



U.S. Army Corps  
Of Engineers  
Honolulu District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** July 25, 2005

**EXPIRATION DATE:** August 25, 2005

**REFERENCE NUMBER:** POH-2004-1021

**WATERWAY NAME:** Offshore Lahaina and Puamana Beach Park, Maui Island

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 plans.

**APPLICANT:** Atlantis Submarines, LLC

**AGENT:** BEI Environmental Services

**APPLICABLE STATUTORY AUTHORITIES:** Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344)

**PROJECT PURPOSE:** The project is to establish an artificial reef and enhanced marine habitat for commercial passenger submarine tours.

**DESCRIPTION OF PROPOSED ACTIVITY:** The applicant proposes to sink derelict vessels on the company's leased submerged lands site to serve as artificial reefs and enhanced marine habitat to promote tours of coral and fish populations. The project site is approximately 3,100 feet (0.5 miles) offshore of Puamana Beach Park; consists of 2 "Drop Zones" A (centerpoint N20-51.167-W156-40.432) and B (centerpoint N20-50.737-W156-40.072) consisting of about 0.5 acres each; and is in waters about 100 feet deep. The drop zones are about 1,500 feet apart. The vessels will be cleaned and prepared according to state and federal regulations and requirements. Vessels will be towed to the sunk and carefully sunk. *The Carthaginian* will be ballasted with concrete before sinking to minimize movement during extreme storm and current conditions at drop zone A. Additional vessels will be placed on sandy, *Halimeda* calcareous

algae substrate which has been approved by appropriate agencies. The deployment procedure will be designed to ensure that the vessels settle in the selected locations.

In addition, Atlantis proposes to install 4 permanent Manta Ray anchors to secure *The Carthaginian* to the bottom at Drop Zone A. One submerged mooring buoy at *The Carthaginian* and one submerged buoy for each additional future sunken vessel at Drop Zone B will be dedicated and available for public access by other site users. Atlantis asserts that its operations do not require mooring buoys.

### **IMPACTS OF PROPOSED ACTIVITIES IF AUTHORIZED:**

Potential impacts of the proposed activity include the introduction of pollutants into the ocean during vessel sinking, damage to marine organisms by the placement of artificial reef materials on the seafloor during installation, enhanced habitat for marine organisms following installation, disruption of boating and ocean activities during installation and increased traffic of boating vessels and ocean activities at the artificial reef site during use.

*The Carthaginian* and future vessels to be sunk shall be cleaned to U.S. Coast Guard, EPA, State Department of Health standards and State Department of Land and Natural Resources requirements. Pollutants, including petrochemical products, potentially toxic chemicals, and floatable debris will be removed to the maximum extent practicable and shall be subject to inspection and certification before deployment. Comments regarding the transport of marine organisms contained in bilgewater and external hull surfaces and preventative measure are also solicited. The applicant will submit a containment plan as a preventive measure.

The potential reef sites have been selected because they are characterized by limited or depauperate macrobiota, fish populations, and bottom substrate. Sessile and slow moving benthic organisms and *Halimeda* calcareous algae will be destroyed by the placement of sunken vessels on the seafloor. Long-term impacts to aquatic life are expected to be positive. Historical studies in Hawaii and similar Pacific areas have shown that artificial reefs enhance reef habitat and increase fish biomass within the geographic area. Surveys conducted at existing State Department of Land and Natural Resources artificial reef sites have demonstrated that the artificial reefs have attracted and sustained increased marine populations of fish and invertebrate communities, as well as recreational and commercial users, in those previously unenhanced habitats. The Atlantis artificial reefs are also expected to provide substrate for coral colonization.

There may be temporary disruption of boat traffic and ocean activities during towing and sinking operations. These impacts will be minimized by the applicant following an installation plan for at-sea operations and close coordination with the U.S. Coast Guard. Based on the prior administrative record from the maintenance and operation of similar commercial ventures in Hawaiian waters, no long-term adverse impacts to ocean activities and the marine habitat are expected. Installation of the artificial reefs is anticipated to assist the applicant and the local recreational ocean industry with an increased opportunity for viewing, diving, and fishing activities.

Installation of the artificial reefs is not expected to result in negative long term impacts to ocean activities and coral reefs shoreward to Puamana Beach Park. The placement of the vessels in relatively deep water and their orientation parallel to the shoreline and prevailing currents are expected to present a minimal profile to extreme ocean weather events and conditions that may incur adverse impacts to activities and users shoreward. Surfing activities, known surfing sites, and local subsistence/collection resources and areas are not expected to be adversely impacted.

**IMPACTS ON CULTURAL RESOURCES:** The State Historic Preservation Office has reviewed the applicant's proposed activity and in a letter dated January 5, 2004 to the agent rendered a determination that no historic properties would be affected. The agent, BES, replied to the State Office of Hawaiian Affairs on March 30, 2004 that cultural resources and practices would be included in the draft EIS and that individuals contacted would have their comments regarding cultural resources and practices included in the draft EIS.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs, Hui Malama I Na Kupuna, and the federal Secretary of the Interior. Any comments they have regarding historic properties, cultural practices and cultural resources will be considered before a final decision is made on the DA permit.

**IMPACTS ON ENDANGERED SPECIES:** The Humpback Whale, Green sea turtles, and Hawaiian Monk Seal, federally listed endangered and threatened species, are known, or expected, to occur in the project area. In addition, the project site is within the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS). The applicant has received comments and responded to US National Marine Fisheries Service (NMFS) Pacific Islands Environmental Coordinator and the HIHWNMS Manager. The marine environment around the areas of proposed disturbance consists primarily of sand and *Halimeda* calcareous algae preferred by turtles. No significant adverse impacts to federally listed species and live coral are expected from the proposed project and measures to avoid or minimize potential adverse effects shall be considered and stipulated in conditions of the DA permit. No in-water blasting techniques will be used. This prohibition will be stated in general and special conditions of the DA permit.

This notice has been sent to the USFWS and NMFS. Any additional comments they have on endangered or threatened species, national marine sanctuary, essential fish habitat, and special aquatic sites (i.e. coral reefs) will be considered before a final decision is made on the permit.

**NOTICE TO NAUTICAL DATA BRANCH, NOAA, U.S. Department of Commerce:** This notice has been sent to the Nautical Data Branch. Any comments they have on the placement of the two artificial reef locations will be considered before a final decision is made on the permit.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The

decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The U.S. Army Corps of Engineers (USACE) is soliciting comments from the public; Federal, State and local agencies and officials; native Hawaiian groups and individuals and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE 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. Comments are used in the preparation of an Environmental Assessment 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 proposed activity.

Comments on the described work, **with the reference number POH-2004-1021**, 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 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.

**OTHER PERMITS AND AUTHORIZATIONS:** Prior to the issuance of the Department of Army permit, the applicant is required to obtain an individual Section 401 Water Quality Certification, or waiver thereof, from the State Department of Health, Clean Water Branch and a Coastal Zone Management (CZM) Program consistency determination, waiver, or exemption, from the Office of Planning. The requirements for a CZM consistency statement and accompanying information are available for public review at the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, 235 S. Beretania Street, 6<sup>th</sup> Floor, Honolulu, HI. 96813. Comments on the consistency statement should be submitted in writing to the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, P.O. Box 2359, Honolulu, HI 96804 no later than 30 days from the date of this notice.

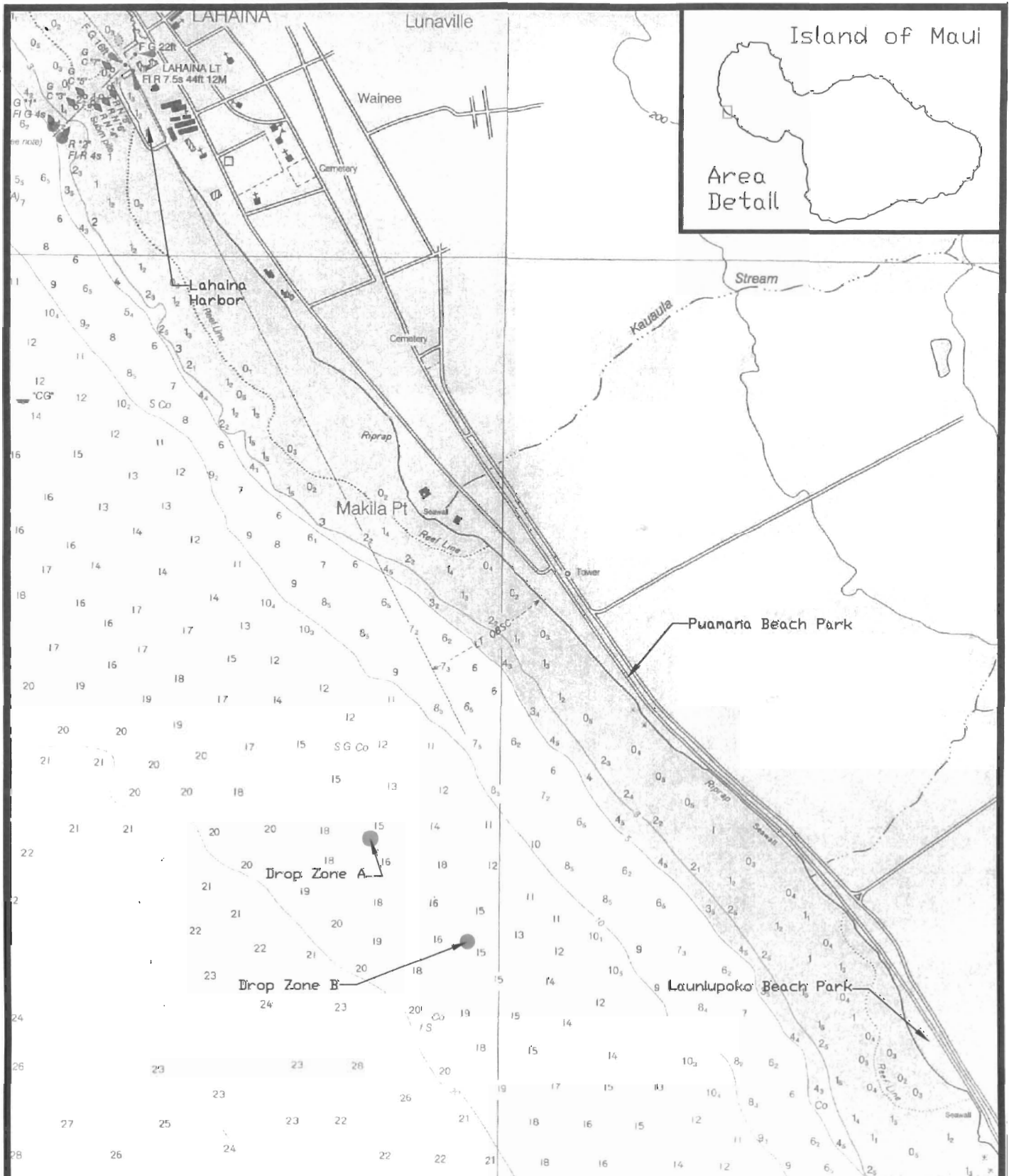
A Conservation District Use Permit (CDUA #MA-3232) from the State Department of Land and Natural Resources is currently in process.

**REQUEST FOR PUBLIC HEARING:** Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

Attachments

Figure 1, Project Site Location Map

Figure 2, Depiction of *Carthaginian* Artificial Reef, Drop Zone A



TRUE NORTH

Base Map Reference:  
NOAA "Approaches to  
Lahaina" 7th Ed., Mar.  
24/01, depth in  
fathoms (1 fathom =  
6 feet)



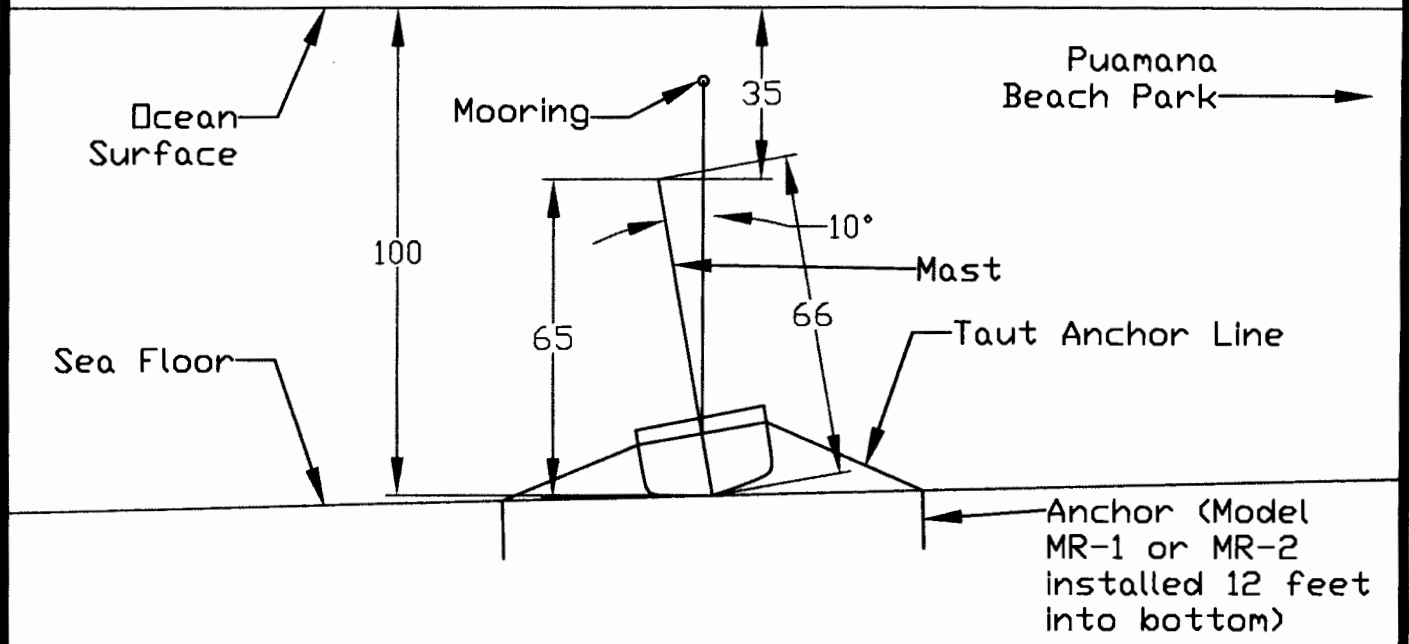
## Project Site Location Map

Artificial Reef Installation, Offshore of Puanana Beach Park, Lahaina,  
Maui, Hawaii

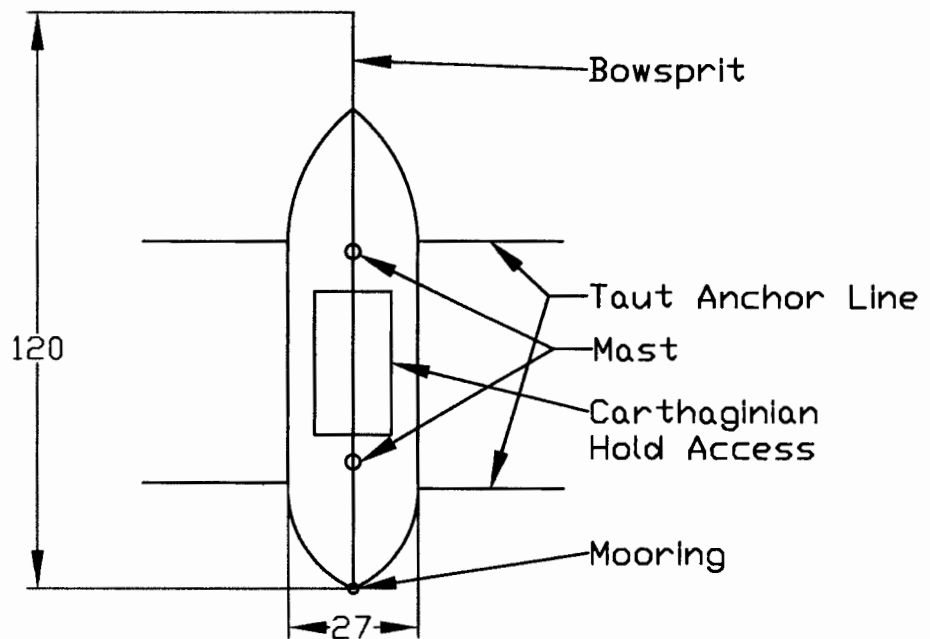
BES Job No.: 03-1267

Figure No.: 11

# CROSS SECTION VIEW OF CARTHAGINIAN ARTIFICIAL REEF



# PLAN VIEW OF CARTHAGINIAN ARTIFICIAL REEF



DEPICTION OF CARTHAGINIAN ON OCEAN FLOOR AS ARTIFICIAL REEF

Drop Zone A, 3,100 feet offshore Puamana Beach Park, Maui, Hawaii

Date: 03-Aug-04

Figure: 2

**Regulatory Branch (CEPOH-EC-R)  
U.S. Army Engineer District, Honolulu  
Building 230  
Fort Shafter, HI 96858-5440**