



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-2005-643

**WATERWAY NAME:** Pacific Ocean, Kailua-Kona, Hawaii 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:** West Hawaii Artificial Reef Foundation (WHARF), 75-5608 Hienaloli Kahului 29, Kailua-Kona, HI 96740
2. **AGENT:** Paul A. Robinson, Secretary, West Hawaii Artificial Reef Foundation
3. **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)
4. **LOCATION OF THE PROPOSED ACTIVITY:** Approximately one mile south of Keauhou boat harbor, 2,600 feet offshore of Paoao Point, at a water depth of 90-130 feet, 7 miles south of Kailua-Kona (Latitude: 19 deg 31.888 N; Longitude: 155 deg 57.867 W)
5. **PROJECT PURPOSE AND DESCRIPTION:**

The purpose of the proposed project is to sink the retired Navy ammunition ship, the USS Mauna Kea, to establish an artificial reef and enhanced marine habitat for use by SCUBA divers, fishermen and the general public. Once it is deployed the reef will be owned and managed by the State of Hawaii under its artificial reef program. Eight (8) permanent day-use mooring buoys will also be installed to minimize damage by anchors and provide easy access for the public.

The vessel will be cleaned and prepared in accordance with Federal and State regulations, including the Environmental Protection Agency (EPA) Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs, which includes guidelines for removal of oil and fuel, polychlorinated biphenyls (PCB's), asbestos, paint, solids/debris/floatables, and invasive species. The vessel will be sunk in a 0.84-acre (511' x 72') area of sandy substrate a minimum of 200 feet away from natural coral reefs. A conservative design wave analysis will be used to determine the proper amount of ballast, if necessary, to stabilize the ship on the ocean floor. The sinking will be coordinated with U.S. Coast Guard and in such a manner as to ensure the vessel lands in the designated location. The vessel will extend no more than 30 feet from the ocean surface, and all day-use moorings will be installed according to the guidelines of the State's day-use mooring buoy program.

The applicant considered eight (8) alternative sites in the west Hawaii area and chose this site primarily because of the sandy substrate, lack of reef structure, appropriate depth and gradually sloping bottom. The project is not located in a special aquatic site.

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

The proposed activity would permanently displace approx. 0.84 acres of sandy bottom, but it is anticipated that benthic fauna will subsequently colonize the surrounding substrate. Beneficial impacts result from the creation of an alternative dive and fishing location to natural reefs, habitat enhancement to promote coral and fish growth, and mooring buoys to prevent anchor damage to coral. Adverse impacts will be minimal, including the loss of sand habitat, temporary disruption of boating traffic in the area, and increased turbidity during actual vessel deployment. An ocean activities survey was completed by Sea Paradise Scuba Company on April-June 2004 to identify any potential use conflicts. None were identified, as most of the commercial activity is concentrated north in the Kailua-Kona area or further offshore.

#### **7. IMPACT ON HISTORIC PROPERTIES:**

The Area of Potential Effect (APE) of the proposed activity consists of the 0.84-acre area of sandy bottom offshore from the natural reef tracts off Paaoao Point. The Hawaii and National Register of Historic Places do not list any historic properties within the APE for the undertaking. The Corps has determined that the areas of direct and indirect impact from the establishment of an artificial reef will not impact any historic properties listed, or eligible for listing, on the Hawaii and National Registers of Historic Places.

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. The applicant has indicated that they requested informal consultation with the SHPO in December 2004 and received preliminary confirmation that the area does not contain historically significant resources. The applicant's use survey indicated that the area is not used for any culturally significant activities.

**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 proposed deployment area is not located with the Humpback Whale National Marine Sanctuary and is not a known dolphin resting area. The threatened green sea turtle (*Chelonia mydas*), endangered hawksbill turtle (*Eretmochelys imbricata*), humpback whale (*Megaptera novaengliae*), and Hawaiian monk seal (*Monachus schauinslandi*) may transit through the area as they would any natural reef structure. The few vertical mooring lines that will be present will pose no more risk than currently exists with the State's day-use mooring program.

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.

**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). The Corps will also review permit applications for artificial reefs in accordance with the National Artificial Reef Plan.

**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.

The applicant has submitted a draft Environmental Assessment (EA) pursuant to Chapter 343, Hawaii Revised Statutes and the project was also advertised in the Office of Environmental Quality Control's "The Environmental Notice" dated December 23, 2005.

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.

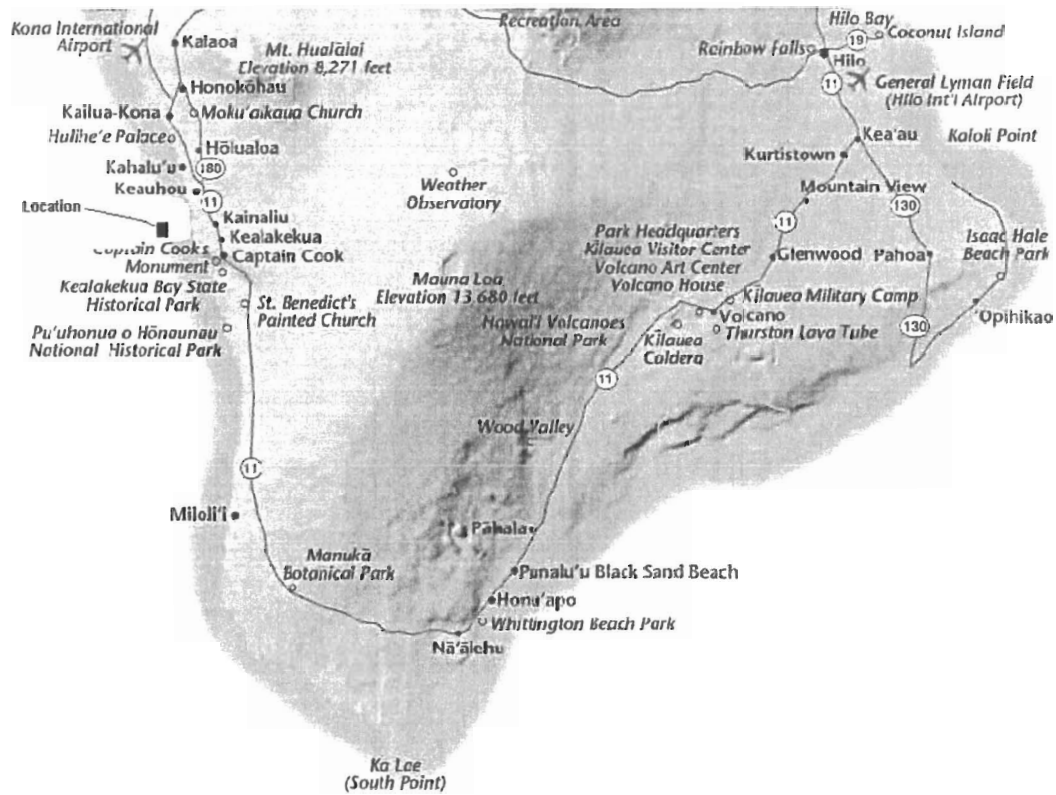
It is Corps of Engineers policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary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

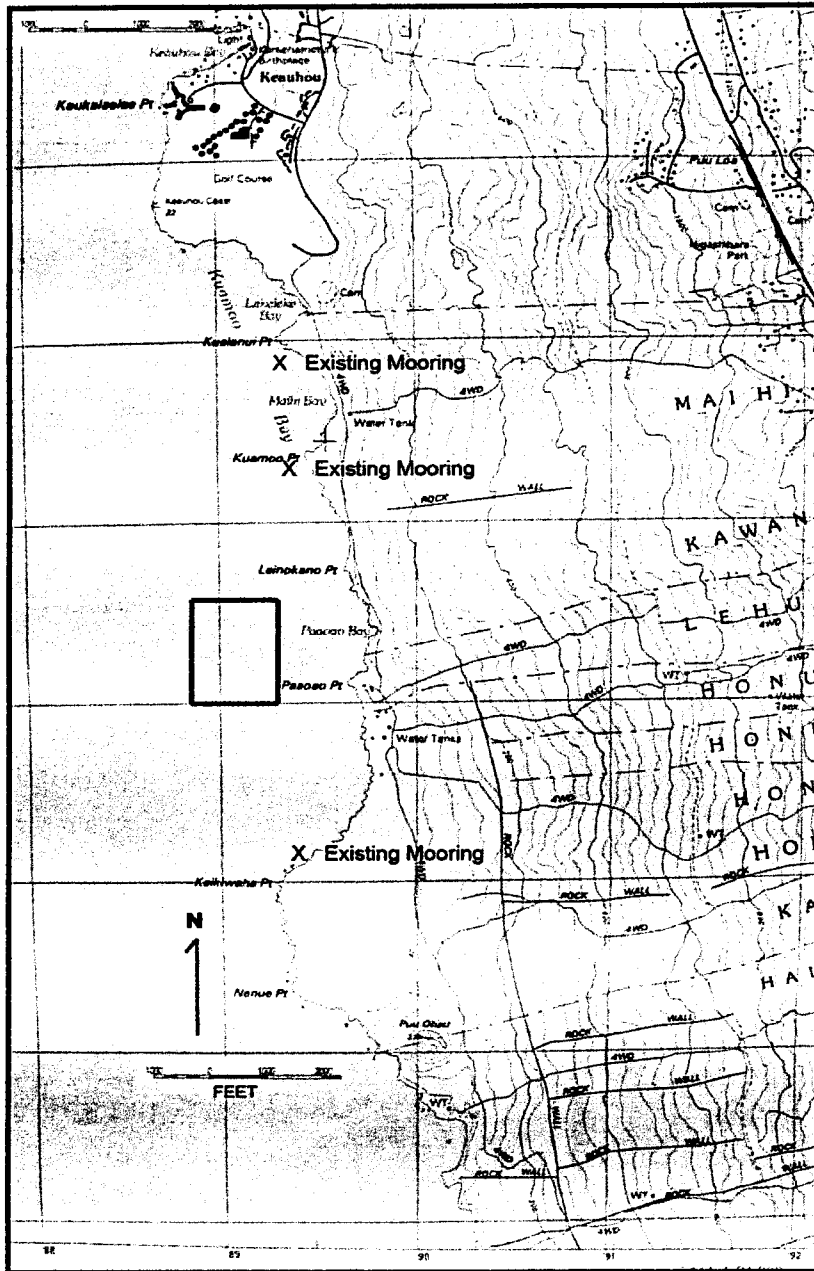
#### Attachments:

- Plate 1. General Location Map
- Plate 2. Specific Site Location
- Plate 3. Plan View
- Plate 4. Cross Section



**Figure 1 General Site Location On the Island of Hawaii**

**USS Mauna Kea Artificial Reef and Enhancement Marine Habitat  
West Hawaii Artificial Reef Foundation**



**Figure 2 Specific Site Location**

**USS Mauna Kea Artificial Reef and Enhancement Marine Habitat  
West Hawaii Artificial Reef Foundation**

Plate 2. Specific Site Location  
Application No. POH-2005-643

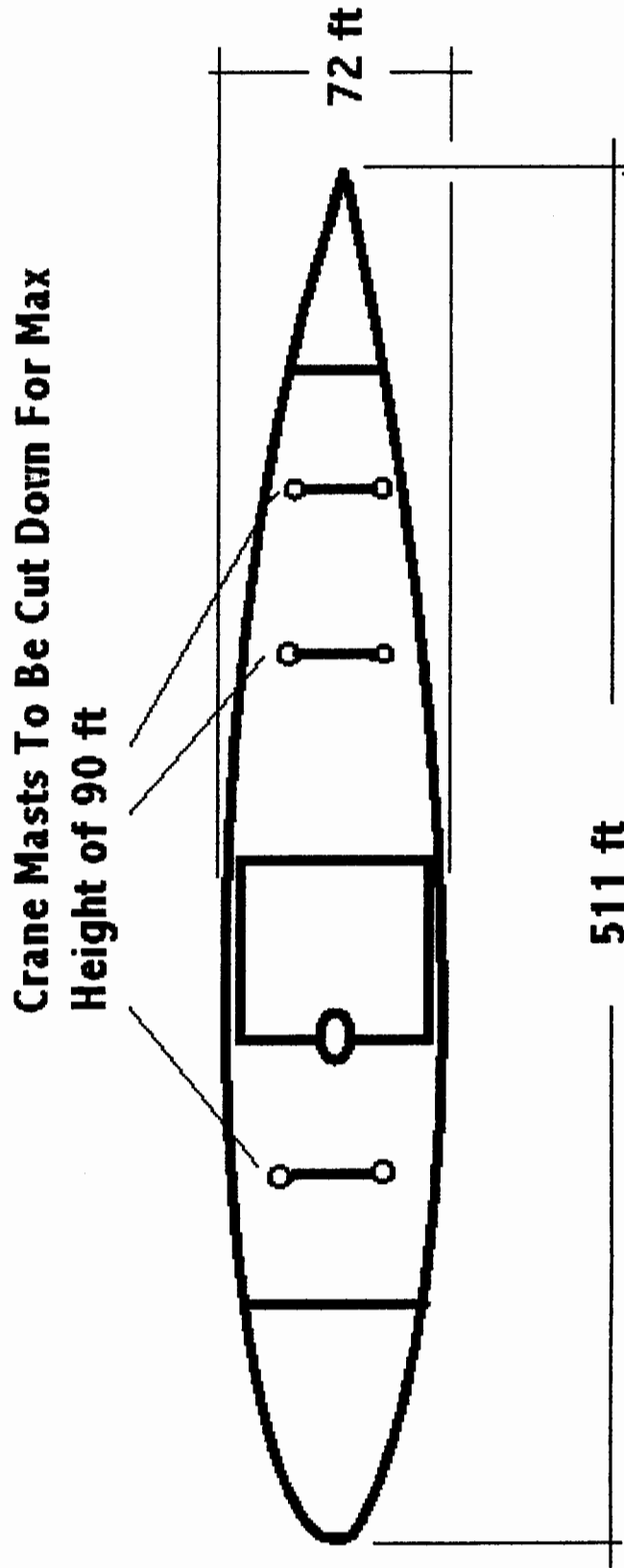


Plate 3. Plan View  
 Application No. POH-2005-643

**Figure 3 Plan View USS Mauna Kea Artificial Reef and Enhancement Marine Habitat  
 West Hawaii Artificial Reef Foundation**

**Figure 4 Cross Section USS Mauna Kea Artificial Reef and Enhancement Marine Habitat  
West Hawaii Artificial Reef Foundation**

