



# PUBLIC NOTICE

## US Army Corps of Engineers, Honolulu District

Regulatory Office (CEPOH-RO)  
Building 230  
Fort Shafter, Hawaii 96858-5440

Public Notice Date: **March 16, 2018**  
Expiration Date: **March 30, 2018**  
Permit File Number: POH-2015-00229

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### FEDERAL PUBLIC NOTICE

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

#### APPLICANT:

Mr. J. Michael Will, U.S. Department of Transportation, Federal Highway Administration, Central Federal Lands Highway Division, 12300 W. Dakota Avenue, Suite 380, Lakewood, Colorado 80228

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located at the Hanapepe River Bridge and Hanapepe River at mile post (M.P.) 16.6 Kaumualii Highway (Route 50), Hanapepe, Island of Kauai, Hawaii (TMK: [4] 1-9-007: 001 por. Hanapepe River, 013 por., and 034 por., and [4] 1-9-010: 014 por., 015 por., 046 por., and 050 por., Kaumualii Highway and Iona Road right-of-way).

PROPOSED PROJECT AND PURPOSE: The proposed project would include:

- a. the discharge of approximately 2,191 cubic yards (cy) of fill material into the Hanapepe River which would permanently impact 0.21-acre of waters of the United States (U.S.). The fill material would consist of riprap and soil that would be discharged below the mean higher high water mark to construct two new bridge abutments as part of the overall Hanapepe River Bridge Replacement Project; and,
- b. the discharge of fill material into the Hanapepe River for the installation of temporary water diversion structures and the placement of riprap for the protection of a temporary bridge. The temporary stream diversions would enable construction work to occur "in the dry" and the riprap would provide support to the temporary bridge that would be used by vehicles while the new bridge is under construction. These discharges of fill material would result in the temporary impact to no more than 0.84-acre of waters of the U.S. All temporary fills would be removed in their entirety following construction and the affected areas returned to pre-construction elevations.

All work would be performed in accordance with the enclosed plan (sheets 1-11), dated June 22, 2016.

**Purpose and Need:** The purpose of the proposed project is to improve the Hanapepe River Bridge and its approaches to maintain the river crossing as a safe and functional component of the regional transportation system. The existing bridge does not meet the current American Association of State Highway Transportation Officials structural and design standards for load capacity, bridge railing and transitions and bridge approaches.

**Applicant Proposed Mitigation Statement:** The applicant has determined that the proposed project design avoids and minimizes adverse impacts to waters of the U.S. and improves design flood conveyance, while still meeting the purpose and need for the project. No wetlands would be impacted by the proposed project. Erosion control measures would be taken to reduce impacts to water quality. Disturbed areas would be reseeded with appropriate seed mixes (upland and riparian) of species appropriate to the project area. Given the nature of the activity, the applicant does not believe compensatory mitigation is required.

**Additional Information:** The proposed work, listed above, was originally authorized by a DA verification letter for a Nationwide Permit (NWP) 14, Linear Transportation Projects, on March 14, 2017. The applicant began work, or was under contract to commence the work, prior to the expiration of the 2017 NWPs, therefore, work could commence until March 18, 2018. At that time, a new NWP verification, or other form of permit, would be required. However, the new 2017 NWP Regional Conditions do not permit impacts in excess of 0.10-acre of waters of the U.S., therefore, the applicant is required to receive a DA Individual Permit prior to continuing work in waters of the U.S. beyond March 18, 2018. There have been no changes in methodology or impacts as proposed under the original verification.

**AUTHORITY:** 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).

**WATER QUALITY CERTIFICATION:** The proposed action would result in a discharge of dredged or fill material into a water of the U.S. and will require authorization from the Corps in accordance to Section 404 of the Clean Water Act of 1972 (CWA). 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. The applicant, Federal Highway Administration (FHWA), is currently in the process of obtaining a water quality certification.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** 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. The applicant, FHWA, has received consistency concurrence in a letter dated September 27, 2016.

**HISTORIC PROPERTIES:** The lead Federal agency, FHWA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps has reviewed the Section 106 documentation from FHWA and concurs with their findings and/or determinations.

**ENDANGERED SPECIES:** 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. The lead Federal agency, FHWA, is responsible for compliance with the requirements of Section 7 of the ESA. The Corps has reviewed the consultation letters received by FHWA from NMFS and USFWS and concurs with their findings and/or determinations.

**ESSENTIAL FISH HABITAT:** The proposed work has been evaluated 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 lead Federal agency, FHWA, is responsible for compliance with the requirements of the MSA. The Corps has reviewed the EFH conservation recommendations agreed to by NMFS and FHWA and concurs with their findings and/or determinations.

**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; Indian Tribes; 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.

**PUBLIC HEARING:** 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.

**COMMENT AND REVIEW PERIOD:** 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: Jen Martin  
Building 230  
Fort Shafter, Hawaii 96858-5440.

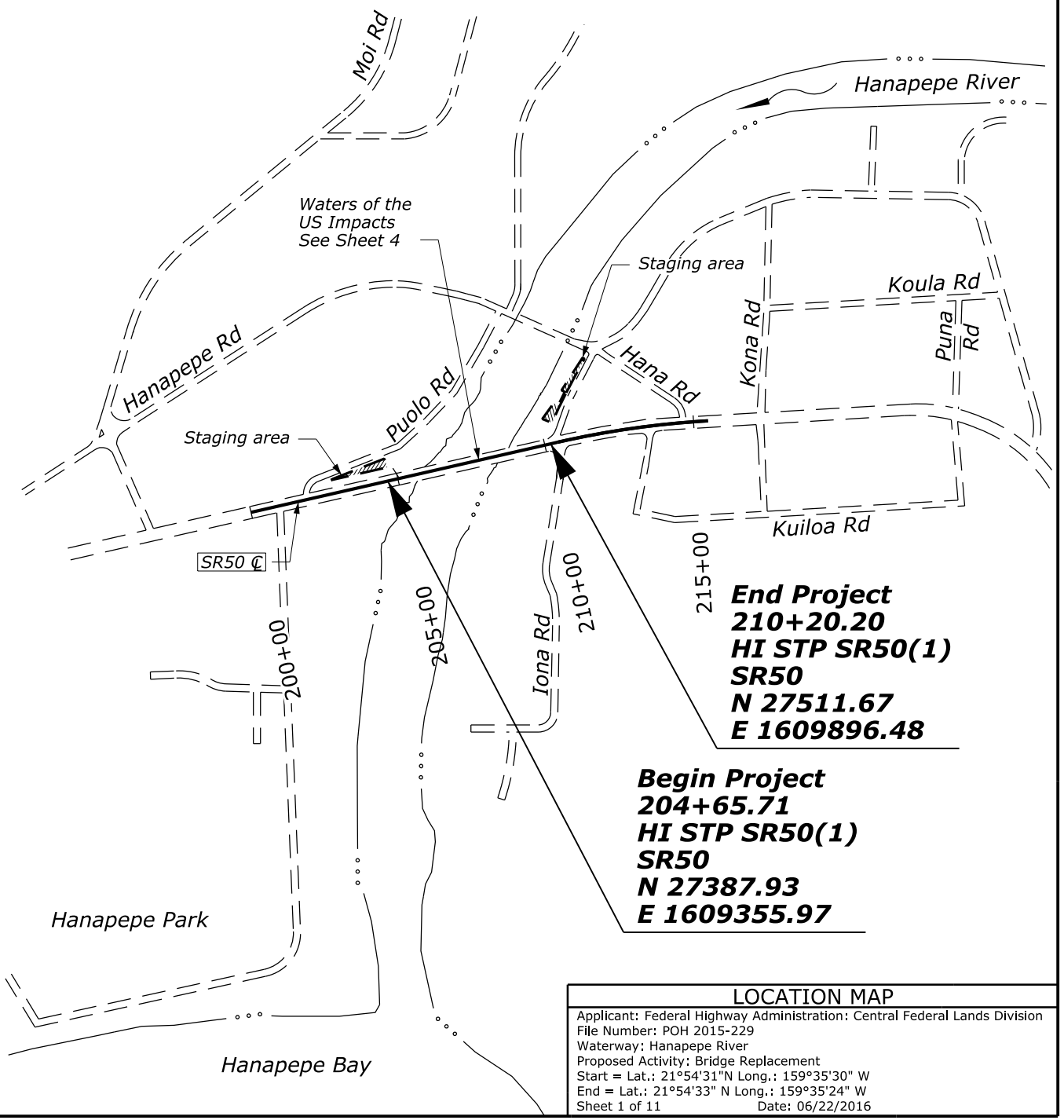
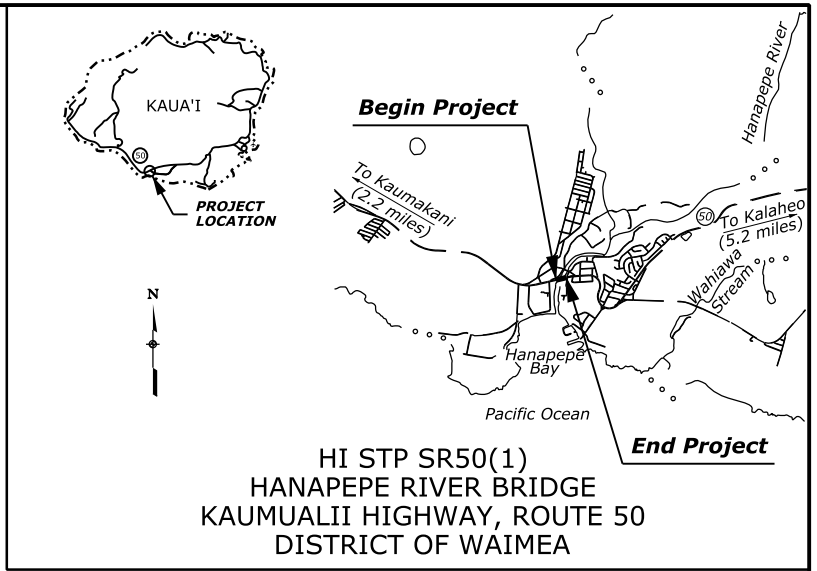
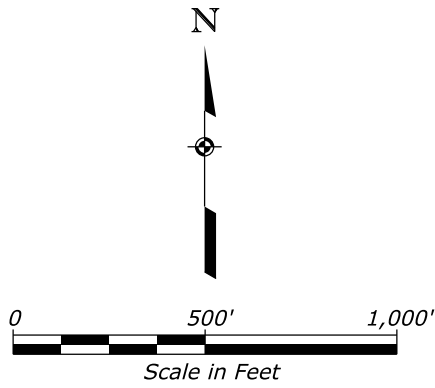
Alternatively, comments may be emailed to [jen.l.martin@usace.army.mil](mailto:jen.l.martin@usace.army.mil). Reference POH-2015-00229 in the subject heading of the email. In order to be accepted, e-mail comments must originate from the author's e-mail account. All e-mail comments should be sent to [jen.l.martin@usace.army.mil](mailto:jen.l.martin@usace.army.mil).

Both conventional mail and e-mail comments must include the DA permit number **POH-2015-00229**, 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 March 30, 2018.**

**PRIVACY & CONFIDENTIALITY:** 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 Jen Martin via telephone at (907) 753-2730 or via email at [jen.l.martin@usace.army.mil](mailto:jen.l.martin@usace.army.mil).

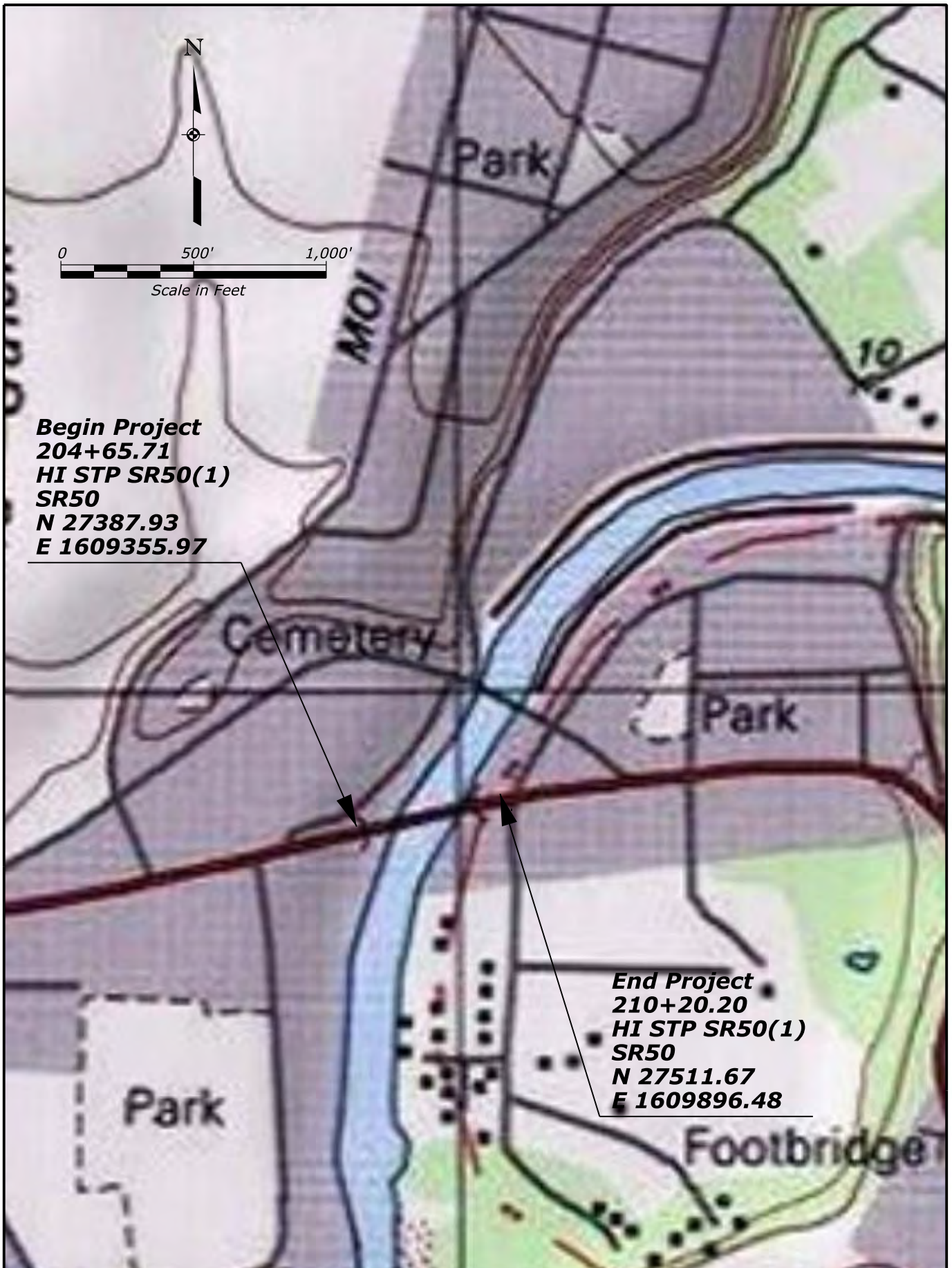
Tunis W. McElwain  
Chief, Regulatory Branch



9:41:51 AM

6/23/2016

LOCATION MAP	
Applicant: Federal Highway Administration: Central Federal Lands Division	
File Number: POH 2015-229	
Waterway: Hanapepe River	
Proposed Activity: Bridge Replacement	
Start = Lat.: 21°54'31" N Long.: 159°35'30" W	
End = Lat.: 21°54'33" N Long.: 159°35'24" W	
Sheet 1 of 11	Date: 06/22/2016



**Begin Project**  
**204+65.71**  
**HI STP SR50(1)**  
**SR50**  
**N 27387.93**  
**E 1609355.97**

**End Project**  
**210+20.20**  
**HI STP SR50(1)**  
**SR50**  
**N 27511.67**  
**E 1609896.48**

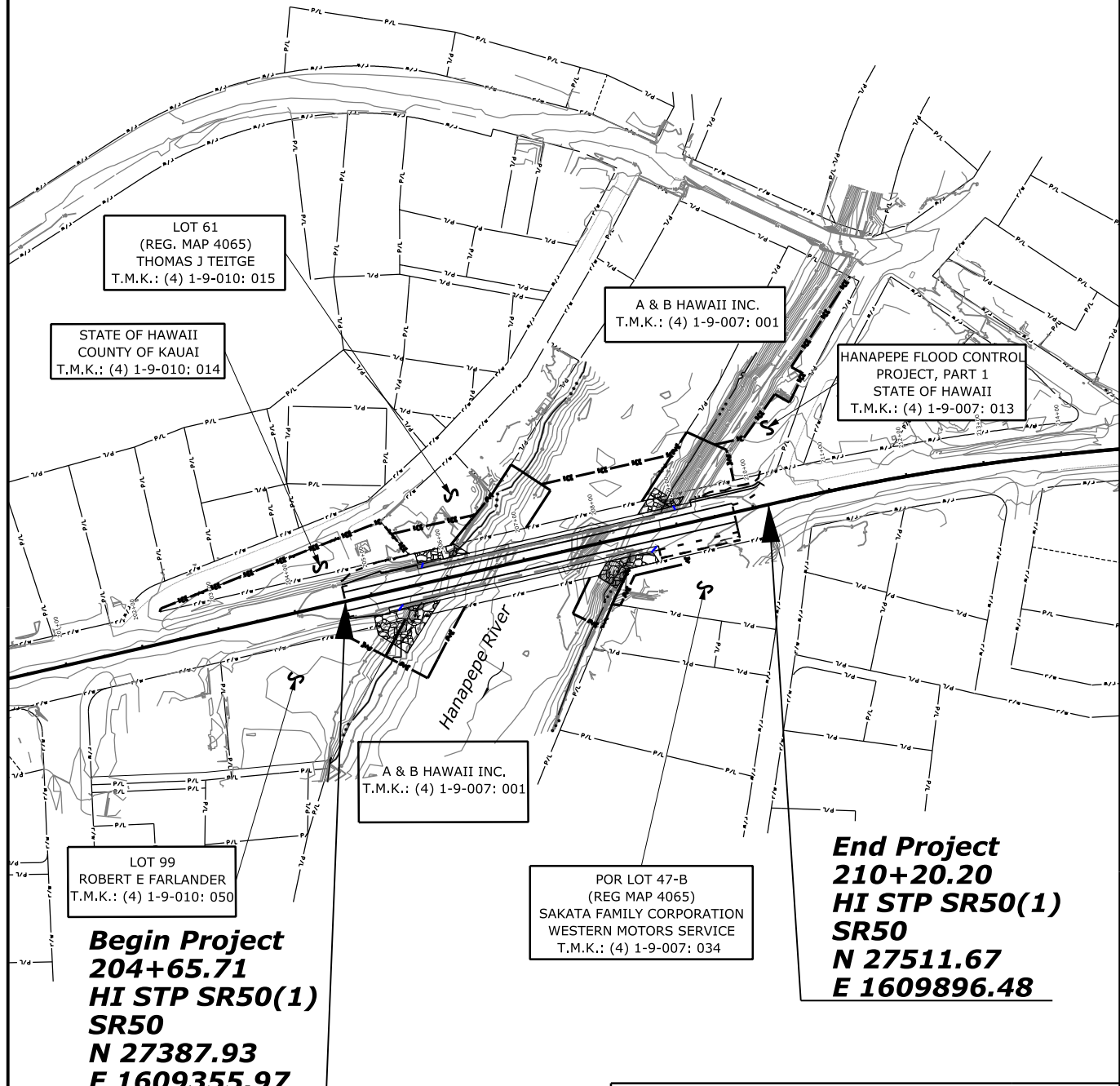
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6/23/2016

**USGS MAP**

Applicant: Federal Highway Administration: Central Federal Lands Division  
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 Proposed Activity: Bridge Replacement  
 Start = Lat.: 21°54'31" N Long.: 159°35'30" W  
 End = Lat.: 21°54'33" N Long.: 159°35'24" W  
 Sheet 2 of 11 Date: 06/22/2016

N



LOT 61  
(REG. MAP 4065)  
THOMAS J TEITGE  
T.M.K.: (4) 1-9-010: 015

STATE OF HAWAII  
COUNTY OF KAUAI  
T.M.K.: (4) 1-9-010: 014

A & B HAWAII INC.  
T.M.K.: (4) 1-9-007: 001

HANAPEPE FLOOD CONTROL  
PROJECT, PART 1  
STATE OF HAWAII  
T.M.K.: (4) 1-9-007: 013

A & B HAWAII INC.  
T.M.K.: (4) 1-9-007: 001

LOT 99  
ROBERT E FARLANDER  
T.M.K.: (4) 1-9-010: 050

POR LOT 47-B  
(REG MAP 4065)  
SAKATA FAMILY CORPORATION  
WESTERN MOTORS SERVICE  
T.M.K.: (4) 1-9-007: 034

**Begin Project**  
**204+65.71**  
**HI STP SR50(1)**  
**SR50**  
**N 27387.93**  
**E 1609355.97**

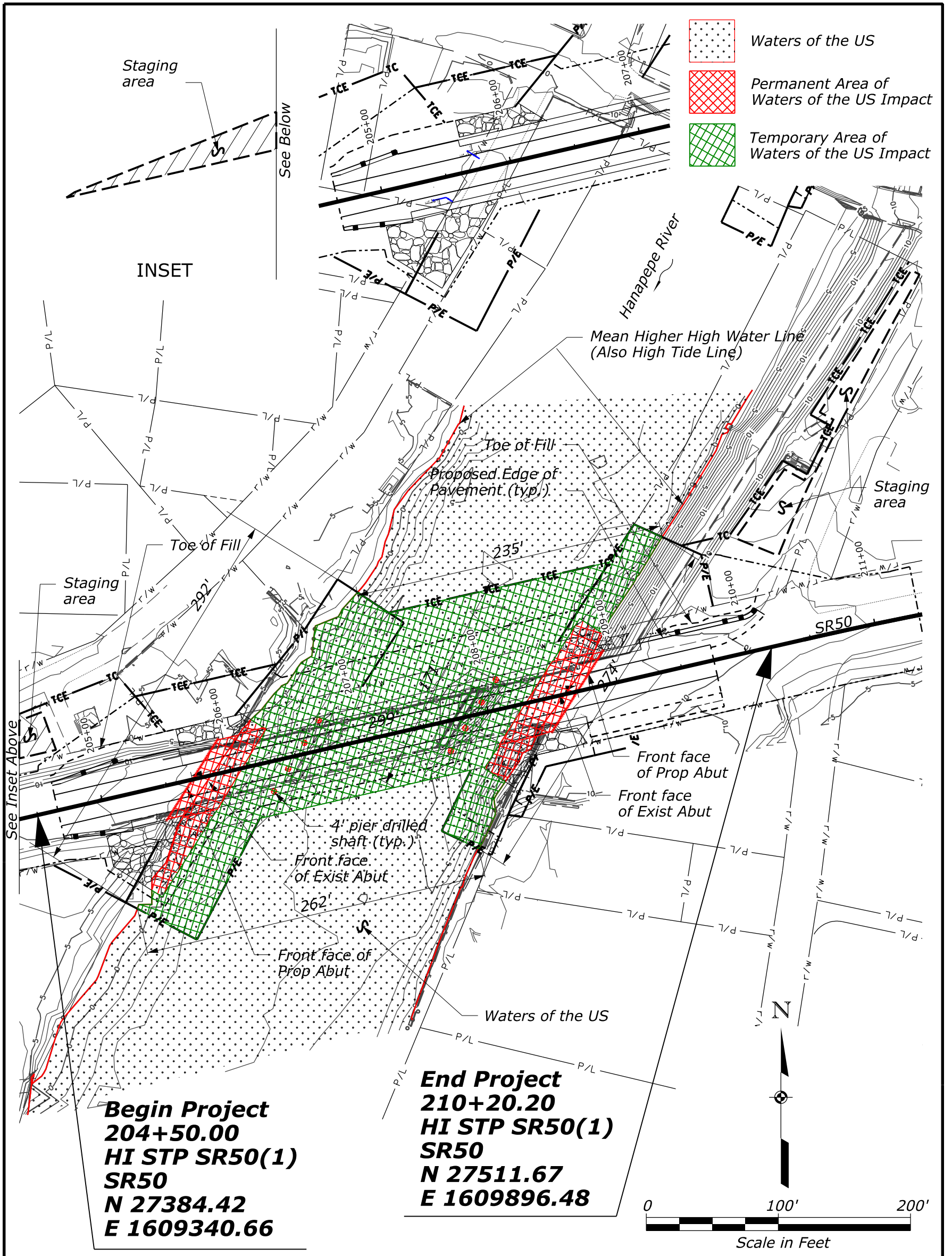
**End Project**  
**210+20.20**  
**HI STP SR50(1)**  
**SR50**  
**N 27511.67**  
**E 1609896.48**

**TAX LOT MAP**

Applicant: Federal Highway Administration: Central Federal Lands Division  
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End = Lat.: 21°54'33" N Long.: 159°35'24" W  
Sheet 3 of 11 Date: 06/22/2016

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6/23/2016



**NOTE:**

The HTL (as approximated to the MHHW elevation) = 1.01 ft,  
 MSL = 0.0 ft and the MHW = 0.60 ft,  
 MSL = 0.0 ft based on NOAA tidal station 1611400,  
 Nawiliwili, HI, 1983-2001 tidal epoch.

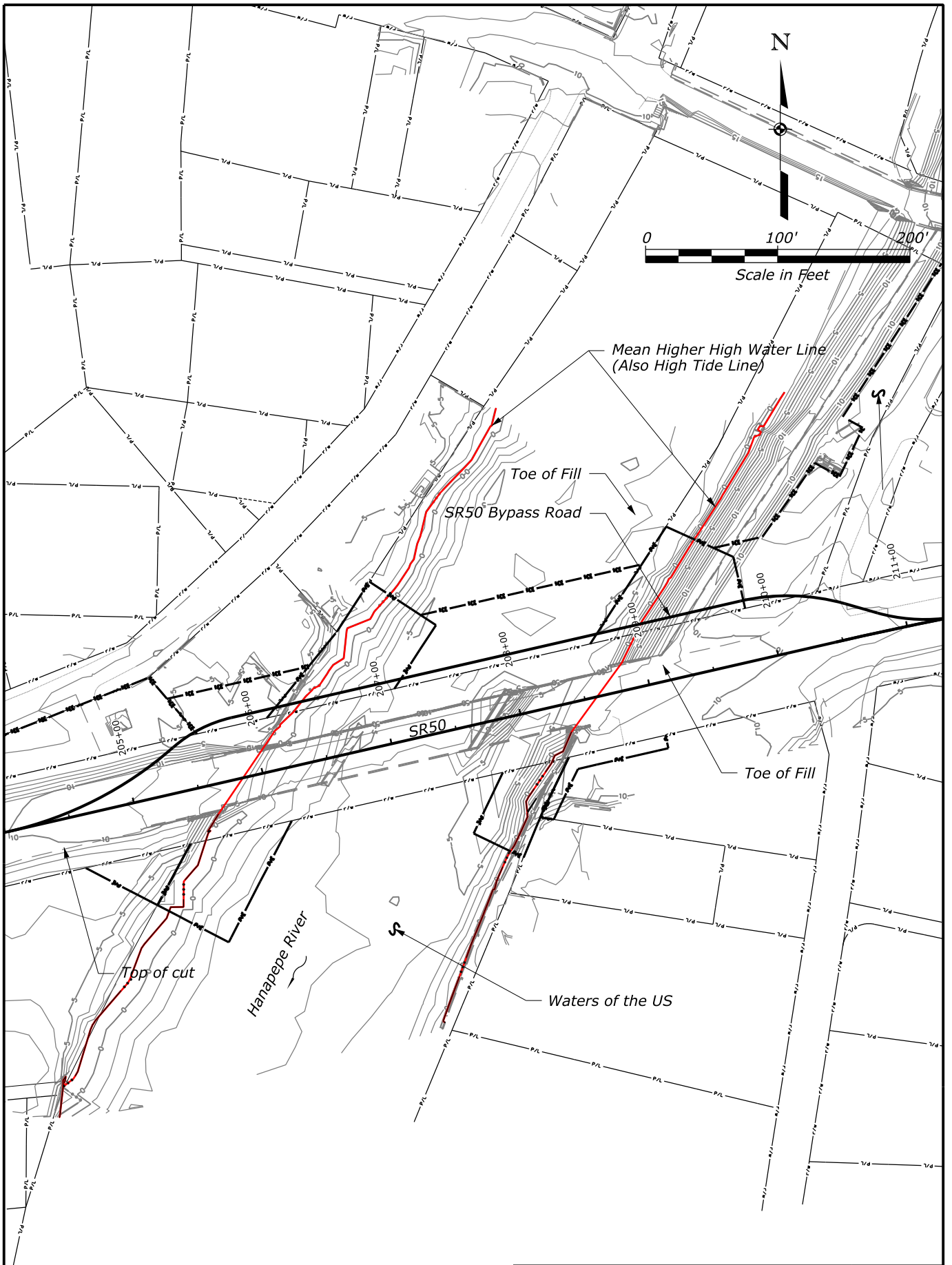
**SITE PLAN**

Applicant: Federal Highway Administration: Central Federal Lands Division  
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 Start = Lat.: 21°54'31"N Long.: 159°35'30" W  
 End = Lat.: 21°54'33" N Long.: 159°35'24" W  
 Sheet 4 of 11 Date: 06/22/2016

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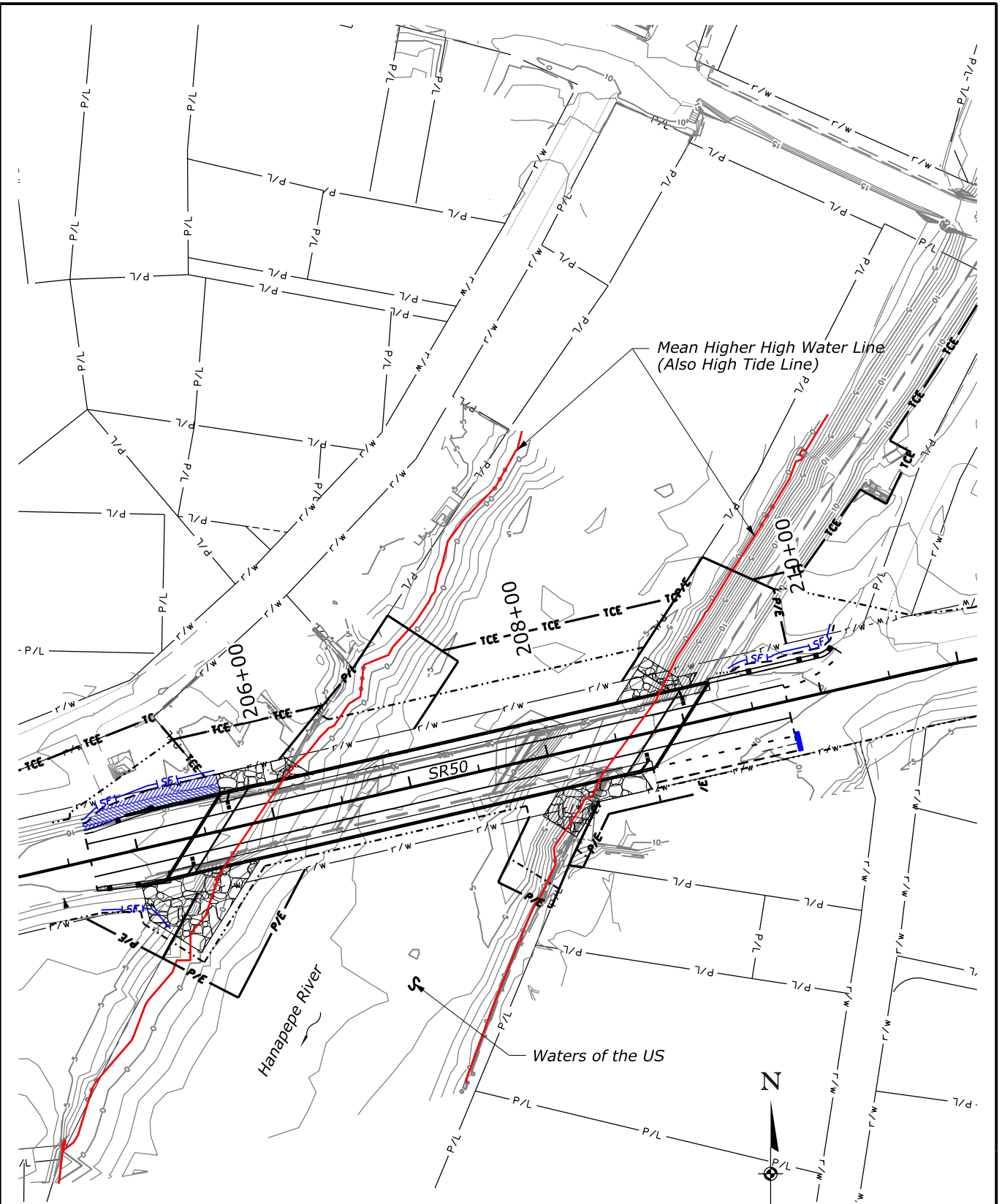
6/23/2016

MEAN HIGHER HIGH WATER LINE WAS IDENTIFIED IN THE FIELD.  
NO WETLANDS WERE DELINEATED.

SEE SHEET 4 FOR WATERS OF THE US IMPACTS.

### SITE PLAN - BYPASS ROAD

Applicant: Federal Highway Administration: Central Federal Lands Division  
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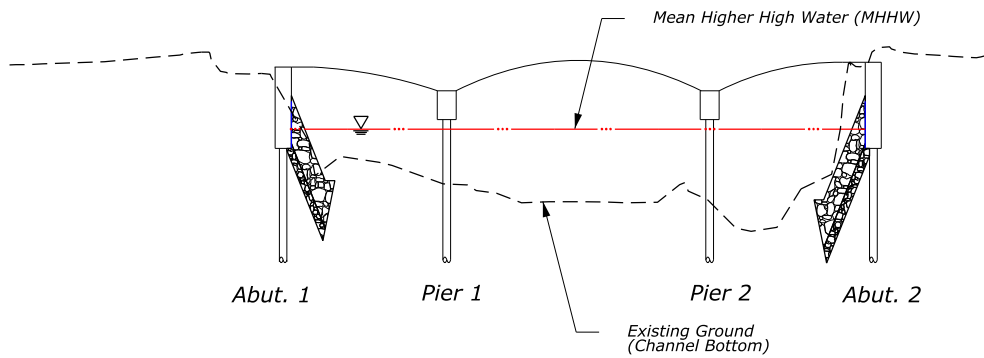
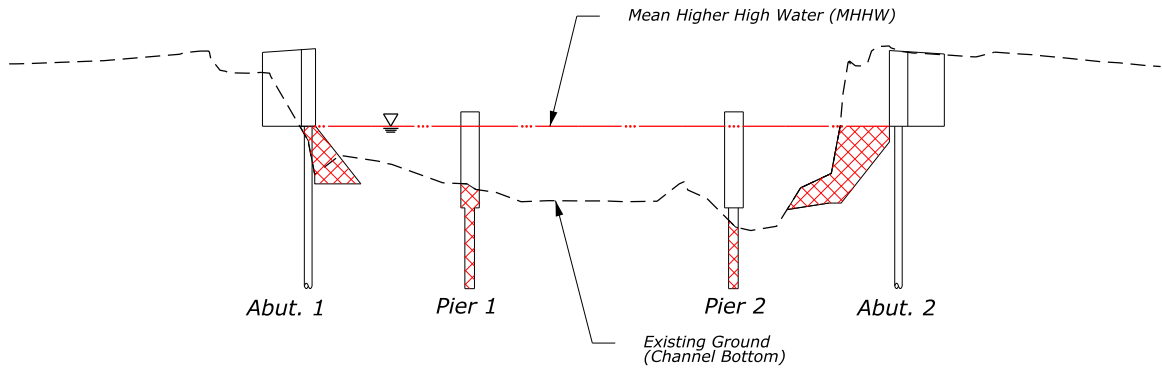


**NOTE:**

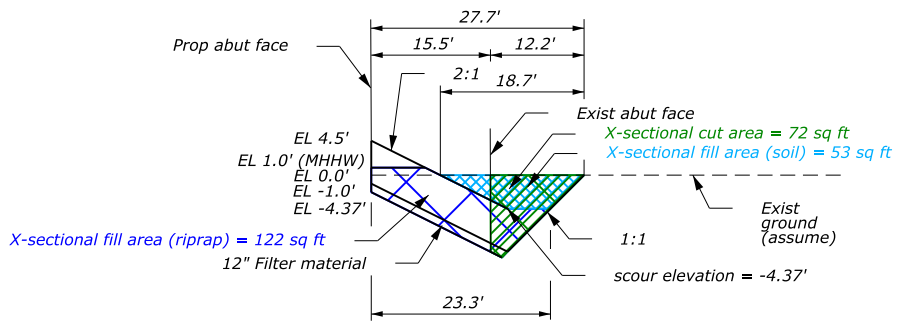
1. Erosion and sediment control devices not to scale.
2. Refer to Conventional Plan Symbols and Abbreviations sheet for erosion and sediment control symbols.
3. Alternate erosion control measures may be considered to better suit site conditions.
4. The Contractor shall provide a stabilized construction exit properly placed for the staging and construction areas. Placement shall be coordinated with the CO.

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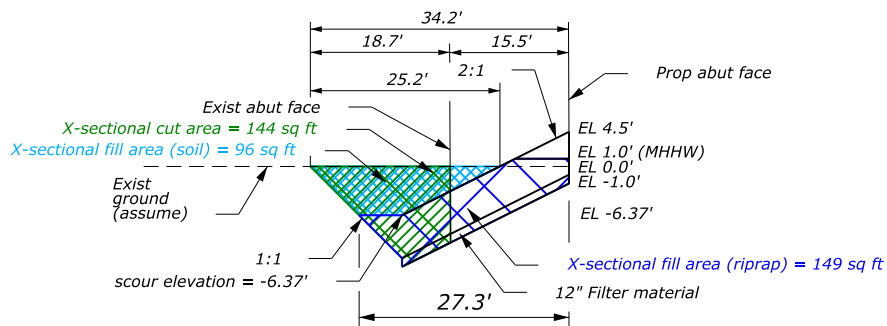
**EROSION CONTROL BEST MANAGEMENT PRACTICES**  
 Applicant: Federal Highway Administration: Central Federal Lands Division  
 File Number: POH 2015-229  
 Waterway: Hanapepe River  
 Proposed Activity: Bridge Replacement  
 Start = Lat.: 21°54'31"N Long.: 159°35'30" W  
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 Sheet 6 of 11 Date: 06/22/2016



West abutment (cut and fill)



East abutment (cut and fill)



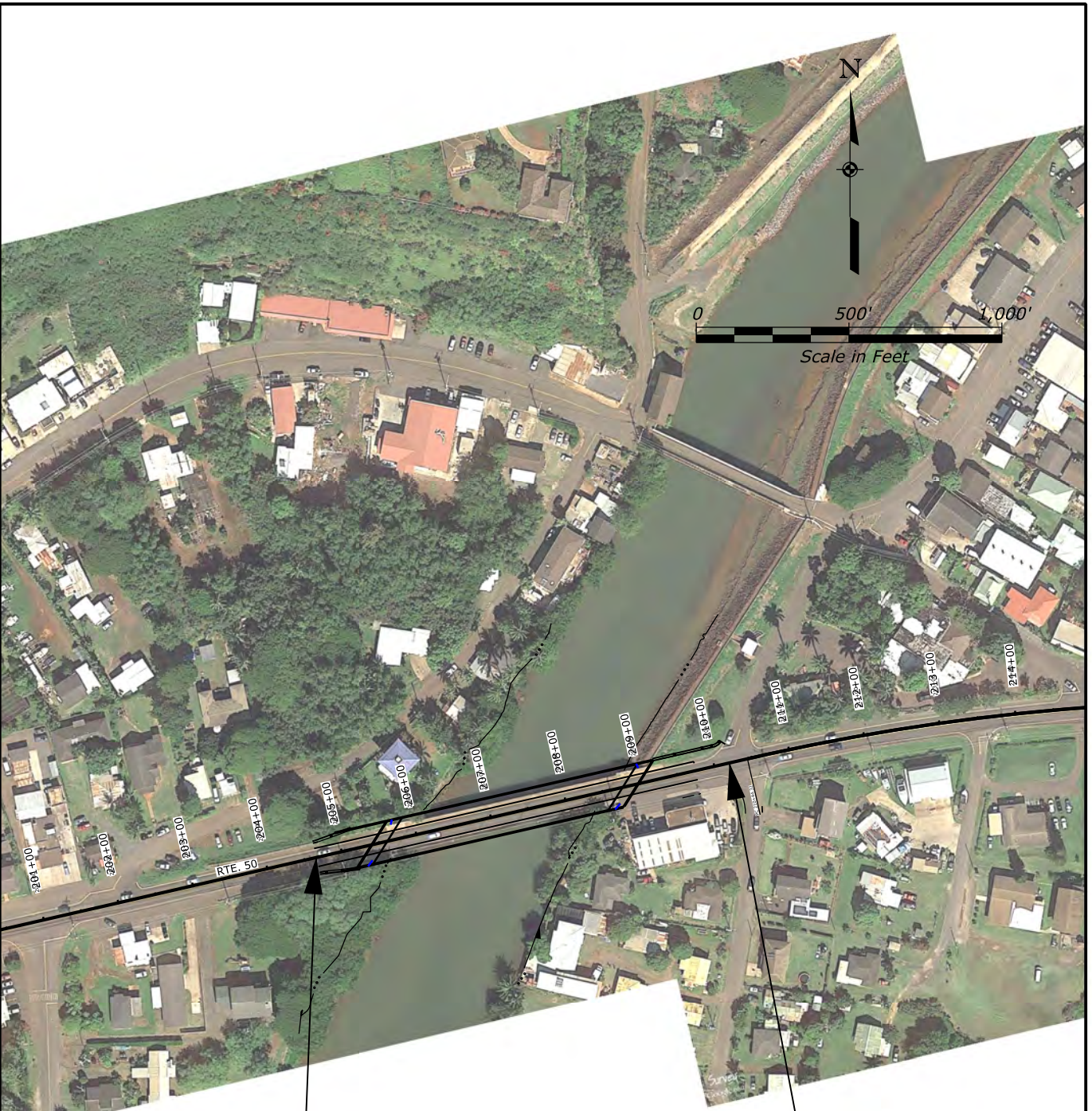
Permanent Area of Waters of the US Impact

**CROSS SECTIONS**

Applicant: Federal Highway Administration: Central Federal Lands Division  
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 End = Lat.: 21°54'33" N Long.: 159°35'24" W  
 Sheet 7 of 11 Date: 06/22/2016

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9/9/2016

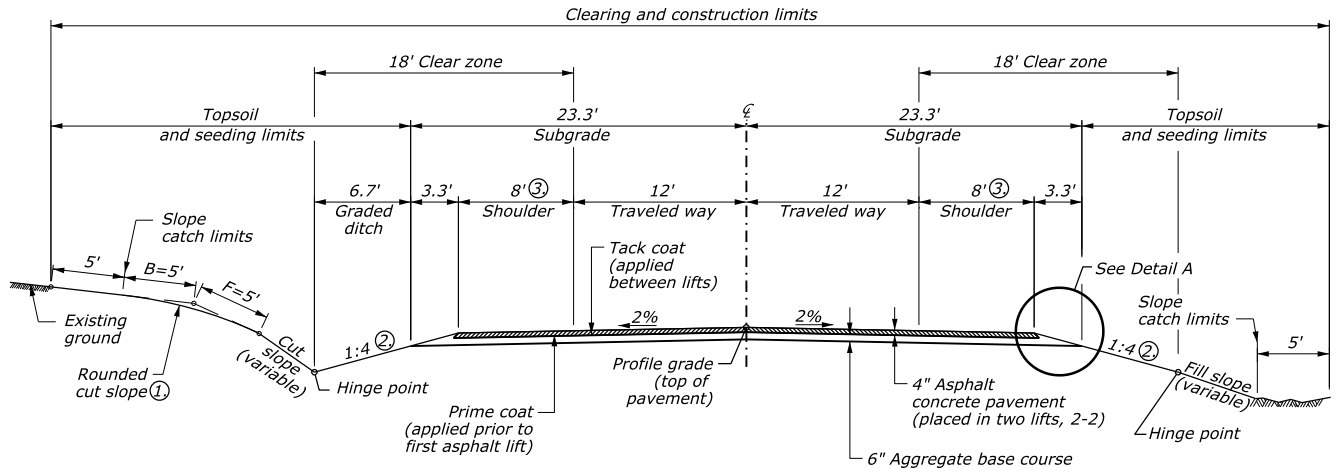


**Begin Project**  
**204+65.71**  
**HI STP SR50(1)**  
**SR50**  
**N 27387.93**  
**E 1609355.97**

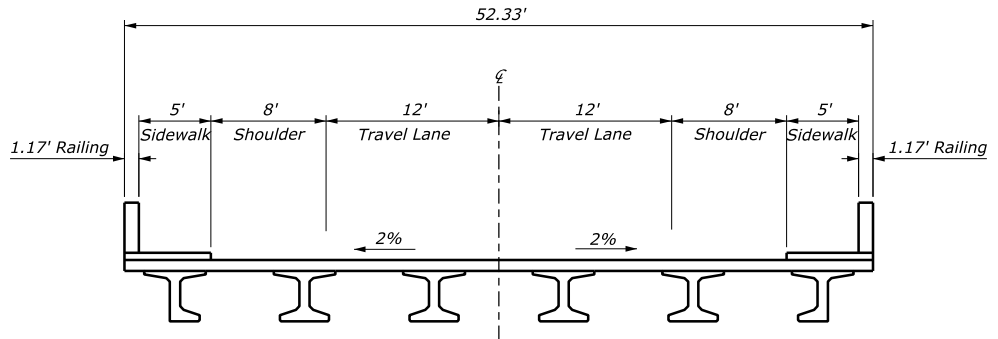
**End Project**  
**210+20.20**  
**HI STP SR50(1)**  
**SR50**  
**N 27511.67**  
**E 1609896.48**

6/23/2016 10:38:39 AM

AERIAL PHOTO	
Applicant: Federal Highway Administration: Central Federal Lands Division	
File Number: POH 2015-229	
Waterway: Hanapepe River	
Proposed Activity: Bridge Replacement	
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Sheet 8 of 11	Date: 06/22/2016



**TYPICAL SECTION**  
**204+65.71 TO 205+62.86**  
**208+76.38 TO 210+20.20**



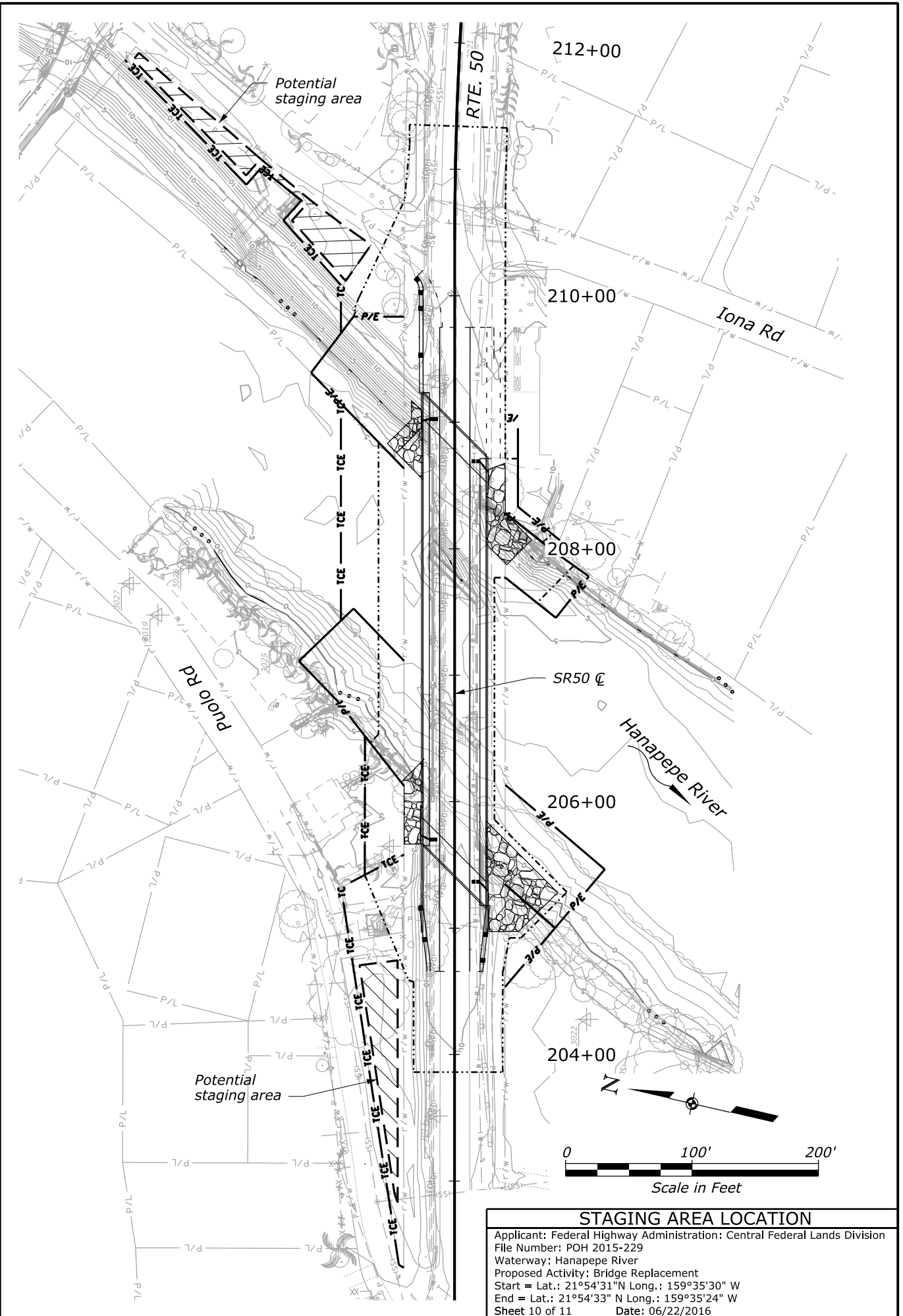
**BRIDGE TYPICAL SECTION**  
**205+62.86 TO 208+76.38**

10:39:31 AM

6/23/2016

TYPICAL SECTION	
Applicant: Federal Highway Administration: Central Federal Lands Division	
File Number: POH 2015-229	
Waterway: Hanapepe River	
Proposed Activity: Bridge Replacement	
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End = Lat.: 21°54'33" N Long.: 159°35'24" W	
Sheet 9 of 11	Date: 06/22/2016

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**STAGING AREA LOCATION**

Applicant: Federal Highway Administration: Central Federal Lands Division  
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 Proposed Activity: Bridge Replacement  
 Start = Lat.: 21°54'31"N Long.: 159°35'30" W  
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 Sheet 10 of 11 Date: 06/22/2016



**HANAPEPE RIVER BRIDGE,  
SHOWING MODIFICATIONS ON THE RIGHT BANK.**

*NOTE: High tide line is shown by yellow lines.*



**HANAPEPE RIVER,  
LOOKING DOWNSTREAM OF THE BRIDGE TOWARD HANAPEPE BAY.**

9:21:56 AM

6/23/2016

**HANAPEPE RIVER PHOTOS**

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 Sheet 11 of 11 Date: 06/22/2016