



US Army Corps
of Engineers
Honolulu District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: December 12, 2012
Expiration Date: January 12, 2012
Permit File Number: POH-2011-00011

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: County of Kauai, Department of Public Works, 4444 Rice Street, Moikeha Bldg, Suite 275, Lihue, Hawaii, 96766-1340.

AGENT: Mr. Brian Takeda, R. M Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii, 96819.

LOCATION: Pacific Ocean along Moanakai Road, Kauai Isle, Hawaii. TMK: (4) 4-5-002: 023
Coordinates: 22.06472 N, 159.31722 W.

WORK: The applicant proposes to replace a 520-ft long portion of the existing seawall (revetment) with a hybrid stone rubblemound revetment and an offset seawall. Turbidity curtains and sandbags/flexible intermediate bulk containers (FIBC) filled with clean and compatible sand would be installed to protect the marine environment and deflect waves while work is in progress.

PURPOSE: Coastal bank stabilization.

ADDITIONAL INFORMATION: The existing seawall along Moanakai Road was previously reconstructed without a permit from the Department of the Army (DA) because it was exempt from regulation under Section 404 of the Clean Water Act pursuant to Section 404(f)(1)(B) and did not involve structures or work in or affecting navigable waters that would have been subject to regulation under Section 10 of the Rivers and Harbors Act of 1899. Currently, the Moanakai Road is threatened by erosion from waves washing through the seawall, resulting in sinkholes along the road's shoulder and structural instability. The damaged seawall is also safety hazard that threatens the public's safe use of the adjacent road, shoulder, and beach. To prevent further erosion and collapse of approximately 1,080 linear ft of county road, the applicant proposes to replace the center portion of the existing seawall at the Moanakai Road and Makaha Road intersection with a new hybrid seawall-revetment structure. The new revetment-seawall would be 520-ft long consisting of a 4-ft deep revetment with a dual layer of stones, a 100 to 200 lb stone layer overlaid with a layer of 1,500 to 2,000 lb armor boulders, and bounded at the crest with a concrete rubble masonry (CRM) seawall

(Appendix A). Temporary best management practices (BMPs) (e.g., turbidity curtains, sandbags/FIBCs) would be installed prior to the start of work, which would involve complete removal of the existing seawall and construction of a new revetment with a reduced footprint of 0.06 acre within waters of the U.S.

MITIGATION: The seawall would result in a final footprint that reduces the existing footprint of the seawall structure by 60% of its original size within waters of the U.S. The proposed project would employ site-specific BMPs and would not result in any additional loss of waters of the U.S. or cause significant or long-term adverse impacts to aquatic resources functions and services, including special aquatic sites (e.g., wetlands, coral reefs, vegetated shallows), and therefore, compensatory mitigation is not warranted.

WATER QUALITY CERTIFICATION: The proposed action would result in a discharge of fill material into a water of the U.S. and would require authorization from the Corps under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) (CWA). Under Section 401 of the CWA, the Corps may not issue a permit for the described work until the applicant obtains a certification, or a waiver of certification, from the State of Hawaii, Department of Health, Clean Water Branch.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: The proposed action 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.

PUBLIC HEARING: 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.

CULTURAL RESOURCES: The latest published version of the National Register of Historic Places (NRHP) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the NRHP. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the NRHP constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Division (SHPD). Any comments SHPD may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit would be considered in our final assessment of the described work.

The Corps requests consultation with Native Hawaiian Organizations and individuals to gather information regarding historical properties, including Native Hawaiian cultural practices and historic uses in the proposed permit area.

ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S. C. 1531 *et seq.*) (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. We have determined the following listed species have the potential to occur near the project location:

- Hawksbill sea turtles (*Eretmochelys imbricate*), endangered
- Green sea turtles (*Chelonia mydas*), threatened
- Hawaiian monk seals (*Monachus schauinslandi*), endangered
- Hawaiian Petrels (*Pterodroma phaeopygia sandwichensis*), endangered

Newell's Shearwaters (*Puffinus auricularis*), endangered
Hawaiian hoary bats (*Lasiurus cinereus semotus*), endangered

The project location is absent of designated critical habitat for ESA-listed species.

Based on the applicant's proposed project scope and site-specific best management practices (BMPs) (Appendix B), the Corps has preliminarily determined this project may affect, but would not likely adversely affect the federally listed species identified above. Pursuant to Section 7 of the ESA, we will be initiating informal consultation with NMFS and USFWS.

ESSENTIAL FISH HABITAT: Pursuant to Section 305(b) the Magnuson Stevens Fishery Conservation and Management Act of 1996 (16 U.S.C. 1855(b)) (Magnuson-Stevens Act) and associated federal regulations found at 50 CFR Part 600, Subpart K, the proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH). The Honolulu District area of responsibility 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 the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including federally managed fishery resources.

AUTHORITY: This permit application will be reviewed under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 of the Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' public interest review will consider the guidelines developed under Section 404(b)(1) of the CWA, which are promulgated at 40 CFR Part 230.

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). 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.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits, 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 U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for the work. 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 activity.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice 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 proposed work. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to **joy.n.anamizu@usace.army.mil**. Conventional mail comments should be sent U.S. Army Corps of Engineers, Honolulu District, Building 230 (Attn: CEPOH-EC-R/J. Anamizu), Ft. Shafter, HI 96858-5440. Both conventional mail and e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. **All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.** Please include the reference number: **POH-2011-00011.**

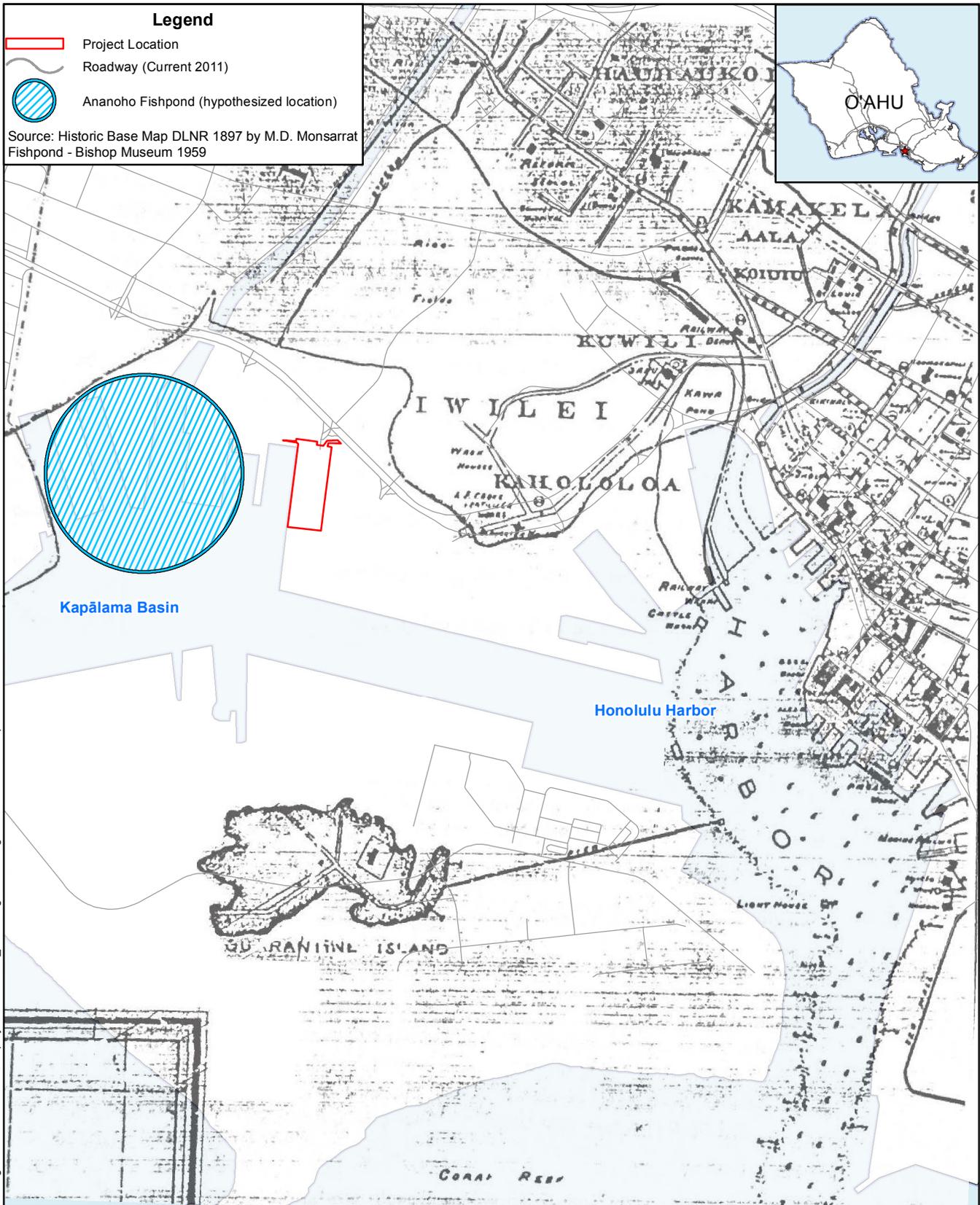
Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Ms. Joy Anamizu** at (808) 835-4308 if further information is desired concerning this notice. This public notice is issued by the Chief, Regulatory Branch.

George P. Young, P.E.
Chief, Regulatory Branch

Attachments

Appendix A: DA permit application and construction drawings

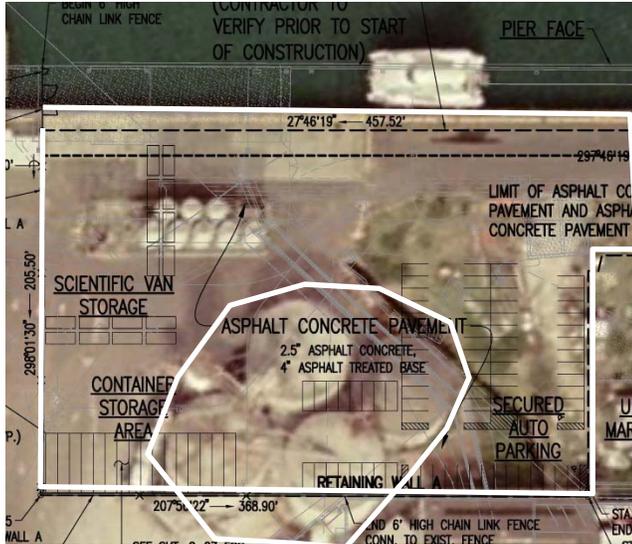
Appendix B: Site-specific best management practices



Printing Date: Nov.07 2012. K:\projects\GIS\9581_UHMC\figures\EAF\Figure 2-9 Historical Map of Iwilei.mxd

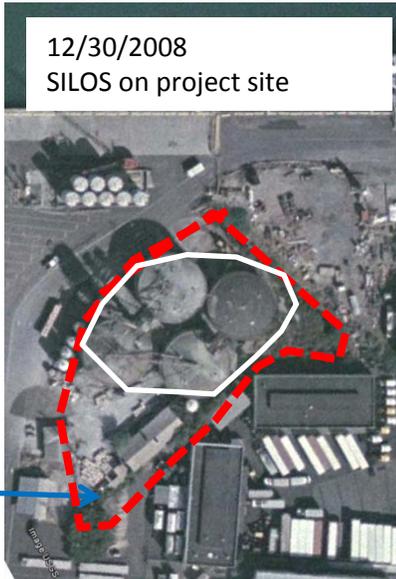
Figure 2-9
Historical Map of Iwilei
University of Hawai'i Marine Center Relocation

**Photos Showing Disturbance of Area to be Paved (Past and Current)
Pier 35, Honolulu Harbor**



* "Historical aerial photos show that the southern banks of the canal all the way to the southern boundary of the project site at Pier 34 was used as a tank farm and has been recently cleared of the previous structures.

"The exposed surface materials in this area were observed to be light tan silty coralline sand with gravel."*



Existing drainage ditch (vegetated lines)



LEGEND

-  Area to be paved on former silo site
-  Corresponding area at Pier 35

* Source: Geotechnical Engineering Exploration, University of Hawai'i Marine Center Relocation, New Box Culvert and Pavement Evaluation, Pier 35, Honolulu, O'ahu, Hawai'i (Geolabs, Inc., October 2012)