



**DEPARTMENT OF THE ARMY**  
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
FORT SHAFTER, HAWAII 96858-5440

September 25, 2019

SUBJECT: Final Standard Permit Authorization for Stream Maintenance Activities at Various Locations, Island of Oahu, HI, DA File No. POH-2017-00198

Mr. Ross Sasamura  
City and County of Honolulu  
Department of Facilities Maintenance  
1000 Uluohia Street, #215  
Kapolei, Hawaii 96707

Dear Mr. Sasamura:

We determined your proposed work complies with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Enclosed is your fully executed Department of the Army Permit.

Please carefully read the permit and its conditions. In addition, if you have a contractor and/or agent, please review these conditions with them to ensure that the work is performed in accordance with the permit terms. Also be aware that other authorizations from Federal, state, or local governments may be required by law. If the work is not completed prior to the permit expiration date, you may apply for a time extension. We recommend you apply for a time extension at least 90 days before the expiration date of the permit.

Thank you for your cooperation with the Honolulu District Regulatory Branch. Should you have any questions related to this permit, please contact Ms. Vera Koskelo of my staff at 808-835-4310 or via e-mail at [Vera.B.Koskelo@usace.army.mil](mailto:Vera.B.Koskelo@usace.army.mil). You are encouraged to provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Sincerely,

*Linda Speerstra*

Linda Speerstra  
Chief, Regulatory Branch

Enclosure

Cc: State of Hawaii DBEDT Office of Planning (John Nakagawa)  
State of Hawaii DOH-CWB (Darryl Lum)



**US Army Corps of Engineers, Honolulu District**  
**DEPARTMENT OF THE ARMY PERMIT**

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File Number: POH-2017-00198

Project Title: Stream Maintenance Activities at Various Locations, Island of Oahu, HI

Subject: **Department of the Army Permit**

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**PERMITTEE:**           **Mr. Ross Sasamura,**  
                                  **City and County of Honolulu**

**PERMIT NO.:**       **POH-2017-00198**

**ISSUING OFFICE:** **U.S. Army Corps of Engineers Honolulu District**  
                                  **Regulatory Branch (CEPOH-RO)**

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

**PROJECT DESCRIPTION:**

The City and County of Honolulu Department of Facilities Maintenance (DFM) is proposing to conduct repeated stream maintenance activities at 92 locations around the Island of Oahu for the next five years. The stream maintenance activities are generally divided into three main categories of work: stream mouth dredging, stream mouth breach opening, and stream maintenance in reaches of streams located mauka of the stream mouth. Of the 92 total stream maintenance activity locations, the DFM plans to apply for a separate Corps permit to conduct stream mouth dredging in 13 of the locations. The subject project currently under review by the Corps is for the remaining 78 stream maintenance projects, including 16 stream mouth breach opening locations and 62 stream maintenance locations in mauka reaches.

The proposed stream mouth breach opening activities for 16 of the 78 locations will involve using heavy equipment (e.g. excavator, bulldozer, backhoe, or loader) to dredge an approximately one to three-foot wide channel through the natural sand berm at the stream mouth, allowing the force of the water backed up behind the berm to naturally widen the created channel. The sand dredged from the berm will be placed in the uplands outside the channel. Green waste, silt, debris, or other unsuitable materials if encountered will be handled separately, removed and disposed of at the City-owned Waimanalo Gulch Landfill or other approved upland disposal site. All of the 16 stream mouth breach opening activities will be located in the DFM's Laie District. Of the 16 locations where stream mouth breach opening activities are proposed, the sand berm at the stream mouths of three of the locations will be breached on a monthly basis, four breached every other month, four breached quarterly, three breached biannually, and one breached immediately prior to storms and routinely every two to three years. The frequency of stream mouth breach opening activities at each of the locations is listed in the "Stream Maintenance Projects" table (Enclosure 2). The current condition of some

portion of the stream channels may include hardening (e.g. concrete lining); however, none of the 16 locations with proposed stream mouth breach opening activities are completely concrete-lined on both the stream bed and banks.

The remaining 62 stream maintenance activities (as listed in Enclosure 2) will primarily consist of removal of accumulated sediment, trash, and debris by heavy equipment staged in the channel or in the uplands next to the channel. Two of the stream maintenance activities will consist of clearing of one existing boulder basin and one existing catchment basin, respectively, that were constructed in-line with the channel for water and sediment detention. The proposed stream maintenance will involve using an assortment of heavy equipment (e.g. crane, excavator, skid steer, track loader, bulldozer, backhoe, boom truck, tire loader, or tractor loader) staged primarily on the stream banks. Of the 62 locations where stream maintenance activities are proposed, the maintenance dredging will occur for two locations on a monthly basis, 12 locations on a quarterly basis, 21 locations on an annual basis, 11 locations on a biannual basis, four locations dredged every two to three years, nine locations dredged every three to five years, and three locations dredged as needed. The frequency of stream maintenance activities at each of the 62 locations is listed Enclosure 2.

Over the five year duration of work, the proposed dredging with heavy equipment at the 16 stream mouth breach opening and 62 stream maintenance projects will result in the removal of approximately 471,450 cubic yards of dredged sediment, temporarily disturbing the sediment in a total of 152,200 linear feet of stream.

Equipment operators will be required to comply with the Best Management Practices (BMPs) in the October 2018 Department of Facilities Maintenance Stream Maintenance Manual (Enclosure 4). Equipment will only be used in the stream channel if there is no other practical way to perform the maintenance activity and if the water level is low enough to insure the axels and all oil and grease-containing parts remain above the water level. Equipment will be temporarily staged in uplands for all 78 project locations. Equipment will access the stream via existing ramps or other access routes at 71 of the project locations. At the remaining eight project locations, the DFM will construct a temporary rock or gravel access ramp, which will be removed following the maintenance activity and any disturbed stream banks restored to pre-maintenance conditions.

Project isolation BMPs will be used in 30 of the 78 project locations. Bulk sand bags will be temporarily installed for stream diversion in five tidally-influenced stream maintenance project locations in the Waianae DFM District. The bulk bags filled with clean sand or gravel will be installed in the stream channel at low tide on the downstream side of the work area to isolate the project area from the incoming tide and will be removed following the completion of each dredging event. Turbidity curtains will be temporarily installed during dredging at 27 stream maintenance project locations and the stream maintenance portion of the joint stream maintenance and stream mouth breach opening location at Aiea Stream. Turbidity curtains will only be deployed in slow moving streams. In streams that are greater than 3.5 feet deep, turbidity curtains with 3-foot long skirts below the water surface may be used to contain sediment suspended in the upper part of the water column. Turbidity curtains without skirts may be used to collect floatable trash and debris. The temporary installation of turbidity curtains will not completely block the flow of the stream and will not inhibit the movement of aquatic

fauna. Turbidity curtains will be cleaned and inspected for damage prior to installation at the stream site and will be removed after the suspended sediment generated by the stream maintenance projects has settled out.

Dredged sediment, as well as any vegetative debris and trash collected during dredging, will be either loaded directly into dumpsters or dump trucks. At five stream maintenance project locations in the Waianae DFM District, the dredged sediment will be temporarily stockpiled in uplands before being loaded into dumpsters or dump trucks. Dredged sediment, debris, and trash will then be disposed of in the PVT Integrated Solid Waste Management Facility. Temporary stockpiles of sediment dredged from the stream maintenance projects and placed in uplands will be enclosed with filter socks and/or sandbag perimeter barriers, surrounded by high visibility construction fencing, and covered prior to rain events.

Stream maintenance will occur monthly, quarterly, and/or as needed (e.g. prior to a storm event) depending on the activity location. In general, scheduled dredging for stream mouth breach opening project locations will be performed between Monday and Wednesday, avoiding government and school holidays to the greatest extent possible. The majority of stream maintenance activities will be scheduled for the dry season April through October. Dredging for stream mouth breach opening project locations will generally be conducted on a falling (ebb) tide and dredging frequency during the peak coral spawning period of June 1 to September 30 will be minimized to the greatest extent possible. The DFM will be authorized to conduct stream maintenance and stream mouth breach opening as described for a duration of five years.

**PROJECT LOCATION:** The stream maintenance activities will take place in various locations around the Island of Oahu, Hawaii.

**PERMIT CONDITIONS:**

**General Conditions:**

1. The time limit for completing the work authorized ends five years after the final proffered permit authorization date as written on the permit cover letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition No. 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state

coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
6. The permittee must comply with all project Special Conditions (Enclosure 3).

### **Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization:
  - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions: General Condition #1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



\_\_\_\_\_  
**(PERMITTEE SIGNATURE)**

24 September 2019

\_\_\_\_\_  
**(DATE)**

Ross S. Sasamura, P.E.

\_\_\_\_\_  
**(PRINTED NAME)**

Director and Chief Engineer

\_\_\_\_\_  
**(TITLE)**

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

**REVIEWED AND APPROVED FOR THE COMMANDER, KATHRYN P. SANBORN, PhD, PE, PMP, LIEUTENANT COLONEL, U.S. ARMY, DISTRICT ENGINEER:**



\_\_\_\_\_  
**(FOR DISTRICT COMMANDER)**

Linda Speerstra  
 Chief, Regulatory Branch

25-Sep-2019

\_\_\_\_\_  
**(DATE)**



**US Army Corps of Engineers, Honolulu District**  
**DEPARTMENT OF THE ARMY PERMIT**

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File Number: POH-2017-00198

Project Title: Stream Maintenance Activities at Various Locations, Island of Oahu, HI

Subject: **Department of the Army Permit Property Transfer**

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**PROPERTY TRANSFER:** When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

**PERMIT TRANSFEREE:**

\_\_\_\_\_  
Permittee/Transferee Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Permittee Name (Please Print)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, and Zip Code

**NEW PROPERTY OWNER:**

\_\_\_\_\_  
New Permittee/Property Owner Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
New Permittee/Property Owner Name (Please Print)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, and Zip Code

**POH-2017-00198 (Stream Maintenance Activities at Various Locations, Island of Oahu, HI)  
Enclosure 3 - Special Conditions**

1. You must comply with the DFM Stream Maintenance Manual dated September 2019 (Enclosure 4).
2. You must comply with the conditions in the Corps-US Fish and Wildlife Programmatic Agreement dated August 2019 (Enclosure 5).
3. You are not authorized to begin construction on the activities conducted in waters of the U.S. for the first time following Corps authorization in this permit until a preconstruction conference or conference call is held to ensure that all parties, including staff conducting the construction work on the project site, fully understand the requirements of this permit. This meeting must be held no less than one month prior to the start of project construction and must be attended by the permittee or a designated representative, the agent/consultant, the contractor, the contractor's foreman, and the Corps project manager for the permit. Upon the participation of a new contractor or contractor's foreman in the construction of the authorized activities, another pre-construction meeting or conference call must be held before the start of the next scheduled activity authorized by this permit. The additional preconstruction conference or conference call must also be attended by must be attended by the permittee or a designated representative, the agent/consultant, the contractor, the contractor's foreman, and the Corps project manager for the permit. A copy of this permit and drawings must be provided to the contractor and all staff involved in project work on the construction site. To arrange this meeting, either contact the reviewing project manager Vera Koskelo at 808-835-4310 or via email to Vera.B.Koskelo@usace.army.mil and copy the Regulatory Branch email CEPOH-RO@usace.army.mil. If you need additional assistance, contact this office at 808-835-4303 and request a preconstruction conference for the project; reference the U.S. Army Corps of Engineers permit number POH-2017-00198.
4. At least one week prior to the commencement of the first work conducted that is authorized by this permit, you must advise the Corps project manager, Vera Koskelo, in writing at:

U.S. Army Corps of Engineers - Honolulu District  
Building 230, CEPOH-RO  
Attn: Vera Koskelo  
Fort Shafter, HI 96858-5440

or via email at CEPOH-RO@usace.army.mil, addressed to Vera Koskelo, of the date the authorized activity will commence and the name and telephone number of all contractors or other persons performing the work. The subject line of the



message must contain the U.S. Army Corps of Engineers permit number (POH-2017-00198).

5. You must submit a signed "Compliance Certificate" (Enclosure 6) following the completion of the first work conducted that is authorized by the Corps. Submit the Compliance Certificate via email at CEPOH-RO@usace.army.mil, addressed to Vera Koskelo. The subject line of the message must contain the U.S. Army Corps of Engineers permit number (POH-2017-00198). Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.

6. Water Quality Certification. You must implement and abide by the conditions of an individual Section 401 Water Quality Certification (WQC 0928) issued for this project by the State of Hawaii Department of Health, Clean Water Branch (Enclosure 8). Expiration of the issued WQC invalidates this authorization.

7. You must implement and abide by the conditions of the Coastal Zone Management Act federal consistency determination (Enclosure 9) issued for this project by the State of Hawaii Office of Planning.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawai'i 96850

In Reply Refer To:  
01EPIF00-2019-I-0244  
01EPIF00-2017-TA-0115

August 8, 2019

Ms. Vera Koskelo  
U.S. Army Corps of Engineers  
Project Manager  
Building 230  
Fort Shafter, Hawai'i 96858-5440

**Subject:** Programmatic Informal Consultation with the U.S. Army Corps of Engineers for Stream Maintenance Activities at Various Locations, Island of O'ahu, Hawai'i.

Dear Ms. Koskelo:

In accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), this letter documents the U.S. Fish and Wildlife Service's (USFWS) assessment of select stream maintenance activities authorized by the U.S. Army Corps of Engineers (ACOE) applied at 79 locations around the Island of O'ahu. This programmatic informal consultation (PA) was developed in response to the ACOE's request (File number POH-2017-00198) on March 7, 2019.

### **Description of the Action**

The City and County of Honolulu Department of Facilities Maintenance (DFM) will carry out the following actions which are restricted to the action areas described and illustrated in the stream maintenance manual (Enclosure 1) and associated maps (Enclosure 2). Maintenance actions are divided into two categories:

- Stream mouth breach opening (16 locations)
- Stream maintenance inland of the stream mouth (63 locations)

The stream mouth breach opening activities will involve using heavy equipment (e.g. excavator, bulldozer, backhoe, or loader) to dredge an approximately one to three-foot wide channel through the natural sand berm at the stream mouth, allowing the force of the water backed up behind the berm to naturally widen the created channel. The sand dredged from the berm will be placed in the uplands outside the channel above the high water mark. Green waste, silt, debris, or other unsuitable materials if encountered will be handled separately, removed and disposed of at the City owned Waimānalo Gulch Landfill or one of Hawaiian Earth Recycling's disposal sites.

The stream maintenance activities will involve using an assortment of heavy equipment (e.g. crane, excavator, skid steer, track loader, bulldozer, backhoe, boom truck, tire loader, or tractor loader) to remove accumulated sediment, trash, and debris by heavy equipment staged in the channel or in the

uplands next to the channel. Material will be removed and disposed of at the City owned Waimānalo Gulch Landfill or at one of Hawaiian Earth Recycling's disposal sites.

The frequency, duration, and category of actions for all locations are listed in the "Stream Maintenance Projects" table (Enclosure 3). More detailed descriptions of maintenance work to be done at each site can be found in the DFM's stream maintenance manual (Enclosure 1) and associated maps (Enclosure 2).

All project personnel are required to comply with the Best Management Practices (BMPs) in the October 2018 DFM Stream Maintenance Manual. Equipment will only be used in the stream channel if there is no other practical way to perform the maintenance activity and if the water level is low enough to insure the axels and all oil and grease-containing parts remain above the water level. Equipment will be temporarily staged in upland areas for all 79-project locations. Equipment will access the stream via existing ramps or other access routes at 71 of the project locations. At the remaining eight project locations, a temporary rock or gravel access ramp will be constructed, which will be removed following the maintenance activity. Any disturbed streambanks will be restored to pre-maintenance conditions.

Project Isolation BMPs (Enclosure 1, Sec. 4-1) will be used in 30 of the 79 project locations. Bulk sand bags will be temporarily installed for stream diversion in five tidally influenced stream maintenance project locations in the Waianae DFM District. Turbidity curtains will be temporarily installed during dredging at 27 stream maintenance project locations (two of which will also have bulk sand bags, for a total of 30 sites with Project Isolation BMPs).

The bulk bags filled with clean sand or gravel will be installed in the stream channel at low tide on the downstream side of the work area to isolate the project area from the incoming tide and will be removed following the completion of each dredging event. Turbidity curtains will only be deployed in slow moving streams. In streams that are greater than three and a half feet deep, turbidity curtains with three-foot long skirts below the water surface may be used to contain sediment suspended in the upper part of the water column. Turbidity curtains without skirts may be used to collect floatable trash and debris. The temporary installation of turbidity curtains will not completely block the flow of the stream and will not inhibit the movement of aquatic fauna. Turbidity curtains will be cleaned and inspected for damage prior to installation at the stream site and will be removed after the suspended sediment generated by the stream maintenance projects has settled out.

Dredged sediment, as well as any vegetative debris and trash collected during dredging, will be loaded directly into dumpsters or dump trucks. At five stream maintenance project locations in the Waianae DFM District, the dredged sediment would be temporarily stockpiled in uplands before being loaded into dumpsters or dump trucks. Dredged sediment, debris, and trash will then be disposed of in the PVT Integrated Solid Waste Management Facility. Temporary stockpiles of sediment dredged from the stream maintenance projects and placed in uplands will be enclosed with filter socks and/or sandbag perimeter barriers, surrounded by high visibility construction fencing, and covered prior to rain events.

Stream maintenance will occur monthly, quarterly, and/or as needed (e.g. prior to a storm event) depending on the activity location (Enclosure 3). In general, scheduled dredging for stream mouth breach opening project locations will be performed between Monday and Wednesday, avoiding

government and school holidays to the greatest extent possible. The majority of stream maintenance activities will be scheduled for the dry season (April through October). Dredging for stream mouth breach opening project locations will generally be conducted on a falling (ebb) tide and dredging frequency during the peak coral spawning period of June 1 to September 30 will be minimized to the greatest extent possible.

All work will be conducted in accordance with the attached drawings (Enclosure 2). The Action Area for each of the 79 locations is also shown as a solid blue line called out as “Area of Potential Effect” in the project plans (Enclosure 2).

The ACOE has determined these actions may affect, but are not likely to adversely affect the following listed species: The endangered Hawaiian stilt or ae‘o (*Himantopus mexicanus knudseni*), Hawaiian coot or ‘alae ke‘oke‘o (*Fulica americana alai*), Hawaiian duck or koloa maoli (*Anas wyvilliana*), and Hawaiian gallinule or ‘alae ‘ula (*Gallinula galeata sandvicensis*), collectively referred to as “Hawaiian waterbirds”; the threatened Central North Pacific Distinct Population Segment of the green sea turtle or honu (*Chelonia mydas*), and the endangered hawksbill sea turtle or honu‘ea, (*Eretmochelys imbricata*) collectively referred to as “sea turtles”; and the endangered Hawaiian hoary bat or ‘ope‘ape‘a (*Lasiurus cinereus semotus*). The ACOE has requested the USFWS’s concurrence with this determination.

Our assessment of potential impacts of the proposed action is based on phone calls and emails between Johnathon Kraska (USFWS), Courtney Cacace (AECOM), and Vera Koskelo (ACOE), when project actions and potential impacts to listed species were discussed and avoidance and minimization measures were agreed upon by both agencies.

Under the terms of this PA, ACOE will submit an annual report to the USFWS by August 1, which will include; DFM project number, actions implemented, species impacted, and results of Hawaiian waterbird nest surveys. A meeting will occur between the ACOE and the USFWS no later than November 30 of each year to review this PA. If either the USFWS or the ACOE are not satisfied, this PA will be deemed inactive and consultation will resume on an individual project basis.

Included in the conservation measure for sea turtles are avoidance measures for the Hawaiian monk seal or ‘iliohōloikauāua (*Neomonachus schauinslandi*). The National Marine Fisheries Service (NMFS) is the sole regulatory authority for that species.

### **Conservation Measures**

Compliance with the DFM Stream Maintenance Manual (Enclosure 1), including the avoidance and minimization measures (Enclosure 1, Sec. 4.4 - 4.6), proposed by ACOE and developed in coordination with the USFWS are considered part of the project description and shall be implemented.

### *General Measures*

- Worker awareness training shall be provided to all DFM maintenance personnel. Training shall be provided by an environmental professional (e.g., biologist, engineer, environmental scientist). Training shall include identification of listed species, biological and monitoring survey procedures, stop work procedures, notification procedures, and buffer zone establishment.

- All work must stop under unusual conditions, such as large tidal events and high surf conditions, unless the action undertaken is to avoid or minimize damage to resources.

#### *Hawaiian Hoary Bat*

- Established trees greater than 15 feet tall shall not be disturbed, removed, or trimmed during the bat birthing and pup-rearing season of June 1 through September 15.

#### *Hawaiian Waterbirds*

- Hawaiian waterbird and nest surveys shall be performed by dedicated staff who has been trained in the identification of Hawaiian waterbirds and nest survey procedures. This staff's sole responsibility will be to monitor and survey for wildlife. Hawaiian waterbird and nest surveys shall be performed no more than three days prior to initiating stream maintenance activities.
- Any documented nests or broods within the project vicinity shall be reported to the USFWS within 48 hours.
- A trained monitor shall be present during stream maintenance activities at all sites that have Hawaiian waterbirds and/or nests, as identified during pre-maintenance surveys.
- A 100 foot buffer shall be established and maintained around all active nests and/or broods until the chicks have fledged.
- Should a Hawaiian waterbird be observed within the stream site, or fly into the site, all work within 100 feet of the individual(s) shall stop. Work shall not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- An annual report providing the results of Hawaiian waterbird nest surveys and monitoring shall be submitted to the USFWS.
- The M-1 Channel maintenance site in the Waianae District (project 08-003) is used for nesting by a colony of Hawaiian stilts. To avoid impacts to nesting stilts, work shall only be performed at this site during the period from October to April September 1 through February 14, outside the stilt's nesting season.

#### *Basking Sea Turtles*

- Twenty-four hours prior to initiating work at stream mouth opening sites in the Lā'ie District notify the NMFS Hawaiian monk seal responders of the location and schedule for the activities so that they may provide a responder to monitor the site for monk seals and sea turtles, if available. NMFS Hawaiian monk seal responders can be reached at (808) 220-7802 or by email at <mailto:david.schofield@noaa.gov> and [aliza.milette@noaa.gov](mailto:aliza.milette@noaa.gov).
- Prior to initiating work at stream mouth opening sites the NMFS Hawaiian monk seal responder or other designated competent observer shall survey the work site and beach areas within 150 feet of the work site for monk seals and sea turtles. These surveys shall be performed prior the start of work each day and prior to resumption of work following any break of 30 minutes or more.
- During work, the NMFS Hawaiian monk seal responder or other designated competent observer shall keep constant vigilance for the presence of monk seals and sea turtles.
- Should a monk seal or sea turtle be observed within or near the work site all work within 150 feet of the individual(s) shall stop. Work shall not resume until the individual(s) leaves the area on its own accord.

- Any observations of monk seals or sea turtles within 150 feet of work sites shall be documented and reported to ACOE, USFWS, and NMFS.
- Should a monk seal or sea turtle be adversely affected, all work must stop at all stream mouth sites pending re-initiation and completion of consultation between the ACOE, USFWS, and NMFS.
- Project-related personnel shall not attempt to disturb, touch, ride, feed, or otherwise intentionally interact with any monk seals or sea turtles.
- If any sea turtle nests are identified, they must be flagged to identify and avoid impacts.

#### *Stop Work Procedures*

- Should a Hawaiian waterbird be observed within the stream site, or flies into the site all work within 100 feet of the individual(s) shall stop. Work shall not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- Should a Hawaiian monk seal or sea turtle be observed within or near the stream mouth-opening site all work within 150 feet of the individual(s) shall stop. Work shall not resume until the individual(s) leaves the area on its own accord.
- Should a monk seal or sea turtle be adversely affected (injured or killed), all work must stop at all stream mouth sites pending re-initiation and completion of consultation between the ACOE, USFWS and NMFS.
- Should subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sinkholes be discovered during work, stop work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.
- If any petroleum contamination is detected, attempt to identify the sources of contamination, cease operations, and notify the ACOE, Department of Health and the U.S. Coast Guard. Remove floating petroleum products as directed by these agencies.
- All work must stop under unusual conditions, such as large tidal events and high surf conditions, unless the action undertaken is to avoid or minimize damage to resources.

#### **Effects of the Action**

The ACOE has committed to implementing the Hawaiian hoary bat conservation measures, described above. Therefore, removal of trees containing pups is extremely unlikely to occur due to the avoidance of vegetation manipulation during the hoary bat's pupping season. Because adverse effects are extremely unlikely to occur, they are considered discountable.

The ACOE has committed to avoid negative impacts to Hawaiian waterbirds from activities such as removal of nests, or disturbance of individuals by equipment and personnel. Implementation of the above conservation measures, which includes on-site monitoring for listed species presence and the completion of nest surveys prior to work start, will minimize the potential for adverse effects to a level that would not be able to be meaningfully measured, detected, or evaluated and therefore the effects would be considered insignificant.

Sea turtles are not known to nest in the areas where the proposed actions would take place; however, they could use the beach areas for basking. The disturbance of basking sea turtles due to the presence of equipment and/or personnel would be avoided by having a monitor on site to identify and maintain a buffer around sea turtles while work is ongoing. The use of a sea turtle

monitor during project implementation would make it extremely unlikely that sea turtles would be adversely affected, and therefore effect to basking sea turtles would be considered discountable.

**Conclusion**

For the reasons listed above in the effects of the action section, the USFWS has concluded that the ACOE's actions will have insignificant or discountable effects on listed species. We therefore concur with your determination that implementation of any of the covered actions may affect, but are not likely to adversely affect federally listed Hawaiian waterbirds; sea turtles, and Hawaiian hoary bats. The Project work to remove trash, debris, and accumulated sediment from the 79 Project sites may also have a beneficial effect on water quality and habitats in stream and in downstream nearshore marine environments.

We appreciate your efforts to protect listed species. Unless the project description changes or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

If you have questions regarding this PA, please contact Johnathon Kraska, Endangered Species Biologist (phone: 808-792-9400, fax: 808-792-9580, email: johnathon\_kraska@fws.gov).

Sincerely,

**Aaron  
Nadig**

Digitally signed by  
Aaron Nadig  
Date: 2019.08.08  
15:58:16 -10'00'

Island Team Manager  
O'ahu, Kaua'i, North Western Hawaiian  
Islands and American Samoa



**US Army Corps of Engineers, Honolulu District**

**DEPARTMENT OF THE ARMY PERMIT**  
**COMPLIANCE CERTIFICATION**

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**File Number: POH-2017-00198**

**Project Title: Stream Maintenance Activities at Various Locations, Island of Oahu, HI**

**Subject: Department of the Army Permit Compliance Certificate**

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**PERMIT TYPE:** Standard/Individual Permit (IP)

**NAME OF PERMITTEE:** Mr. Ross Sasamura, City and County of Honolulu

**DATE OF ISSUANCE:** September 11, 2019

**DATE OF EXPIRATION:** September 11, 2024

The permittee must, upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address or via email within seven (7) days of completion of work:

Honolulu District US Army Corps of Engineers  
Regulatory Branch  
Building 230, CEPOH-RO  
Fort Shafter, HI 96858-5440  
Email: [CEPOH-RO@usace.army.mil](mailto:CEPOH-RO@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of this permit, you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

---

Signature of Permittee

---

Date



**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Mr. Ross Sasamura, City and County of Honolulu	File Number: POH-2017-00198	Date: 11 September 2019
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Attached is:	See Section below
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<b>X</b>	<b>INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)</b>	<b>A</b>
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- ACCEPT:** If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district commander for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district commander. Your objections must be received by the district commander within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district commander will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district commander will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B. PROFFERED PERMIT: You may accept or appeal the permit**

- ACCEPT:** If you received a Standard Permit or a Letter of Permission (LOP), you may sign the permit document and return it to the district commander for final authorization. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.

**C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.**

**D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division commander. This form must be received by the division commander within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Honolulu District, U.S. Army Corps of Engineers  
Regulatory Branch, CEPOH-RO  
Building 230  
Fort Shafter, Hawaii 96858-5440  
808-835-4303

If you only have questions regarding the appeal process you may also contact:

Kate Bliss  
Regulatory Program Manager  
U.S. Army Corps of Engineers  
Building 525  
Fort Shafter, HI 96858-5440  
808-835-4626  
Kate.m.bliss@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Commanders personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

DAVID Y. IGE  
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

WQC0928.FNL.19

January 4, 2019

Mr. Ross Sasamura  
Director and Chief Engineer  
Department of Facility Maintenance  
City and County of Honolulu  
100 Uluohia Street, Suite 215  
Kapolei, Hawaii 96707

Dear Mr. Sasamura:

**Subject: Section 401 Water Quality Certification (WQC) for  
CCH DFM Stream Maintenance at Various Locations on Oahu  
Island of Oahu, Hawaii  
File No. WQC0928/File No. POH-2017-00198**

In accordance with the provision of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the "CWA"); Hawaii Revised Statutes (HRS), Chapters 91, 92, and 342D; Part 121 of Title 40, Code of Federal Regulations (CFR); and Hawaii Administrative Rules (HAR), Chapter 11-54; the Department of Health (DOH), Clean Water Branch (CWB) issues this Section 401 WQC for your project based on your Section 401 WQC application (hereinafter referred to as the "Application"), dated September 21, 2018 (received on September 27, 2018). The activities associated with the subject project, (hereinafter referred to as the "Activities") will be authorized under the U.S. Department of the Army, Pacific Ocean Division, Honolulu District Office permit, File No. **POH-2017-00198**.

1. The DOH has examined the Application with respect to water quality considerations and asserts that when all requirements and conditions contained in this Section 401 WQC are fully complied with, there is reasonable assurance that the water pollutant discharges resulting from the Activities will be conducted in a manner which will not violate the applicable State water quality standards (WQS) and will comply with the applicable provisions of the CWA, Sections 301, 302, 303, 306, and 307.

2. This Section 401 WQC becomes effective on **January 4, 2019**, and shall expire on midnight **January 3, 2024**. The DOH may, upon written request from the Applicant who is the Owner, administratively extend the expiration date of this Section 401 WQC. The decision by the DOH to allow an administrative extension will be made on a case-by-case basis taking into account compliance history and impact to receiving State water quality.
3. This Section 401 WQC may be revoked when:
  - a. The DOH determines that any portion of the Activities are violating existing State WQS or any condition in this Section 401 WQC and the Applicant fails to cease the violation within seven (7) calendar days of notice by DOH letter.
  - b. New State WQS are subsequently established before the Activities are completed, the DOH determines that any portion of the Activities are violating the new State WQS, and the Applicant fails to cease the violation within 180 calendar days of notice by DOH letter.

These actions shall not preclude the DOH from taking appropriate enforcement action authorized by law.

4. The following conditions must be complied with by the Applicant's organization and its contractor(s) when conducting the Activity:
  - a. Orally report any of the following when the Applicant or its duly authorized representative becomes aware of the circumstances:
    - i. Violation of the basic water quality criteria as specified in HAR Section 11-54-4;
    - ii. Discharge or noncompliance with basic water quality criteria which may endanger health or the environment; and/or
    - iii. Unanticipated and/or unauthorized discharge including spills.

The Applicant shall make oral reports by telephone to the CWB at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.

- b. Provide a written report within five days of the time the Applicant or its duly authorized representative becomes aware of the circumstance(s) reported in item 4a. The written report shall include the following:
  - i. Description of the noncompliance, unanticipated bypass, or upset and its cause;
  - ii. Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
  - iii. Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
  - iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, unanticipated bypass, or upset.

Written reports must be submitted via the e-Permitting portal at <https://eha-cloud.doh.hawaii.gov/epermit/>.

- c. Provide schedules and notifications as specified in the Application. The following statement must accompany all submittals:

**“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”**
- d. Comply with all requirements, specifications, schedules, procedures, drawings, and other information contained in the Application.
- e. Maintain a copy of the Application and this Section 401 WQC at the project site or in the nearby field office.
- f. Maintain records at the project site or in the nearby field office demonstrating that all Section 401 WQC requirements have been fully complied with.

- g. Ensure that all Activities are conducted in a manner that will comply with the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, §11-54-4.
- h. Ensure that all material(s) placed or to be placed in State waters are free of waste metal products, organic materials, debris, and any pollutants at toxic or potentially hazardous concentrations to aquatic life as specified in HAR, §11-54-4(c).
- i. Ensure that the Activities will not interfere or become injurious to any designated uses and/or existing uses of the receiving State water.
- j. Properly implement and maintain all water pollution control measures and Best Management Practices specified in the Application. All water pollution control measures must be in place and functional before any Activities begin and shall not be removed until the Activities are completed and the disturbed area water quality has returned to its pre-construction condition or better. All temporary water pollution control measures and temporary structures shall be removed following the completion of the Activities and upon verification that the affected quality of the water column has been returned/restored to the pre-project condition.
- k. Immediately report to the DOH-CWB by e-mail at: [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) and at telephone number (808) 586-4309 any spill(s) or other contamination(s) that occurs at the project site at any time following the commencement of the Activities.
- l. Ensure that debris is contained and prevented from entering or reentering State waters. All debris shall be properly removed from the aquatic environment and disposed of at an upland State and County approved site. Before the start of the Activities, a Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the DOH's Solid and Hazardous Waste Branch, Office of Solid Waste Management. No construction material or construction-related materials shall be stockpiled in the aquatic environment or stored or placed in ways that will disturb the aquatic environment. The Solid Waste Disclosure Form for Construction Sites is available online at: <http://health.hawaii.gov/shwb/files/2013/06/swdiscformnov2008.pdf>.
- m. There shall be no discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials.

- n. Properly collect and remove all side cast material and dispose at an upland State and County approved site.
- o. If water quality monitoring or daily inspection or observation result(s) indicates noncompliance with this Section 401 WQC will occur or is occurring, Applicant shall immediately cease that portion of the Activities causing the noncompliance. The project activity shall not resume until adequate mitigative measures are implemented and appropriate corrective actions are taken. These actions shall not preclude the DOH from taking enforcement action authorized by law. The DOH shall not be responsible for any damages or costs incurred due to the temporary cessation of any of the Activities.
- p. Review and update the effectiveness and adequacy of pollution control measures and BMPs in the Application. Applicant shall modify the pollution control measures, BMPS, and AMAP when instructed by the DOH.
- q. Any changes or modifications to the pollution control measures, BMPs, and AMAP in the Application shall be submitted to the DOH-CWB for approval. Applicant shall address all comments and concerns to the DOH-CWB satisfaction before the changes or modifications become effective.
- r. There shall be no discharge of any type of wash water and/or effluent into State waters without first obtaining from the DOH a National Pollutant Discharge Eliminations System (NPDES) permit authorizing such type of water pollutant discharge to State waters.
- s. Runoff, return flow, or airborne particulate pollutants, if any, from the excavated/dredged material dewatering process or from stockpiling shall be contained on land and not be allowed to enter State waters. In the event of potential discharge of these pollutants, the Applicant shall first obtain from the DOH a NPDES permit authorizing such discharge.
- t. Discontinue the Activities during flood conditions and any other conditions contained in the DA permit.
- u. Ensure that all areas impacted, either directly or indirectly, by the Activities are fully restored.

Mr. Ross Sasamura  
January 4, 2019  
Page 6

WQC0928.FNL.19

If you have any questions, please contact Mr. Glenn Haae of the Engineering section, CWB, at (808) 586-4309.

Sincerely,

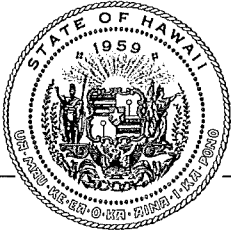


JOANNA SETO, P.E., ACTING CHIEF  
Environmental Management Division

GH:ak

- c:     Regulatory Office, POH, COE  
          [via e-mail [cepoh-ro@usace.army.mil](mailto:cepoh-ro@usace.army.mil) only]  
          Mr. John Nakagawa, CZM Program, Office of Planning, DBEDT  
          [via e-mail [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov) only]  
          Mr. Tunis McElwain, POH [via e-mail [Tunis.W.McElwain@usace.army.mil](mailto:Tunis.W.McElwain@usace.army.mil) only]  
          Ms. Courtney Cacace, AECOM  
          [via e-mail [Courtney.Cacace@aecom.com](mailto:Courtney.Cacace@aecom.com) only]  
          (w/Receipt No. 62053 for \$1000 Filing Fee)  
          Mr. Thomas Takeuchi, CCH-DFM [via e-mail [ttakeuchi@honolulu.gov](mailto:ttakeuchi@honolulu.gov) only]  
          Mr. Randall Wakumoto, CCH-DFM [via e-mail [rwakumoto@honolulu.gov](mailto:rwakumoto@honolulu.gov) only]





## OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

DTS201905031035NA

May 6, 2019

Mr. Ross S. Sasamura, P.E.  
Director and Chief Engineer  
City and County of Honolulu  
Department of Facility Maintenance  
1000 Uluohia Street, Suite 215  
Kapolei, Hawaii 96707

Subject: Hawaii Coastal Zone Management Program Federal Consistency Review for  
Oahu Stream Maintenance Activities;  
Department of the Army Permit File No. POH-2017-00198

The Hawaii Coastal Zone Management (CZM) Program has completed the federal consistency review for the proposal to conduct repeated stream maintenance activities at 79 locations around Oahu over a five-year period (proposed activity). This CZM federal consistency review covers the 79 stream maintenance locations, including 16 stream mouth breach opening locations and 63 stream maintenance locations, and the stream maintenance activities represented in the Department of Facility Maintenance (DFM) "Stream Maintenance Manual" (July 2018) that was submitted as supplemental information for the CZM application, which was completed on March 25, 2019.

We conditionally concur with the DFM certification that the proposed activity is consistent with the enforceable policies of the Hawaii CZM Program based on the following conditions.

1. The proposed activity shall be constructed and completed as represented in the CZM federal consistency application, including the consistency certification and supporting materials, that was completed on March 25, 2019. Any changes to the proposal shall be submitted to the Hawaii CZM Program for review and approval. Changes to the proposal may require a full CZM federal consistency review, including publication of a public notice and provision for public review and comment. This condition is necessary to ensure that the proposed activity is implemented as reviewed for consistency with the enforceable policies of the Hawaii CZM Program. Hawaii Revised Statutes (HRS) Chapter 205A Coastal Zone Management, is the federally approved enforceable policy of the Hawaii CZM Program that applies to this condition.
2. To mitigate potential adverse effects from the proposed activity, all of the Best Management Practices represented in Section 4 of the DFM "Stream Maintenance

Manual” (July 2018), shall be fully implemented. This condition is necessary to ensure consistency with Hawaii CZM Program historic resources policies and coastal ecosystems policies contained HRS Chapter 205A Coastal Zone Management, which is the federally approved enforceable policy that applies to this condition.

3. Pursuant to HRS Section 205A-44 (a) (3) and (4), sand removed from the mouths of streams and the shoreline area (as defined in HRS § 205A-41) shall be placed on adjacent areas unless such placement would result in significant turbidity. This condition is necessary to ensure consistency with HRS Chapter 205A, Part III, which is the federally approved enforceable policy of the Hawaii CZM Program that applies to this condition.
4. The proposed activity shall be in compliance with State of Hawaii water quality standards and requirements specified in Hawaii Administrative Rules (HAR) Chapter 11-54 Water Quality Standards, including the Section 401 Water Quality Certification (WQC0928) issued by the Department of Health, Clean Water Branch on January 4, 2019. This condition is necessary to ensure consistency with the Hawaii CZM Program federally approved enforceable policies HRS Chapter 342D Water Pollution, and HAR Chapter 11-54.
5. The proposed activity shall be in compliance with State of Hawaii Conservation District requirements. HRS Chapter 183C Conservation District and HAR Chapter 13-5 Conservation District, are the federally approved enforceable policies of the Hawaii CZM Program that apply to this condition.
6. The project shall be in compliance with the State Historic Preservation Division requirements pursuant to HRS Chapter 6E - Historic Preservation, which is the federally approved enforceable policy of the Hawaii CZM Program that applies to this condition.

If the requirements for conditional concurrences specified in 15 CFR § 930.4(a), (1) through (3), are not met, then all parties shall treat this conditional concurrence letter as an objection pursuant to 15 CFR Part 930, subpart D. Furthermore, you are hereby notified that, pursuant to 15 CFR § 930.63(e) and 15 CFR Part 930, subpart H, you have the opportunity to appeal an objection resulting from not meeting the requirements of 15 CFR § 930.4(a), (1) through (3), to the Secretary of Commerce within 30 days after receiving this conditional concurrence letter, or 30 days after receiving notice from the U.S. Army Corps of Engineers that your Department of the Army Permit will not be approved as amended by the conditions required by this concurrence.

Mr. Ross. S. Sasamura, P.E.  
May 6, 2019  
Page 3

This CZM consistency conditional concurrence does not represent an endorsement of the project nor does it convey approval with any other regulations administered by any state or county agency. Thank you for your cooperation in complying with the Hawaii CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at 587-2878.

Sincerely,

A handwritten signature in cursive script that reads "Mary Alice Evans".

Mary Alice Evans  
Director

cc: Ms. Vera Koskelo, U.S. Army Corps of Engineers, Honolulu District, Regulatory Office  
(by email)  
Mr. Darryl Lum, Department of Health, Clean Water Branch (by email)  
Department of Land and Natural Resources, State Historic Preservation Division  
City and County of Honolulu, Department of Planning and Permitting  
Ms. Courtney Cacace, AECOM (by email)