



U.S. Army Corps
of Engineers
Honolulu District

Public Notice of Application for Permit

Regulatory Branch
Building 230
Ft. Shafter, Hawaii 96858-5440

PUBLIC NOTICE DATE: May 9, 2005

EXPIRATION DATE: June 8, 2005

REFERENCE NUMBER: POH-2005-253

WATERWAY NAME: Nawiliwili Bay

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 plans.

APPLICANT: State of Hawaii Department of Transportation
Harbors Division
79 South Nimitz Highway
Honolulu, HI 96813

APPLICABLE STATUTORY AUTHORITIES: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344)

LOCATION OF PROPOSED ACTIVITY: Nawiliwili Harbor, 3242 Waapa Road, Lihue, Kauai, Hawaii

PURPOSE: The project is intended to provide a lengthened berth at Pier 3 to accommodate larger cruise ships up to 865 feet long. The dredging portion of the project would provide greater depth to allow large cruise ships to safely maneuver within the harbor. The revetment wall will prevent erosion in the area where an existing boat ramp and docks are to be removed. The proposed improvements are intended to make better use of the existing harbor facilities and are in accordance with the Nawiliwili Harbor Master Plan.

DESCRIPTION OF PROPOSED ACTIVITY: Work will include construction of a segmented re-enforced concrete pier and pedestrian walkway on pre-cast concrete pilings (5,820 square feet total); removal of an existing concrete boat ramp and docking facility (5,940 square feet) with placement of an approximately 2,000 cubic yard riprap revetment wall in the exposed areas (approximately 1,500 cubic yards will be discharged below the Mean Higher High Water (MHHW) line); and the construction of a new comfort station facility. The applicant also

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Nawiliwili Harbor Pier 3 Improvements
Kauai, Hawaii

proposes to maintenance dredge approximately 31,000 cubic yards of material from the harbor (dredge depth to -35 feet MLLW), and dispose of the dredged material in uplands. Authorization pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 would be required for any offshore disposal of dredged material. Ocean disposal is not proposed for this project.

The demolished concrete structures of the abandoned boat ramp and dock facilities will be stored separately from the dredge spoil from the harbor, and will be disposed of at an approved landfill. The applicant does not propose to use construction/demolition debris from the project in new structures, including the riprap revetment, nor dispose of it offshore as an artificial reef structure. The Corps strongly discourages any proposal to use artificial reefs as a disposal option for construction/demolition debris material. The Corps' decision to authorize construction of an artificial reef must be made only after proposed materials are carefully evaluated by all appropriate agencies for their potential to enhance or degrade surrounding waters.

Dredged material consists of sand, silt, cobble stones and concrete rubble. Dredged material will be transported in water-tight vehicles to a de-watering and stockpiling location approximately 0.4 miles from the project site. The applicant is not proposing to dewater the dredged material into waters of the United States. The dredged material will be dewatered within an area that is bermed and lined with waterproof materials. Storage of the de-watered dredged material will be within the harbor facility, next to the bulk sugar storage warehouse, which is also a former drainage basin. It is anticipated that the County of Kauai will subsequently use the dried dredged material for landscaping purposes. Maintenance dredging activities will be performed in accordance with a Site-Specific Best Management Practices Plan (BMPP). The dredging method will be selected by the contractor and will be a suitable method appropriate to the site.

The new comfort station is not located within waters of the U.S. and is not subject to regulation by the Corps.

All work would conform to the locations shown in the attached drawings (7 sheets).

IMPACTS OF THE PROPOSED ACTIVITIES ON THE ENVIRONMENT, IF

AUTHORIZED: Once the only natural harbor on Kauai, Nawiliwili Harbor is located at the confluence of the Huleia River and Niunalu Stream. Modern development of the harbor began with the construction of a breakwater and dredging of a turning basin, completed by the U.S. Army Corps of Engineers in 1930. Nawiliwili Harbor once served primarily the sugar cane industry, but now largely supports inter-island barge shipping and cruise ships. It is characterized as a fenced, heavily built up industrial area. The shoreline surrounding the harbor basin has been modified with protective concrete piers with sheet piles and rock walls.

During the construction and dredging period(s) there would be temporary increases in noise and water turbidity and boat traffic would be temporarily obstructed at work areas. The dredging would use mechanical means to remove bottom sediments that would generate a localized plume. According to the "Specifications and Proposal for Segmented Pier 3 Improvements at Nawiliwili Harbor" provided by the applicant, full length silt curtains shall be installed prior to dredging, construction of the rip-rap revetment, pre-drilling, driving piles and pier construction to contain

turbidity that results from in-water activities. Water quality monitoring during and after dredging and construction operations will be conducted.

The Marine Environmental Assessment by Sea Engineering, Inc., dated April, 2004, concludes that two primary benthic habitats exist within the project area: 1) pier pilings, which support fouling organisms such as sponges, stinging hydroids, sea squirts and bryozoans, and 2) rock and rubble bottom that supports a sparse community of reef biota. Most of the observed marine fauna were confined to relatively shallow depths (6 feet or less).

Sessile or slow-moving biota inhabiting mixed silts, sands, and coral rubble, or living along slopes, bottoms or pier pilings of the harbor may be destroyed or displaced by dredging and construction activities. Mitigation for estuarine habitat loss has not been proposed by the applicant; however, a Best Management Practices Plan (BMPP) will be required to minimize turbidity and outline the proper handling and disposal of excavated material. In addition, the BMPP will also contain measures to avoid, minimize or mitigate potential pollution events from equipment maintenance, leaks, and spills. Also, the pilings associated with the installation of the pier extension and walkway will likely provide replacement benthic habitat to sessile organisms.

IMPACTS ON CULTURAL RESOURCES: The State Historic Preservation Officer reviewed the draft environmental assessment (EA) for the applicant's proposed activity and in a letter to the agent dated September 17, 2004 concurred with the determination of no effect on significant historic sites. The final EA for this project states that no archaeological impacts will occur since the work will be confined within an established industrial wharf area.

Marine-related activities, particularly for recreational and subsistence fishermen, have been restricted within the harbor facility in recent years due to national security concerns. The project is not anticipated to result in additional restrictions, except for safety reasons during actual construction/dredging operations.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs, Hui Malama I Na Kupuna, and the federal Secretary of the Interior. Any comments they have regarding historic properties and cultural resources will be considered before a final decision is made on the DA permit.

IMPACTS ON ENDANGERED SPECIES: A faunal survey for the Pier 2 Extension on Nawiliwili Harbor, dated October 3, 2001 (provided with final EA), with an addendum dated November 20, 2003, indicates the presence of Federally listed threatened species in the vicinity of the project area, including, but not limited to, the Hawaiian bat (*Lasiurus cinereus semotus*), the Newell's Shearwater (*Puffinus newelli*), the Hawaiian stilt (*Himantopus mexicanus Knudsen*), the Hawaiian monk seal (*Monachus schauinslandi*), and the green sea turtle (*Chelonia mydas*). Because of the highly disturbed, industrial surroundings, the harbor area and waters are not likely to provide significant habitat to any of these species. Turtles, and possibly monk seals, may venture into the project area, and their presence will be monitored at all times. In the event a sea turtle enters the project area, work shall cease until the turtle leaves. Similar precautions will be taken if a monk seal should enter the project area. The contractor performing the dredging and

dewatering work shall inform its employees about the potential to encounter stilts within the project area.

No significant adverse impacts to federally listed species are expected from the proposed project. This notice has been sent to the USFWS and NMFS. Any additional comments they have on endangered or threatened species, essential fish habitat, and special aquatic sites will be considered before a final decision is made on the permit.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

COMMENTS AND INQUIRIES: The U.S. Army Corps of Engineers (USACE) is soliciting comments from the public, Federal, State and local agencies and officials, native Hawaiian groups and individuals and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE 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. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Connie Ramsey at 808-438-2039 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at

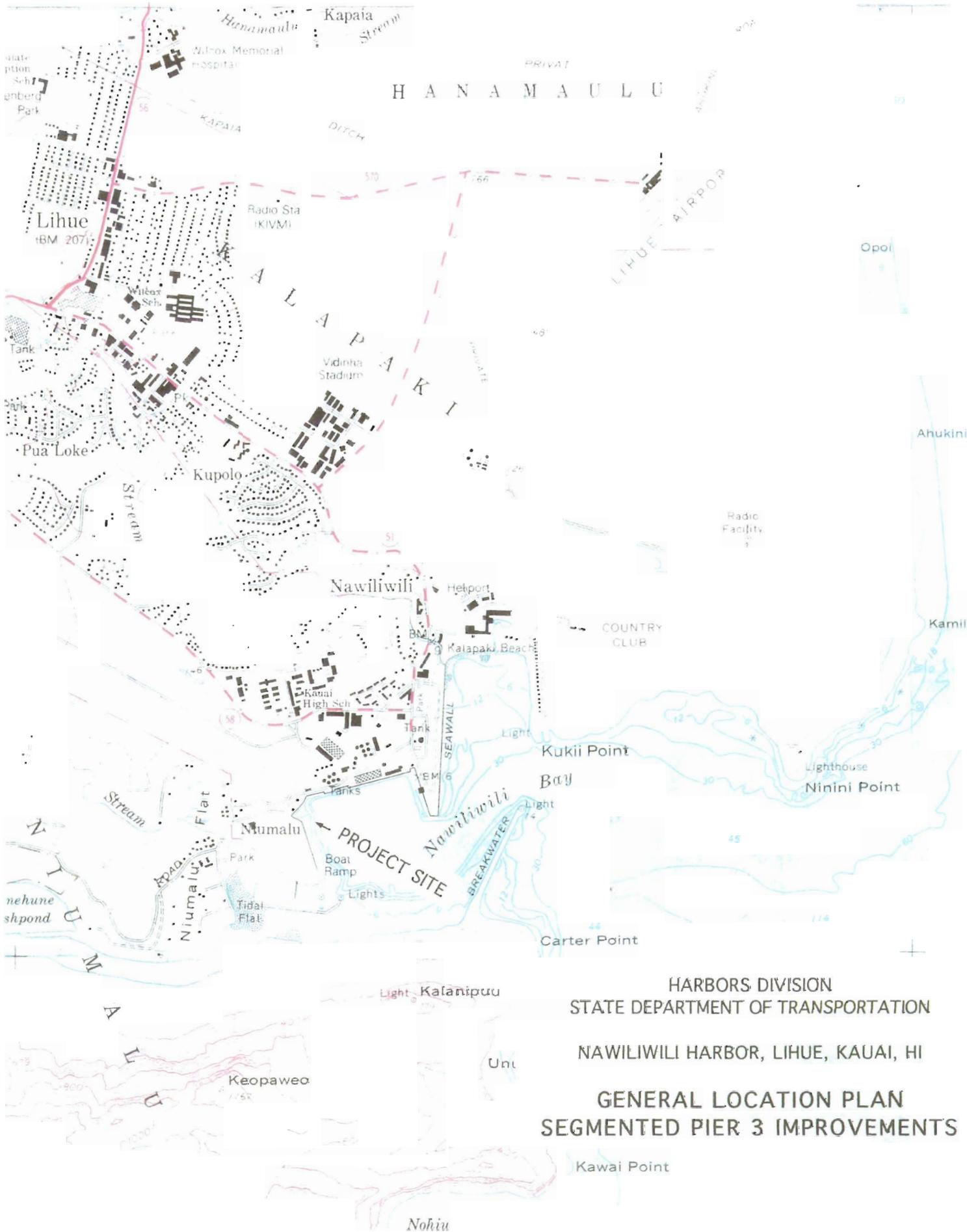
CEPOH-EC-R@usace.army.mil (use subject line: Comments for POH-2005-253). Facsimile comments can be sent to 808-438-4060.

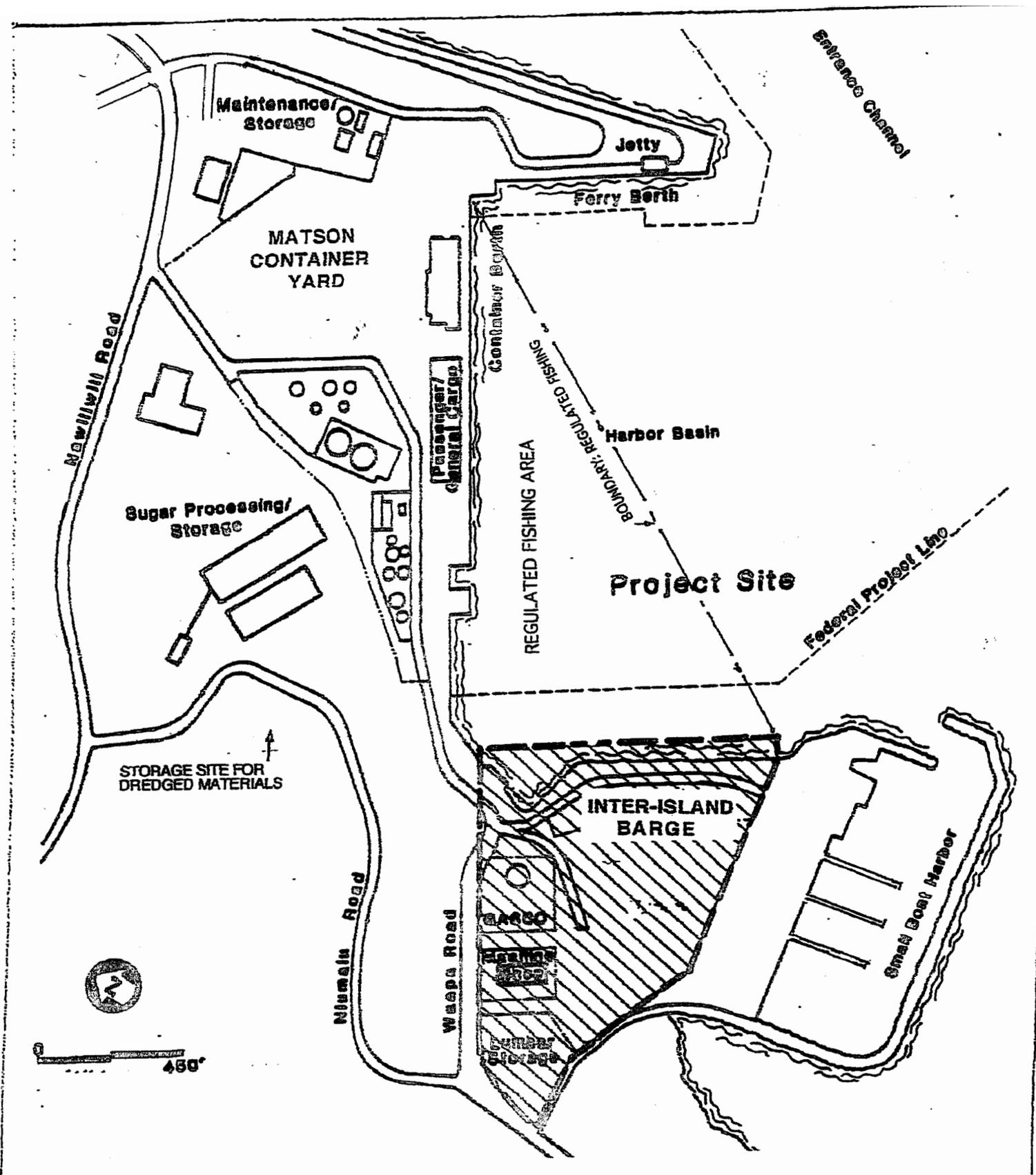
It is Corps of Engineers policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary form.

OTHER PERMITS AND AUTHORIZATIONS: Prior to the issuance of the Department of Army permit, the applicant is required to obtain an individual Section 401 Water Quality Certification, or waiver thereof, from the State Department of Health, Clean Water Branch and a Coastal Zone Management (CZM) Program consistency determination, waiver, or exemption, from the Office of Planning. The requirements for a CZM consistency statement and accompanying information are available for public review at the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, 235 S. Beretania Street, 6th Floor, Honolulu, HI 96813. Comments on the consistency statement should be submitted in writing to the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, P.O. Box 2359, Honolulu, HI 96804 no later than 30 days from the date of this notice.

REQUEST FOR PUBLIC HEARING: Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

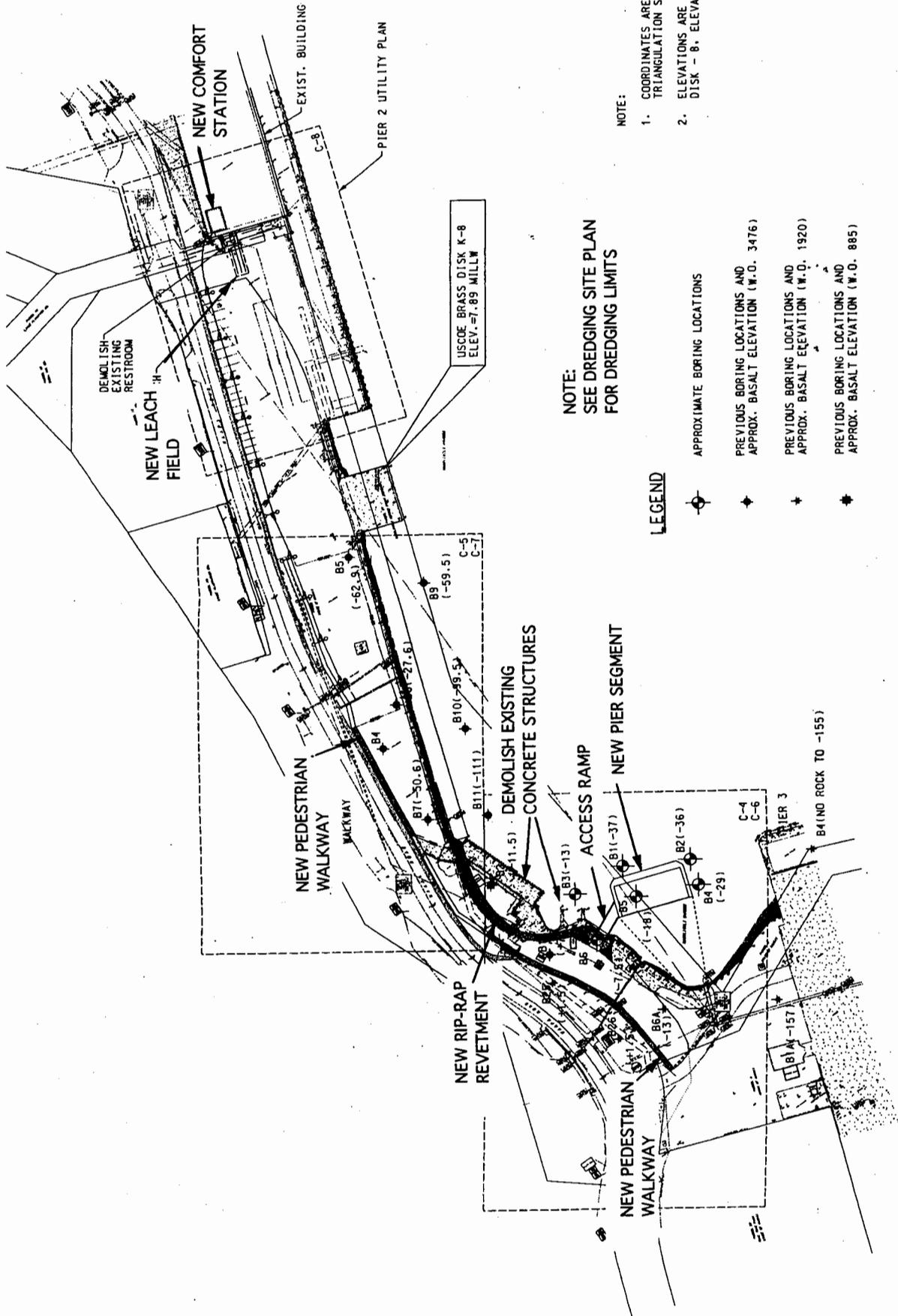
Attachments





DRAWING NO. 2

NAWILWILI HARBOR PLAN



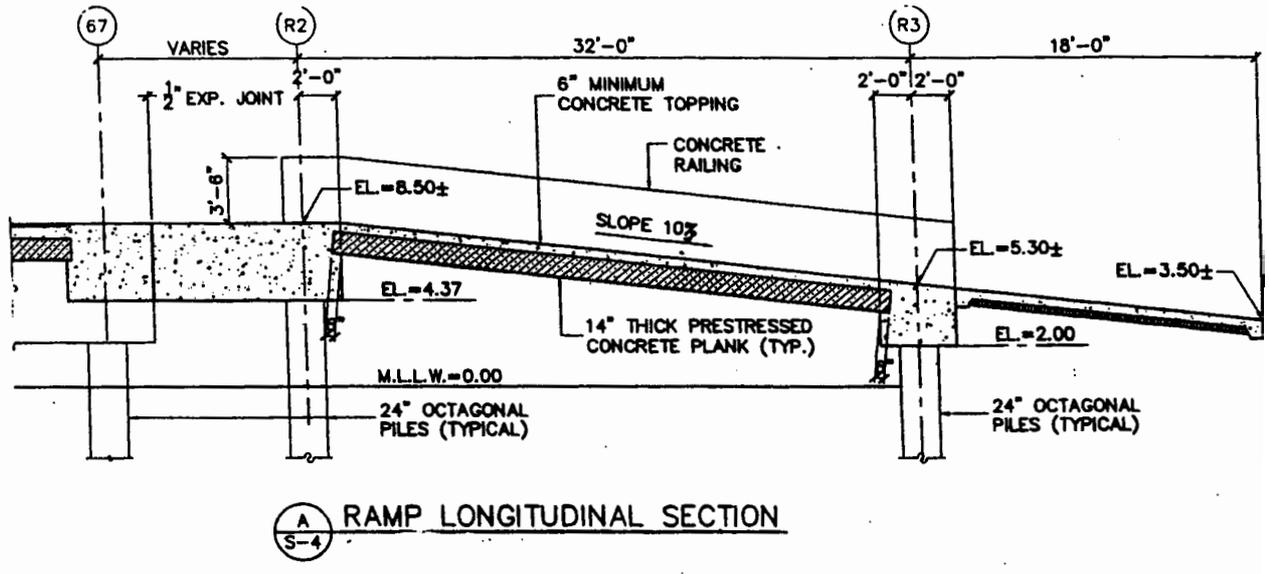
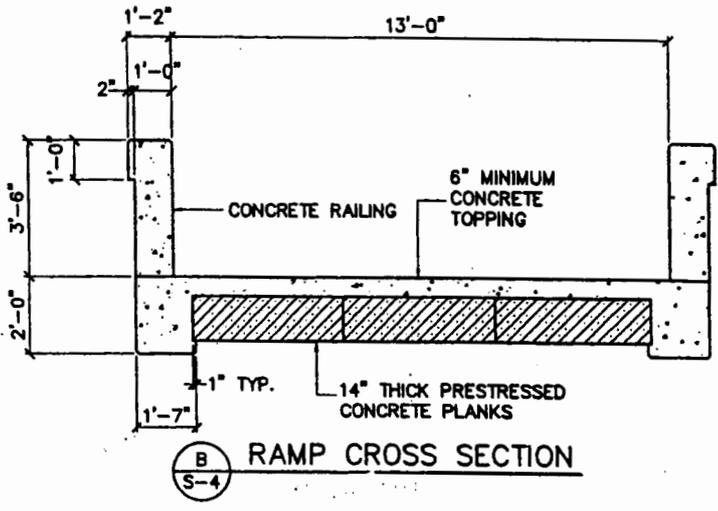
NOTE:
SEE DREDGING SITE PLAN
FOR DREDGING LIMITS

NOTE:

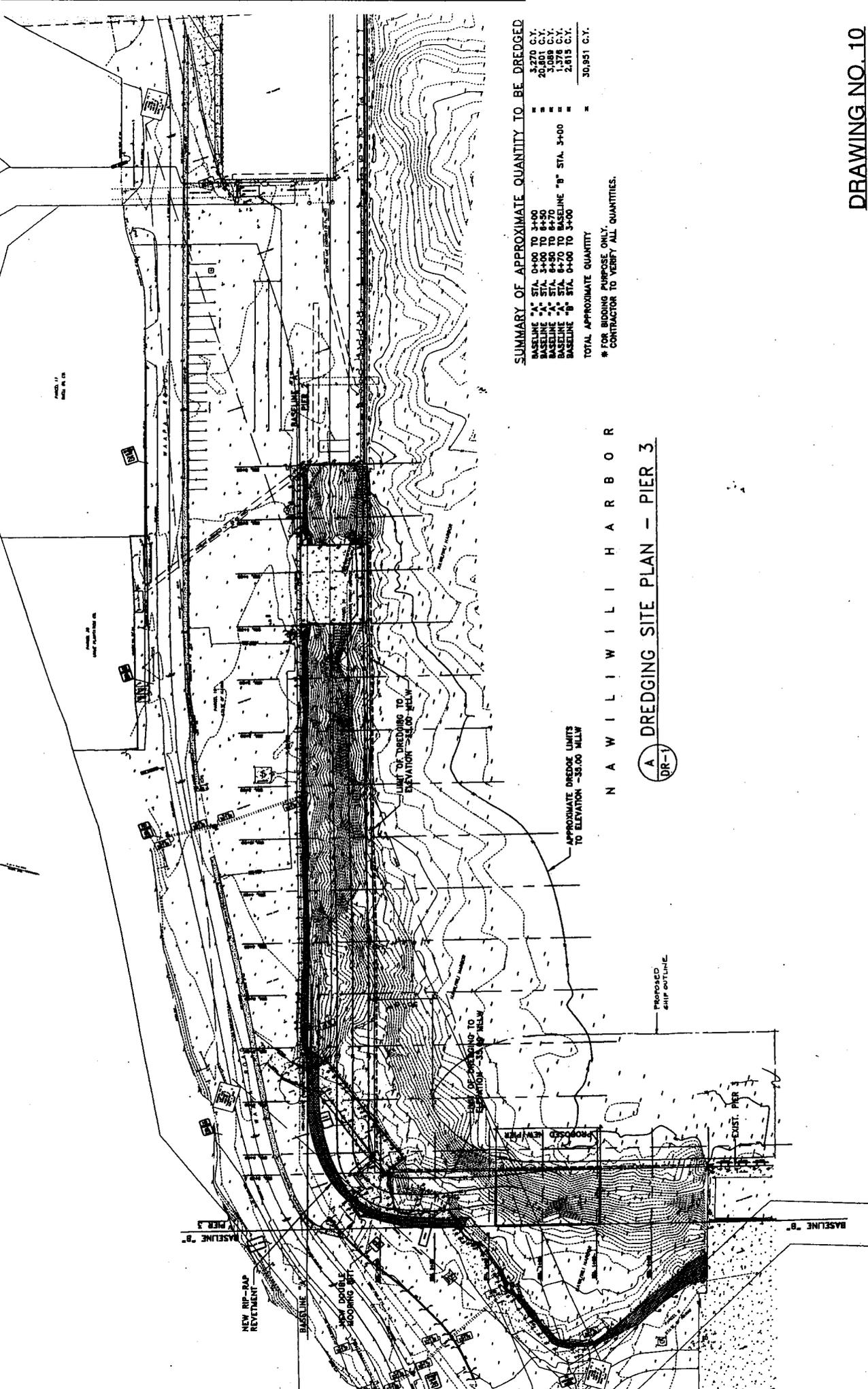
1. COORDINATES ARE REFERRED TO GOVERNMENT TRIANGULATION STATION "NAWILIWILI"
2. ELEVATIONS ARE REFERRED TO USCOE BRASS DISK - 8. ELEVATION = 7.89 MILLW

LEGEND

-  APPROXIMATE BORING LOCATIONS
-  PREVIOUS BORING LOCATIONS AND APPROX. BASALT ELEVATION (W.O. 3476)
-  PREVIOUS BORING LOCATIONS AND APPROX. BASALT ELEVATION (W.O. 1920)
-  PREVIOUS BORING LOCATIONS AND APPROX. BASALT ELEVATION (W.O. 885)



ACCESS RAMP DETAILS



SUMMARY OF APPROXIMATE QUANTITY TO BE DREDGED

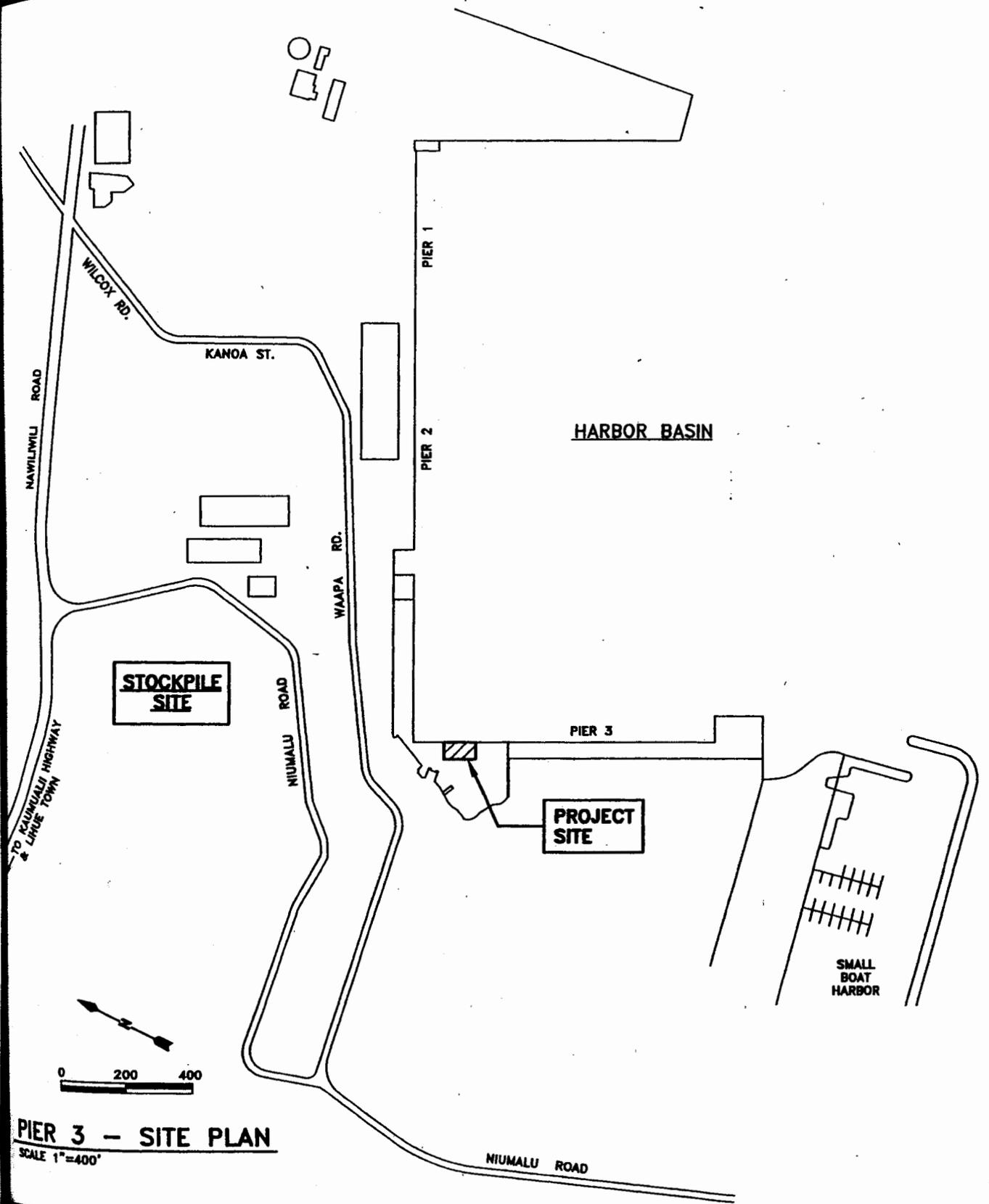
BASELINE "A" STA. 0+00 TO 3+00	=	3,270 C.Y.
BASELINE "A" STA. 3+00 TO 4+70	=	20,400 C.Y.
BASELINE "A" STA. 4+70 TO 8+70	=	3,088 C.Y.
BASELINE "A" STA. 8+70 TO BASELINE "B" STA. 3+00	=	1,378 C.Y.
BASELINE "B" STA. 0+00 TO 3+00	=	2,815 C.Y.
TOTAL APPROXIMATE QUANTITY	=	30,951 C.Y.

* FOR BIDDING PURPOSE ONLY.
 * CONTRACTOR TO VERIFY ALL QUANTITIES.

N A W I L I W I L I H A R B O R
 A DR-1
 DREDGING SITE PLAN - PIER 3

DRAWING NO. 10

be
eparate



SEGMENTED PIER 3 IMPROVEMENTS AT
NAWILIWILI HARBOR, KAUAI, HAWAII
JOB H.C. 7275

FIGURE 1 - APPROXIMATE LOCATION
OF STOCKPILE SITE