

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii

October 24, 2014

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

Kauai

Issuance of Construction Right-of-Entry Permit to the U.S. Army Corps of Engineers on State Land at the Nawiliwili Small Boat Harbor, Lihue, Kauai, Tax Map Key: (4) 3-2-003:007.

APPLICANT:

The U.S. Army Corps of Engineers ("USACOE") whose business and mailing address is Fort Shafter, Honolulu District, Building 230, Honolulu, Hawaii, 96858.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of the Department of Land and Natural Resource ("DLNR"), Division of Boating and Ocean Recreation ("DOBOR"), Nawiliwili Small Boat Harbor situated at Lihue, Kauai, identified by Tax Map Key: (4) 3-2-003:007 as shown on the attached map labeled Exhibit A.

AREA:

.47 acres, (20,427 SF) more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES  NO

CURRENT USE STATUS:

Portion of vacant unpaved land used for parking, and loading zone.

CHARACTER OF USE:

For purposes of repair and maintenance of the existing Nawilwili Small Boat Harbor revetment-break wall, and use of a portion of land to be used for staging, storage and office trailer.

TERM OF RIGHT-OF-ENTRY:

The USACOE requests a window of time from November 2014 through June 2015.  
Performance period: 168 Days (5.5 months)  
Estimated Start Date: January 13, 2014  
Estimated Completion Date: June 30, 2014

CONSIDERATION:

Federal Agency-Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated March, 1995, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, "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." The subject support areas will have negligible or no expansion or change of use beyond that previously existing.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Communicate and work closely with the Harbor Master and DOBOR Kauai District Manager at Nawiliwili Small Boat Harbor.
- 2) Provide a timeline and provide at least 60 days advance notice of actual performance and commencement of construction.
- 3) Provide traffic control as needed during the construction period for the safe operation of the harbor.
- 4) Upon completion of the project, return the site to a condition acceptable to the State.
- 5) Must seek prior approval of the Department to utilize additional space, harbor closures or extension of time.

REMARKS:

The Federal Government is responsible for the maintenance of the revetment and break wall at Nawiliwili Small Boat Harbor, as well as the entrance channel and turning basin to the authorized depths. The project site was last inspected in July 2014 and found to be in marginal condition.

The USACOE is requesting a right-of-entry for a construction project which consists of repair to the revetted dike portion ("break wall") for the removal and replacement of riprap stone in specific areas where the stones have been displaced from the revetted mole in order to restore the deteriorated areas.

The Nawiliwili Small Boat Harbor site under the right-of-entry shall be for a construction/staging area for the Contractor's materials, equipment, construction and a location for the portable office which will be used to complete the work. The USACOE requests a window of time from January through June 2015. The actual construction to do repair work period shall take approximately 60 days within the six-month period. This period includes the site preparation and the cleanup. DOBOR requests the USACOE work closely with the Harbor and DOBOR District offices to provide an updated timeline and at least 60 days advance notice of actual commencement of construction. The Corps is requested to assist with providing security and traffic control as needed during the construction period for the safe operation of the harbor. The Nawiliwili Yacht Club and two commercial kayak operators are in the immediate adjacent area. Upon completion of the project the USACOE is expected to return the area clean and in condition acceptable upon final inspection by the DOBOR Kauai District Manager. The USACOE and its contractors shall comply with all Federal, State, and County Permits, Best Management Practice and requirements as necessary for a project of this type.

RECOMMENDATION:

1. That the Board, 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. That the Board, subject to the Applicant fulfilling the Applicant Requirements above authorize the issuance of a right-of-entry permit to the U.S. Army Corps of Engineers 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. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Edward R. Underwood  
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.  
Chairperson

**LANDSCAPE NOTES**

- CONTRACTOR SHALL CUT AND CLEAR ALL EXISTING VEGETATION TO A MINIMUM OF 3'-0" FLUSH WITH THE SURFACE OF THE REVETMENT GROUND FOR LANDSCAPE VEGETATION (TUCKER CALIFERS 3-0C-ES AND LARGER).  
 ALL CUTS SHALL BE CLEAN AND HORIZONTAL TO THE REVETMENT GROUND SURFACE TO AVOID POTENTIAL INJURY. SLANTED CUTS WILL NOT BE ALLOWED.
- FOR AREAS OF THE REVETMENT WHERE RECONSTRUCTION WORK WILL OCCUR, THE CONTRACTOR SHALL COMPLETELY REMOVE ALL VEGETATION INCLUDING, BUT NOT LIMITED TO, ALL ROOTS AND ALL SHOULDER AND GROUND COVERS IN THE AREAS SHOWN TO BE REMOVED ON THIS PLAN. ALL REMOVED VEGETATION SHALL BE STORED WITHIN THE PROJECT LIMITS AND DEBRIS SHALL BE LEGALLY DISPOSED OF AT THE END OF THE PROJECT. CONTRACTOR SHALL COORDINATE WITH THE LANDSCAPE ARCHITECT AND DEBRIS REMOVAL OFFICER, AND DEBRIS REMOVAL SHALL BE COMPLETED TO THE EXTENT OF ANY TREE REMOVAL PRIOR TO PERFORMING THE TREE REMOVAL WORK.
- CONTRACTOR SHALL REMOVE ALL DEBRIS AND LANDSCAPE MATERIALS (GENERATED FROM VEGETATION REMOVAL FROM THE PROJECT SITE. DEBRIS SHALL BE LEGALLY DISPOSED OF ACCORDING TO LOCAL CODES. LANDSCAPE CUTTINGS SHALL BE TAKEN TO A GREEN WASTE FACILITY.
- CONTRACTOR SHALL APPLY A PERMISSIBLE HERBICIDE APPROVED FOR AQUATIC USE BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO ALL VEGETATED AREAS WITHIN THE PROJECT LIMITS.  
 SUBMIT THE NAME OF THE PROPOSED HERBICIDE TO BE USED ALONG WITH THE MANUFACTURER'S SPECIFICATIONS AND MSDS SHEETS TO THE CONTRACTING OFFICER FOR APPROVAL PRIOR TO CONSTRUCTION. HERBICIDE THAT IS NOT SPECIFICALLY APPROVED FOR AQUATIC USE BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) WILL BE REJECTED.  
 THE CONTRACTOR SHALL APPLY HERBICIDES AT A RATE OF ONE COMPLETE APPLICATION TO ALL LIVE VEGETATED AREAS WITHIN THE PROJECT LIMITS AS RECOMMENDED BY THE HERBICIDE MANUFACTURER OR AT A MINIMUM OF ONCE EVERY EIGHT (8) WEEKS.  
 CONTRACTOR SHALL START UPON RECEIPT OF WRITTEN NOTICE TO PROCEED BY THE CONTRACTING OFFICER. CONTRACTOR SHALL MAINTAIN RECORDS OF ALL APPLICATIONS THROUGHOUT THE DURATION OF THE PROJECT CONTRACT PERIOD. COORDINATE ALL HERBICIDE APPLICATIONS WITH THE CONTRACTING OFFICER.  
 THE CONTRACTOR SHALL NOTIFY THE CONTRACTING OFFICER 24 HOURS PRIOR TO HERBICIDE APPLICATIONS AND SHALL POST WARNING SIGNS THAT HERBICIDE APPLICATION IS IN PROGRESS IN CONSPICUOUS AREAS SURROUNDING HERBICIDE APPLICATION. WARNING SIGNS SHALL BE RED WITH WHITE LETTERING AND SHALL BE PLACED WITH MINIMUM 7' TALL LETTERING WITH CONTRASTING COLORS. SUBMIT A SIGN SAMPLE TO THE CONTRACTING OFFICER PRIOR TO CONSTRUCTION.
- CUTTING, CLEARING, DISPOSAL, AND HERBICIDING OF VEGETATION GROWTHS DESCRIBED ABOVE WITHIN THE PROJECT LIMITS SHALL BE INCIDENTAL TO THE VARIOUS CONTRACT BID ITEMS.



**NOTES (CONTINUED)**

- NECESSARY STONE QUANTITY IS ESTIMATED. CONTRACTOR SHALL VERIFY IN THE FIELD. EXCESSIVE STONE MAY BE SALVAGED WITH APPROVAL OF CONTRACTING OFFICER. ADDITIONAL STONE MAY BE REQUIRED ABOVE THE QUANTITIES SHOWN.
- GENERAL REPAIRS TO THE REVETTED DKE CONSIST OF: (1) FILLING LOW AREAS IN THE CREST AND (2) DRESSING THE ARMOR STONE LAYER AS NECESSARY TO ENSURE THAT STONE COVERAGE IS UNIFORM AND THAT THE SURFACE IS SMOOTH AND WELL COMPACTED AS APPROVED BY THE CONTRACTING OFFICER.
- FILL AND GRADE VISIBLE LOW AREAS IN THE CREST WITH COMPACTED SIZE 20 STONE. FILLED AREAS SHALL HAVE A FINAL ELEVATION OF -7.77' MSL + 3.0' MINUS. THE SURFACE SHALL BE FINISHED TO A MINIMUM OF 8 PASSES OF A MINIMUM 5-TON ROLLER OR APPROVED EQUIVALENT UNTIL SURFACE IS SMOOTH AND WELL COMPACTED AS APPROVED BY THE CONTRACTING OFFICER.
- DRESS THE ARMOR LAYER BY REWORKING, RESETTling AND ADDING STONES AS NECESSARY TO ENSURE 100% ARMOR STONE COVERAGE AND SECTION THICKNESS AS SHOWN ON DRAWINGS. CONTRACTOR SHALL ENSURE THAT ALL STONES ARE IN MAXIMUM CONTACT WITH AND FIRMLY ABOUT ADJACENT STONES. USE AVERAGE STONE WEIGHT OR GREATER TO SIZE ADDITIONAL STONES.
- A VOLUME OF 32 CY OF ADDITIONAL STONE CAN BE USED FOR DRESSING THE OUTSIDE REVETTED DKE. A VOLUME OF 48 CY OF ADDITIONAL STONE WILL BE USED FOR DRESSING THE INSIDE REVETTED DKE. QUANTITIES ARE ESTIMATED (SEE NOTE 6). APPROXIMATE DISTRIBUTION OF ADDITIONAL STONE IS AS FOLLOWS:

INTERVAL START (STATION)	STONE QUANTITY - INSIDE DKE (SEE NOTE 5)	STONE QUANTITY - OUTSIDE DKE (SEE NOTE 6)
14+00	1.0 CY	1.2 CY
14+10	2.0 CY	2.4 CY
14+20	2.0 CY	2.4 CY
14+30	2.0 CY	2.4 CY
14+40	2.0 CY	2.4 CY
14+50	2.0 CY	2.4 CY
14+60	2.0 CY	2.4 CY
14+70	2.0 CY	2.4 CY
14+80	2.0 CY	2.4 CY
14+90	2.0 CY	2.4 CY
15+00	2.0 CY	2.4 CY
15+10	2.0 CY	2.4 CY
15+20	2.0 CY	2.4 CY
15+30	2.0 CY	2.4 CY
15+40	2.0 CY	2.4 CY
15+50	2.0 CY	2.4 CY
15+60	2.0 CY	2.4 CY
15+70	2.0 CY	2.4 CY
15+80	2.0 CY	2.4 CY
15+90	2.0 CY	2.4 CY
16+00	2.0 CY	2.4 CY
16+10	2.0 CY	2.4 CY
16+20	2.0 CY	2.4 CY
16+30	2.0 CY	2.4 CY
16+40	2.0 CY	2.4 CY
16+50	2.0 CY	2.4 CY
16+60	2.0 CY	2.4 CY
16+70	2.0 CY	2.4 CY
16+80	2.0 CY	2.4 CY
16+90	2.0 CY	2.4 CY
17+00	2.0 CY	2.4 CY
17+10	2.0 CY	2.4 CY
17+20	2.0 CY	2.4 CY
17+30	2.0 CY	2.4 CY
17+40	2.0 CY	2.4 CY
17+50	2.0 CY	2.4 CY
17+60	2.0 CY	2.4 CY
17+70	2.0 CY	2.4 CY
17+80	2.0 CY	2.4 CY
17+90	2.0 CY	2.4 CY
18+00	2.0 CY	2.4 CY
18+10	2.0 CY	2.4 CY
18+20	2.0 CY	2.4 CY
18+30	2.0 CY	2.4 CY
18+37	2.0 CY	2.4 CY

CONTRACTOR SHALL BE SEPT AS NOTED IN SECTION NOTES AND DRAWINGS.  
 INDIVIDUAL STONE PLACEMENT MAY BE REQUIRED AT SELECT LOCATIONS. PLACE STONE TO BE IN MAXIMUM CONTACT WITH ADJACENT STONES AND TO MINIMIZE VOID BETWEEN STONES. REMOVE AND RESET STONES AS NECESSARY TO ENSURE GOOD CONTACT WITH ALL ADJUTING STONES.