



PUBLIC NOTICE

Honolulu District, US Army Corps of Engineers

Regulatory Branch (CEPOH-RB)
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: **August 25, 2016**
Expiration Date: **September 24, 2016**
Permit File Number: **POH-2015-00062**

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. Ross S. Sasamura, City & County of Honolulu, Department of Facility Maintenance, Storm Water Quality Branch, 1000 Uluohia Street, Suite 215, Kapolei, Hawaii 96707

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in Hele Channel between Akumu Street and Keolu Drive, Kailua, Island of Oahu, Hawaii.

PROPOSED PROJECT AND PURPOSE: Stabilization of a combined total of 1,177 linear feet of left and right bank segments of a 700-foot long portion of the Hele Channel between Akumu Street and Keolu Drive to address localized sedimentation and channel erosion. Bank stabilization involves installation of rock riprap at and below high tide line with installation of vegetated compostable socks at high tide line to top of bank. Bank stabilization will result in the permanent discharge of 356 cubic yards of rock riprap over 4,797 square feet of navigable waters of the U.S. Rock riprap will be temporarily placed within the toe footprint for access into the channel. All in-water work will be accomplished by either a small excavator or small crane staged atop the temporary access or the top of the channel banks. The toe of the slope protection will be excavated two-feet wide by 3-feet deep using an excavator bucket and replaced with geotextile fabric overlaid by rock riprap from the temporary access road until construction of the bank stabilization structure is complete. Approximately 267 cubic yards of excavated material will either be immediately transported for upland disposal or dewatered adjacent to the channel with no return flow for later upland disposal. A turbidity curtain will be installed along the entire length of the in-water construction area. Drawings enclosed for reference.

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 install a structure in navigable waters of the U.S.

- Section 404 of the Clean Water Act (33 U.S.C. 1344) – To discharge 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 a pollutant into a water of the U.S. and will require authorization from the U.S. Army Corps of Engineers (Corps) in accordance with 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.

CULTURAL RESOURCES: Pursuant to Section 106 of the National Historic Preservation Act (NHPA), our assessment of the project leads us to a preliminary determination no historic properties will be affected by the proposed action within the permit area. 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:

Hawaiian Hoary Bat (*Lasiurus cinereus semotus*), Endangered
Hawaiian Coot (*Fulica americana alai*), Endangered
Hawaiian Stilt (*Himantopus mexicanus knudseni*), Endangered
Hawaiian Duck (*Anas wyvilliana*), Endangered
Hawaiian Moorhen (*Gallinula chloropus sandvicensis*), Endangered

Preliminary determinations indicate that the described activity may affect the above species. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat.

844) will be initiated independent of this notice. A permit 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 not have an adverse effect on EFH. Consultation under MSA is not required for the described activity.

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 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 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: J. Paahana
Building 230
Fort Shafter, Hawaii 96858-5440.

Alternatively, comments may be emailed to jessie.k.paahana@usace.army.mil. In order to be accepted, e-mail comments must originate from the author's e-mail account.

Both conventional mail and e-mail comments must include the DA permit number **POH-2015-00062**, 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 **September 24, 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. 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 Ms. Jessie Paahana of my staff via telephone at (808) 835-4107 or via email at jessie.k.paahana@usace.army.mil.

Tunis W. McElwain
Acting Chief, Regulatory Branch