



U.S. Army Corps
Of Engineers
Honolulu District

Public Notice of Proposal to Issue Regional General Permit GP2011-002

Regulatory Branch
Building 230, Ft. Shafter
Honolulu, HI 96858-5440

PUBLIC NOTICE DATE: March 2, 2011

END OF PUBLIC COMMENTS DATE: April 2, 2011

REFERENCE NUMBER: GP-2011-002 (aka File No. POH-2011-00012)

WATERWAY NAME: Pearl Harbor Defensive Sea Area, Oahu Island

Interested parties are hereby notified that an application has been received for reauthorization of a Department of the Army General Permit for maintenance and construction dredging of the Pearl Harbor Defensive Sea Area and the disposal of suitable dredged material at the South Oahu Ocean Dredged Material Disposal Site (SOODMDS) as described below and shown on the attached draft **General Permit 2011-002**.

APPLICANT: Navy Region Hawaii

AGENT: Department of the Navy, NAVFAC Pacific, Environmental Engineering Department

APPLICABLE STATUTORY AUTHORITIES: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413); 40 CFR 220-227; and with due consideration of the public interest and potential environmental effects following the issuance of this Public Notice.

PURPOSE: To authorize the U.S. Navy to continue maintenance and construction dredging within the Pearl Harbor Defensive Sea Area and to transport the dredged material to the EPA designated South Oahu Ocean Dredged Material Disposal Site (SOODMDS), subject to certain conditions.

BACKGROUND:

- a. General Permit GP 2005-001, issued October 27, 2005 expired at midnite, October 27, 2010.
- b. In accordance with Parts 320, 322, 324, 325, 326 and 329 of Title 33, Code of Federal Regulations (CFR), the District Engineer of the U.S. Army Corps of Engineers, Honolulu Engineer District (Corps) has determined that the general permit (GP 2005-001) issued to the U.S. Navy, Pearl Harbor, Oahu, Hawaii, on October 27, 2005 should be re-authorized for another five years. The specific terms and conditions under which the work will be performed are listed in the attached general permit (GP).
- c. If issued, the GP would re-authorize dredging in Pearl Harbor and disposing of suitable material at the EPA designated SOODMDS. If the GP is not re-authorized, individual projects would require individual permits. The reauthorized permit will continue to provide the benefits of the expired GP 2005-001, such as reducing delays, duplications, paperwork, and resource demands in preparing permit applications and permit processing. Reauthorization is also intended to enable prompt action and efficient scheduling of these minor activities, resulting in cost-savings to the Government.
- d. 6 individual projects were authorized under General Permit 2005-001.
- e. **NEED FOR A FEDERAL EIS:** The Corps' permit regulation (33 CFR 320-330) provides that GPs can be issued only for activities that are substantially similar in nature, and that cause only minimal individual or cumulative adverse environmental impact. Based on a preliminary assessment of the prior projects authorized by the GP and subsequent monitoring data, the District Engineer has determined that reauthorization of this GP complies with these criteria and that activities authorized by the permit would not result individually or cumulatively in a significant effect on the natural or human environment. Therefore, under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), a Federal Environmental Impact Statement (EIS) will not be prepared.

IMPACTS OF ACTIVITIES IF AUTHORIZED BY GENERAL PERMIT GP 2011-002

Unavoidable impacts associated with dredging operations are an increase in turbidity in the vicinity of the dredge operations and temporary disruption to navigation. These will be mitigated to the maximum extent practicable. In addition, dredging has occurred in Pearl Harbor for many decades without adverse cumulative impacts.

The effect of ocean disposal of dredged material on the marine environment has also been addressed. Prior to designating the South Oahu Ocean Dredged Material Disposal Site (and other Hawaii disposal sites), EPA Region IX prepared an Environmental Impact Statement (EIS) to assess the environmental impacts of ocean disposal of dredged material at these sites. The EIS for Hawaii Dredged Material Disposal Sites Designation, was published by EPA in September 1980. Additionally, a Site Management Plan (SMP) for the Hawaii Ocean Dredged Material Disposal Sites has been developed by the Corps and the EPA Region IX. The SMP took effect on April 7, 1997. Both documents are available for examination at the Regulatory Branch, Honolulu Engineer District, Building 214, Fort Shafter, Hawaii, telephone (808) 438-9258.

In summary, the EPA found that the “environmental consequences of deep-ocean disposal of dredged material are minimal.” This determination was based on review and interpretation of existing data on marine biota (including benthic organisms), the water column, socioeconomic (including commercial fisheries and recreation), and information on the effects of previous dredged material disposal activities. Examination of the 1980 EIS indicates that the conclusions remain valid. In addition, studies conducted for the development of the SMP indicates that the majority of dredged material remains where it is dumped and is not subject to significant remobilization and transport.

All dredged material proposed for ocean disposal is subject to rigorous analysis to determine its suitability for such disposal, pursuant to the 1991 Corps and EPA Evaluation of Dredged Material Proposed for Ocean Disposal (Testing Manual) and the Regional Implementation Manual (including approved modifications) to be published. Dredged material deemed suitable for ocean disposal will be approved to be disposed at the EPA SOODMDS.

IMPACT ON CULTURAL RESOURCES:

Naval Base Pearl Harbor was designated as a National Historic Landmark in 1964, and in 1974; it was also listed on the National Register of Historic Places. Dredging work within Pearl Harbor is not anticipated to have any adverse impacts because care will be exercised to ensure that historically significant sites are not disturbed. In addition, General Condition (b.) of the general permit requires work stoppage and notification in the event that items of potential historical or archaeological significance are discovered during activities authorized by the permit; therefore, no adverse impacts to these resources are expected.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs, the National Park Service, the Aha Kiolo Advisory Committee, and the President’s Advisory Council on Historic Preservation. Any comments they have on cultural resources will be considered before a final decision is made on the proposed general permit extension.

IMPACT ON ENDANGERED SPECIES:

Issuance of this GP considered 3 stressors which have the potential to impact ESA-listed species: collision with project vessels, disturbance from human activities and equipment operation, and exposure to construction wastes and discharges. The project action areas are within 50 yards of any pier or dock and any in-water work vessels in the dredging area and within 100 yards of any work vessels as they transit to and from the designated ocean disposal area. The potential action area also includes the extent of any plumes that may result from inadvertent discharges of wastes, fuels, and lubricants from project-related machinery, equipment and supplies.

The Corps has assessed potential impacts to Federally-listed species, species proposed for listing, and designated critical habitats in Hawaiian waters. Based on the work proposed to be authorized under this GP and listed species expected to be present in or near the proposed action areas, we have determined that the proposed actions may affect but is not likely to adversely affect the

following species as it has been determined that the potential impacts of stressors are expected to be insignificant and discountable.

:

- Green sea turtles (*Chelonia mydas*), threatened,
- Hawksbill sea turtles (*Eretmochelys imbricate*), endangered,
- Humpback whales (*Megaptera novaeangliae*) endangered,
- Hawaiian monk seals (*Monachus schauinslandi*) endangered,

Work authorized under the GP will have no effect on any other ESA-listed marine species or designated critical habitat. The Corps has further determined that the project is within the scope of the Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (Pac-SLOPES). As such, each project under the GP would be covered under the programmatic informal consultation completed with NOAA PRD, under Section 7 of the Endangered Species Act (ESA), on 7 August 2010.

The GP is proposed to be issued under the Pac-SLOPES, with the inclusion of the following general and special conditions and Best Management Practices (BMPs) outlined in Pac-SLOPES and in accordance with the programmatic consultation:

A. Protocol and operations measures for the avoidance and protection of humpback whales, Hawaiian monk seals, green sea and hawksbill turtles and other protected species in active, mechanized equipment and boat areas of operation shall incorporate the following site-specific avoidance and minimization measures:

i. Surveys shall be made prior to the start of work each day, and periodically during the day, including prior to resumption of work following any break of more than one half hour.

ii. All in-water work will be postponed or halted when ESA-listed marine species are within 100 feet of the disposal area, and will only begin/resume after the animals have voluntarily departed the area. If ESA-listed marine species are noticed after work has already begun, that work may continue only if there is no way for the activity to adversely affect the animal(s).

iii. When piloting vessels, vessel operators shall alter course to remain at least 100 yards from whales, and at least 50 yards from other marine mammals and sea turtles.

iv. Reduce vessel speed to 10 knots or less when piloting vessels in the proximity of marine mammals and turtles. If practicable, reduce vessel speed to 5 knots or less when piloting vessels in areas of known or suspected turtle activity.

v. If approached by a marine mammal or turtle, put the engine in neutral and allow the animal to pass.

vi. Marine mammals and sea turtles should not be encircled or trapped between multiple vessels or between vessels and the shore.

vii. Do not attempt to feed, touch, ride, or otherwise intentionally interact with any ESA-listed marine species,

B. All on-site project personnel must be apprised of the status of any listed species potentially present in the project area and the protections afforded to those species under Federal laws. Information explaining laws and regulations for listed species in Hawaii may be downloaded at <http://www.nmfs.noaa.gov/prot res/MMWatch/hawaii.htm>. The project POC shall ensure that protocols and observers to avoid the potential for contact or harassment with ESA species of record are followed during all periods of in-water work.

C. Records of observations of protected species observed in the project areas for the duration of in-water activities shall be maintained and submitted at the close of in-water activities.

D. Immediate notification to Mr. Don Hubner, <Donald.Hubner@noaa.gov>, Protected Resources Division, NMFS, PIRO, shall occur if: 1) a take occurs; 2) new information reveals effects of the action have affected listed species in a manner or to an extent not previously evaluated; 3) if the action is subsequently modified and causes effects to listed species in a manner or to an extent not previously considered or evaluated; or 4) a new species is listed or critical habitat is designated that may be affected by the authorized work.

The Corps requests comments and concurrence from NOAA PRD.

This notice has been sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in accordance with Section 7, ESA. Any comments they have on endangered or threatened species, or their critical habitat, will be considered before a final decision is made on issuance of the proposed general permit.

IMPACT ON ESSENTIAL FISH HABITAT:

The proposed work is being evaluated for potential effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq.*, and associated federal regulations found at 50 CFR 600 Subpart K. The Honolulu District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, Western Pacific Fishery Managements Council's Environmental Assessment to locate EFH areas as identified by the National Marine Fisheries Service (NMFS). We have determined that the marine environment lying seaward of the shoreline may include EFH consisting of typical fringing reef components which contribute to maintenance of fisheries. However, activities to be authorized by issuance of GP2011-002 would only include dredging of existing shoals and the authorization to transport suitable dredged material to the EPA SOODMDS. No other discharge of dredged material is authorized at any other aquatic site. Due to this restricted scope of work and based on the required use of Best Management Practices to avoid and minimize to dredge sites, the activities to be authorized are not expected to cause adverse impacts, either individually or cumulatively, on any seaward EFH.

This notice is being sent to the NMFS to fulfill coordination requirements of the MSFCMA. Any conservation recommendations NMFS makes concerning EFH will be considered before a final decision is made on the proposed issuance of the GP. The Corps request concurrence with our determination and comments from NMFS HCD.

OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS: The Applicant is obligated by the *Code of Federal Regulations*, Title 15, Section 930.35(d) to provide notification of Negative Determination to the Office of Coastal Zone Management, Hawaii State Department of Business, Economic Development & Tourism regarding the Hawaii Coastal Zone Management (CZM) Program.

EVALUATION FACTORS: The decision to reauthorize the general 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 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 conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

COMMENTS AND INQUIRIES: Interested parties may submit in writing any comments that they have on the proposed reauthorization of the general permit. Comments should be forwarded so as to reach this District no later than 30 days from the date of this notice. Written inquiries and comments should be mailed to this District at the address indicated in the letterhead and should refer to **General Permit GP 2011-002**. Please contact Farley K. Watanabe at 808-438-7701 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at CEPOH-EC-R@usace.army.mil. 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.

ADDITIONAL PUBLIC NOTICE: Additional notice(s) will be issued if there are substantial changes in the proposed GP. If the general permit is reauthorized, a public notice announcing the reauthorization will include a copy of the general permit, including final terms and conditions.

REQUEST FOR PUBLIC HEARING: Any person may request, in writing, within 30 days from the date of this notice that a public hearing be held to consider the proposed general permit reauthorization. Requests for public hearing shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

A copy of the draft GP-2011-002 is attached to this public notice



**US Army Corps
of Engineers
Honolulu District**

**DEPARTMENT OF THE ARMY
GENERAL PERMIT GP 2011-002
MAINTENANCE AND CONSTRUCTION DREDGING OF PEARL HARBOR
DEFENSIVE SEA AREA, HAWAII, AND DISPOSAL OF THE DREDGED
MATERIAL AT THE SOUTH OAHU DREDGED MATERIAL DISPOSAL SITE**

Permittee: Navy Region Hawaii
Application Number: File No. POH-2011-00012
Waterway: Pearl Harbor Defensive Sea Area

Effective Date: April xx, 2011

Expiration Date: April xx, 2016

1. INTRODUCTION:

a. In accordance with Parts 320, 322, 324, 325, 326 and 329 of Title 33, Code of Federal Regulations (CFR), the District Engineer of the U.S. Army Corps of Engineers, Honolulu Engineer District (Corps) authorizes this general permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403); to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) and to 40 CFR 220-227. Under this general permit, the Secretary of the Army authorizes Navy Region Hawaii to perform construction and maintenance dredging of Pearl Harbor and to transport the dredged material to the EPA designated South Oahu Ocean Dredged Material Disposal Site (SOODMDS), subject to the following specifications, limitations and conditions.

b. This general permit replaces GP 2005-001 issued to the U. S. Navy Pacific Division, Naval Facilities Engineering Command (PACDIV), Pearl Harbor, Oahu, Hawaii on October 27, 2005.

2. APPLICABLE AREAS: This general permit applies to all water areas of the Defensive Sea Area in and about Pearl Harbor as shown on the attached drawings and to the SOODMDS.

3. SPECIFICATIONS AND LIMITATIONS OF AUTHORIZED WORK:

a. This general permit authorizes the permittee to dredge boat launching ramps, berthing areas, areas adjacent to piers, docks, wharves, ship channels, channel entrances, turning

basins and navigable waterways to provide and maintain continued navigability and defense use of Pearl Harbor. This permit only authorizes work on specific pre-identified projects that meet the conditions of this permit.

b. The permittee shall notify the District Engineer in writing of specific planned dredging projects. Upon approval, these will constitute the pre-identified projects. Projects may retain pre-identified status for a period of up to two years.

c. Inherent in the approval of pre-identified projects is the determination of the material's suitability for ocean disposal. Dredged material from each project is suitable for ocean disposal only if it meets criteria identified in the Corps and EPA 1991 Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual and the Corps and EPA Regional Implementation Manual (including approved modifications). Final suitability determination will be made by the District Engineer in cooperation with the EPA. Only projects with dredged material meeting the criteria for ocean disposal will be approved and authorized under this general permit. Beneficial use of the dredged material is encouraged in lieu of ocean disposal.

d. Dredged material may be removed hydraulically or mechanically, with due consideration to economics, but with Best Management Practices to minimize turbidity and adverse impacts on adjacent areas.

e. This permit authorizes transport to, and disposal of, suitable dredged material from pre-identified projects at the SOOMDS. All disposal operations will be conducted in accordance with the special management conditions and practices specified in the Site Management Plan for the South Oahu Ocean Dredged Material Disposal Site.

f. Placement of permanent or temporary fill in waters of the United States is not authorized under this general permit.

g. All activities authorized by this general permit shall be consistent with the terms and conditions of the permit. Violations of the terms and conditions of this permit may result in the modification, suspension, or revocation of this authorization, in whole or in part.

4. GENERAL CONDITIONS:

- a. All activities authorized by this permit shall be executed in a manner so as to minimize degradation of water quality and shall be consistent with applicable water quality standards and standards of performance, pursuant to the Clean Water Act, the Marine Protection, Research, and Sanctuaries Act and applicable State law.
- b. If items of potential historical or archaeological significance are discovered during activities authorized by this permit, work shall stop. The permittee shall notify the District Engineer and the State Historic Preservation Officer immediately so they can determine if the potential resources warrant protection or recovery.
- c. The permittee must allow the District Engineer or his authorized representative(s) to inspect the authorized activity at any time to ensure that the activity is being performed in accordance with the terms and conditions of this permit.
- d. This permit does not grant any property rights or exclusive privileges and does not authorize any injury to the property or rights of others.
- e. This permit does not authorize interference with any existing or proposed Federal project.
- f. The proposed activity will not adversely affect any threatened or endangered species as identified under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et. seq.*), or endanger the designated critical habitat of such species. The permittee agrees to make every reasonable effort to execute the work authorized by this permit in a manner so as to minimize adverse impacts on fish, wildlife and the natural environment.
- g. No activity authorized under this general permit may permanently impair navigation.
- h. The District Engineer may reevaluate this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - (1) The permittee fails to comply with the terms and conditions of this permit.
 - (2) The information provided by the permittee in support of the issuance of this permit proves to be false, incomplete, or inaccurate.
 - (3) The District Engineer obtains significant new information which was not considered in reaching the original decision.

Such a reevaluation may result in suspension, modification, or revocation of the permit and/or enforcement procedures. Any modification, suspension or revocation shall become effective after written notice. Following a revocation any future activities

covered by this permit will be processed as individual permits. Revocation of the general permit will not affect work already completed under its authority. Enforcement is effected by the issuance of an administrative order requiring the permittee to comply with the terms and conditions of this permit. The District Engineer and/or EPA Region IX may initiate legal action where appropriate with regard to violations involving the dredging site or the ocean disposal site. The permittee will be required to pay for any corrective measures ordered by the District Engineer or EPA.

i. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure of work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

j. Unless terminated earlier, the expiration date of this general permit will be five years from the date of the District Engineer's signature. At that time there will be a reevaluation and review of the environmental effects of activities authorized under the permit. This reevaluation will incorporate the views of the public following issuance of a new public notice. The general permit may be reissued, revised or revoked as appropriate. Any specific projects authorized under this permit, but not completed prior to the expiration date, can proceed in accordance with the terms and conditions of this permit, regardless of the outcome of the reevaluation and review.

5. SPECIAL CONDITIONS:

a. Extreme care shall be taken to ensure that no debris, petroleum products or other deleterious materials or wastes be allowed to fall, flow, leach or otherwise enter the water.

b. All permitted activities shall be done so as to minimize turbidity and other impacts on adjacent areas. Silt curtains shall be employed around the dredging operation. If silt curtains are considered to be impractical at a particular site, the Best Management Practices plan shall explain alternate methods to minimize turbidity.

c. Dredged material disposal barges shall be loaded appropriately to avoid spillage while in transit to the SOODMDS.

d. Dredged material disposal barges shall be maintained such that there is no leakage while in transit to the SOODMDS.

e. Dredged material disposal operations shall occur only in sea states where spillage will not occur in transit to the SOODMDS. No disposal vessel trips shall be initiated when

the National Weather Service has issued a gale warning for local waters during the time period necessary to complete dumping operations.

f. Surface Disposal Zone (SDZ): When dredged material is discharged within the SOODMDS, no portion of the vessel from which the materials are to be released (e.g. hopper dredge or towed barge) may be further than 300 meters from the center of the disposal site at 21 degrees 15 minutes 10 seconds North Latitude; 157 degrees 56 minutes 50 seconds West Longitude (NAD 1983).

g. No more than one disposal vessel may be present within the SOODMDS SDZ at any time.

h. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel- (e.g., scow-) based. An appropriate Global Positioning System (GPS) shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the SOODMDS disposal site boundary, and at a maximum 10-second interval while inside the SOODMDS disposal site boundary. This system must also indicate and record the time and location of the beginning and end of each disposal event (e.g., the opening and closing of the hull doors of the disposal vessel). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the SOODMDS disposal site and its SDZ, superimposed on the appropriate NOS chart, so that the operator can confirm proper position within the SDZ before discharging the dredged material. Commercial web-based, near real-time tracking and monitoring systems are available that satisfy these requirements, and EPA encourages their use.

i. If the primary disposal tracking system fails during transit, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow ("lay back"), the estimated scow position would be within the SDZ [i.e., within 300 meters of the center of the disposal site). In such cases the towing vessels position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. Further disposal operations using a disposal vessel whose navigation tracking system fails must cease until those primary disposal-tracking capabilities are restored.

j. The permittee shall complete an EPA- and USACE-approved Scow Certification Checklist that documents: the amount of material dredged and loaded into each barge for disposal; the location from which the material in each barge was dredged; the weather report for and sea-state conditions anticipated during the transit period; the time that each disposal vessel departs for, arrives at and returns from the SOODMDS; the exact coordinates and time of each disposal; and the volume of material disposed at the

SOODMDS during each disposal trip. The permittee's proposed Scow Certification Checklist must be approved prior to the commencement of any ocean disposal operations.

k. The permittee shall provide initial notification of any potential or actual violations of the above Ocean Disposal Special Conditions to the District Engineer and the Regional Administrator within 24 hours of discovering such a situation. (This notification requirement is in addition to the monthly report required below.) Timely identification and reporting of potential problems can be facilitated by use of a near real-time web-based tracking and monitoring system. However, whether or not such a system is used, it is the permittee's responsibility to initially report any apparent problems within 24 hours.

l. The permittee shall collect, for each ocean disposal trip, both automatically-recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled, and provided in reports to both EPA and USACE at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically-recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and USACE), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The reports shall also include a cover letter describing any problems complying with these Ocean Disposal Special Conditions, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

m. Following the completion of ocean disposal operations, the permittee shall submit to the District Engineer and Regional Administrator a notice of completion letter summarizing the total number of disposal trips and the overall (in-situ) volume of material disposed at SOODMDS for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit. The completion letter shall include a Disposal Site Verification Log Summary. The summary shall include the name of the dredge site, the volumes disposed and the information specified in Special Conditions 5j and 5l above for each barge load.

n. Compliance with Endangered Species Act and Pac-SLOPES. Protocol and operations measures for the avoidance and protection of humpback whales, Hawaiian monk seals, green sea and hawksbill turtles and other protected species in active, mechanized equipment and boat areas of operation shall incorporate the following site-specific avoidance and minimization measures:

i. Surveys shall be made prior to the start of work each day, and periodically during the day, including prior to resumption of work following any break of more than one half hour.

ii. All in-water work will be postponed or halted when ESA-listed marine species are within 100 feet of the disposal area, and will only begin/resume after the animals have voluntarily departed the area. If ESA-listed marine species are noticed after work has already begun, that work may continue only if there is no way for the activity to adversely affect the animal(s).

iii. When piloting vessels, vessel operators shall alter course to remain at least 100 yards from whales, and at least 50 yards from other marine mammals and sea turtles.

iv. Reduce vessel speed to 10 knots or less when piloting vessels in the proximity of marine mammals and turtles. If practicable, reduce vessel speed to 5 knots or less when piloting vessels in areas of known or suspected turtle activity.

v. If approached by a marine mammal or turtle, put the engine in neutral and allow the animal to pass.

vi. Marine mammals and sea turtles should not be encircled or trapped between multiple vessels or between vessels and the shore.

vii. Do not attempt to feed, touch, ride, or otherwise intentionally interact with any ESA-listed marine species,

viii. All on-site project personnel must be apprised of the status of any listed species potentially present in the project area and the protections afforded to those species under Federal laws. Information explaining laws and regulations for listed species in Hawaii may be downloaded at http://www.nmfs.noaa.gov/prot_res/MMWatch/hawaii.htm. The project POC shall ensure that protocols and observers to avoid the potential for contact or harassment with ESA species of record are followed during all periods of in-water work.

ix. Records of observations of protected species observed in the project areas for the duration of in-water activities shall be maintained and submitted at the close of in-water activities for each project.

x. Immediate notification to Mr. Don Hubner, <Donald.Hubner@noaa.gov>, Protected Resources Division, NMFS, PIRO, shall occur if: 1) a take occurs; 2) new information reveals effects of the action have affected listed species in a manner or to an extent not previously evaluated; 3) if the action is subsequently modified and causes effects to listed species in a manner or to an extent not previously considered or evaluated; or 4) a new species is listed or critical habitat is designated that may be affected by the authorized work.

6. REQUIRED SUBMITTALS:

a. Prior to the start of each two year dredging cycle¹ the permittee shall submit the following to the District Engineer for review and approval:

(1) Drawings or plans of the proposed work on 8.5"x11" sheets (and *.pdf format), clearly specifying dimensions and exact locations of each individual project planned. An estimate of the types and quantities of material to be dredged at each site, cross sections of the dredging design depth and overdepth allowance (if applicable), and the planned method(s) of removal and disposal.

(2) A pre-dredge survey for each individual project, accurate to one foot.

(3) A Tier I evaluation of the dredged material and, if necessary, a sampling and testing plan for each project². This plan shall include sampling, testing and analysis methodologies, QA/QC procedures and core locations for each individual project. The plan must be in accordance with the Corps and EPA 1991 Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual and the Corps and EPA Regional Implementation Manual (including approved modifications). All such plans must be approved by the District Engineer and EPA.

(4) If necessary, a dredged material analysis report³ will be prepared. At a minimum this report must include sample locations, testing and analysis methodologies and results, in accordance with the approved sampling and testing plan.

b. Before initiation of each individual project the permittee shall submit a Dredging and Disposal Operation Plan to the District Engineer. This plan shall include the following: a copy of the dredging contract or description of work under which the contractor will perform the permitted activity; the dredging contractors site representative phone numbers; a description of the proposed removal and disposal procedures; a Best Management Practices plan; a description of the methods proposed to track and verify the transport and disposal of the dredged material; and an outline of the notification plan.

c. During the performance of each individual project the permittee shall submit monthly collections of the data specified in Special Condition 5(l) above to the District Engineer and EPA Region IX for review and possible action.

d. After completion of each individual project, the permittee shall submit the following to the District Engineer and EPA Region IX for review and possible action:

(1). Within 30 days of completion the permittee will submit a post-dredging survey. The permittee shall substantiate the total quantity dredged including calculations used to determine

¹ Projects may be specified on an as-needed basis. However, in general it is expected that the permittee shall specify a group of dredging projects planned for a two year period or "dredging cycle".

² Dredged material testing may not be required if the Tier I evaluation of a specific project indicates that the material to be dredged is suitable for ocean disposal. This requirement will be determined on a project-by-project basis by the District Engineer, in coordination with EPA.

³ Dredged material analysis reports will only be submitted for projects that require testing beyond the Tier I evaluation.

the volume difference between the pre- and post-dredging surveys and explain any variation in quantities greater than 15% above the estimated quantities. All surveys will be signed by the permittee to certify their accuracy.

(2). Within 30 days of completion of each project the permittee shall submit a Disposal Site Verification Log Summary. The summary shall include the name of the dredge site, the volumes disposed and the information specified in paragraph 5m above for each barge load.

e. After completion of each individual project, the permittee shall submit the following to the District Engineer and NOAA, PRD for review and possible action:

Records of observations of protected species observed in the project areas for the duration of in-water activities.

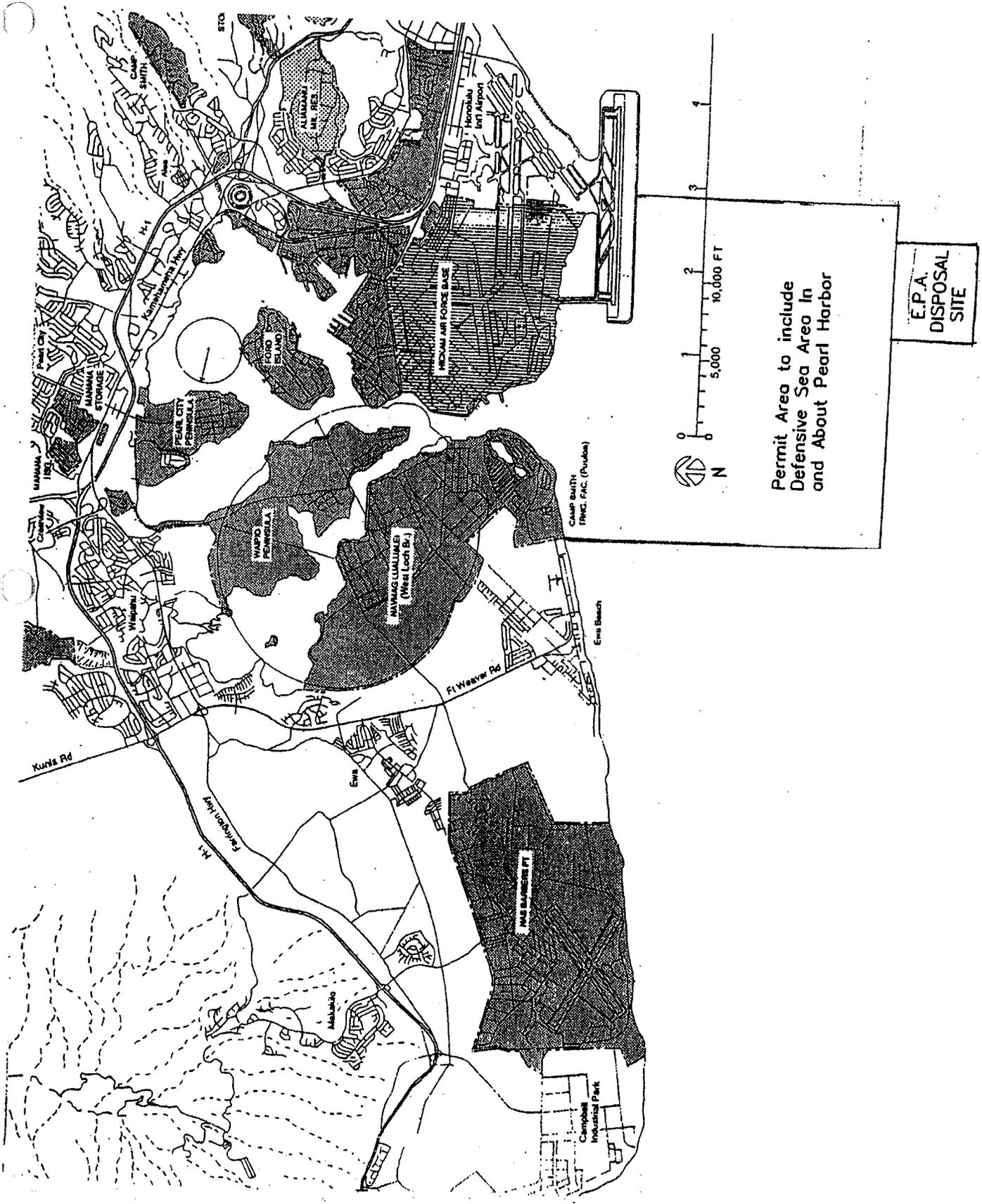
BY AUTHORITY OF THE SECRETARY OF THE ARMY

Douglas B. Guttormsen, P.E.
Lieutenant Colonel, U.S. Army
Commanding

date

Attachments:

1. General Location Map, Pearl Harbor Defensive Sea Area
2. Pearl Harbor Dredging Plan
3. Portion of Pearl Harbor Channels Map Indicating Areas Determined Suitable for Ocean Disposal
4. Location Map of EPA-designated South Oahu Ocean Dredged Material Disposal Site (SOODMDS)

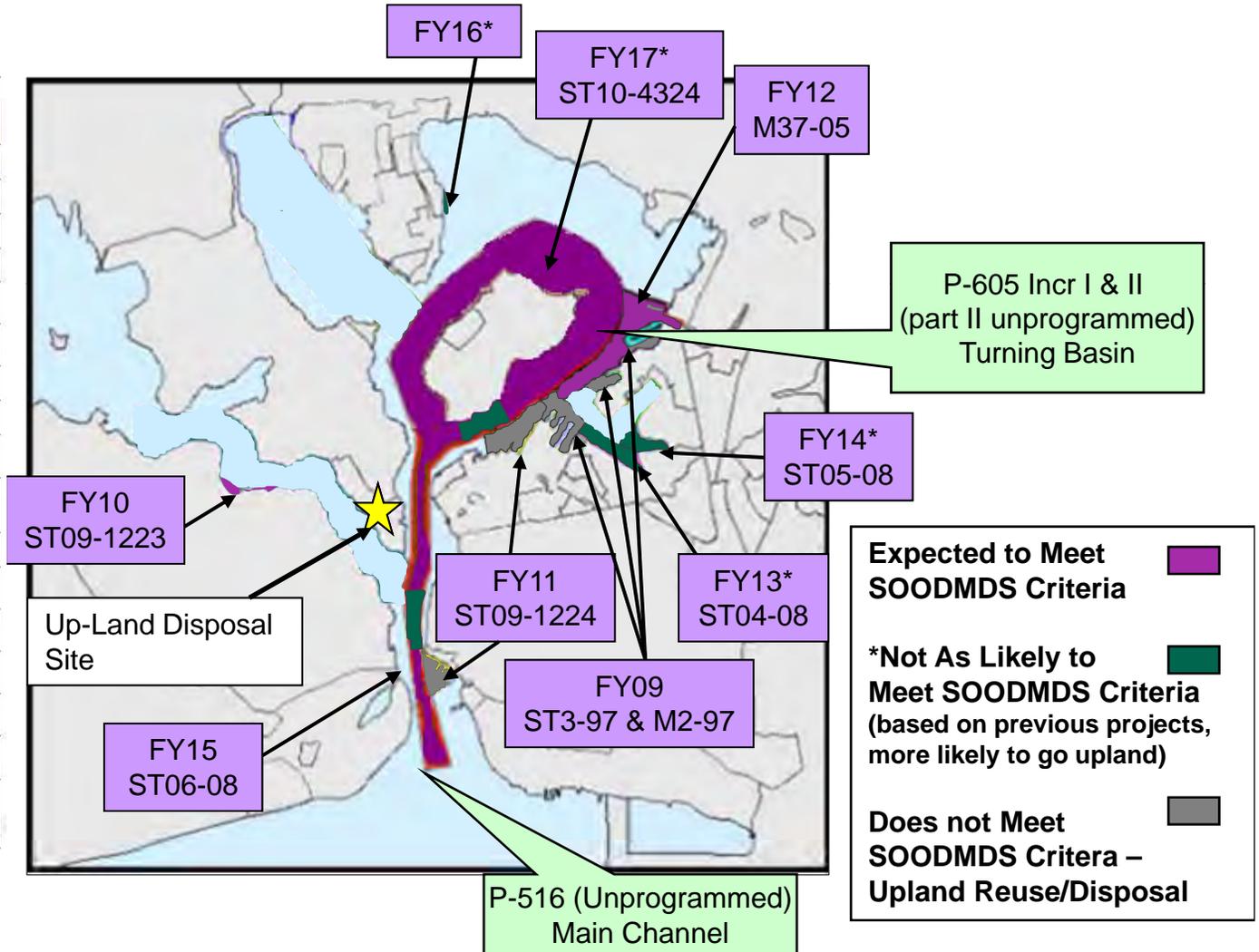




Pearl Harbor Anticipated Disposal Locations

LOCATION	PROJ #	ANTICIPATED APPROX VOL FOR OCEAN DISPOSAL (CY)	ANTICIPATED APPROX VOL FOR UPLAND (CY)
B4-21, K2-7 & K10-11	ST3-97 & M2-97		183,000
W4-5	ST08-1223 (M24-96)	55,000	
B1-3 / DRY DOCKS 1-3 / A1-7	ST09-1224 (MC27-00)		385,000
N CHANNEL PEARL HARBOR & MOUTH HALAWA STR	M37-05	248,000	36,000
B22-26 & M1.2	ST04-08	25,000 (likely to go upland, based on previous projects)	
M3-4 & S1-8	ST05-08	30,000 (likely to go upland, based on previous projects)	
OUTER MAIN CHANNEL PEARL HARBOR	ST06-08	100,000	
CONSTRUCTION DREDGE TURNING BASIN TO 'H' PIER	MCON P-805	479,000	
V5 & V6		116,200 (likely to go upland, based on previous projects)	
MAIN CHANNEL PEARL HARBOR	ST10-4324	1146320 (141,680 cy likely to go upland, based on previous projects)	
CONSTRUCTION DREDGE TURNING BASIN TO 'H' PIER	MCON P-805A	485,000	
CONSTRUCTION DREDGE CHANNEL TO 'H' PIER (PH 1 OF 5)	MCON P-516		
CONSTRUCTION DREDGE CHANNEL TO 'H' PIER (PH 2 OF 5)	MCON P-516A		
CONSTRUCTION DREDGE CHANNEL TO 'H' PIER (PH 3 OF 5)	MCON P-516B		
CONSTRUCTION DREDGE CHANNEL TO 'H' PIER (PH 4 OF 5)	MCON P-516C		
CONSTRUCTION DREDGE CHANNEL TO 'H' PIER (PH 5 OF 5)	MCON P-516D		
TOTAL			

UP = Unprogrammed; dredging quantities not known yet

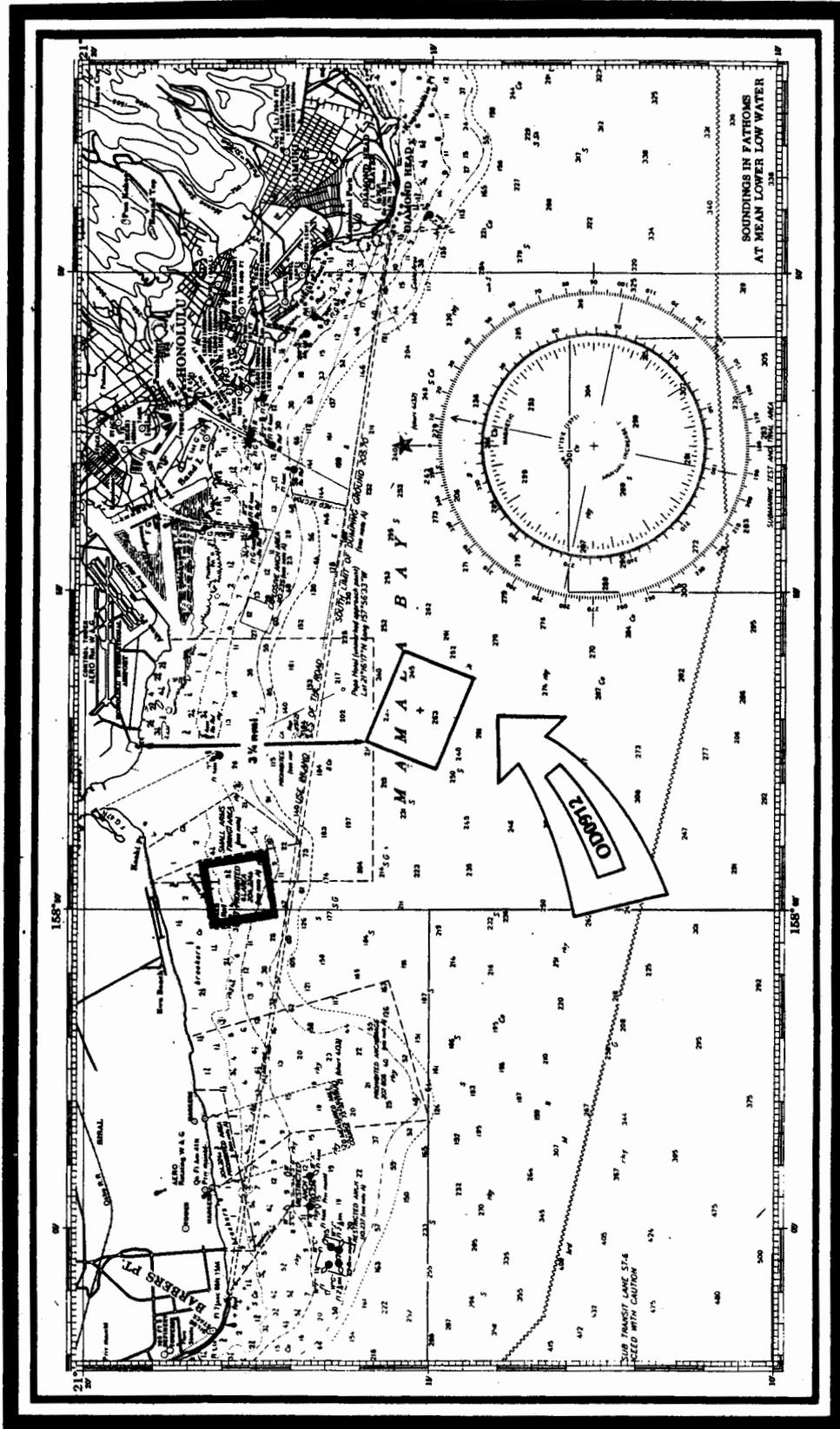


15 February 2011

Pearl Harbor Maintenance Dredging Plan

LOCATION	PROJ #	FY (AWARD)	DREDGE MAT'L VOL (CY)	APPROX AREA OF DREDGING (SY)
BRAVO DOCKS B4-B21, KILO WHARVES K2-7 AND K10-11	ST3-97 and M2-97	09	183,000	242,000
WHISKEY WHARVES W4/5	ST09-1223 (M24-96)	10	55,000	35,600
BRAVO DOCKS B1-B3 / DRY DOCKS 1-3 / ALPHA WHARVES A1-A7	ST09-1224 (MC27-00)	11	365,000	183,000
NORTH CHANNEL PEARL HARBOR & MOUTH OF HALAWA STREAM	M37-05	12	284,000	128,000
BRAVO WHARVES B22-26, MIKE WHARVES M1,2	ST04-08	13	25,000	174,000
MIKE WHARVES M3-4, SIERRA WHARVES S1-8	ST05-08	14	30,000	120,000
OUTER MAIN CHANNEL PEARL HARBOR	ST06-08	15	100,000	955,000
CONSTRUCTION DREDGE TURNING BASIN TO "H" PIER	MCON P-605	15	479,000	565,000
VICTOR WHARVES V5 & V6		16	116,200	27,000
MAIN CHANNEL PEARL HARBOR	ST10-4324	17	1,288,000	6,995,000
CONSTRUCTION DREDGE TURNING BASIN TO "H" PIER	MCON P-605A	16	485,000	565,000
CONSTRUCTION DREDGE CHANNEL TO "H" PIER (PH 1 OF 5)	MCON P-516	UP		
CONSTRUCTION DREDGE CHANNEL TO "H" PIER (PH 2 OF 5)	MCON P-516A	UP		
CONSTRUCTION DREDGE CHANNEL TO "H" PIER (PH 3 OF 5)	MCON P-516B	UP		
CONSTRUCTION DREDGE CHANNEL TO "H" PIER (PH 4 OF 5)	MCON P-516C	UP		
CONSTRUCTION DREDGE CHANNEL TO "H" PIER (PH 5 OF 5)	MCON P-516D	UP		
UP = Unprogrammed; dredging quantities not known yet				

December 2010
revised February 2011



Navigation Chart No. NOS 19357
 Area 1.51 Square Nautical Miles
 Local Navigational Aids Loran C, Omega, RDF, Radar
 Material Type Dredged Material

Boundary Coordinates 21°15'58"N, 157°57'20"W,
 21°15'24"N, 157°55'58"W,
 21°14'58"N, 157°57'48"W,
 21°14'24"N, 157°56'22"W,
 Center Coordinates 21°15'10"N, 157°56'50"W.

OD0912
South Oahu Site, HI

September 1980