



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

REPLY TO
ATTENTION OF:

July 25, 2012

Regulatory Branch

File No. POH-2011-00180

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

Dear Mr. Okimoto:

We have received a request, made on your behalf by Ms. Elaine Tamaye of EKNA Services, Inc., by Email dated April 26, 2012, to modify conditions of our Nationwide Permit Verification authorized by letters dated August 18 and September 27, 2011, for the repair of tsunami damages to Honoapiilani Highway at Ukumehame, County of Maui, Hawaii (TMK: (2)4-8-2:31 & (2)4-8-2:41). Specifically, Ms. Tamaye requested an exemption from NOAA Fisheries recommendation No. 2 regarding the avoidance of work during coral spawning season (May 1 – August 31) and from USFWS recommendations Nos. 4 and 5 regarding night-time construction and the use of lights after April 31.

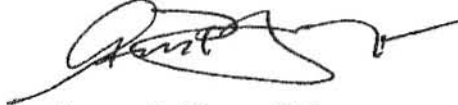
After informal consultation with both NOAA Fisheries and the USFWS, we are able to modify the verification to allow work during coral spawning season and night-time construction with the use of construction lighting at night based on the strict adherence to the following special conditions:

1. The NOAA Fisheries Service has requested the following:
 - a. Sediment barriers on land, silt curtains in water, and other sedimentation Best Management Practices will be monitored and maintained throughout each work day and night.
 - b. Should any sediment and/or turbidity occur along the shoreline, work will be stopped and sediment control device(s) adjusted immediately before the continuation of work.
 - c. Bare-soil areas will be revegetated with native and/or non-invasive vegetation to contain sediment on land post-construction.
2. The USFWS has requested the following:
 - a. No floodlit nighttime construction work will take place from September 1st to December 1st.
 - b. Artificially lit nighttime work which occurs outside of the September to December seabird fledging window must be done using lighting systems which employ shielded lights.

All other conditions contained in previous Verification letters remain valid. Please keep a copy of this modification letter with your original Verification letter.

Should you have any questions, please contact Ms. Emilee Stevens at (808) 835-4210, by facsimile at (808) 835-4301, or by Email at emilee.r.stevens2@usace.army.mil. Please refer to File No. POH-2011-00180 in all future communications with this office regarding this or other projects at this location.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Young", with a long horizontal flourish extending to the right.

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

Copy Furnished:

Ms. Elaine Tamaye, EKNA Services, Inc., 615 Piikoi Street, Suite 300, Honolulu, HI 96814