



US Army Corps
of Engineers
Honolulu District

Special Public Notice

Regulatory Branch
CEPOH-RO
230 Otake Street
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ISSUANCE DATE: December 18, 2024

PACIFIC OCEAN HONOLULU (POH) NATIONWIDE PERMIT REGIONAL CONDITION MODIFICATION

The purpose of this notice is to announce an update to the Nationwide Permit (NWP) Regional Conditions (RCs) as they pertain to the United States Army Corps of Engineers (USACE), Honolulu District, Regulatory Branch (POH-RO). The POH-RO Area of Responsibility (AOR) consists of the State of Hawaii, including the Northwestern Hawaiian Islands, the territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI), and the following U.S. Minor Outlying Islands: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Island.

Effective immediately, there is a new RC implemented, requiring the submission of a Pre-Construction Notification (PCN), and receipt of a NWP Verification for all NWP activities prior to construction, within the POH-RO AOR. The new RC reads:

“Regional Condition 5 – NWP Verification and PCN Requirement

A written NWP verification must be obtained from the Corps prior to conducting any activity authorized by a NWP (excludes NWPs listed in Regional Condition 1). To obtain a NWP verification, all prospective permittees must submit a written PCN to the Corps that meets NWP General Condition (GC) #32, in addition to demonstrating compliance with GC #18, GC #20, and the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Management and Conservation Act.”

See the attached document “Honolulu District Regional Conditions for the 2021 Nationwide Permits (NWP)” for the updated list of RCs. The initial four RCs remain valid.

A ‘written PCN’ includes submission of a Pre-Construction Notification (PCN), project plans and accompanying information by email to CEPOH-RO@usace.army.mil, or through our Regulatory Request System (RRS) at rrs.usace.army.mil. If your files are larger than 20MB, contact us by email at CEPOH-RO@usace.army.mil or by phone at (808) 835-4303 to request a link to our DoD Safe website. Due to security reasons, we are unable to access links to cloud storage, such as Dropbox or Google Drive.

**HONOLULU DISTRICT REGIONAL CONDITIONS
for the
2021 NATIONWIDE PERMITS (NWP)**

The Honolulu District Regulatory Office has issued the following Regional Conditions to ensure that activities authorized by NWPs in the Honolulu District cause no more than minimal adverse environmental effects, individually and cumulatively. Before the Honolulu District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

APPLICABILITY: The Honolulu District's Area of Responsibility (AOR) consists of the State of Hawaii, including the Northwestern Hawaiian Islands, the territories of American Samoa and Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and the following U.S. Minor Outlying Islands: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Island.

RESTRICTIONS:

Regional Condition 1 – Revoked Permits

The following NWPs are revoked within the Honolulu District's AOR:

- NWP 21 - Surface Coal Mining Activities
- NWP 24 - Indian Tribe or State Administered Section 404 Programs
- NWP 30 – Moist Soil Management for Wildlife
- NWP 34 - Cranberry Production Activities
- NWP 44 - Mining Activities
- NWP 49 - Coal Remining Activities
- NWP 50 - Underground Coal Mining Activities
- NWP 52 - Water-Based Renewable Energy Generation Pilot Projects

Regional Condition 2 – Acreage Limit

The maximum acreage of permanent loss to special aquatic sites for a new project (excludes NWP 3 and NWP 27 activities) may not exceed 0.10-acre resulting from any discharge of dredged or fill material. Special aquatic sites include wetlands, coral reefs, riffle and pool complexes, vegetated shallows, mud flats, sanctuaries and refuges as defined in 40 CFR 230.3.

CONDITIONS APPLICABLE TO CERTAIN ACTIVITIES:

Regional Condition 3 - Revegetation

Native plants appropriate for current site conditions must be used for re-vegetation for the purposes of restoring areas temporarily disturbed by the authorized work.

Regional Condition 4 – Bank and Shoreline Stabilization Activities

- a. For new bank stabilization projects in streams with vegetated slopes and/or natural bed and bank, vegetative and environmentally sensitive stabilization practices must be used whenever practicable. Documentation of consideration of environmentally sensitive bank stabilization practices must be included in the Pre-Construction Notification (PCN) to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable given site-specific circumstances. Environmentally sensitive stabilization techniques incorporate organic materials to produce functional structure, provide wildlife habitat, and/or provide areas for re-vegetation.

Examples of environmentally sensitive bank stabilization practices include, but are not limited to, the use of the following: adequately sized armoring keyed into the toe of the slope with native plantings, or other suitable vegetation, on the banks above; vegetated geogrids; coconut fiber coir logs; live woody vegetated cuttings; fascines or stumps; brush layering; soil lifts. In situations where the use of these stabilization techniques are not practicable (due to high stream flow velocities, for example) stream bank armoring should be designed to incorporate environmentally friendly natural features, if possible. Examples include vegetated gabions, vegetated gabion mattresses, live crib walls and joint plantings.

- b. For new shoreline stabilization projects, environmentally sensitive designs that provide wave dissipation, interstitial spaces for fish, crustacean and invertebrate habitat, and other environmental benefits must be used whenever practicable. Documentation of consideration of environmentally sensitive shoreline stabilization practices must be included in the PCN to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable.

CONDITIONS APPLICABLE TO ALL NWP ACTIVITIES:

Regional Condition 5 – NWP Verification and PCN Requirement

A written NWP verification must be obtained from the Corps prior to conducting any activity authorized by a NWP (excludes NWPs listed in Regional Condition 1). To obtain a NWP verification, all prospective permittees must submit a written PCN to the Corps that meets NWP General Condition (GC) #32, in addition to demonstrating compliance with GC #18, GC #20, and the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Management and Conservation Act.