

# **PUBLIC NOTICE** US Army Corps of Engineers, Honolulu District

Regulatory Office (CEPOH-RO) Building 230 Fort Shafter, Hawaii 96858-5440 Public Notice Date: May 22, 2018 Expiration Date: June 20, 2018 Permit File Number: POH-2015-00221

# FEDERAL PUBLIC NOTICE

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached drawings.

<u>APPLICANT</u>: Mr. Edward Underwood DLNR, DOBOR 4 Sand Island Access Road Honolulu, Hawaii 96819

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in the Lahaina Small Boat Harbor and Pacific Ocean at 20.871932°, -156.678821°, TMKs (2) 4-6-001:002, 003, and 014 at 675 Wharf Street, Lahaina, Island of Maui, Hawaii.

# PROPOSED PROJECT AND PURPOSE:

The project description is as follows, to be conducted in accordance with the project plans:

The installation of a new ferry pier in the Lahaina Small Boat Harbor. The ferry pier would be located seaward of the existing U.S. Coast Guard (USCG) lighthouse adjacent to the Lahaina Small Boat Harbor and approximately 70 feet north of the existing public pier. The USCG has given the applicant permission to use the area adjacent to the lighthouse on the condition that, before work can start on the ferry pier itself, the applicant must repair of the foundation on and landward of the existing seawall beneath the lighthouse. Repairs to the seawall next to the foundation of the lighthouse would require the demolition of the existing 162 square foot catwalk pier. Following the demolition, impermeable geotextile fabric would be temporarily installed against seawall from top to ocean substrate, secured with untreated plywood on the seaward side of the geotextile fabric, all temporarily held in place with concrete tapcon screws and steel stakes driven into the rock substrate landward of the seawall. Once the temporary geotextile fabric along the seawall is in place, the voids beneath the lighthouse foundation would be filled with concrete via tremie method inserted by means of holes drilled through the lighthouse foundation in uplands landward of the seawall.

Once the lighthouse foundations repairs are complete, structural Best Management Practices (BMPs) for the rest of the project will be put in place, including turbidity

curtains, oil booms, and a 60-foot wide by 150-foot long spud barge. Turbidity curtains would be placed around the active part of the project area and oil booms placed around any working vessels. Both turbidity curtains and oils booms would be installed using skiffs. The turbidity curtain would extend from the water surface to the harbor bottom with a ½-inch chain along the ground surface wrapped in flexible reinforced thermoplastic material. The barge's eighteen 12-inch diameter H-pile spuds would be temporarily embedded in the ocean floor using a backhoe or excavator on the barge. The H-pile spuds would be driven via hydraulic pressure from the weight of barge to approximately two feet below the two to five-foot deep sand layer into hard substrate. As the barge moves around the project site for construction of the ferry pier, the H-pile spuds would be pulled out at each of the barge's temporary locations prior to the movement of the barge to the next temporary location. After the barge is installed, the surface of the existing 162 square foot catwalk within the project area adjacent to the lighthouse would be demolished and removed.

Following the temporary installation of the spud barge, construction of another BMP, a trestle platform, would start with the temporary installation of 20 <sup>3</sup>/<sub>4</sub>-inch thick 24" diameter steel hollow falsework pipe piles via drilling method using the pipe itself. Any slag generated would fall within the steel casing and would be removed and disposed of in an approved upland location. Following the installation of the trestle's pipe pilings, the six pilings remaining after the removal of the former catwalk would be cut using a pneumatic rock drill, saw, or equivalent equipment to make the tops even with the water surface to Mean Sea Level Zero. The cut portions of the pilings would be disposed of in an approved upland location. After the trestle's pipe piles are installed, the 5,650 square foot steel beam and untreated plywood L-shaped trestle platform would be temporarily installed in and around the perimeter of the footprint of the permanent ferry pier and its gangways for construction access.

Construction of the permanent ferry pier would start with the installation of the permanent pilings by auger-drilling sixteen <sup>3</sup>/<sub>4</sub>-inch thick 30-inch diameter shafts, placing steel rebar cages within the shafts, and pouring tremie concrete into the shafts to elevation 0.58 feet above the Mean Lower Low Water line. All spoils including slag and displaced water from the drill shafts would be collected and pumped to a water-tight Baker steel tank, transported to Mala Wharf until the material is dry, and then transported to an approved landfill. The pilings would be installed from the land-ward end of the gangway out to the ocean end of the pier. Following installation of the pilings, the rest of the pier and gangway would be constructed from the ocean end of the pier in toward the land. The pier would consist of 3.5-foot long by 5-foot wide precast concrete tubs with reinforcing steel within precast member walls. The tubs would be filled with cast-in-place concrete, connected by 4-inch thick precast planks and interspersed with five 10-foot 2-inch wide by 6-foot long fiber reinforced polymer (FRP) grates. Excluding the grates, the rest of the pier would be topped with an 8-inch cast-in-place concrete slab. The 15-foot wide by 35-foot long lower concrete half of the gangway would be constructed on top of four of the sixteen total pilings using the same materials and methods as the pier. A 3-inch diameter waterline, <sup>3</sup>/<sub>4</sub>-inch diameter waterline, 3-inch diameter sewerline, and electrical conduits would be installed in the pre-cast concrete tubs of the pier and concrete half of the gangway prior to pouring cast-in-place concrete into the tubs. The 15-foot wide by 35-foot long upper aluminum half of the gangway

between the concrete gangway and the shoreline would be installed with the waterlines, sewerline, and electrical conduits fully enclosed within a utility raceway as part of the aluminum structure.

A 14-foot tall one-story trellis shade structure would be installed above the surface of the pier and other vessel utilities, such as a pump-out unit, hose bibs, and lighting would be installed on the pier. Work in the adjacent uplands would include the replacement of the Administration Building and construction of new concrete pavement and bollards. The new 3,350 square foot ferry pier and gangway, excluding the 365 square foot area of FRP grates, would be 2,823 square feet larger than the existing 162 square foot catwalk.

The proposed work would be constructed using the BMPs listed in the BMP Plan dated May 2017. Upland work related to the proposed work includes the use of a 0.5 acre area southwest of the intersection of Front Street and Ala Moana Street for temporary stockpiling of materials and a 0.48-acre area for concrete washout, construction trailer, and contractor staging areas. Staging areas would be stabilized with grass following the completion of the proposed work.

Avoidance and Minimization: The applicant considered five on-site alternatives, including the selected alternative and the no action alternative, in the Alternatives Analysis portion of the Final Environmental Impact Statement (EIS). Under the selected alternative, the footprint of the pier would be at least 1,235 square feet smaller and the trellis design would be approximately seven feet shorter and allow more sunlight penetration than the other alternatives. Unlike the other alternatives considered, the selected alternative would not require dredging. Relative to the other action alternatives, the selected alternative would avoid the removal a portion of reef flat and the full removal of the existing piles of the former catwalk. The applicant further minimized impacts from the original plan to impact-drive the pier piles by proposing to drill pile holes and then either set pre-cast piles in place or drill the pier piles in and then allow the piles to be cast in-place. The applicant would also include Best Management Practices (BMPs) to minimize impacts, including using grated decking in the gangway to allow for sunlight penetration, using full-depth silt curtains to capture turbidity, and cleaning all equipment prior to in-water use.

Mitigation: The proposed project would not result in the loss of a water of the U.S. and the project permanent impacts would not be substantial; therefore, the Corps is not requiring compensatory mitigation for the project.

Basic Project Purpose: to improve inter-island travel Overall Project Purpose: to provide improved ferry service between Lanai and Maui

<u>AUTHORITY</u>: A Department of the Army permit is required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) To perform work in or affecting navigable waters of the United States.
- Section 404 of the Clean Water Act (33 U.S.C. 1344) Discharge dredged or fill material into waters of the United States. The Corps' public interest review will

consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) - Transport dredged material for the purpose of dumping it into ocean waters. The Corps' public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

<u>WATER QUALITY CERTIFICATION</u>: The proposed action will **not** result in a discharge of dredged or fill material into a water of the U.S. and will **not** require authorization from the Corps in accordance to Section 404 of the Clean Water Act of 1972 (CWA), but will require Corps authorization solely under Section 10 of the Rivers and Harbors Act. Under Section 401 of the CWA (Public Law 95-217), the Corps may not issue a permit for the described work until the applicant obtains a certification, or waiver of certification, from the State of Hawaii, Department of Health – Clean Water Branch.

<u>COASTAL ZONE MANAGEMENT ACT CERTIFICATION</u>: **The proposed activity may affect land or water uses in the Coastal Zone**. Under Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), the Corps may not issue a permit for the described work until the applicant obtains a Federal Consistency Concurrence from the State of Hawaii, Department of Business, Economic Development, and Tourism – Office of Planning.

<u>HISTORIC PROPERTIES</u>: The U.S. Department of Transportation Federal Transit Administration (FTA) identified five historic resources within the Area of Potential Effect (APE): Kamehameha I's Brick House, Hauola Stone, Pioneer Inn, historic seawall, and historic lighthouse, all located within the Lahaina Historic District No. 1, which is also a National Historic Landmark. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the FTA determined that the project would have no adverse effect on historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. The State of Hawaii, Department of Land & Natural Resources, Historic Preservation Division (SHPD) concurred with this determination in a letter dated August 24, 2016.

<u>ENDANGERED SPECIES</u>: Pursuant to Section 7 of the Endangered Species Act (ESA), federal agencies must consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on any action that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. Based on the project location, the following protected species have the potential to occur near the project location:

Green Sea Turtle (*Chelonia mydas*), Threatened Hawksbill Turtle (*Eretmochelys imbricata*), Endangered Hawaiian Monk Seal, (*Monachus schauinslandi*), Endangered The FTA determined that the proposed activity may affect, but is not likely to adversely affect an endangered or threatened species or its critical habitat. The FTA initiated consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) with the National Marine Fisheries Service Protected Resources Division (NMFS-PRD). NMFS-PRD issued a letter of concurrence dated February 16, 2018 stating agreement with FTA's ESA determination.

<u>ESSENTIAL FISH HABITAT</u>: The FTA evaluated the proposed work for possible effects to Essential Fish Habitat (EFH) pursuant to The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), which requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. The Honolulu District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, Western Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by NMFS. The FTA determined that the proposed project will have an adverse effect on EFH and initiated consultation with NMFS-Habitat Conservation Division (NMFS-HCD). NMFS-HCD provided EFH Conservation Recommendations in a transmittal dated January 31, 2018 and FTA agreed to comply with the EFH Conservation Recommendations.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Native Hawaiian Organizations; and other interested parties in order to evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

<u>PUBLIC HEARING</u>: Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person

may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for holding a public hearing. The District Commander will then decide if a hearing should be held.

<u>COMMENT AND REVIEW PERIOD</u>: Comments on this public notice should be made in writing via conventional mail or e-mail. Comments will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. Conventional mail comments should be sent to

U.S. Army Corps of Engineers, Honolulu District Regulatory Office, Attn: Ms. Vera Koskelo Building 230 Fort Shafter, Hawaii 96858-5440.

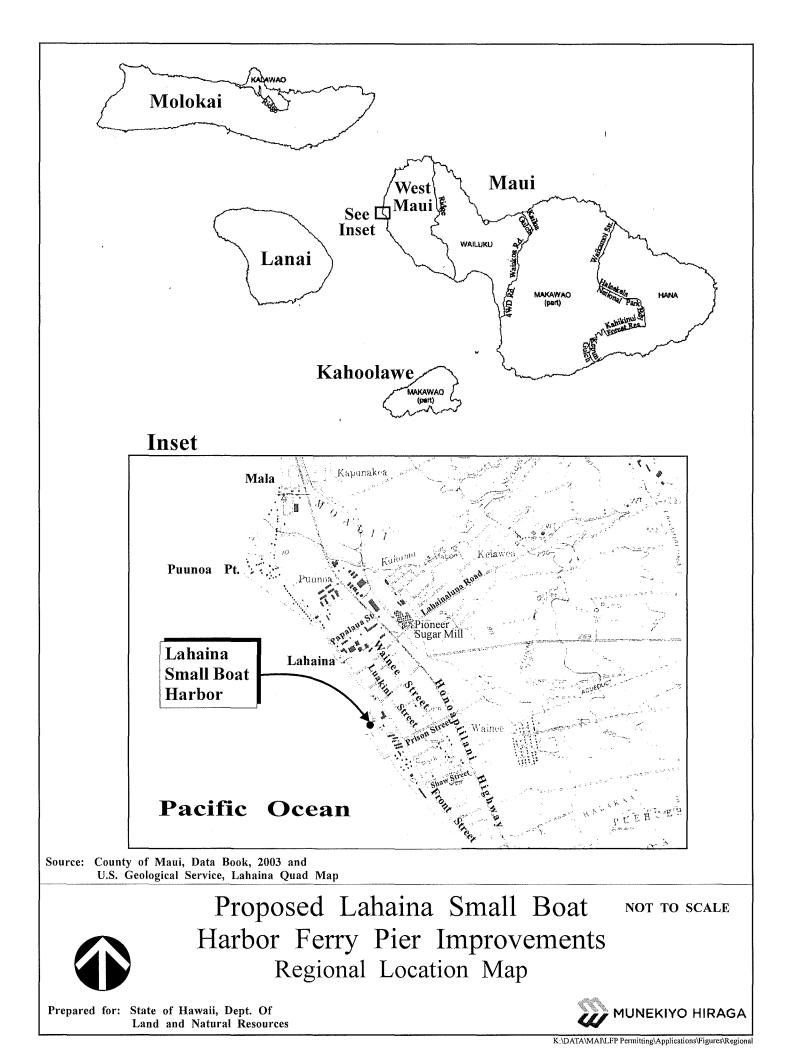
Alternatively, comments may be emailed to Vera.B.Koskelo@usace.army.mil. Reference POH-2015-00221 in the subject heading of the email. In order to be accepted, e-mail comments must originate from the author's e-mail account. All e-mail comments should be sent to <u>Vera.B.Koskelo@usace.army.mil</u>

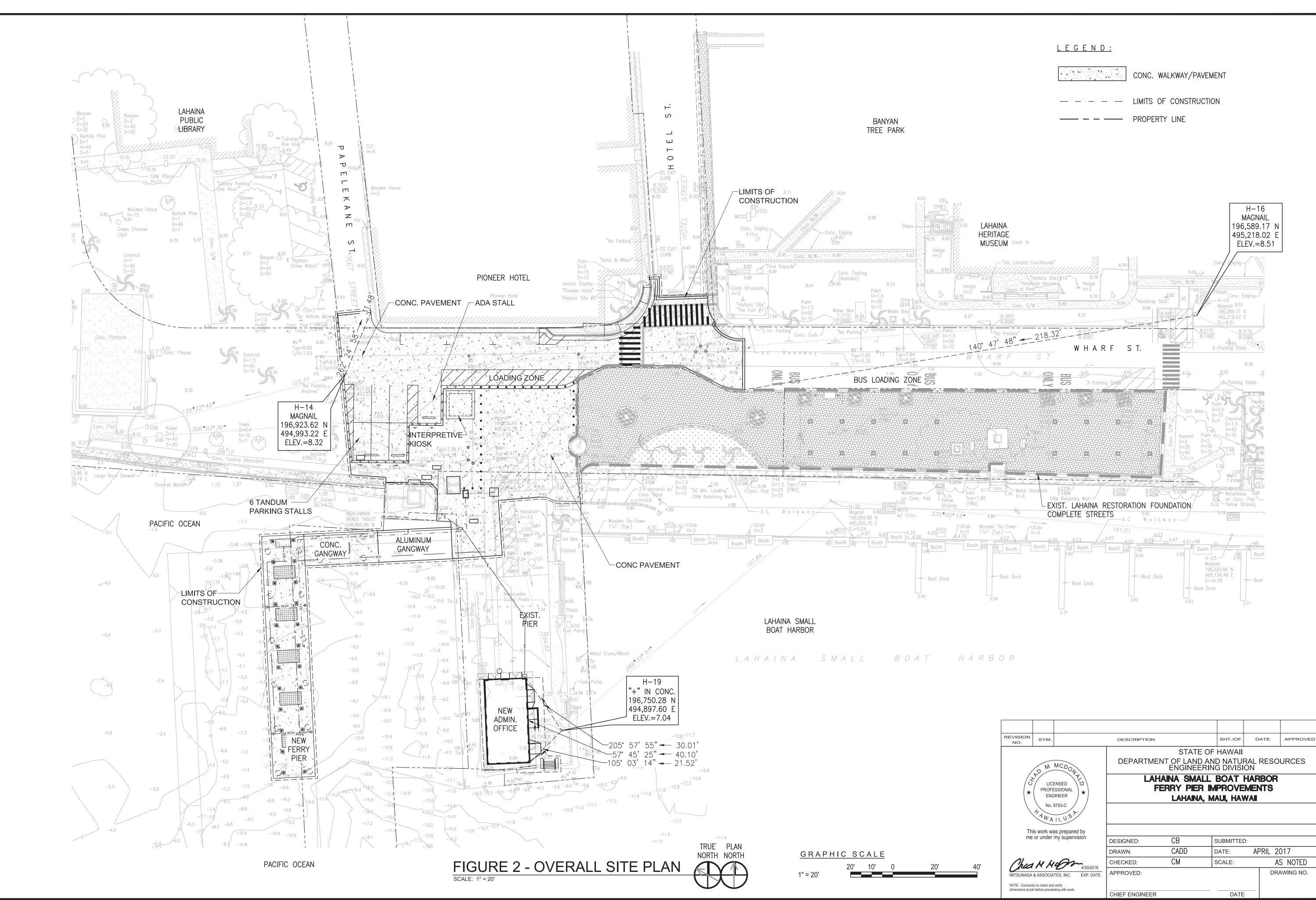
Both conventional mail and e-mail comments must include the DA permit number **POH-2015-00221**, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail should be received by the close of business on June 20, 2018.

<u>PRIVACY & CONFIDENTIALITY</u>: It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, please contact Ms. Vera Koskelo via telephone at (808) 835-4310 or via email at <u>Vera.B.Koskelo@usace.army.mil</u>.

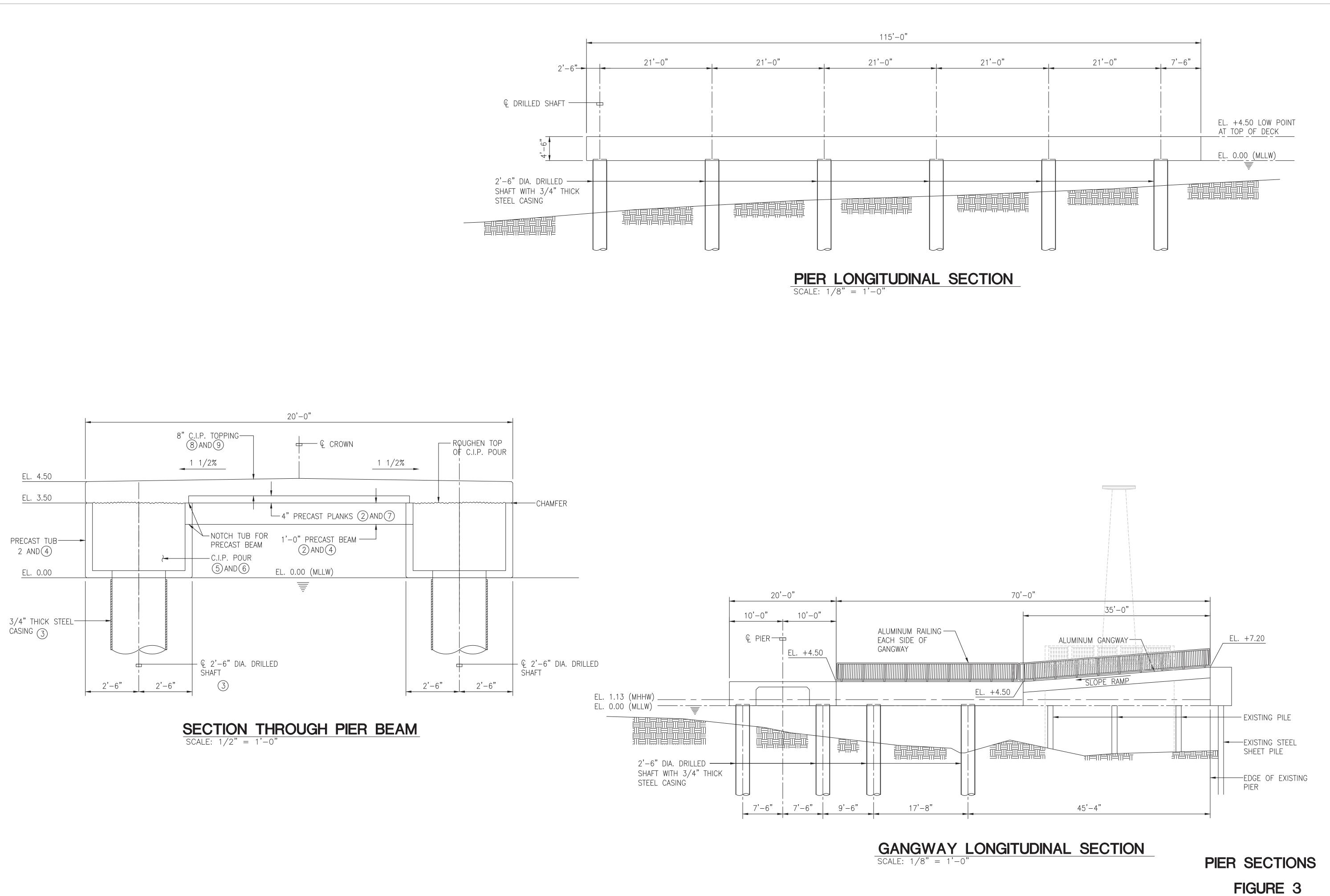
Tunis W. McElwain Chief, Regulatory Branch

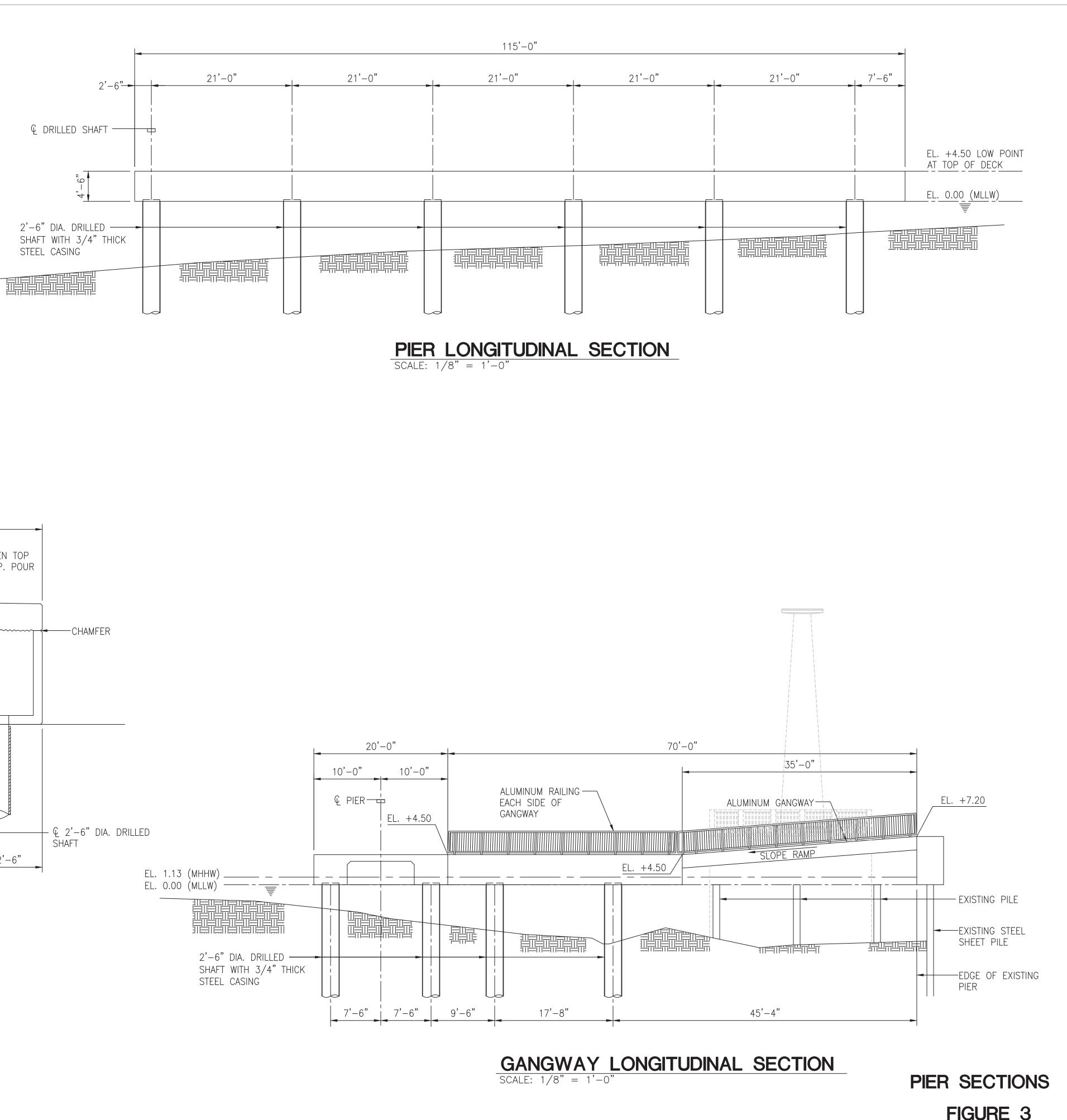


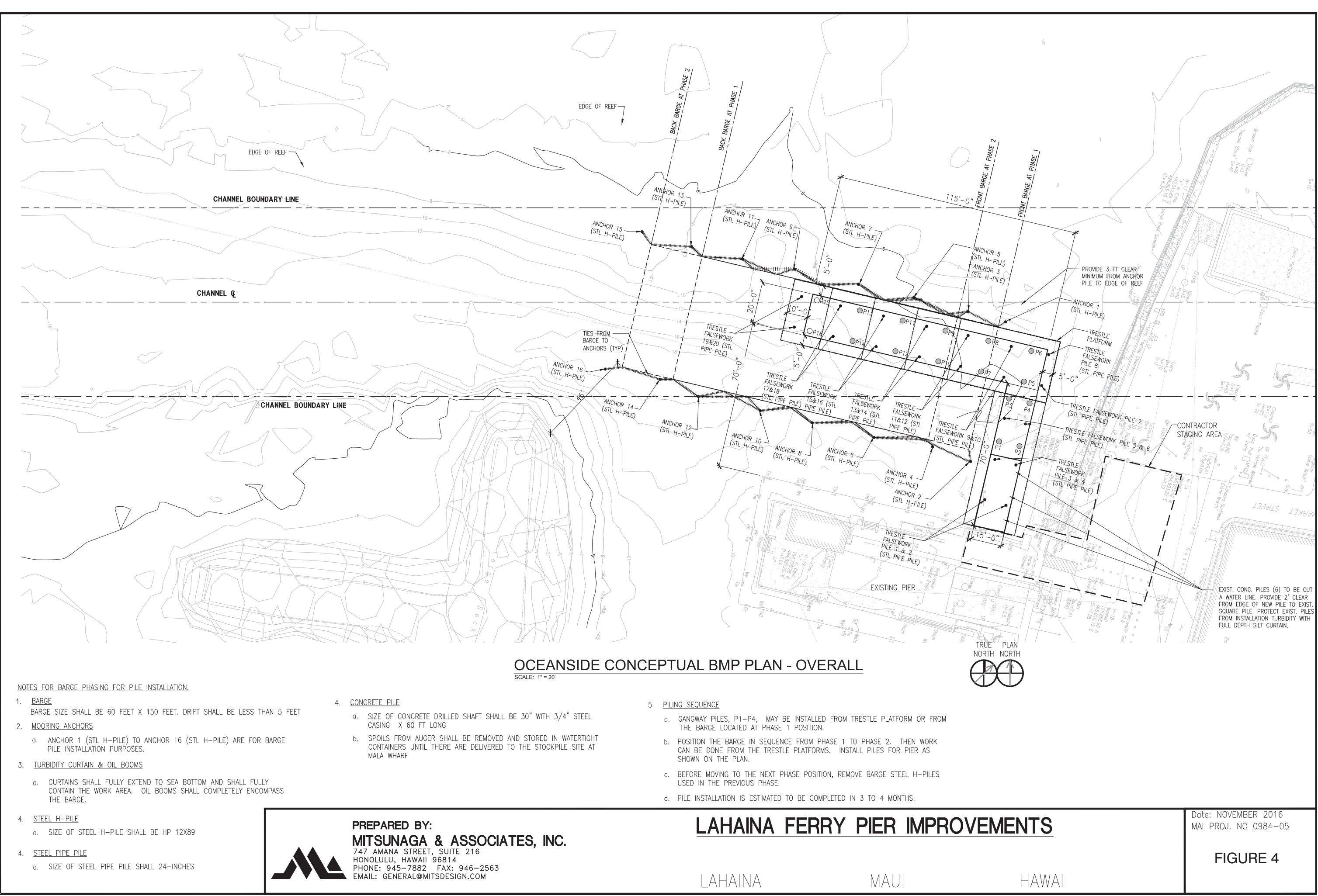


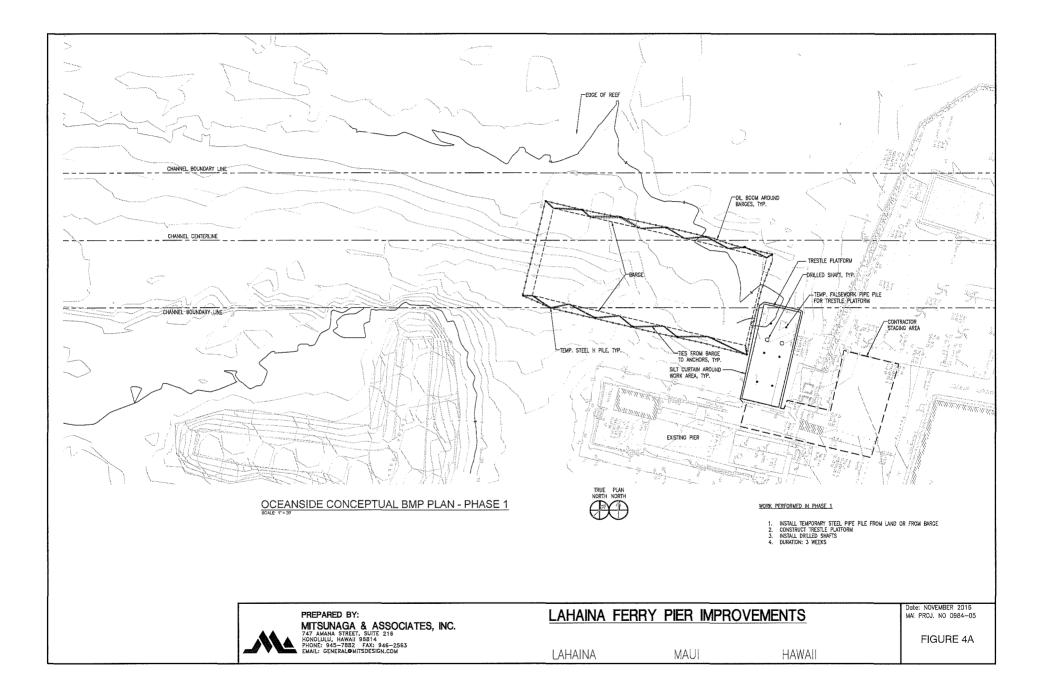
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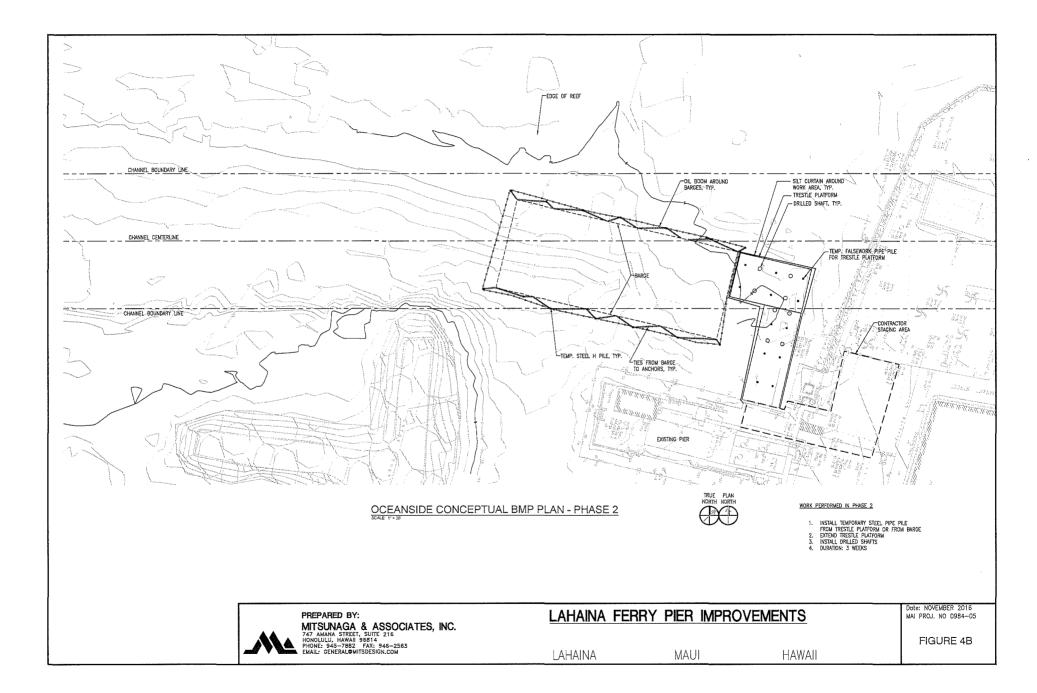
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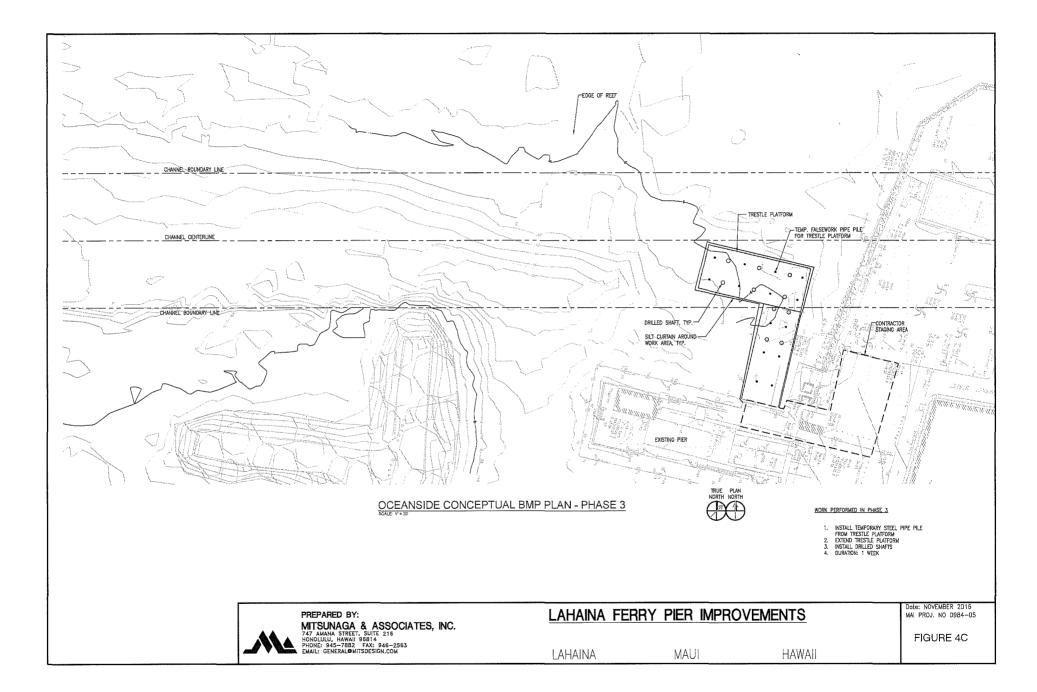


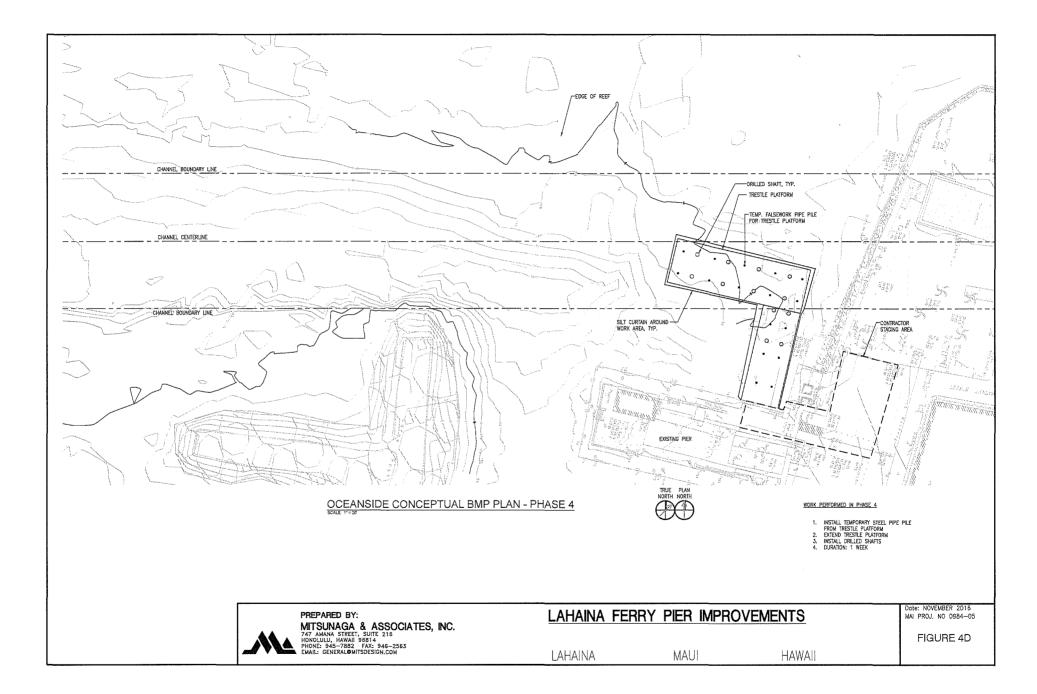


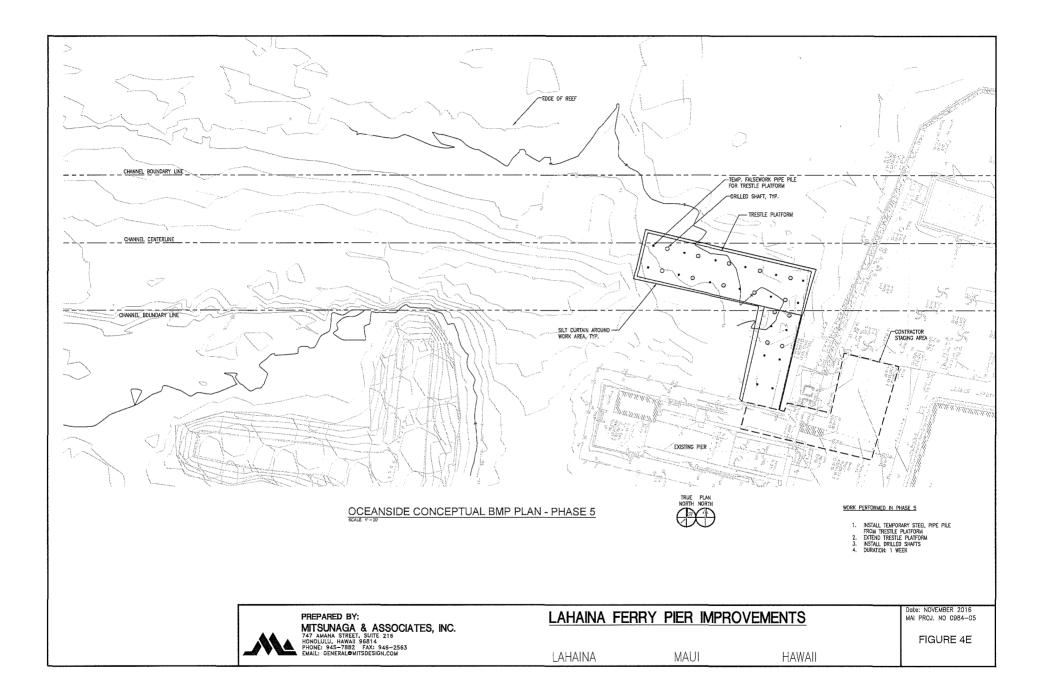


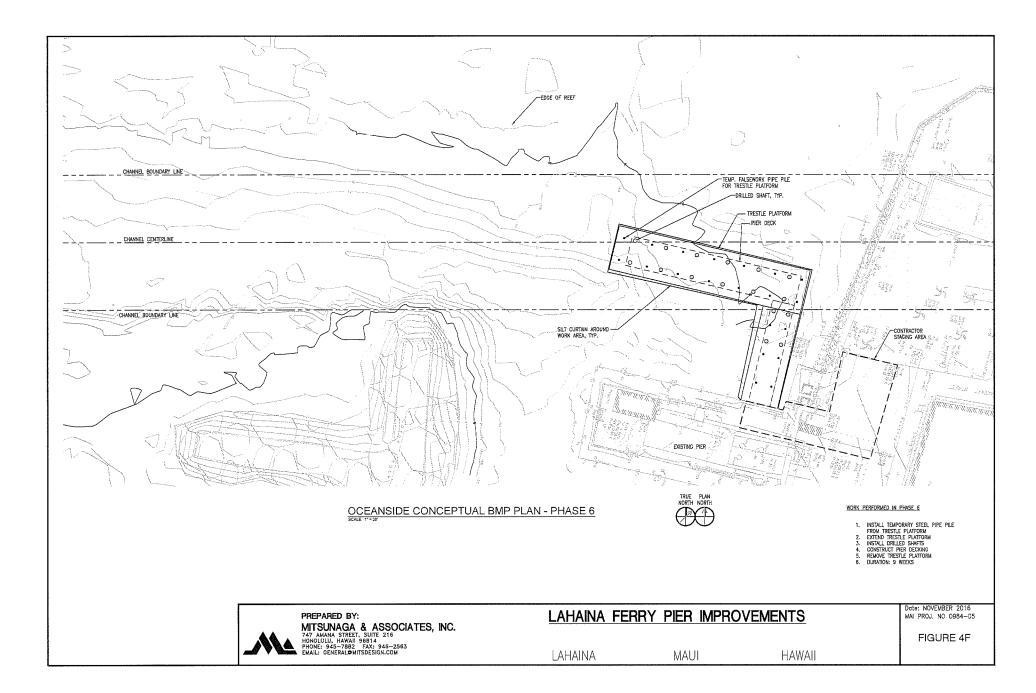


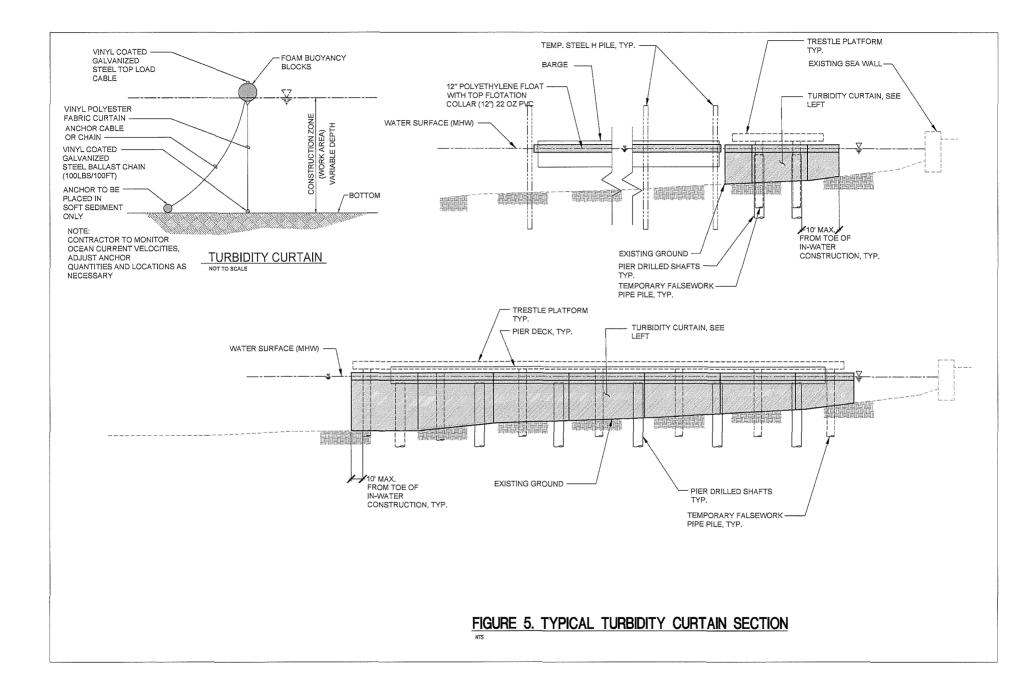














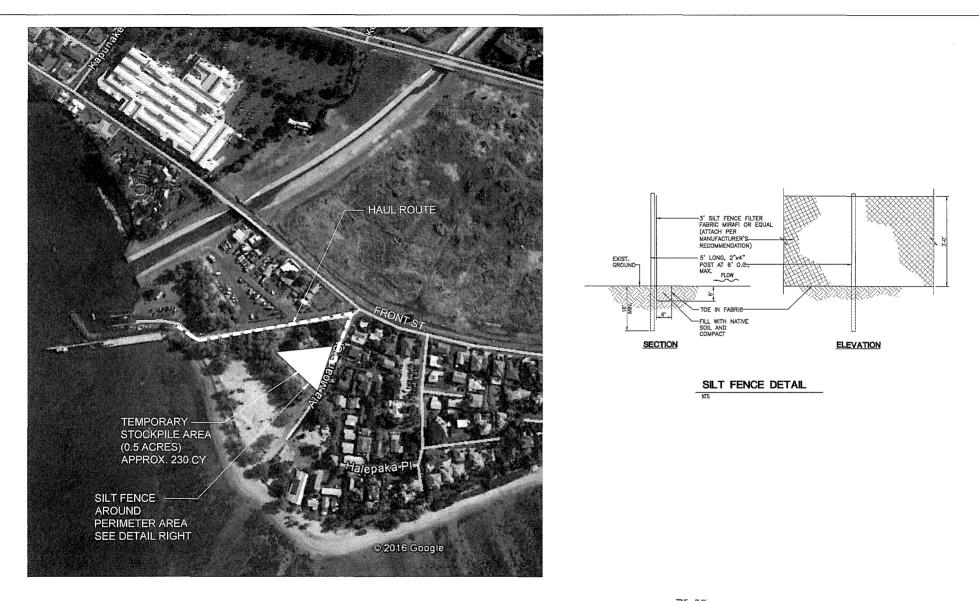
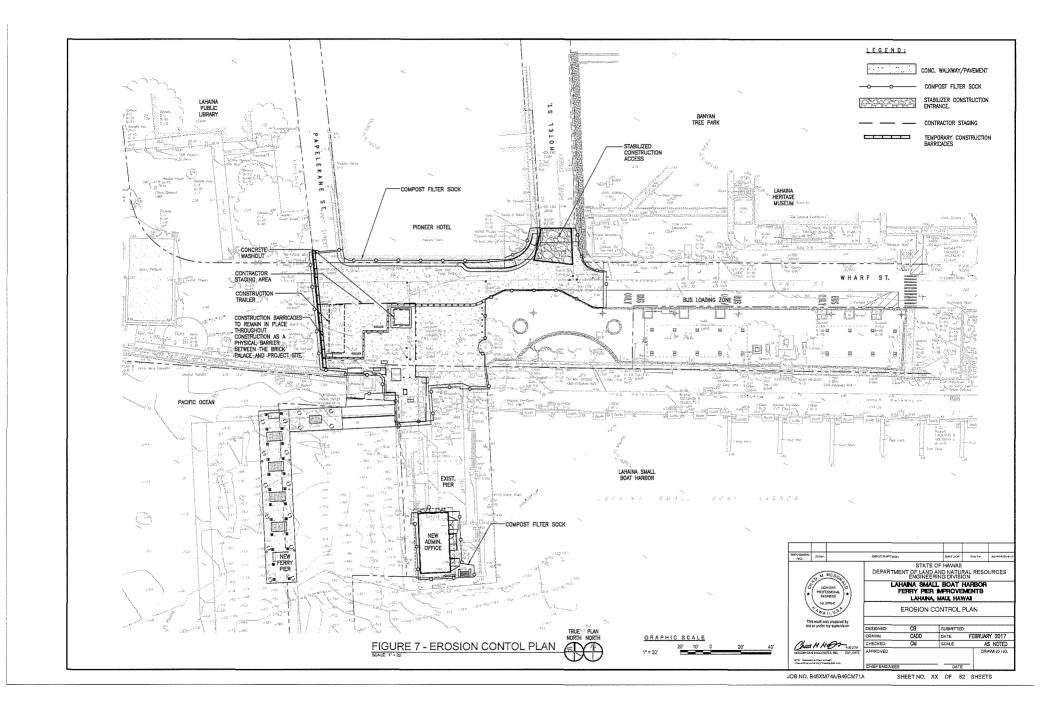


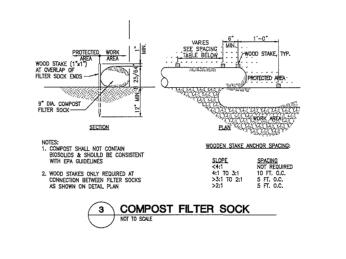
FIGURE 6. TEMPORARY STOCKPILE AREA DETAILS





NOTES: 1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDILENT ONTO PUBLIC RICHT-OF-WAYS, THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MESURES USED TO TRAP SEDULENT. 2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.

(	1	STABILIZED CONSTRUCTION ACCESS	
	7	SCALE: 3/8" = 1'-0"	



### EROSION CONTROL NOTES

### TEMPORARY EROSION CONTROL NOTES:

- 1. THE CONTRACTOR SHALL MINIMIZE THE AMOUNT OF LAND TO BE EXPOSED AT ANY TIME.
- 2. EXPOSED AREAS THAT ARE NOT AT FINAL GRADE AND ARE EXPECTED TO BE EXPOSED FOR MORE THAN 30 DAYS SHALL BE PLACED WITH A VEGETATIVE COVER OR BE MULCHED (AT A RATE OF 45 CUBIC FEET PER 1,000 SQUARE FEET) IN ORDER TO PREVENT EROSION AND SILT RUNOFF.
- TEMPORARY EROSION CONTROLS SHALL NOT BE REMOVED BEFORE PERMANENT EROSION CONTROLS ARE IN PLACE AND ESTABLISHED.

### PERMANENT EROSION CONTROL MEASURES;

- 1. ALL SLOPES AND EXPOSED AREAS SHALL BE PAVED, SODDED OR PLANTED AS SOON AS FINAL GRADES HAVE BEEN ESTABLISHED.
- 2. 2:1 SLOPES SHALL BE TREATED WITH GEOFABRIC OR TREATED WITH SOIL CONDITIONER TO AID IN THE ESTABLISHMENT OF TURF/ PLANTING.

## BMP NOTES:

### TEMPORARY EROSION CONTROL MEASURES:

- 1. PRIOR TO CLEARING LAND FOR GRADING, THE TEMPORARY EROSION CONTROL MEASURES, AS REFLECTED ON THE EROSION CONTROL PLAN SHALL BE INSTALLED.
- 2. AREAS NOT WITHIN THE LIMITS OF GRADING SHALL REMAIN VEGETATED DURING GRADING OPERATIONS.
- 3. SILT WHICH HAS ACCUMULATED ON COMPOST FILTER SOCK SHALL BE REMOVED AND DISPOSED OF ON A BI-WEEKLY BASIS.
- 4. WHEN CLEARED OR GRUBBED AREAS ARE NOT TO BE GRADED OR DISTURBED FOR 30 DAYS OR MORE, SEED, PLANT OR HYDROSEED TEMPORARY VEGETATION.
- 5. THE CONTRACTOR'S EQUIPMENT STORAGE AREAS SHALL BE PROTECTED THROUGH THE USE OF EARTH BERUS AND/OR ABSORPTION MATERIALS TO PREVENT POLILITINES FROM OSCIAMENING INTO STATE WATERS. THE CONTRACTOR SHALL INSPECT AND MAINTAIN STORAGE AREAS.
- 7. ALL BMP AND EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT EROSION CONTROLS ARE IN PLACE AND ESTABLISHED.

### SEQUENCE FOR SEDIMENT CONTROL:

- INSTALL COMPOST FILTER SOCK, GOOD NEIGHBOR/DUST FENCE, STABILIZED CONSTRUCTION ACCESS ENTRY/EXIT, AND TEMPORARY INLET PROTECTION AT EXISTING CATCH BASINS.
- 2. COMMENCE GRADING OPERATIONS.
- GROUND COVER, SUCH AS PAVING, GRASSING AND MULCHING TO BE INSTALLED IMMEDIATELY AFTER FINAL GRADES ARE ESTABLISHED.
- AT COMPLETION OF THE PROJECT, ALL COMPOST FILTER SOCKS INCLUDING THE COMPOST MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY.

