

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

February 14, 2014

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

PSF No.: 14KD-007

Kauai

Request for Issuance of Right-of-Entry Permit to Ronald Beckenfeld on State Unencumbered Beach Lands for Emergency Temporary Shore Protection, Kikiaola, Waimea, Kauai, Tax Map Key: (4) 1-2-013:035.

APPLICANT:

Ronald Beckenfeld, Married, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kikiaola, Waimea, Kauai, identified by Tax Map Key: (4) 1-2-013:035, as shown on the attached maps labeled Exhibits A & B.

AREA:

600 square feet, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Temporary Shoreline Protection purposes.

TERM OF RIGHT-OF-ENTRY:

Renewal one-year periods from February 2014 till January 2019 as per OCCL (see Exhibit C).

CONSIDERATION:

Gratis. This requested use is for a non-commercial purpose. Additionally, staff understands that the placement of the geotextile sandbags will take place within the record boundary of the private property, though the inland movement of the shoreline results in the area now being deemed public lands.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, 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."
(see Exhibit E).

DCCA VERIFICATION:

As a natural person, applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Terms and Conditions of Emergency Authorization Permit KA-14-02 issued by OCCL on July 15, 2013. (see Exhibit C).
- 2) Terms and Conditions of Right-of-Entry Permit.

REMARKS:

Department of Land and Natural Resources, Office of Conservation and Coastal Lands received a request on July 8, 2013 for emergency temporary shore protection at Kekaha, Kauai identified as Tax Map Key: (4) 1-2-013:035 (see Exhibit A).

The applicant requests to place geotextile (“SEAbag” or “Elcorock”) sandbags along approximately 75 feet of erosion scalp at aforementioned Tax Map Key. A long-term trend of beach erosion, due in large part to interruption of alongshore sediment transported by Kikiaola Harbor, has created an erosion scarp that is threatening the structural integrity of the existing rock revetment on the subject property. The erosion is exposing previously buried sandbags and netting, which is slumping onto the active beach.

They will use approximately 3,000 cubic yards of sand that will be sourced from the updrift (east) side of Kikiaola Boat Harbor for filling sand bags, creation of an access ramp, and shaping the erosion scarp prior to installation of the erosion control structure. This area where the sand is being taken from is part of the Kikiaola Sand Bypass Project to move approximately 80,000 cubic yards of sand to nourish the eroded west-side of the harbor. (see Exhibit D).

This project is expected to take 15 working days to install geotextile bags.

Staff has no objections to the request, subject to the applicants renewing the right-of-entry permit yearly.

Comments were solicited from:

State Agencies:

DOH	Monitor Community Noise Control, Air Pollution Control and Best Management Practices for Water Quality Standards
DLNR – DOBOR	No response by suspense date
DLNR – Historic Preserv.	No response by suspense date
DLNR – OCCL	Approved Emergency Shoreline Protection KA-14-02
OHA	No response by suspense date

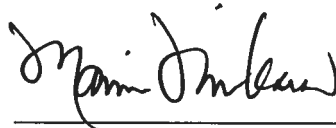
County Agencies

County Planning	No response by suspense date
Public Works	No response by suspense date

RECOMMENDATION: That the Board

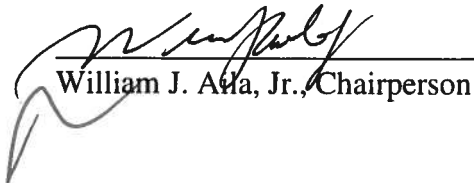
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Ron Beckenfeld covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - C. Authorize the Chairperson to issue one-year extensions of this right-of-entry permit.

Respectfully Submitted,



Marvin Mikasa
Acting District Land Agent

APPROVED FOR SUBMITTAL:



William J. Awa, Jr., Chairperson



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HONOLULU, HAWAII 96809

WILLIAM I. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT
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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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FOREST AND WILDLIFE
HISTORIC PRESERVATION
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:BR

Emergency KA-14-02

Mr. Ronald Beckenfeld
SuperiorSource

JUL 15 2013

Los Angeles, CA 90058

Dear Mr. Beckenfeld,

SUBJECT: RE: Request for Emergency Temporary Shore Protection at
Kekaha, Kauai, Hawaii, TMK (4) 1-2-013:034 and 035.

The Department of Land and Natural Resources (DLNR) has received your July 8, 2013 request letter to place geotextile ("Geo Bags" and "Elcorock") sandbags along approximately 150 feet of erosion scarp at TMK (4) 1-2-013:034 and along approximately 75 feet of erosion scarp at TMK (4) 1-2-013:035. A long-term trend of beach erosion, due in large part to interruption of alongshore sediment transport by Kikiaola Harbor¹, has created an erosion scarp that is threatening the structural integrity of the existing rock revetment fronting parcel 035.

The request is to place two types of sand bags in an approximately 2:1 slope fronting parcel 34. The base layer of the structure will be constructed using Geo Bags (approximately 5' x 10' x 3', each) filled using a sand slurry method at the subject property. A top layer of the structure will be constructed with Elcorock bags (approximately 5' x 6' x 2', each), which will be filled at the borrow site. The existing erosion scarp will be "dressed" prior to placement of the bags to allow for even placement of the structure and a geotextile filter cloth will be placed over the embankment and end of the existing rock revetment. The bags will be covered with sand after placement. Approximately 36 Elcorock bags will be used to stabilize and reinforce an existing wedge shaped multi-cell sand filled geotextile tube installed in 2007 at the west side of parcel 35 (DLNR Emergency Auth. KA-07-06). Elcorock bags will be placed at the foot of the existing tube structure in a small trench and along the top of the structure. Approximately 3,000 cubic yards of sand will be sourced from the updrift (east) side of Kikiaola Boat Harbor for filling and covering sand bags at the two properties.

DLNR authorizes the placement of geotextile sandbags and sand covering as described above, fronting the subject properties, in an effort to protect public health, welfare, and safety on the subject property under Hawaii Administrative Rules §13-5-35, Emergency Permits (a) "Notwithstanding any provision of this chapter, the chairperson or deputy director of the department in the absence of the chairperson may authorize through an emergency permit any

¹ University of Hawaii Coastal Geology Group (2011), Kauai Shoreline Study Erosion Maps, <http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

EXHIBIT " C "

TMK (4) 1-2-013:034 and 035

Kekaha, Kaula, HI

7/12/2013

land use deemed to be essential to alleviate any emergency that is a threat to public health, safety, and welfare, including natural resources, and for any land use that is imminently threatened by natural hazards. These actions shall be temporary in nature to the extent that the threat to public health, safety, and welfare, including natural resources, is alleviated (e.g., erosion control, rockfall mitigation). The emergency action shall include contingencies for removal methods, estimates for duration of the activity, and future response plans if required by the department."

In addition, the proposed project is minor in scope and may be considered an exempt action under State environmental laws under Section 11-200-8(A)(1), Hawaii Administrative Rules (HAR) "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."

Terms and Conditions

The DLNR has no objections to the placement of geotextile sandbags and beach sand covering to create a 2:1 slope along the erosion scarp fronting the subject properties, at TMK (4) 1-2-013:034 and 035, provided that you adhere to the following terms and conditions:

1. That in issuing this letter, the Department and Board has relied on the information and data that the applicant has provided in connection with this letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
2. It is understood that the sand bag structure is a temporary response to prevent the loss of the existing residence, which is threatened by both chronic and seasonal wave run-up and erosion. The material is authorized as a temporary erosion control measure for five (5) years from the date of acceptance by the landowner. Subsequent erosion control efforts that call for modification, other than maintenance or expansion of the proposed structure will require a new application. At the end of five years the materials shall be removed or you must apply for a Conservation District Use Permit under Hawaii Administrative Rules §13-5-22, Shoreline Erosion Control;
3. The Contractor shall confine all construction activities to areas defined by the final, approved drawings and specifications;
4. The Contractor shall perform the work in a manner that minimizes environmental pollution and damage as a result of construction operations. The environmental resources within the project boundaries and those affected outside the limits of permanent work shall be protected during the entire duration of the construction period;
5. At the conclusion of work, the area shall be cleaned of all construction material and the site shall be restored to a condition acceptable to the Chairperson;
6. The Applicant will prepare a completion report for the project. It will summarize the construction and detail any deviation from the proposed plans;

TMK (4) 1-2-013:034 and 036

Kekaha, Kaula, HI

7/12/2013

7. The activity/use shall not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
8. The activity/use shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
9. When the Chairperson is notified by the applicant or the public that an individual activity deviates from the scope of the activity/uses, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
10. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State Department of Land and Natural Resources that an individual activity/use or activities conducted under this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
11. Where any interference, nuisance, or harm may be caused, or hazard established by the authorized activities/uses, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
12. No contamination of the marine or coastal environment (trash or debris) shall result from project-related authorized activities/uses;
13. No motorized construction equipment is to be operated in the water at any time;
14. In the event there is a petroleum spill on the sand, the operator shall promptly remove the contaminated sand from the beach;
15. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under projects authorized under this letter;
16. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for authorized projects;
17. In the event that historic sites, including human burials are uncovered during construction activities, all work in the vicinity must stop and the State Historic Preservation Division contacted at (808) 692-8015;

TMK (4) 1-2-013:034 and 035


Kekaha, Kauai, HI

7/12/2013

18. The applicant shall ensure that excessive siltation and turbidity are contained or otherwise minimized through the use of silt containment devices or barriers;
19. The applicant shall take measures to ensure that the public is adequately informed of the project activities/work once it is initiated and the need to avoid the project area during the operation;
20. Public access along the shoreline during construction shall be maintained so far as practicable and within the limitations necessary to ensure safety;
21. All construction material including sand shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality; and
22. The applicant shall implement standard Best Management Practices (BMPs), such as daily inspection of equipment for conditions that could cause spills or leaks; cleaning of equipment prior to operation near the water; the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses; and implementation of adequate spill response procedures, stormy weather preparation plans, and the use of silt curtains and other containment devices. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance. The DLNR/OCCL staff shall be contacted immediately at 587-0381, to conduct a visual inspection and to provide appropriate guidance;

Should you have any questions, please contact Sea Grant Extension Agent Brad Romine, Bradley.M.Romine@hawaii.gov, at the OCCL.

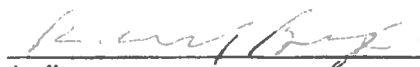
Sincerely,



William J Aifa, Jr, CHAIRPERSON
Board of Land and Natural Resources

CC: DLNR Land Div., Kauai, Kevin Mikasa
Kauai Planning Dept.

I concur with the conditions of this letter:



Applicant

Date 1-11-14



March 28, 2013

Waimea HI 96796

Subject: Department of Land and Natural Resources
Division of Boating and Ocean Recreation (DLNR-DOBOR)
Kikiaola Small Boat Harbor Sand Bypass Project
TMK: (4) 1-02-006.3, 17.41, (4) 1-02 013 1, 31, 35, 3) 4;
Preconsultation for Environmental Assessment (EA)

The Department of Land and Natural Resources - Division of Boating and Ocean Recreation (DLNR DOBOR) has contracted Oceanit to plan and design the sand bypass program in the vicinity of Kikiaola Small Boat Harbor. The project involves 1) Preparation and approval of plans, specifications, an Environmental Assessment and permits for a program to transport sand from the beach west (up drift) of Kikiaola Harbor to the beach west (down drift) of the harbor. This includes an initial transport of 80,000 cubic yards of sand to nourish the eroded down drift beach and an annual sand bypassing scheme to nourish the down drift beach with 5,000 cubic yards of sand. 2) Preparation and approval of plans, specifications and permits to repair the erosion damaged west breakwater roof. 3) Preparation of a wave penetration report to investigate the wave conditions at the dock within the harbor.

We would appreciate any comments or concerns you may have regarding this project and assistance in identifying any permits, approvals or notifications required for this project. Please submit your comments to us no later than April 28, 2013.

Sincerely,

Cris Takushi
Project Manager

cc: Mr. Eric Yuasa
DLNR-DOBOR

attachment:

EXHIBIT "D"

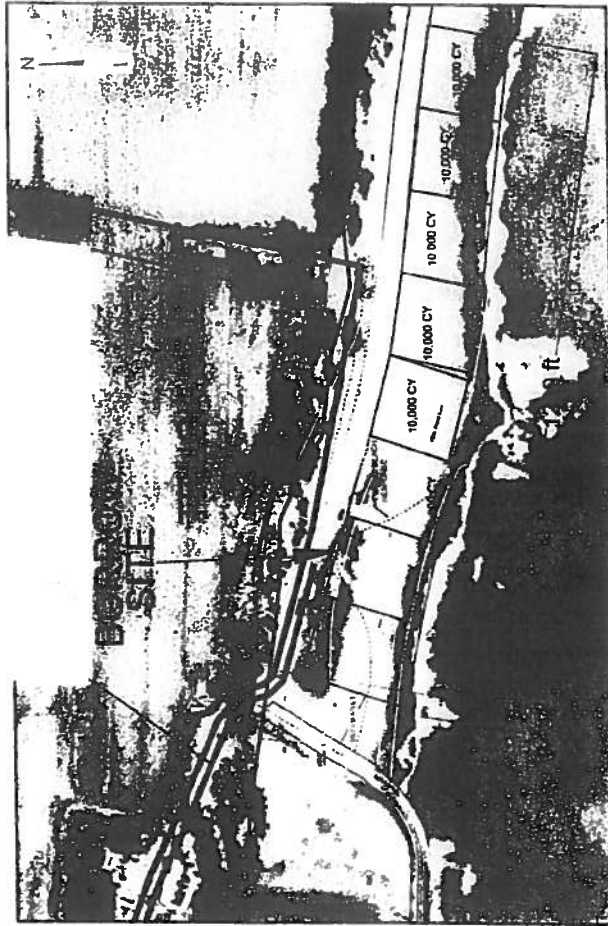


Figure 2.4.5 Overview of borrow site for 80,000 cy project



STATE OF HAWAII
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WILLIAM J. AILA, JR.
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COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
DIRECTOR

WILLIAM M. TANI
DEPUTY DIRECTOR

AQUATIC RESOURCES
BOTANICAL AND FORESTRY
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE MANAGEMENT
LAND USE
LAND USE AND DEVELOPMENT
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit to Ronald Beckenfeld

Project / Reference No.: PSF 14KD-007

Project Location: Kikiaola, Waimea, Kauai

Project Description: Issuance of Right-of-Entry Permit on State Unencumbered Beach Lands for Emergency Temporary Shore Protection purposes for a period of five (5) years subject to the annual renewal of Right-of-Entry Permit.

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


Exemption Class No.: In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(1)]."

Exemption Item Description
From Agency Exemption List: 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.

EXHIBIT " E "

Recommendation:

It is recommended that the Land Board find that issuance of a Right-of-Entry Permit for emergency temporary shore protection purposes is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. This permit is for a period of five (5) years subject to the annual renewal of Right-of-Entry Permit.



William J. Aila, Jr., Chairperson



Date

Exhibit "E"