



# PUBLIC NOTICE

## US Army Corps of Engineers, Honolulu District

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

Public Notice Date: **August 31, 2016**  
**Expiration Date: September 29, 2016**  
Permit File Number: POH-2016-00017

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### 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.

APPLICANT: Mr. Edward Underwood, Hawaii DLNR-DOBOR, 4 Sand Island Access Road, Honolulu, Hawaii 96819

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in Kawaihae Bay in the Kawaihae Small Boat Harbor (SBH) South at TMK 6-1-003 Portion 026, Kawaihae, Island of Hawaii, Hawaii.

BASIC PROJECT PURPOSE: to improve navigation

OVERALL PROJECT PURPOSE: To improve navigation and water access for recreational watercraft in the in Kawaihae area on the Island of Hawaii, Hawaii

PROPOSED PROJECT: The work under review is the construction of a 45-foot wide by 66-foot long boat ramp, and two 5-foot wide by 66-foot long pre-cast concrete fixed loading docks in accordance with project plans. The construction of the boat ramp would include preparation of the site through the excavation of 68 cubic yards of mud and soft sediment in a 55-foot wide by 66-foot long area in the harbor substrate and the excavation of 66 cubic yards of rock and boulder in an 55-foot wide by 8-foot long area from the existing revetment. The excavated area would be filled with a bottom layer of 56 cubic yards of grouted boulder fill, then a layer of 37 cubic yards of aggregate base coarse material, comprised of sand and gravel, and then topped with pre-cast concrete panels secured with grout on the lower portion of the boat dock and poured concrete in the upper (landward) part of the boat ramp. The construction of the boat ramp and loading docks would also include the placement of steel and fiberglass sheet piles on the toe and sides of the boat ramp for erosion control protection. Toe stone armoring would be placed along the outer edge of the two loading docks in the uplands on and landward of the existing revetment. Five 16 ½-inch diameter precast concrete piles, four of which would be in the water (eight piles in the water), would be installed to support each loading dock. The boat ramp will extend 65 feet into the harbor from the Mean Higher High Water mark (MHHW), which is being used as a proxy for the high tide line for this project. The total disturbed in-water area resulting from installation of the boat

launch ramp, loading docks, and related sheet piles and toe armor would be approximately 1,148 square feet.

The proposed work would be constructed using the BMPs listed in the BMP Plan dated July 2016. The work would be constructed in the dry, isolated by coffer dams arranged in a perimeter approximately three feet around the edge of the proposed project area. Full-depth turbidity curtains would be installed along the perimeter of the in-water work area with enough buffer to allow for construction activities and would remain in place for the duration of the project. The materials used in the proposed work would be placed using a land-based crane. Floating work platforms, consisting of plywood and plastic encapsulated foam, would be used during the installation of the loading docks. Water quality monitoring would be conducted before, during, and after construction. BioSock or similar mulch-filled waddles would be installed along the perimeter of the upland work associated with the project. All materials, and stockpiled supplies would be stored in a dedicated upland storage area set back from the shoreline. BioSock or similar mulch-filled waddles would be installed in two layers along with an impermeable containment barrier around the upland equipment and material storage, stockpiling, staging, and wash-down areas.

Avoidance and minimization measures include the modification of the project design by shortening the floating docks, reducing the number of piles and moorings, and moving the proposed boat ramp approximately 70 feet east of the originally proposed location to avoid impacting areas containing higher coral cover from the original. The applicant proposes several Best Management Practices to further avoid and minimize impacts to the aquatic environment, including water quality monitoring before, during, and after construction and full length turbidity curtains to fully contain the construction footprint. Additionally the applicant provides to transplant the most viable coral colonies growing on the substrate within the footprint of the proposed boat ramp to a nearby suitable receiver site either within or immediately outside Kawaihae Harbor.

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).
- 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.

WATER QUALITY CERTIFICATION: The **proposed action will result in a discharge of 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.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** **The proposed activity will 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.

**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

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

Alternatively, comments may be emailed to [Vera.B.Koskelo@usace.army.mil](mailto:Vera.B.Koskelo@usace.army.mil). Reference POH-2016-00017 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 [Vera.B.Koskelo@usace.army.mil](mailto:Vera.B.Koskelo@usace.army.mil)

Both conventional mail and e-mail comments must include the DA permit number **POH-2016-00017**, and the commenter's name, address, and phone number. **All comments whether conventional mail or e-mail should be received by the close of business on September 29, 2016.**

**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.

**CULTURAL RESOURCES:** Pursuant to Section 106 of the National Historic Preservation Act (NHPA), our assessment of the project leads us to a preliminary determination that no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Therefore, consultation with the State of Hawaii, Department of Land & Natural Resources, Historic Preservation Division, Office of Hawaiian Affairs, and the applicable Native Hawaiian Organizations will be conducted independent of this public notice.

**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. 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  
Humpback Whale, (*Megaptera novaeangliae*), Endangered  
Hawaiian Monk Seal, (*Monachus schauinslandi*), Endangered

Preliminary determinations indicate that the described activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit decision for the proposed activity will not be issued until the consultation process is completed.

**ESSENTIAL FISH HABITAT:** The proposed work is being 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 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. Preliminary determinations indicate that the described activity will have an adverse effect on EFH. Consultation under MSA is required for the described activity. A permit decision for the proposed activity will not be issued until the consultation process is completed.

**SECTION 404(b)(1) EVALUATION:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**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.

**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.

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 [Vera.B.Koskelo@usace.army.mil](mailto:Vera.B.Koskelo@usace.army.mil).

Tunis W. McElwain  
Acting Chief, Regulatory Office

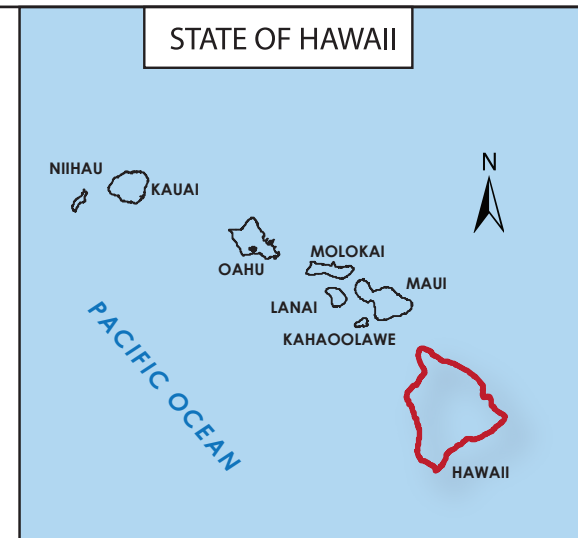
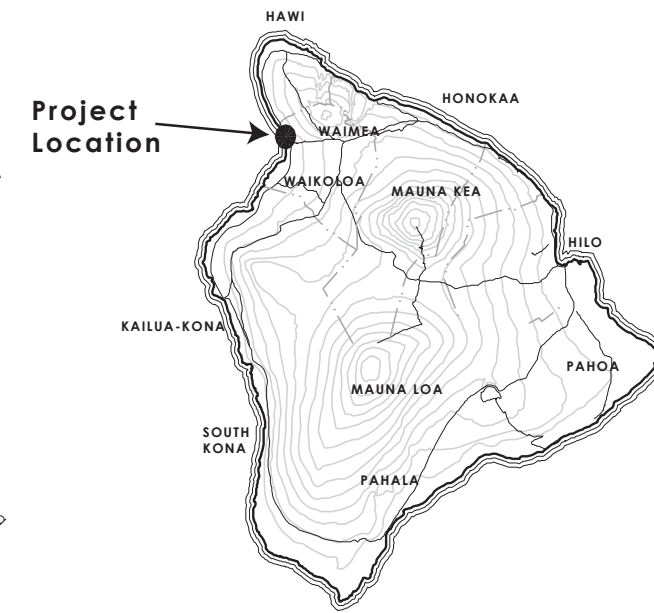
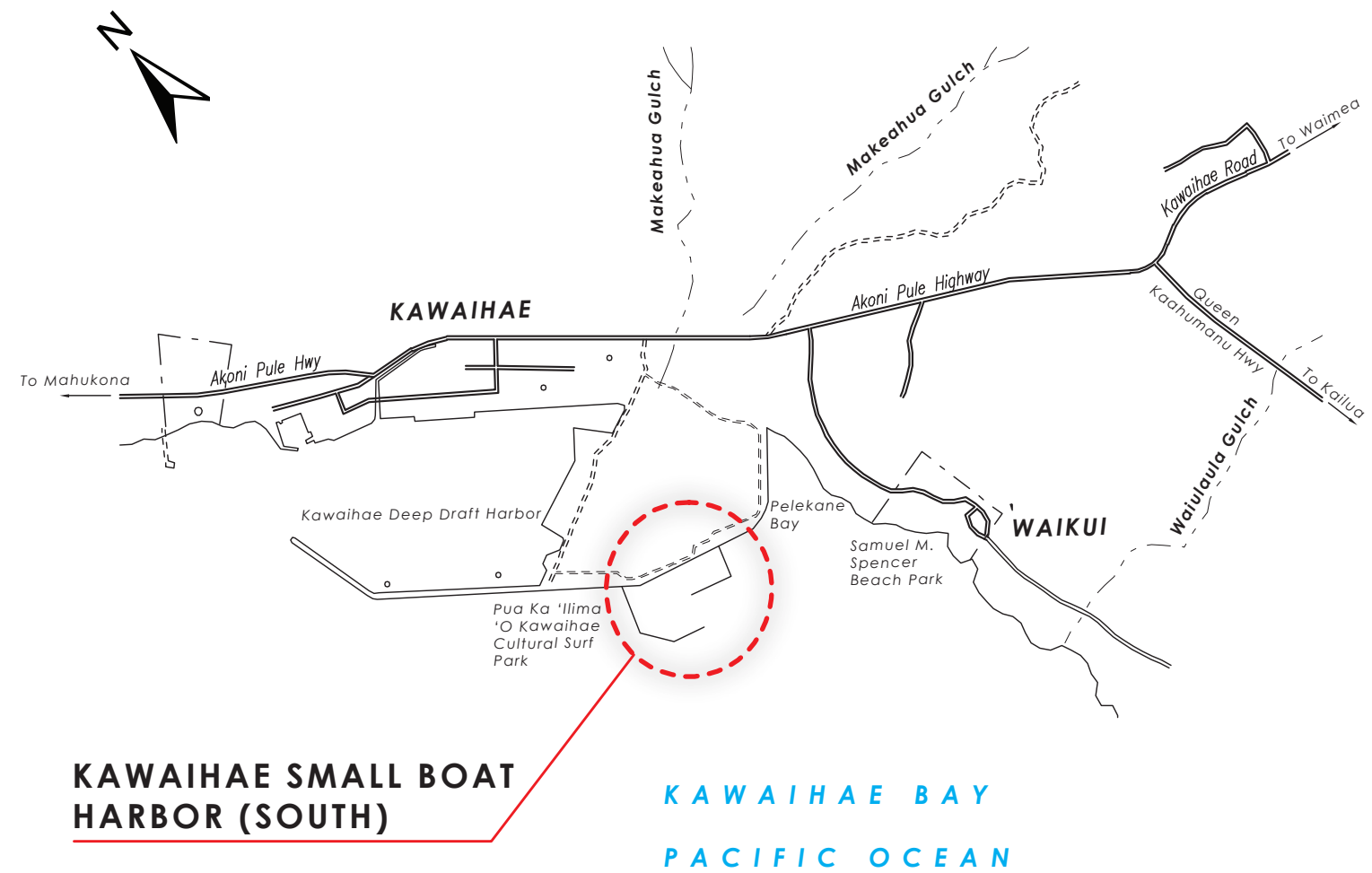
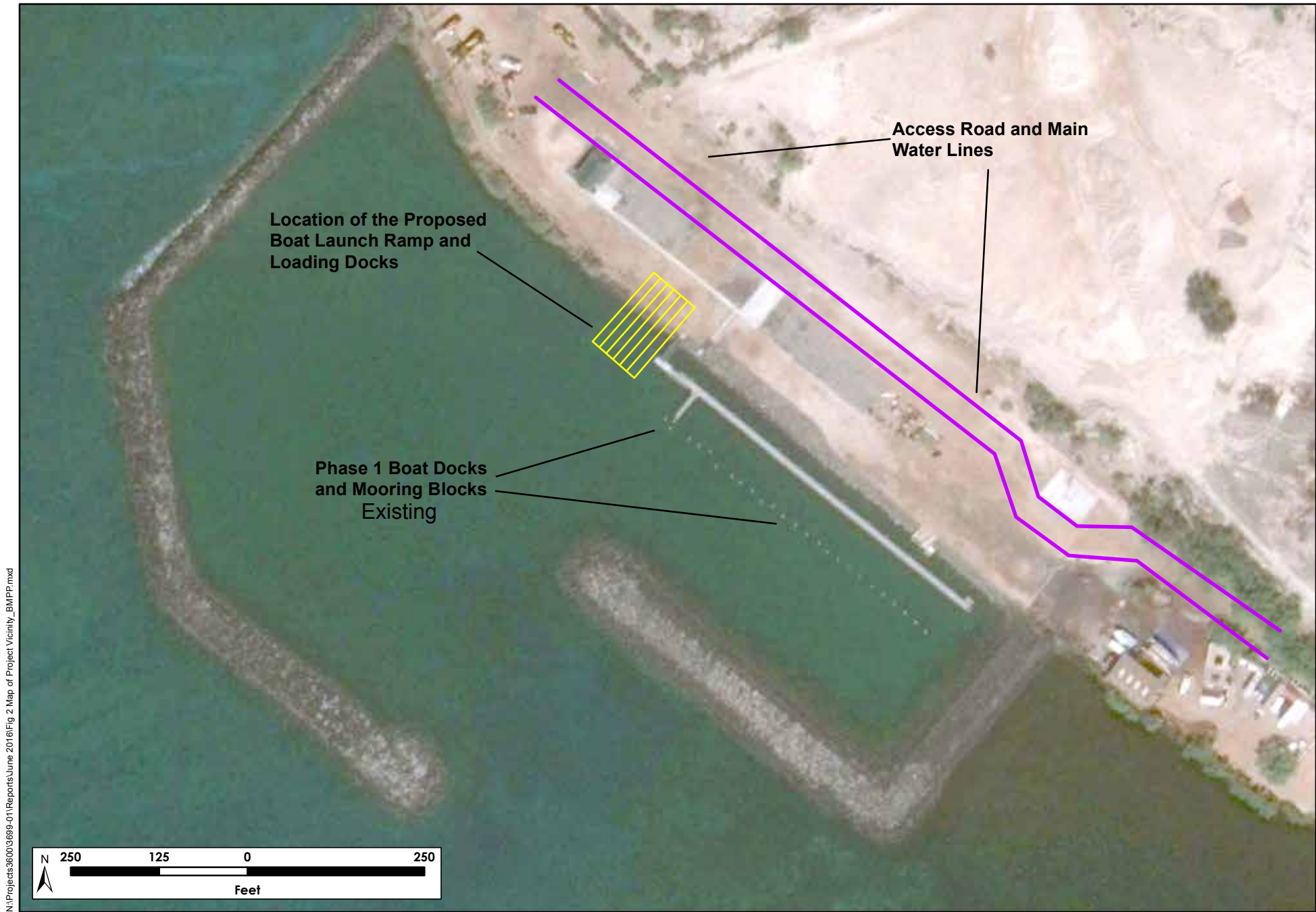


Figure Not to Scale

**KAWAIHAE SMALL BOAT HARBOR (SOUTH)**

**KAWAIHAE BAY**  
**PACIFIC OCEAN**



N:\Projects\36003\3699-01\Reports\June 2016\Fig 2 Map of Project Vicinity\_BMPPF.mxd

**Figure 2. Map of the Project Vicinity**  
 Kawaihae Small Boat Harbor (South), Boat Launch Ramp and Loading Docks  
 Army Corps of Engineers Permit Application (POH-2016-00017), July 2016

N:\Projects\3600\3699-01\Reports\July2016\Photo 8 Recent Aerial Photo.mxd

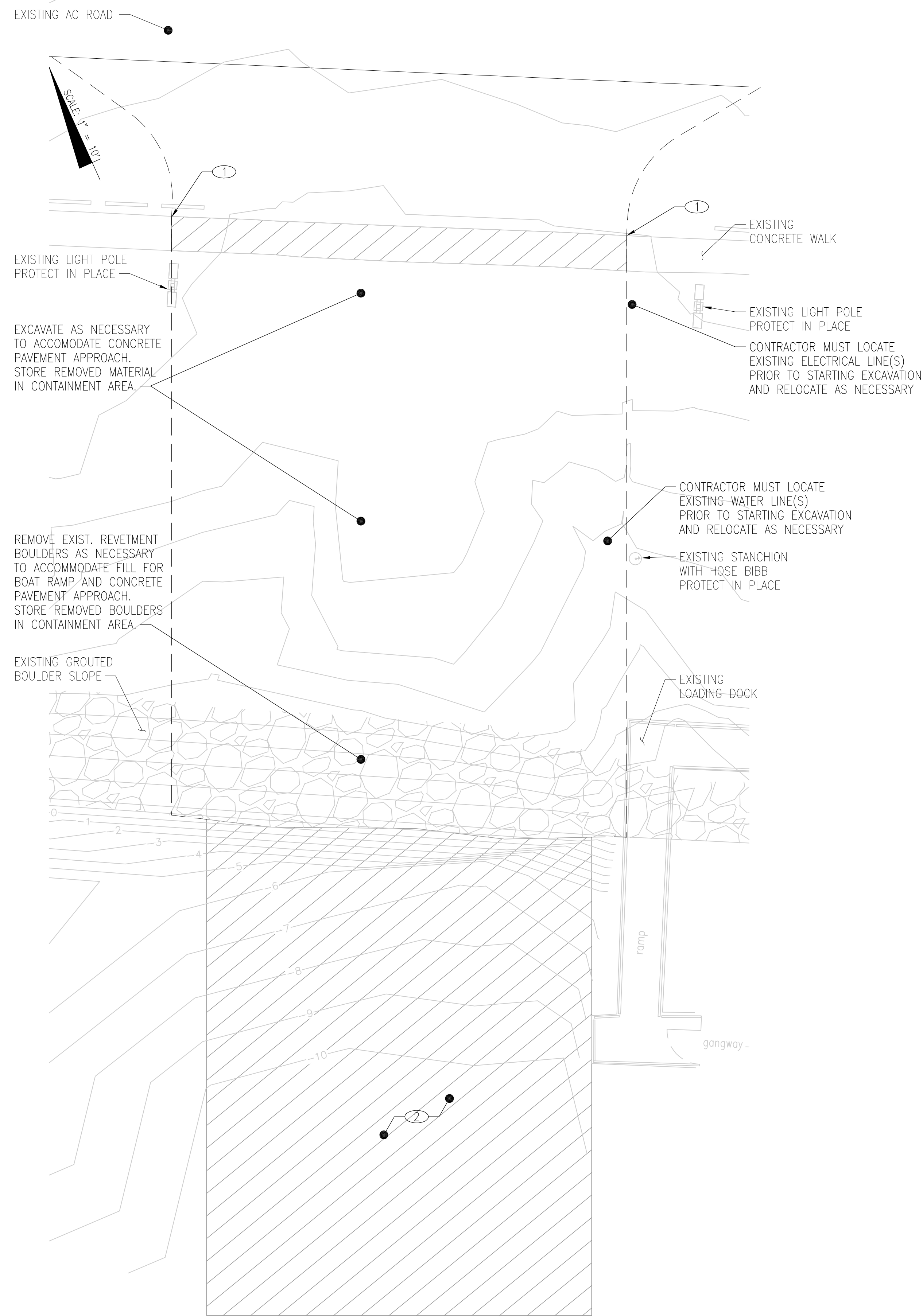


**H. T. HARVEY & ASSOCIATES**

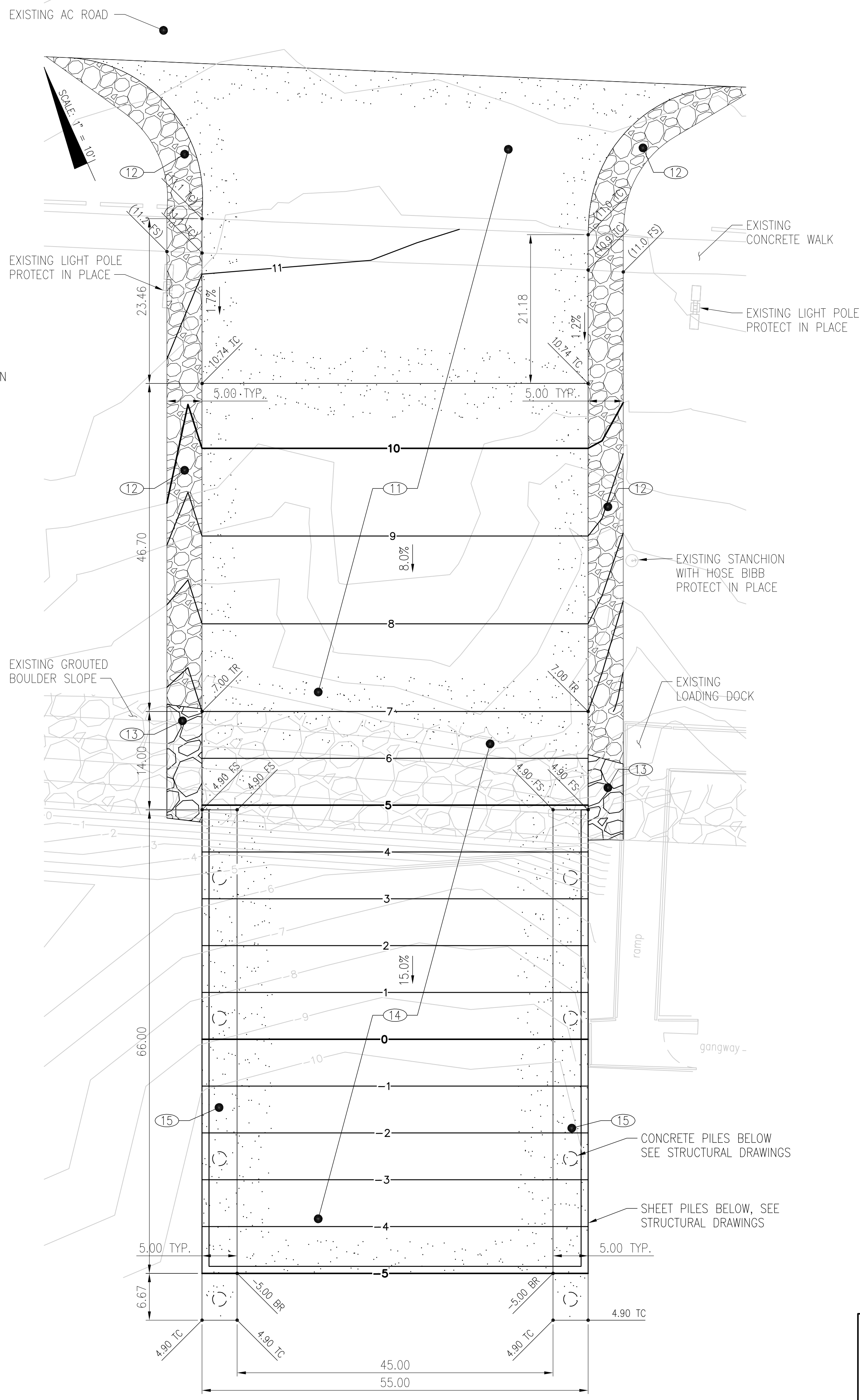
Ecological Consultants

**Photo 8. Recent Aerial Photo of the General Project Area**  
Kawaihae Small Boat Harbor (South), Boat Launch Ramp and Loading Docks  
Army Corps of Engineers Permit Application (POH-2016-00017), July 2016





**A** DEMOLITION PLAN  
SCALE: 1" = 10'



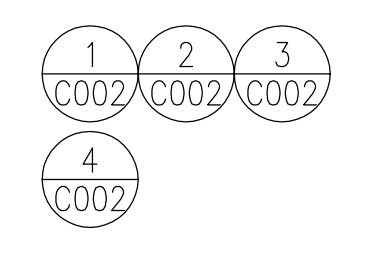
**B** SITE AND GRADING PLAN  
SCALE: 1" = 10'

**DEMOLITION NOTES**

- ① SAWCUT AND REMOVE EXISTING CONCRETE WALK
- ② REMOVE EXISTING BOULDERS PRIOR TO INSTALLING ANY PILES AND PLACEMENT OF FILL

**CONSTRUCTION NOTES**

- ⑪ CONSTRUCT NEW PCC PAVEMENT
- ⑫ NEW LOOSE RIPRAP EROSION PROTECTION
- ⑬ NEW GROUDED BOULDERS, SLOPE TO MATCH EXISTING
- ⑭ NEW PRECAST CONCRETE BOAT RAMP, SEE STRUCTURAL DRAWINGS
- ⑮ NEW PRECAST CONCRETE LOADING DOCK, SEE STRUCTURAL DRAWINGS

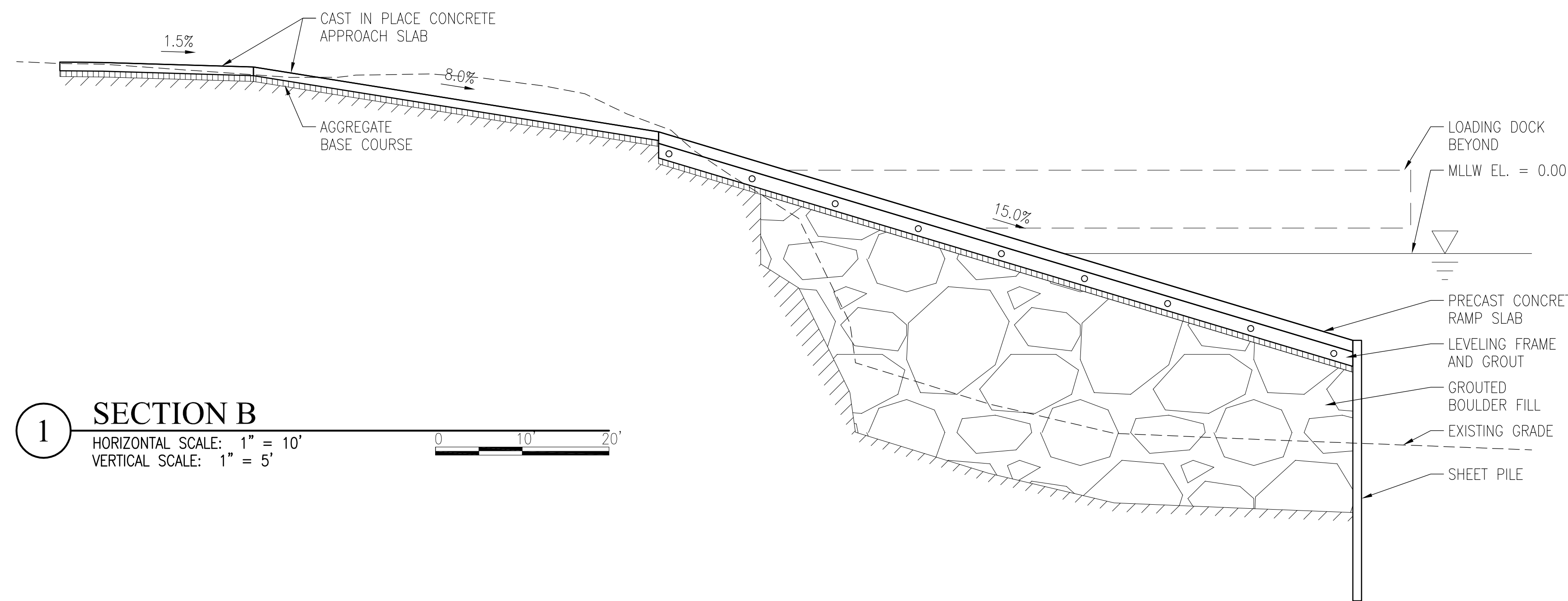


**SPOT ELEVATION LEGEND**

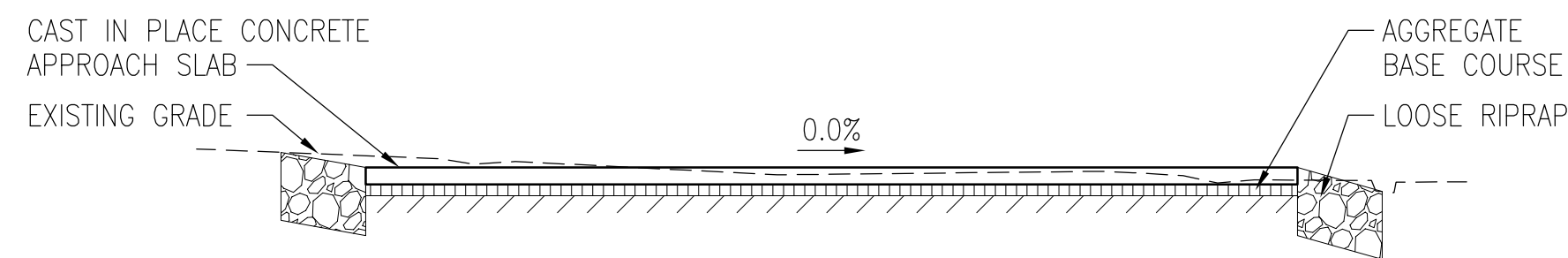
- 499.99 TC PROPOSED ELEVATION AT TOP OF CURB / CONCRETE
- 499.99 FS PROPOSED ELEVATION AT FINISHED SURFACE
- 499.99 TR PROPOSED ELEVATION AT TOP OF RAMP
- 499.99 BR PROPOSED ELEVATION AT BOTTOM OF RAMP
- (500.0 FS) EXISTING ELEVATION AT FINISHED SURFACE

APPLICANT:	STATE OF HAWAII, DLNR / DOBOR
PROJECT:	KAWAIHAE SMALL BOAT HARBOR (SOUTH) BOAT LAUNCH RAMP AND LOADING DOCK
TMK:	(3) 6-1-003: 026 (POR.)
<b>DEMO, SITE, AND GRADING PLANS</b>	
<b>ATTACHMENT 1</b>	

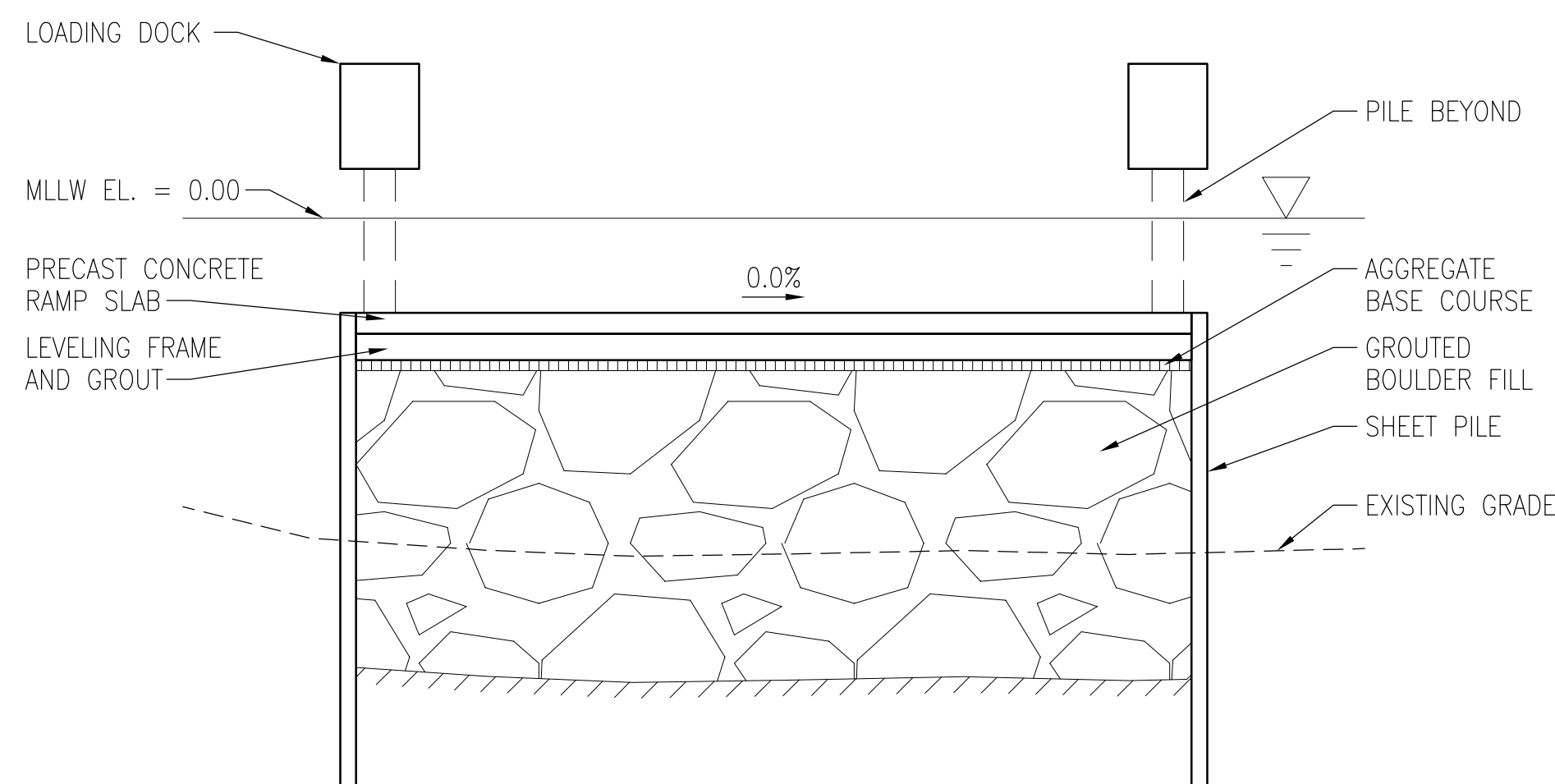
KAWAIHAE SMALL BOAT HARBOR (SOUTH) BOAT LAUNCH RAMP AND LOADING DOCK JOB NO. XXXXXXXX



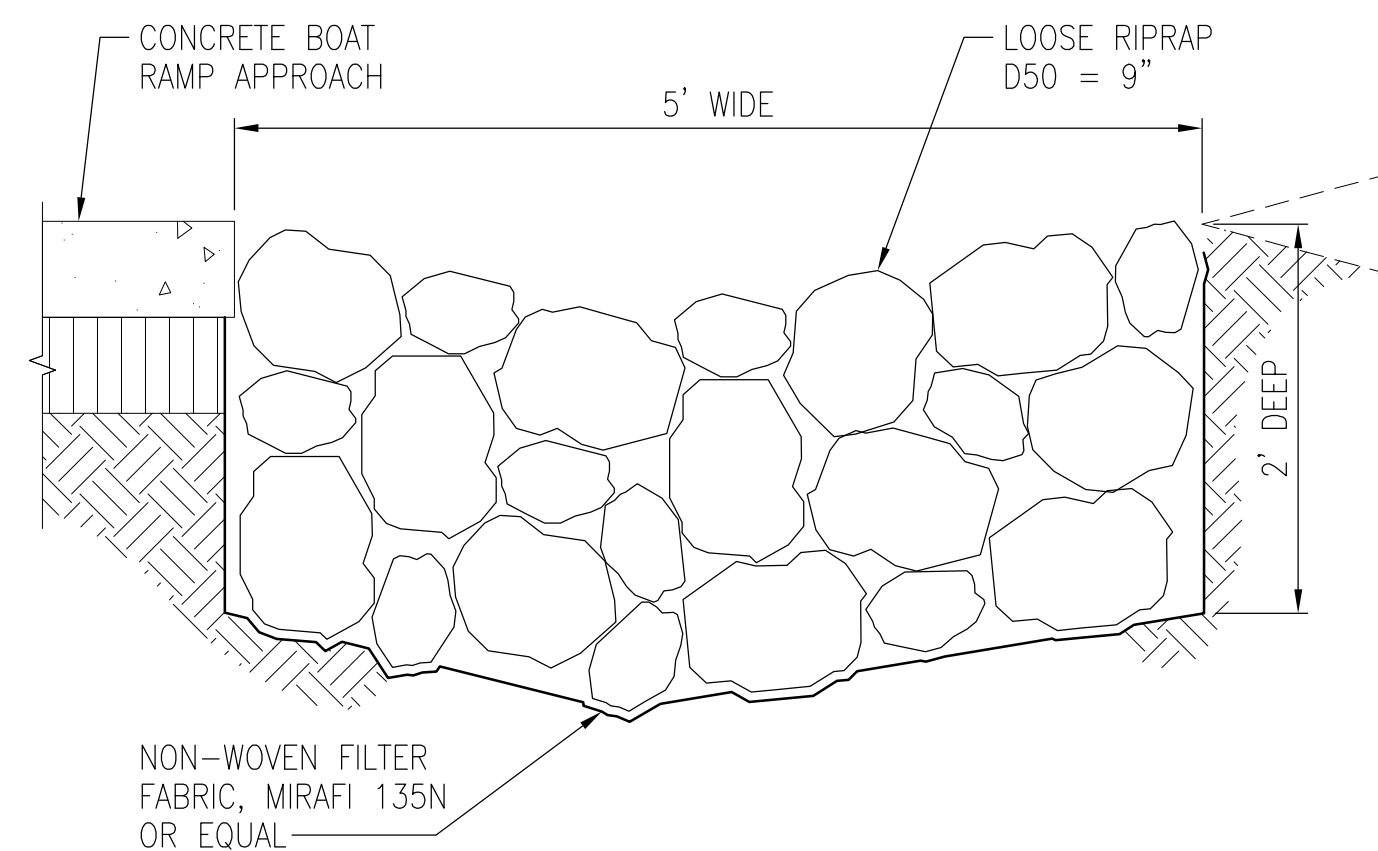
**1 SECTION B**  
 HORIZONTAL SCALE: 1" = 10'  
 VERTICAL SCALE: 1" = 5'



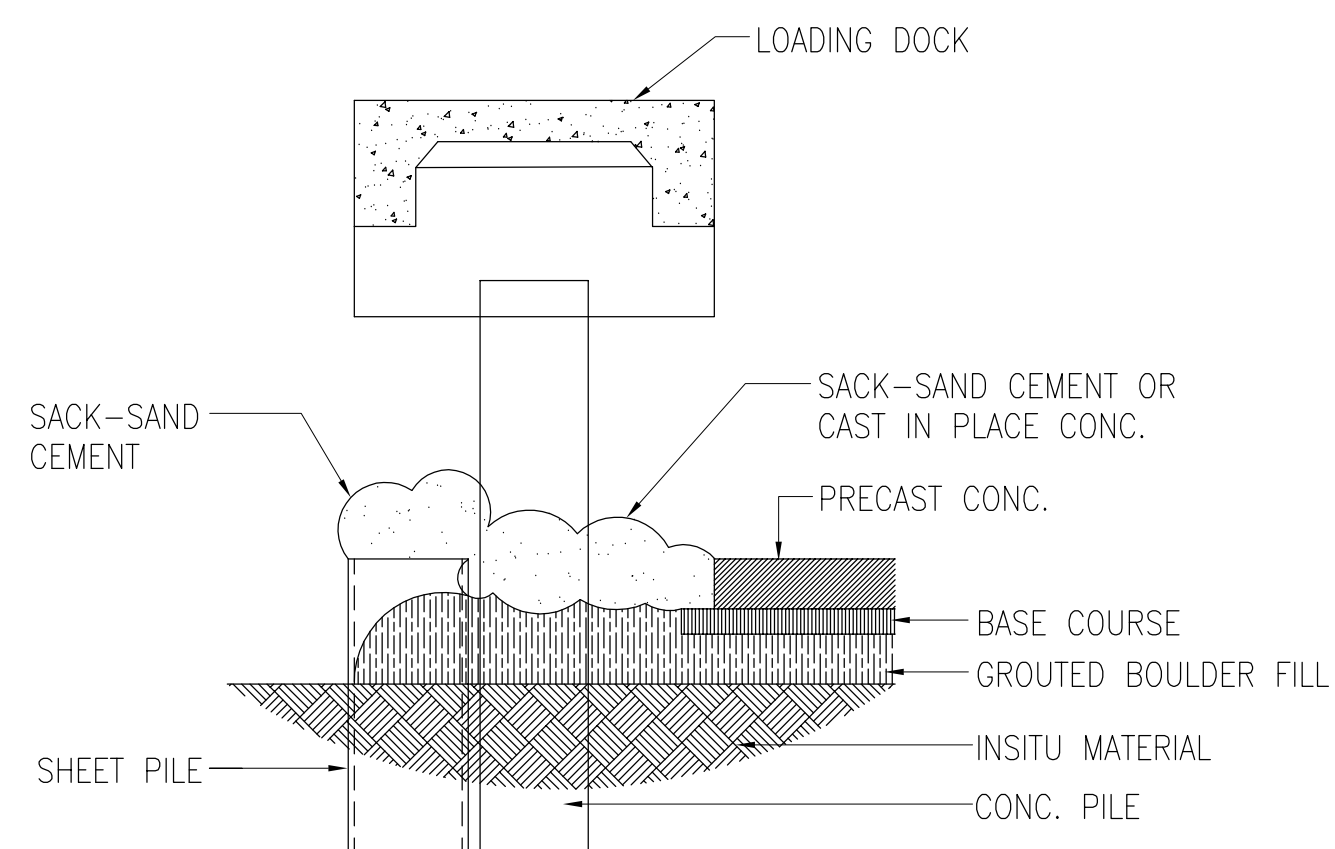
**2 SECTION C**  
 HORIZONTAL SCALE: 1" = 10'  
 VERTICAL SCALE: 1" = 5'



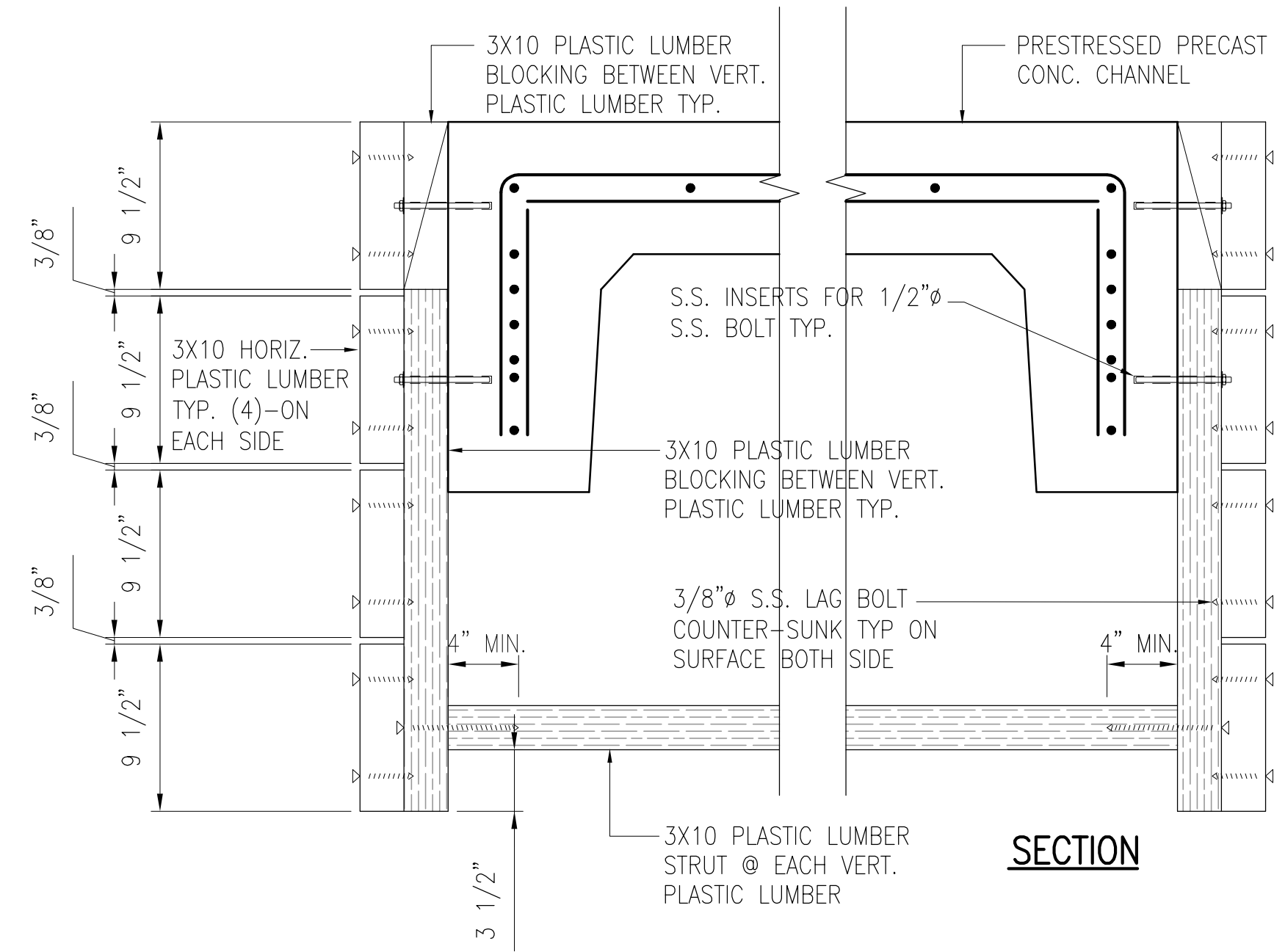
**3 SECTION D**  
 HORIZONTAL SCALE: 1" = 10'  
 VERTICAL SCALE: 1" = 5'



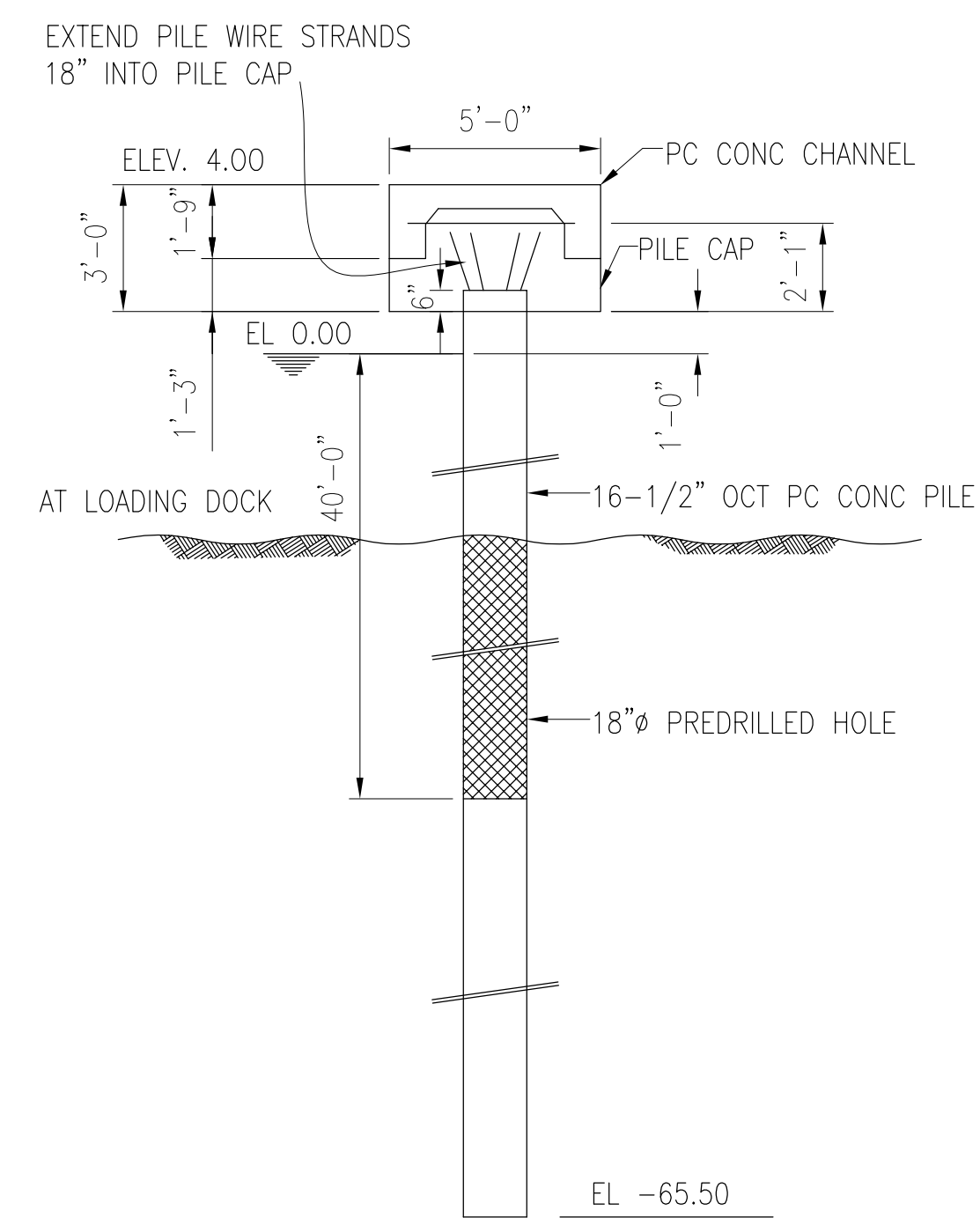
**4 LOOSE RIPRAP SECTION**  
 SCALE: NOT TO SCALE



**5 RAMP EDGE DETAIL**  
 SCALE: 3/8" = 1'-0"



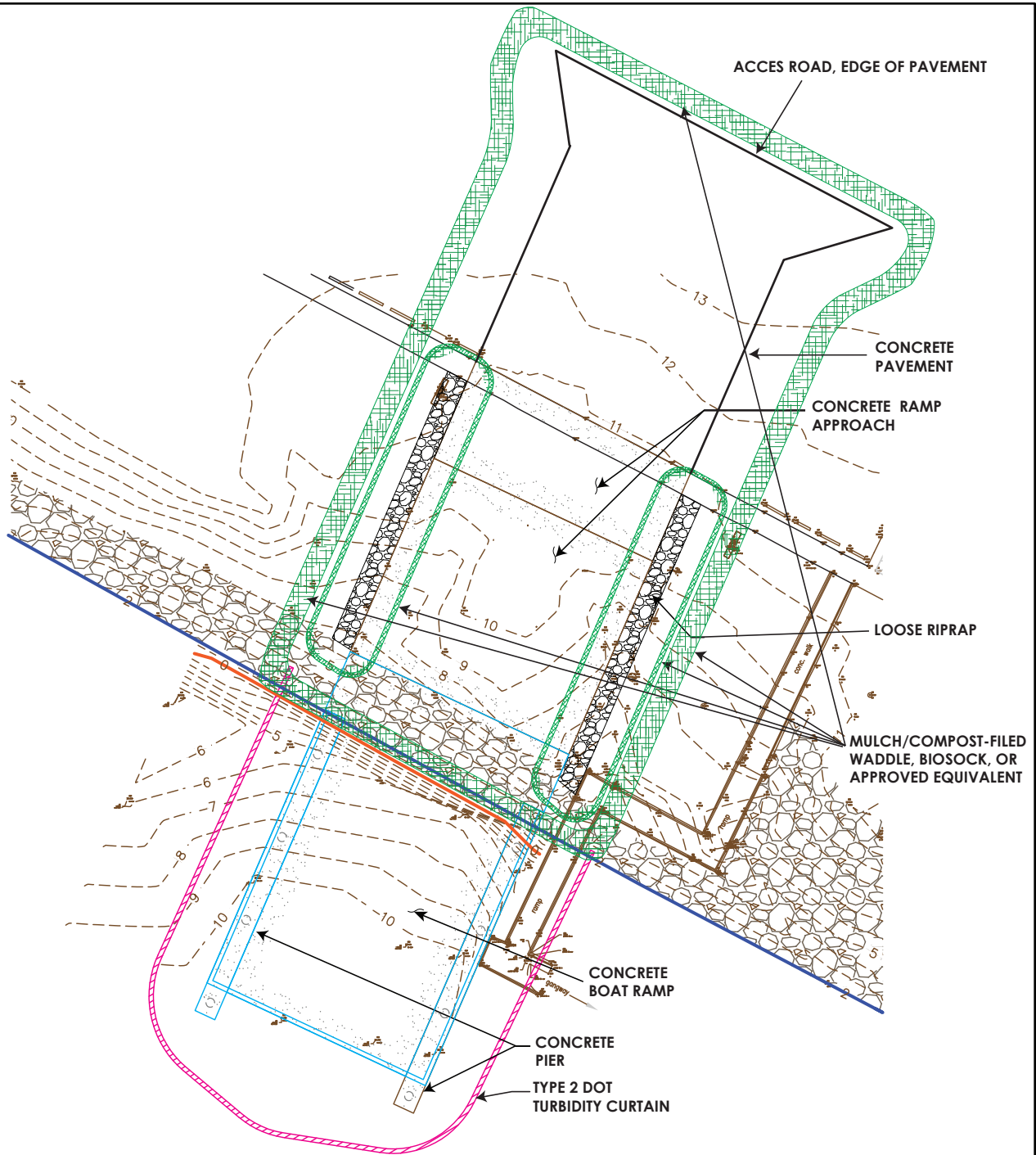
**6 RECYCLED PLASTIC LUMBER FENDER DETAIL**  
 SCALE: 1-1/2" = 1'-0"



**7 PILE ELEVATION AT LOADING DOCK**  
 SCALE: 1/4" = 1'-0"

APPLICANT: STATE OF HAWAII, DLNR / DOBOR  
 PROJECT: KAWAIHAE SMALL BOAT HARBOR (SOUTH) BOAT LAUNCH RAMP AND LOADING DOCK  
 TMK: (3) 6-1-003: 026 (POR.)

SECTIONS AND DETAILS  
 ATTACHMENT 1



Legend	
— (Blue line)	Mean Higher High Water (MHHW) = 2.00 feet
— (Dashed line)	Mean High Water (MHW) = 1.50 feet
— (Dotted line)	Mean Tide Level (MTL) = 0.85 feet
— (Dashed line)	Mean Low Water (MLW) = 0.20 feet
— (Orange line)	Mean Lower Low Water (MLLW) = 0.00 feet

**Figure Not to Scale**

