At the base of the embankment, the ground levels off and abuts the cemetery. This is the requested 1.5+ acre area.

Because of this physical condition, the Kauai District Superintendent has informed the Kauai District Land Agent that her office has no objections to relinquishing this area to the applicant. (Appendix A)

The subject site is owned by the State of Hawaii and is ceded land. This request involves the lease and use of ceded land held in trust by the State of Hawaii. The applicant for this request is the Roman Catholic Church in the State of Hawaii, on behalf of St. Catherine's Parish.

### 1.3 Existing Uses

There are 20 to 30 burials spanning approximately 10,000 square feet of land within the subject area. This inadvertent encroachment occurred over the past two years.



**SUBJECT SITE**

**KAUAI**

**GENERAL LOCATION MAP**  
**ISLAND OF KAUAI**  
**FIGURE 1**





The balance of the area is either maintained as a lawn or kept in its natural state, particularly along the upslopes of the embankment.

Located mauka or west of the requested area is the embankment, followed by the school's athletic field. The St. Catherine's Parish cemetery is located adjacent and makai of the requested area.

#### 1.4 Purpose and Objectives of Action

The 65-year lease of the site would allow the applicant to retain the existing graves and slightly expand the cemetery. It is estimated that the requested area could accommodate about 50± burials, thus making it possible for at least 25 more burials.

The cemetery would be maintained by the Parish and its parishioners. The requested area would involve essentially the level area below the slope. That would minimize potential erosion hazard. Further, together with existing chain link fence, there should be a natural separation between the playground and the expanded cemetery area.

#### 1.5 Regulatory Requirements

The State Land Use District of the site is Urban. Thus, the land use jurisdiction rests with the County of Kauai. The Kauai General Plan designates this area "Urban Mixed Use," and a General Plan amendment would not be necessary to implement this action.

The County Zoning of the site is Residential (R-1) and Special Treatment- Public (ST-P). The Planning Department, in commenting on this request, noted that it had no objections to the proposed use of the lands for continued cemetery/burial purposes since it does not constitute any significant change to the intended use of the general area in proximity to the existing cemetery."

It should be noted that since this is part of an existing cemetery, no County Council action would be required pursuant to the Hawaii Revised Statutes. A Use Permit from the Planning Commission may also not be needed because it would not be introducing a new use to this area.

The site is not located within the County Special Management Area (SMA). As such, no SMA permit would be required.

The requested area would have to be subdivided in a manner meeting with the requirements of the Subdivision Code.

## 1.6 Consultation With Government Agencies

As part of this review process, several State and County agencies were consulted. The consulted agencies were:

### County Agencies

- \* Department of Planning
- \* Department of Water
- \* Department of Fire
- \* Department of Police
- \* Department of Public Works

### State Agencies

- \* Department of Health, Kauai District
- \* Department of Transportation, Kauai District Highways Division
- \* Department of Land and Natural Resources
  - Kauai Division of Land Management
  - Kauai Division of Historic Preservation
- \* Department of Education, Kauai District
- \* Office of Hawaiian Affairs, Kauai District

Comments received before February 28, 1997, from the aforementioned agencies are contained in **Appendix B**, and where appropriate, incorporated in the text of this document.

## 1.7 Final Environmental Assessment

Comments received during the public comment period and their responses are incorporated as **Appendix C**.

The State Office of Hawaiian Affairs noted that the subject parcel is ceded lands, and as such held in trust by the State of Hawaii. Section 2.24 of this Final Environmental Assessment reflects this clarification.

The State Office of Environmental Quality Control expressed a concern of possible impacts in the area's soil and groundwater resulting from the use of formalin, a chemical used to preserve bodies. Section 3.2 of this Final Environmental Assessment addresses this issue.

## CHAPTER 2: ENVIRONMENTAL SETTING

### 2.1 Physical Environmental Characteristics

#### 2.1.1 Geology, Soils and Hazards

Although the general area was used formerly for sugar cane, this specific area probably was not due to the existing cemetery use and the topography. Nonetheless, according to the Land Study Bureau's Detailed Land Use, the soil is characterized as being D-44. This type of soil is of the Lihue/Kamilo Series. This type of soil is poorly suited for machine tillability; non-stony; medium-fine, well drained.

The site has a 0-5% slope, although it is predominantly level. The elevation is about 70 feet. The top of the bank has an elevation of approximately 100 feet.

There is no volcanic hazard designation for the island of Kauai, unlike the island of Hawaii.

#### 2.1.2 Weather and Climate

The average (mean) maximum temperature in Kapaa is around 80 degrees Fahrenheit. The average low ranges between 60 to 70 degrees Fahrenheit.

The average annual rainfall in this area is 40-60 inches. The months of December through March appear to be the wetter months.

#### 2.1.3 Hydrology and Drainage

According to the U. S. Flood Insurance Rate Map, the site is designated Zone X, areas outside of the 500-year flood zone.

There is, however, a storm drain that handles runoff from the playground. This drain is located south of the requested area and between the cemetery and the State property. The requested area is not affected by this drainage system.

As the site will essentially be a lawn with little impervious surface, the drainage system should not be significantly affected. No runoff onto State Highway is anticipated by this action.

#### 2.1.4 Flora and Fauna

Since the site has already been cleared and the surrounding uses are urban in character, the likelihood of discovering any endangered plant or animal life appears to be remote.

#### 2.1.5 Air Quality and Noise

Air quality impacts resulting from this project should be negligible. The only possible impacts would be exhaust from the automobile traffic by persons frequenting the cemetery. However, the volume of cars associated with the cemetery use should not significantly impact the ambient air quality. Further, the normal tradewinds would tend to readily dissipate the automobile exhaust.

All requirements of the State Department of Health's regulations governing noise and dust will be complied with. The only possible dust would be in conjunction with the digging of the burial sites. If needed, dust mitigation measures such as watering can be taken by the construction crew.

### 2.2 Social, Cultural, and Economic Setting

#### 2.2.1 Surrounding Land Uses

The site is essentially bounded by urban type of uses. The Kapaa Educational complex is located west of the subject site. Makai or east of the site is the applicant's existing cemetery. There are residential uses located generally north of the subject site.

#### 2.2.2 Historic Resources

Given the existing urban environment, the State Historic Preservation Office has concurred that the presence of historical sites within the requested area appears unlikely.

#### 2.2.3 Scenic Resources

Although there are ocean and mountain views from areas surrounding the site, the non-structural nature of the uses should not affect those views.

#### 2.2.4 Land Ownership

The site is ceded lands which are held in trust by the State of Hawaii. As such, the applicant would have to abide by the any terms set forth by the Land Board regarding this matter.

### 2.3 Public Facilities and Services

#### 2.3.1 Roads and Traffic

General access to the site would be via Mailihuna Road. This County-owned roadway has a pavement width of 18-20 feet. From this Road, access to the requested area would be through the existing cemetery road. No new roadway is planned and/or needed to accommodate this request.

#### 2.3.2 Utilities

At this time, no restrooms or lighting are planned for the site as the planned activities are diurnal. Should there be a need to have lighting for security or other purposes, electrical service is available to the site.

No irrigation system is planned for the site. Water will be provided from the existing cemetery.

#### 2.3.3 Wastewater and Solid Waste

As noted earlier, no restrooms are planned. As such, there should be little, if any wastewater impacts. Solid waste would essentially be trash from the cemetery, such as discarded flowers. They would be hauled into containers located on the applicant's property. This would then be disposed of together with the Parish's waste material in the County landfill.

**CHAPTER 3: SUMMARY OF ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES**

**3.1 Short-Term Impacts**

There should be no adverse short-term impacts. Some noise and dust may result temporarily from the excavation of the burial plots. But that would be very temporary.

If needed, dust and noise control will be implemented during construction to reduce their impact.

Construction will help provide some limited economic impacts.

**3.2 Long Term Impacts**

The State Office of Environmental Quality Control noted that "Formalin, which is used to preserve bodies, has the potential to contaminate surrounding soils and groundwater...Please disclose the measures that will be taken to prevent soil and water contamination by formalin."

Per discussion with the staff of the Kauai Department of Water Supply, it was learned that the area's potable wells are located more than three (3) miles mauka or upgradient of the subject site. As such, impacts to the groundwater resulting from any inadvertent leaching should not be overly pronounced.

Further, although the Department of Health Rules do not mandate caskets or coffins, the applicant will require burials to be limited to either cremated remains or coffins. The use of coffins should thus minimize the potential of soil contamination by formalin, as the interaction between the remains and the ground should be either deferred considerably or remote.

As such, no significant adverse impacts are anticipated as a result of the proposed project. At the same time, there would be benefits to the area by having much-needed burial sites for the parish and Catholic community. Further, the improvements should visually enhance this area, as compared to its present unkempt condition.

CHAPTER 4: ALTERNATIVES

4.1 No Action

This alternative would mean that the existing area would remain in its unkempt condition. There would be less area for burial sites for the community.

4.2 Alternative Site Location

Although there are sites within the Kapaa area, they would not be proximate to the applicant's existing cemetery. A new cemetery could also be difficult to establish, whereas an addition to an existing one may be more readily acceptable.

**CHAPTER 5: DETERMINATION**

The proposed action will not significantly alter the environment, and the anticipated impacts will be minimal. Therefore, a determination of an Environmental Impact Statement is not needed and this Assessment is deemed sufficient.

Pursuant to said determination, this Final Environmental Assessment is submitted with appropriate revisions. A request for a Negative Declaration is also being made for publication in the OEQC Bulletin for comment on the determination .

## **CHAPTER 6: FINDINGS**

In support of this determination, it is concluded that the proposed action will not:

1. involve an irrevocable commitment or loss or destruction of any natural or cultural resources;
2. curtail the range of beneficial uses of the environment;
3. conflict with the State's long-term environmental policies;
4. substantially affect the economic or social welfare of the community or State;
5. involve substantial secondary impacts, such as population changes or effects on public facilities;
6. involve a substantial degradation of environmental quality;
7. substantially affect any rare, threatened or endangered species of flora or fauna or habitat;
8. detrimentally affect air or water quality or ambient noise levels; and
9. expose any person to unreasonable risks.

Accordingly, the proposed action will not have any significant effect as determined by Chapter 343, HRS and State Administrative Rules, Section 11-200-12 relating to Environmental Impact Statements.

## **CHAPTER 7: FINAL ENVIRONMENTAL ASSESSMENT**

A negative declaration of significant environmental impacts was expected by the proposed action. A Draft Environmental Assessment (DEA) was submitted to the Office of Environmental Quality Control (OEQC) for publication and comment by the public.

During this period, two comments were received and are included as part of **Appendix C** with their response from the applicant. The State Office of Hawaiian Affairs requested clarification of the ceded land's property ownership.

The State Office of Environmental Quality Control (OEQC) commented about the possible impact to the groundwater and soil resulting from the use of formalin, a chemical used to preserve bodies.

The State Board of Land and Natural Resources has prepared a Negative Declaration determination for the proposed action.

This Final Environmental Assessment is submitted with appropriate revisions and a Negative Declaration for publication in the OEQC Bulletin for comment of the determination

APPENDIX A

BENJAMIN J. CAYETANO  
GOVERNOR



HERMAN M. AIZAWA, Ph.D.  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF THE DISTRICT SUPERINTENDENT  
KAUAI SCHOOLS  
3060 EIWA STREET  
LIHUE, HAWAII 96788-1310

February 4, 1997

Mr. Sidney M. Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Re: Draft Environmental Assessment Consultation Request  
Lease of State Land - St. Catherine's Parish  
TMK: 4/4-6-14: por 31

Dear Mr. Fuke:

Reference is to your letter on the above dated January 31, 1997, regarding environmental assessment consultation.

Your letter suggests the possibility of adding additional burial plots by cutting into the embankment area. We are opposed to any further cutting of the embankment. We want to maintain the current separation because of the topography separating the property.

Attached is a copy of a letter transmitted to DLNR, Land Management Division on Kauai regarding the position of the Department of Education, Kauai District.

Should you have any questions, call our office at 274-3500.

Sincerely,

*Amy T. Maeda*  
Amy T. Maeda  
District Superintendent

cc: Mr. Luke Yasaka

BENJAMIN J. CAYETANO  
GOVERNOR



HERMAN M. AZAWA, Ph.D.  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF THE DISTRICT SUPERINTENDENT  
KAUAI SCHOOLS  
3060 EIWA STREET  
LIHUE, HAWAII 96766-3310

May 15, 1996

TO: Mr. Samuel S. Lee, District Land Agent  
DL&R, Land Management Division

FROM: Shirley T. Akita, District Superintendent  
Kauai District

SUBJECT: Kapaa High & Intermediate School  
Eastern Property Boundary  
TMK: 4-6-14:99 (16.410 Acres)

The Department of Education, Kauai District, having reviewed the concern with Saint Catherine's Church cemetery regarding the burial of graves within the property of Kapaa High & Intermediate School's athletic and physical education playground area, is amenable to resolving the issue by relinquishing approximately 1.5 acres of the property on the east boundary.

The topography of the property to be returned has a differential of approximately 30 feet from approximately 10 feet from the fence line to the level that the cemetery graves are located. Therefore, this property is unusable land that the school has no plans of utilizing in the future. Further, this is the reason that a chain link fence was constructed at the top of the grade rather than at the property line.

With the return of this portion of land to the Department of Land and Natural Resources, Land Management Division, the State will be free to determine the best use of the property.

Should you have any questions or need additional information, please call me at 274-3502.

cc: St. Catherine's Church  
DAGS, Stanley Doi  
Kapaa High & Inter., Wayne Watanabe  
*Shirley*

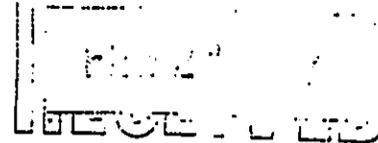
AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

APPENDIX B

MARYANNE W. KUSAKA  
MAYOR



PLANNING DEPARTMENT



-----DEE M. CROWELL-----  
PLANNING DIRECTOR  
IAN K. COSTA  
DEPUTY PLANNING DIRECTOR  
TELEPHONE (808) 241-6677  
FAX (808) 241-6699

February 19, 1997

Mr. Sydney M. Fuke  
Sydney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Subject: Lease Of State Land By St. Catherine's Parish  
TMK: 4-6-14: Por. 31

In response to your letter dated January 31, 1997, the following information and comments are provided:

1. The subject parcel is situated within the State Urban Land Use District, designated "Urban Mixed Use" by the Kauai General Plan, and zoned Residential District (R-1)/Special Treatment-Public (ST-P).
2. The zoning was adopted for this particular area in response to the existing Catholic cemetery, and other public and quasi-public uses of the area. The department in this instance, has no objections to the proposed use of the lands for continued cemetery/burial purposes since it does not constitute any significant change to the intended use of the general area in proximity to the existing cemetery.
3. In order to consummate the lease from the State, it is recommended that a boundary adjustment be considered to transfer the lands in control of the State to the St. Catherine's Parish under the provisions of Section 9 of the Kauai County Code, Subdivision Ordinance.

Thank you for the opportunity to comment on the proposed project. If you have any further questions or need additional information on the requirements for a boundary adjustment, please contact Bryan Mamaclay of our staff at 241-6677.

  
IAN K. COSTA  
Deputy Planning Director

# DEPARTMENT OF WATER

County of Kauai

*"Water has no Substitute -- Conserve It!"*

February 24, 1997

Mr. Sidney M. Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

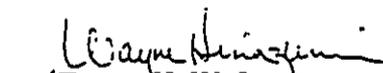
**SUBJECT:** Department of Water's comments regarding the proposed Draft Environmental Assessment Consultation Request, lease of state land by St. Catherine's Parish, TMK:4-6-14:Por. 31, off of Kuhio Highway, Kapaa, Kauai.

We have no objections to this Draft Environmental Assessment for the lease of State land by St. Catherine's Parish for the purpose of retaining this portion of land and expanding the existing cemetery.

Presently, no water service for the proposed project is being requested. However, approval of water service for the proposed project will be dependent on the adequacy of the source, storage and transmission facilities existing at that time.

If you have any questions, please call Edward Doi at 245-5417.

Sincerely,

  
Ernest Y. W. Lau  
Manager and Chief Engineer

ED:ls  
A:\ED\fuke-kapaa.doc



AN EQUAL OPPORTUNITY EMPLOYER  
OUR REFERENCE

YOUR REFERENCE

**POLICE DEPARTMENT**

COUNTY OF KAUAI

3060 UMI STREET  
LIHUE, HAWAII 96766  
TELEPHONE 808-241-6711  
FAX 808-241-6774

FEB 12 1997



ADDRESS ALL  
COMMUNICATIONS TO  
GEORGE FREITAS  
Chief of Police

February 7, 1997

Mr. Sydney Fuke  
Planning Consultant  
Sidney Fuke & Associates  
100 Puahi Street  
Suite 212  
Hilo, HI 96720

SUBJECT: LEASE OF STATE LAND - ST. THERESA'S CHURCH  
LEASE OF STATE LAND - ST. CATHERINE'S CHURCH

Dear Mr. Fuke:

Thank you for providing the Department the opportunity of submitting commentary regarding the two issues.

The Kauai Police Department does not have any comment regarding the St. Theresa's or St. Catherine's proposal.

Sincerely,

GEORGE FREITAS  
Chief of Police

AY:

MARYANNE W. KUSAKA  
MAYOR



KENNETH KITABAYASHI  
ACTING COUNTY ENGINEER  
TELEPHONE 241-6600

EDMOND P.K. RENAUD  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-6600

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI

PW2.011

DEPARTMENT OF PUBLIC WORKS  
444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUAI, HAWAII 96766

February 5, 1997

Sidney Fuke & Associates  
100 Pauahi St., Suite 212  
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke

Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT CONSULTATION  
REQUEST LEASE OF STATE LAND - ST. CATHERINE'S  
PARISH TMK: 4-6-14 POR 31

We have completed our review of your environmental assessment consultation request to lease approximately 1.5 acres from the State which primarily will be used to retain and expand the existing cemetery. We offer the following comments in regards to flooding and grading:

1. Based on panel no. 135C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the flood zone for the proposed 1.5 acres is a zone x-unshaded. Zone x-unshaded is describes as areas outside of the 500-year flood zone.
2. Ordinance No. 695 known as the grading ordinance exempts the grading and grubbing of individual cemetery plots. Moreover, since the State has control of the property, our grading ordinance would exempt the grading and grubbing activities on the property.

Should you have any questions, please feel free to contact Wallace Kudo of my staff at (808) 241-6620.

Very truly yours,

KENNETH KITABAYASHI  
Acting County Engineer

WK/cu

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

FEB 12 1997

LAWRENCE MIKE  
DIRECTOR OF HEALTH

RON METLER, M.D.  
DISTRICT HEALTH SERVICE ADMINISTRATOR

February 5, 1997

Sidney M. Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: Draft Environmental Assessment Consultation  
Request Lease of State Land - St. Catherine's  
Parish, TMK: (4) 4-6-14: por 31

We have reviewed the subject request and have conducted an on-site survey of the property. Based on our review and survey, the following environmental health concerns need to be complied with.

1. The document proposes to lease a 1.5+ acre portion of State land for expansion of the St. Catherine's cemetery. After obtaining the necessary approvals from the County of Kauai and the State Department of Commerce and Consumer Affairs (DCCA), the applicant shall comply with the requirements of Hawaii Administrative Rules (HAR), Title 11, Chapter 22, entitled "Mortuaries, Cemeteries, Embalmers, Undertakers, and Mortuary Authorities".
2. The applicable minimum requirements of Title 11, Chapter 11-46, "Community Noise Control", HAR, pertaining to construction activities and stationary sources shall be complied with.
3. In accordance with Title 11, Chapter 11-60.1, "Air Pollution Control", HAR, the property owner/developer shall be responsible for ensuring that effective control measures are provided to prevent or minimize any fugitive dust emission caused by the construction work from impacting the surrounding areas including the off-site roadways used to enter/exit the project. These measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

4. In accordance with Title 11, Chapter 11-58.1, "Solid Waste Management Control", HAR, the property owner/developer shall be responsible for ensuring that grub material, demolition waste and construction waste generated by the project are disposed of in a manner or at a site approved by the State Department of Health. Disposal of any of these wastes by burning is prohibited.
5. Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.

Enclosed for your information is a copy of DCCA's approval process.

Should you have any questions, call me at 241-3323.

Sincerely,

*Clyde Takekuma*

Clyde Takekuma, Chief  
District Environmental Health Program

enc.

CT/gnt

BENJAMIN J. CAYETANO  
GOVERNOR



KAZU HAYASHIDA  
DIRECTOR  
DEPUTY DIRECTORS  
JERRY M. MATSUDA  
GLENN M. OKIMOTO

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
KAUAI DISTRICT  
3060 EIWA STREET, ROOM 205  
LIHUE, HAWAII 96766

IN REPLY REFER TO:

HWY-KE 4.970104

February 7, 1997

Mr. Sidney M. Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Dear Mr. Fuke:

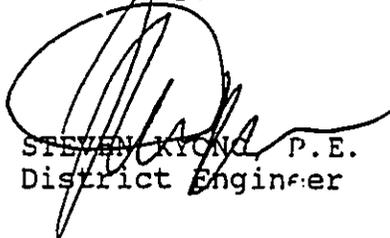
Subject: Draft Environmental Assessment  
Lease of State Land - St. Catherine's Parish  
TMK 4-6-14:31

We have reviewed the proposed lease and have determined two areas of concern:

1. Erosion from construction and new landscaping. Control measures should be implemented at the appropriate time to prevent sediment runoff to the highway.
2. Increase storm water runoff. Measures must be taken to minimize any increase in storm water runoff to the highway.

If you have any questions, please feel free to call Jim Turturici at 274-3111.

Sincerely,



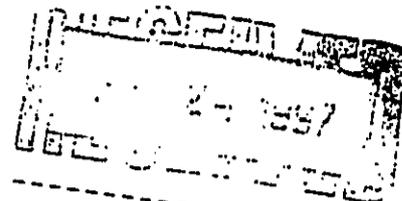
STEVEN KYONG, P.E.  
District Engineer

JET:es

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
**DIVISION OF LAND MANAGEMENT**  
LAND DIVISION  
Lihue, HI 96766-1875



AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENT AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

February 12, 1997

KD-96:1969

Sidney Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Subject: Draft Environmental Assessment Consultation  
Request, Lease of State Land, St. Catherine's  
Parish, Tax Map Key 4-6-14: por. 31, Kawaihau,  
Kauai

Dear Mr. Fuke:

We are in receipt of your letter dated January 31, 1997  
regarding the above referenced matter.

While we have no objection to the proposal, please ensure  
that you obtain comments from the Department of Education  
regarding the Church's use of the area. At a minimum,  
maintenance and landscaping of this area, and fencing, should  
also be discussed in the proposal.

Thank you for this opportunity to provide comment.

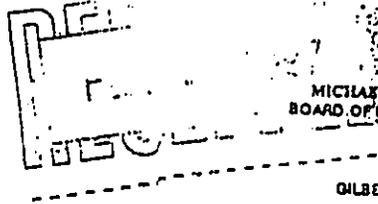
Very truly yours,

A handwritten signature in black ink, appearing to read "Sam Lee".

SAM LEE  
Kauai District Land Agent

cc: Dean Uchida, Land Division Administrator  
Lynn McCrory, Kauai Land Board Member  
ML:ml

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



MICHAEL D. WILSON, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

GILBERT COLOMA-AGARAN

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 8TH FLOOR  
HONOLULU, HAWAII 96813

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION  
LAND DIVISION  
STATE PARKS  
WATER AND LAND DEVELOPMENT

February 6, 1997

Sidney Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

LOG NO: 18885 ✓  
DOC O: 9702NM02

Dear Mr. Fuke:

**SUBJECT: Historic Preservation Information on Historic Sites for the DEA for  
Lease of State Land - St. Catherine's Parish  
TMK: 4-6-14: por. 31  
Kapaa, Kawaihau, Kaua'i**

Thank you for your letter dated January 31, 1997, concerning information on historic sites in the project area in preparation for your DEA. The project area indicated on your map accompanying your letter was formerly under sugar cane cultivation and now urbanized so it is unlikely that significant historic sites are still present.

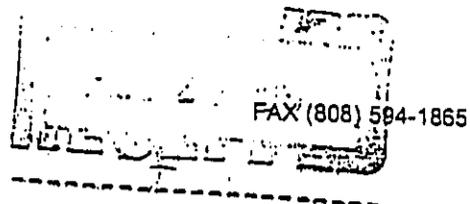
Should you have any questions, please call Nancy McMahon at 742-7033.

Aloha,

DON HIBBARD, Administrator  
State Historic Preservation Division

NM:jen

PHONE (808) 594-1888



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

February 10, 1997

Mr. Sidney M. Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Re: Lease of State land by St. Theresa's Church, TMK:4/1-3-4: 54  
& 1-3-4: 54, and the lease of State land by St. Catherine's  
Parish, TMK:4/4-6-14: 31

Dear Mr. Fuke:

Thank you very much for the opportunity to offer our concerns regarding the above-referenced state properties, and the proposal by the Roman Catholic Church of Hawaii to lease them.

We would like to bring to your attention that all three of the subject parcels are ceded lands. We suggest that your Draft Environmental Assessment (DEA) include a section addressing the issue of the use of such lands by the church.

We have no further concerns regarding the church's request at this time. However, we ask that you forward a copy of the DEA to us for review when it becomes available.

If you have any questions or need additional information, please contact me or Lynn Lee, Land and Natural Resources Division Officer at (594-1888).

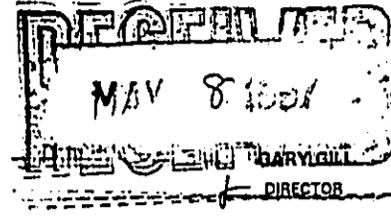
Sincerely yours,

A handwritten signature in cursive script that reads "Linda M. Colburn".

Linda M. Colburn  
Administrator

**APPENDIX C**

BENJAMIN J. CAYETANO  
GOVERNOR



STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 686-4185  
FACSIMILE (808) 686-4186

May 5, 1997

Mr. Michael Wilson, Chair  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: Draft Environmental Assessment for the St. Catherine's  
Parish Cemetery, Kauai (KD-96:1969)

This is in response to the review of the subject document. We have  
the following comment.

1. Formalin, which is used to preserve bodies, has the potential  
to contaminate surrounding soils and groundwater. Please  
describe if there are resources or facilities such as aquifers  
and water supply wells that could be affected by the cemetery  
operations. Please disclose the measures that will be taken  
to prevent soil and water contamination by formalin.

Should you have any questions, please call Jeyan Thirugnanam at  
586-4185.

Sincerely,

A handwritten signature in cursive script that reads "Gary Gill".

Gary Gill  
Director

c: Roman Catholic Church  
Sidney Fuke & Assoc.

## Sidney Fuke & Associates

100 Pauahi Street, Suite 212 • Hilo, Hawaii 96720  
Telephone: (808) 969-1522 • Fax: (808) 969-7996

Consulting Land Use Planners

May 19, 1997

Mr. Gary Gill, Director  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
STATE OF HAWAII  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Dear Mr. Gill:

**SUBJECT: Environmental Assessment for the St. Catherine's Parish  
Cemetery, Kapaa, Kauai (KD-96-1969)**

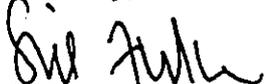
Thank you for your comment on the draft EA regarding the subject matter.

According to information provided by the County of Kauai Department of Water supply, the nearest potable wells in the area are located more than three (3) miles mauka of the subject site. The wells are thus upgradient of the site, and any inadvertent leaching and thus impacts to the wells should not be overly pronounced.

Equally so, although the State Department of Health's Regulations do not mandate caskets or coffins, the applicant will require all burials within the subject area to be limited to either cremated remains or coffins. The use of coffins should thus minimize the potential of soil contamination by formalin, as the interaction between the remains and the ground should be either deferred considerably or remote.

We trust that the foregoing adequately addresses the comment. Again, thank you for your thoughtful comment.

Sincerely,

  
SIDNEY M. FUKU  
Planning Consultant

cc Mr. Luke Yasaka, Roman Catholic Church

Response  
to  
OEQC's  
Comments

PHONE (808) 594-1888

FAX (808) 594-1865



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

April 25, 1997

Mr. Sidney Fuke  
Sidney Fuke & Associates  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

**Subject:** Draft Environmental Assessment (DEA) for Lease of State Lands by Roman Catholic Church, Kapaa, Island of Kauai.

Dear Mr. Fuke:

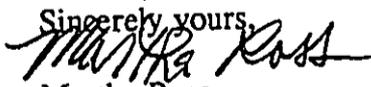
Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for Lease of State Lands by Roman Catholic Church, Kapaa, Island of Kauai. The Church is seeking to lease 1.5 acres of land adjacent to the Kapaa Educational Complex to retain the existing graves and expand the St. Catherine Parish cemetery.

The Office of Hawaiian Affairs (OHA) has no concerns to the request at this time. Based on the DEA, the cemetery bears no significant adverse impacts on nearby educational facilities. Furthermore, no known archaeological remains exist and the expanded cemetery will neither significantly affect scenic resources nor air quality.

But OHA is concerned with statements regarding land ownership. In Page 1 of the DEA, it says: "The request involves the lease and use of State lands for a 65-year period." OHA's records indicate that the subject parcel is ceded land. OHA urges the applicant to correct the ownership statement to reflect the following: "The request involves the lease and use of ceded land held in trust by the State of Hawaii...."

Please contact Lynn Lee, Acting Officer of the Land and Natural Resources Division, or Luis A. Manrique, should you have any questions on this matter.

Sincerely yours,

  
Martha Ross  
Deputy Administrator

LM:lm  
cc Trustee Hee  
cc Trustee Keale

## Sidney Fuke & Associates

100 Pauahi Street, Suite 212 • Hilo, Hawaii 96720  
Telephone: (808) 969-1522 • Fax: (808) 969-7996

Consulting Land Use Planners

May 20, 1997

Ms. Martha Ross, Deputy Administrator  
OFFICE OF HAWAIIAN AFFAIRS  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawaii 96813

Dear Ms. Ross:

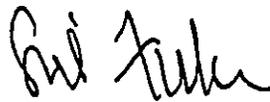
**SUBJECT: Draft Environmental Assessment for Lease of State Lands by  
Roman Catholic Church, Kapaa, Kauai. TMK: 4-6-14:por 31**

Thank you very much for your letter of April 25, 1997 regarding the subject matter. We appreciate the need to clarify the statements relative to the ownership of the subject property.

Please be informed that we have made the appropriate changes in the Final Environmental Assessment. A copy of the pertinent pages are enclosed for your information.

Again, thank you for your comments.

Sincerely,



SIDNEY M. FUKU  
Planning Consultant

encl

cc Mr. Luke Yasaka, Roman Catholic Church w/ encl

**FINAL**  
**ENVIRONMENTAL ASSESSMENT**

**LEASE OF STATE LANDS**  
**BY**  
**ROMAN CATHOLIC CHURCH IN THE STATE**  
**OF HAWAII IN BEHALF OF**  
**ST. CATHERINE'S PARISH**

**KAPAA, KAWAIIHAU, KAUAI, HAWAII**  
**TMK: 4/4-6-14: por 31**

## CHAPTER 1: DESCRIPTION OF PROPOSED ACTION

### 1.1 Purpose of Document

The request involves the lease and use of State lands for a 65-year period. As such, the environmental review and approval requirements outlined in Hawaii, Revised Statutes, Chapter 343 and Hawaii Administrative Rules, Chapter 11-200 must be complied with.

The approving agency is the State Board of Land and Natural Resources, the agency that has the authority to approve of the request.

This document has been compiled from published and unpublished studies, field investigations, and inputs from various public agencies.

### 1.2 Location and Ownership

The Kapaa Educational Complex, identified by TMK: 4/4-6-14: 31, consists of 52.166 acres. This complex is located in the town of Kapaa, Kauai (Figure 1) and is home to the Kapaa High and Intermediate School. More specifically, the complex is bounded by Kawaihau Road and Mailihuna Road (Figure 2). It is under the jurisdiction of the State Department of Education.

The requested area is located along the eastern or makai edge of the complex and adjacent to the St. Catherine's Parish cemetery (Figure 3) in the vicinity of the school's athletic and physical education playground. At the edge of the playground area, there is a chain link fence followed by a 30± foot sloping embankment. At the base of the embankment, the ground levels off and abuts the cemetery. This is the requested 1.5+ acre area.

Because of this physical condition, the Kauai District Superintendent has informed the Kauai District Land Agent that her office has no objections to relinquishing this area to the applicant. (Appendix A)

The subject site is owned by the State of Hawaii and is ceded land. This request involves the lease and use of ceded land held in trust by the State of Hawaii. The applicant for this request is the Roman Catholic Church in the State of Hawaii, on behalf of St. Catherine's Parish.

### 1.3 Existing Uses

There are 20 to 30 burials spanning approximately 10,000 square feet of land within the subject area. This inadvertent encroachment occurred over the past two years.

1.6 Consultation With Government Agencies

As part of this review process, several State and County agencies were consulted. The consulted agencies were:

County Agencies

- \* Department of Planning
- \* Department of Water
- \* Department of Fire
- \* Department of Police
- \* Department of Public Works

State Agencies

- \* Department of Health, Kauai District
- \* Department of Transportation, Kauai District Highways Division
- \* Department of Land and Natural Resources
  - Kauai Division of Land Management
  - Kauai Division of Historic Preservation
- \* Department of Education, Kauai District
- \* Office of Hawaiian Affairs, Kauai District

Comments received before February 28, 1997, from the aforementioned agencies are contained in **Appendix B**, and where appropriate, incorporated in the text of this document.

- 1.7 Comments received during the public comment period and their responses are incorporated as **Appendix C**.

The State Office of Hawaiian Affairs noted that the subject parcel is ceded lands, and as such held in trust by the State of Hawaii. Section 2.24 of this Final Environmental Assessment reflects this clarification.

The State Office of Environmental Quality Control expressed a concern of possible impacts in the area's soil and groundwater resulting from the use of formalin, a chemical used to preserve bodies. Section 3.2 of this Final Environmental Assessment addresses this issue.

#### 2.2.4 Land Ownership

The site is ceded lands which are held in trust by the State of Hawaii. As such, the applicant would have to abide by the any terms set forth by the Land Board regarding this matter.

### 2.3 Public Facilities and Services

#### 2.3.1 Roads and Traffic

General access to the site would be via Mailihuna Road. This County-owned roadway has a pavement width of 18-20 feet. From this Road, access to the requested area would be through the existing cemetery road. No new roadway is planned and/or needed to accommodate this request.

#### 2.3.2 Utilities

At this time, no restrooms or lighting are planned for the site as the planned activities are diurnal. Should there be a need to have lighting for security or other purposes, electrical service is available to the site.

No irrigation system is planned for the site. Water will be provided from the existing cemetery.

#### 2.3.3 Wastewater and Solid Waste

As noted earlier, no restrooms are planned. As such, there should be little, if any wastewater impacts. Solid waste would essentially be trash from the cemetery, such as discarded flowers. They would be hauled into containers located on the applicant's property. This would then be disposed of together with the Parish's waste material in the County landfill.

## CHAPTER 6: FINDINGS

In support of this determination, it is concluded that the proposed action will not:

1. involve an irrevocable commitment or loss or destruction of any natural or cultural resources;
2. curtail the range of beneficial uses of the environment;
3. conflict with the State's long-term environmental policies;
4. substantially affect the economic or social welfare of the community or State;
5. involve substantial secondary impacts, such as population changes or effects on public facilities;
6. involve a substantial degradation of environmental quality;
7. substantially affect any rare, threatened or endangered species of flora or fauna or habitat;
8. detrimentally affect air or water quality or ambient noise levels; and
9. expose any person to unreasonable risks.

Accordingly, the proposed action will not have any significant effect as determined by Chapter 343, HRS and State Administrative Rules, Section 11-200-12 relating to Environmental Impact Statements.

## CHAPTER 7: FINAL ENVIRONMENTAL ASSESSMENT

A negative declaration of significant environmental impacts was expected by the proposed action. A Draft Environmental Assessment (DEA) was submitted to the Office of Environmental Quality Control (OEQC) for publication and comment by the public.

During this period, two comments were received and are included as part of **Appendix C** with their response from the applicant. The State Office of Hawaiian Affairs requested clarification of the ceded land's property ownership.

The State Office of Environmental Quality Control (OEQC) commented about the possible impact to the groundwater and soil resulting from the use of formalin, a chemical used to preserve bodies.