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 X  NO

CURRENT USE STATUS:

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

Item J-5
CHARACTER OF USE:

For purposes of repair and maintenance of the existing Nawiliwili 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,

[Signature]
Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:

[Signature]
William J. Aila, Jr.
Chairperson