



U.S. Army Corps  
Of Engineers  
Honolulu District

# Public Notice of Application for Individual Permit

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

**PUBLIC NOTICE DATE:** January 30, 2006

**EXPIRATION DATE:** March 1, 2006

**REFERENCE NUMBER:** POH-2005-429

**WATERWAY NAME:** Un-named wetlands adjacent to Waihee Stream, Kahuluu, Oahu 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 and figures.

1. **APPLICANT:** Reno Henriques, P.O. Box 6584, Kaneohe, HI 96744
2. **AGENT:** Graeme Mankelow, c/o P.O. Box 6584, Kaneohe, HI 96744
3. **APPLICABLE STATUTORY AUTHORITIES:**  
Section 404 of the Clean Water Act (33 U.S.C. 1344)
4. **LOCATION OF THE PROPOSED ACTIVITY:**  
Ahilama Road, Kaneohe, HI (TMK: (1) 4-7-6:027)
5. **PROJECT PURPOSE AND DESCRIPTION:**

The purpose of the proposed project is to construct a single family residence, consisting of a 6,300 square foot house pad on a 2.5-acre parcel. The Corps issued a Cease and Desist Order on August 16, 2005 for unauthorized fill of approximately 20,000 square feet of wetlands on site. After a final follow-up inspection on January 19, 2006, the Corps has determined that the applicant has complied with the Cease and Desist Order by completely removing the unauthorized fill material from the wetlands. The material has been stockpiled on the upland driveway portion of the site. This is not an application for an after-the-fact authorization.

**6. COMPLIANCE WITH THE SECTION 404(B)(1) GUIDELINES:**

With the exception of the driveway area (approximately 0.75 acre), the entire 2.5-acre parcel contains jurisdictional wetlands, thus making it nearly impossible for the applicant to locate the proposed house pad in an upland area on the same site. The house pad is located, however, in the northeast portion of the flag-shaped lot, which will minimize the length of the driveway and maximize the remaining green space. The applicant has reduced the size of the house pad from 15,000 square feet to 6,300 square feet. Also, the original proposal included taro farming and aquaculture on site. The applicant has removed these activities from the scope of work, but does wish to pursue these activities in the future.

The applicant has proposed to remove the non-native vegetation on-site, including the California grass (*Brachiaria mutica*) that dominates the wetlands. A thicket of hau (*Hibiscus tiliaceus*) that fringes the southeast portion of property nearest the Waihee Stream will also be removed. Native Hawaiian vegetation will be planted as appropriate to the soil conditions.

No mitigation plan other than removal of non-native vegetation and replanting with native Hawaiian species has been proposed to date. The Corps will require a mitigation proposal that would fully offset the loss of wetland function and value. The appropriate amount and location of mitigation will be determined after consultation with Federal, State and local agencies.

**7. IMPACTS OF PROPOSED ACTIVITIES IF AUTHORIZED:**

The proposed activity would permanently add approximately 250 cubic yards of fill material to California grass-dominated wetlands (approximately 0.14 acres). Short term impacts include a temporary increase in noise and traffic in the project vicinity.

**8. IMPACT ON HISTORIC PROPERTIES:**

The Area of Potential Effect (APE) of the proposed activity consists of the 2.5-acre parcel. The Hawaii and National Register of Historic Places does not list any historic properties within the APE for the undertaking. The Corps has determined that the areas of direct and indirect impact from construction and subsequent residential use activities will not impact any historic properties listed, or eligible for listing, on the Hawaii and National Registers of Historic Places. Existing ground surfaces within the project area have been previously impacted by agricultural practices and are unlikely to contain *in situ* Native Hawaiian cultural properties.

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

## **9. IMPACT ON ENDANGERED SPECIES:**

Pursuant to Section 7 of the Endangered Species Act (ESA), the Corps has determined that the proposed project will have no effect on Federally-listed species. The subject wetlands are dominated by a near monoculture of *Brachiaria mutica* and have no open-water component that would encourage foraging by endangered Hawaiian waterbirds, although the Hawaiian stilt (*Himantopus mexicanus Knudsen*) has been observed flying over the area. Best Management Practices (BMP's) will be incorporated into the final DA permit to ensure that construction-related activities will not result in a discharge of pollutants to surrounding wetlands or the nearby Waihee Stream.

This notice has been sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they have on endangered or threatened species, or threatened critical habitat, will be considered before a final decision is made on the permit.

## **10. OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS:**

Prior to the issuance of the Department of Army permit, the applicant is required to obtain a 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, or waiver from the Office of Planning before the DA permit is valid.

Other State and local approvals required may include a Conservation District Use Permit from the State Department of Land and Natural Resources, a National Pollution Discharge Elimination System (NPDES) permit, NPDES Stormwater Construction Permit from the State Department of Health, and a Grading, Grubbing, Excavation & Stockpiling Permit, and Building Permit from the City and County of Honolulu Department of Planning and Permitting.

## **11. 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 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 these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic values, 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. Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR Part 230).

**12. COMMENTS AND INQUIRIES:**

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 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 proposed activity.

Interested parties may submit in writing any comments that they have on issuance of a permit for the proposed activity. 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 Connie Ramsey at 808-438-2039 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at [CEPOH-EC-R@usace.army.mil](mailto:CEPOH-EC-R@usace.army.mil). Facsimile comments can be sent to 808-438-4060.

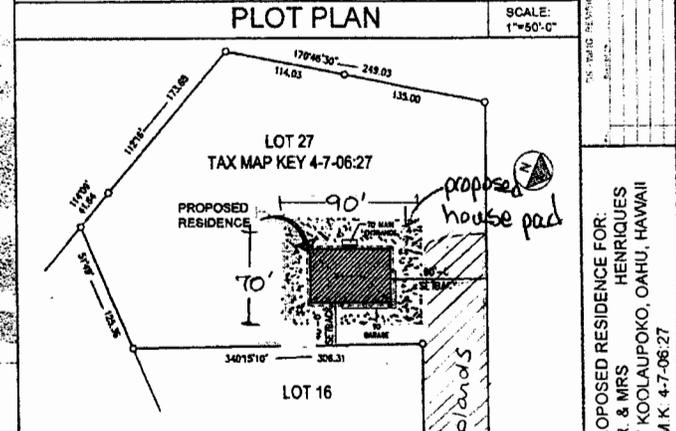
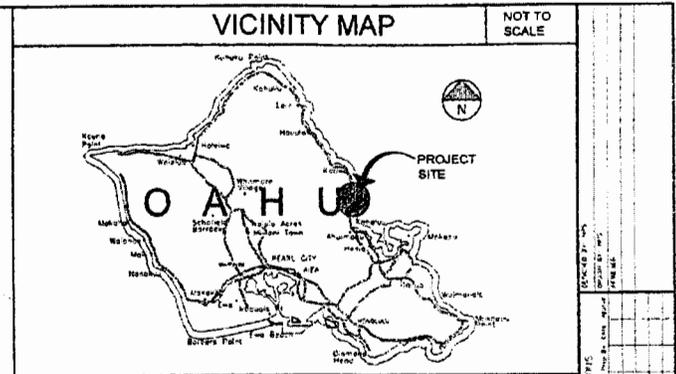
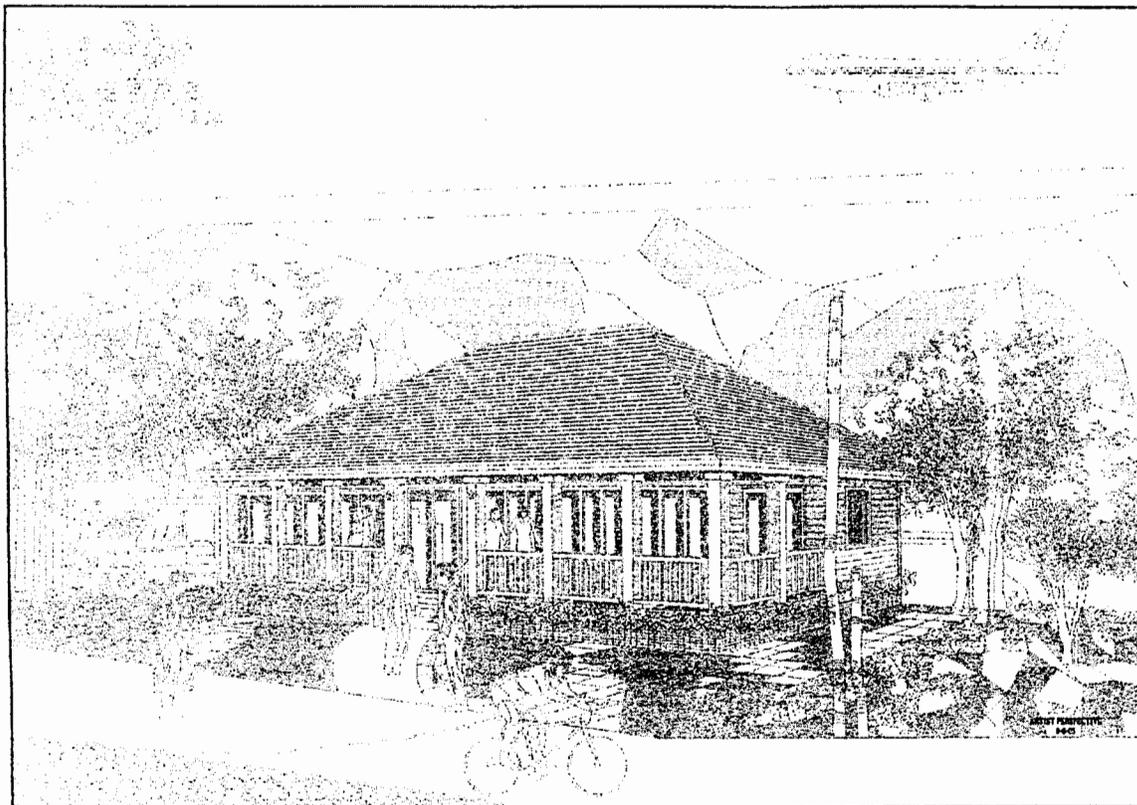
It is Corps of Engineers policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary form.

**13. 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 issuance of a permit for the proposed project. Requests for public hearing must specifically state the reasons for holding a public hearing.

Attachments:

Figure 1. General Location Map and Plot Plan



#### SPECIAL NOTES

1. THE CONTRACTOR SHALL COORDINATE ALL WORK AND NECESSARY INFORMATION AND MATERIALS, ACCESSORIES, ANCHORS, CONNECTORS, PATTERNS, TEMPLATES ETC. AND SHALL BE DELIVERED WHEN REQUIRED BY ORDER TO PREVENT ANY DELAY IN THE PROGRESS AND COMPLETION OF THE WORK.
2. THE CONTRACTOR SHALL NOT MAKE ANY ALTERATIONS IN THE DRAWINGS. IN ALL CASES WHEN THERE IS A DISCREPANCY IN THE QUALITY OF THE ITEM, INSTALLATION, DETAIL, WORKMANSHIP OR OTHER CONSTRUCTION TECHNIQUES, THE CONTRACTOR SHALL USE THE BETTER QUALITY ITEM IN ANY EVENT A DISCREPANCY BETWEEN THE DRAWINGS SHOULD IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER OR OWNER'S AGENT FOR DECISION, BEFORE PROCEEDING WITH PARTICULAR WORK INVOLVED.
3. ALL CONSTRUCTION SHALL BE DONE IN STRICT ACCORDANCE TO ANY AND ALL CODES AND BY LAWS. ALL WORKS SHALL BE DONE AS RECOMMENDED BY THE MANUFACTURER AND DONE IN AN ACCEPTABLE METHOD BY THE INDUSTRY STANDARD. ALL INSPECTIONS AND ACCEPTANCE OF WORK SHALL BE THE RESPONSIBILITY OF THE OWNER(S).
4. THE CONTRACTOR IS TO LAY OUT AND BE RESPONSIBLE FOR THE CORRECTNESS OF LIVING CLEAR SPACE IMPROVEMENTS AND FOR LOCATING SERVICES AND UTILITIES, EITHER OVERHEAD AND UNDERGROUND. ALL MATERIALS FOR THIS PROJECT SHALL BE NEW.
5. THE CONTRACTOR SHALL CLEAN UP AND REMOVE ANY TRASH, DEBRIS AND SPILLAGE ARISING FROM THE WORK TO THE SATISFACTION OF THE OWNER, INCLUDING CLEANING OF DIRT, PUTTY, PAINT, ETC. FROM WORK AREAS AND CLEANING OF WINDOW AND DOOR FACES AND SILLINGS.
6. ALL WORK IN THIS PROJECT TO CONFORM TO THE 1987 EDITION OF UNIFORM BUILDING CODE.

#### PERIODIC SPECIAL INSPECTION

1. THE OWNER/CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER FORTY EIGHT (48) HOURS BEFORE COMMENCING WORK FOR THE FOLLOWING:
  - A. PLACING CONCRETE FOUNDATION/SLAB
  - B. ALL CEILING
2. THE OWNER/CONTRACTOR SHALL NOT MAKE ANY CHANGES TO THE APPROVED JOB SITE PLANS UNLESS A REVISED DRAWING IS SUBMITTED AND APPROVED BY CITY AND COUNTY BUILDERS DEPARTMENT.

#### NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPERTY PIN LOCATION. LOCATE ALL PROPERTY PINS PRIOR TO START OF CONSTRUCTION.
2. CONTRACTOR TO VERIFY EXISTING GROUND CONDITION AND ELEVATION AND SHALL NOTIFY ARCHITECT/ENGINEER OR OWNER'S AGENT IN CASE OF DISCREPANCIES BEFORE COMMENCING WORK.
3. OWNER SHALL HIRE SURVEYOR IF PROPERTY PINS ARE NOT LOCATED.

#### PROJECT DATA

LOT AREA \_\_\_\_\_

LOT COVERAGE \_\_\_\_\_

LIVING AREA \_\_\_\_\_ 2998 SQ. FT.

LAWN \_\_\_\_\_ 840 SQ. FT.

MAIN STAIR \_\_\_\_\_ 116 SQ. FT.

3954 SQ. FT.

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15	SECTION AND DETAILS
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18	SANITARY AND WATER PIPING DIAGRAM

PROPOSED RESIDENCE FOR:  
MR. & MRS. HENRIQUES  
AT KOOLAPOKO, OAHU, HAWAII  
T.M.K. 4-7-06:27

NOTES, PROJECT DATA, VICINITY MAP, PLOT PLAN

COPY

1

SHT. NO

Figure 1 POH-2005-429