



REPLY TO
ATTENTION OF:

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

August 18, 2011

Regulatory Branch

File No. POH-2011-00180

Glenn M. Okimoto
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

Nationwide Permit Verification

Dear Mr. Okimoto:

We have reviewed your application to repair Honoapiilani Highway damages caused by the tsunami that occurred on March 11, 2011 at TMK: (2)4-8-2:31 & (2)4-8-2:41 in Ukumehame, County of Maui, Hawaii. Based on the information you provided to us, Nationwide Permit 13, Bank Stabilization (Federal Register, March 12, 2007 Vol. 72, No. 47), authorizes your proposal as depicted on the enclosed drawings dated June 29, 2011. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Nationwide Permit National General Conditions*, the *Honolulu District Regional Conditions*, *Pac-SLOPES Special Conditions*, *Pac-SLOPES General Conditions*, *Pac-SLOPES Activity Specific BMPs*, and the following special conditions to ensure compliance with the Endangered Species Act:

Granted that Standard Best Management Practices are successfully implemented the Habitat Conservation (HCD) of the NOAA Fisheries recommended the following:

1. Implement effective sediment barriers on land, and silt curtains/any other sediment control devices in water along entire project footprint along shoreline to ensure that construction does not result in turbidity and sedimentation to the near shore marine environment.
2. Avoid conducting work during coral spawning season (May 1 – August 31), and during periods of incoming swells.
3. Avoid stockpiling materials including beach sand seaward of the Mean Higher High Water Mark (MHHWM) line at any time.
4. Avoid contact of any equipment and/or materials used with sensitive marine benthos such as coral and seagrass.

In addition, the U.S. Fish and Wildlife Service recommended the following avoidance measures to minimize impacts:

1. Construction must be limited to repair of the damaged highway area and no new construction activities are authorized to occur on the surrounding beach.
2. All personnel conducting the project must be informed of the potential presence of sea turtles and sea turtle nests.
3. All temporary structures must be removed after the completion of the project.
4. ~~No~~ night time construction activities are allowed ~~as part of this project~~ *> allowed Jan 1, 2012 to April 31, 2012*
5. ~~No~~ construction lights are allowed at night.
6. Best management practices (BMPs) should be implemented to reduce sedimentation runoff and turbidity. Attached is an inclusion guideline to reduce sedimentation and erosion.
7. Staging area shall not be located on the beach.
8. When entering and existing the site, heavy equipment operators shall make every effort to use the same ruts as the day before so as to minimize the footprint of the project.
9. If a turtle approaches the beach to bask or nest, all potentially disruptive activities shall cease until the turtle leaves the area of its own accord. If nesting, all work must halt until the nest has been properly documented and protected by a sea turtle biologist. In this event, the project leaders will contact the U.S. Fish and Wildlife Service at (808) 792-9473 to determine whether the project should be altered to eliminate potential impacts to the nest.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the 1899 Rivers and Harbors Act. Also, you must obtain all required state and local permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Compliance Certificate with Department of the Army Permit* form. Thank you for your cooperation during the permit process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form is available at <http://per2.nwp.usace.army.mil/survey.html>.

Should you have any questions, please contact Deserie Bala of my staff at (808) 438-9258 or by Email at Deserie.M.Bala@usace.army.mil. Please refer to File No. POH-2011-00180 in any future correspondence regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young". The signature is stylized and cursive.

George P. Young, P.E.
Chief, Regulatory Branch

Enclosures