

Attachment H

Email dated September 8, 2009 regarding Compensatory Wetland Mitigation

Brian A. Lock

From: Brian A. Lock
Sent: Tuesday, September 08, 2009 4:16 PM
To: 'jiaping.fouse@doh.hawaii.gov'; 'Seto, Joanna L'
Cc: 'Darell.Young@hawaii.gov'; 'Holly.Yamauchi@hawaii.gov'; 'Meyer, Susan A SPL'; Ronald Sato; Laura Mau
Subject: Updated: Kuhio Highway - WQC File No. WQC 0000769
Attachments: 090908 COE WOC Kuhio Hwy No Compensatory Wetland Mitigation.pdf

Dear Ms. Fouse and Ms. Seto,

As requested by Ms. Fouse to Ms. Laura Mau during their telephone call on Friday, Sept. 4, we are forwarding the attached email as received today from the Department of the Army Corps of Engineers confirming that compensatory wetland mitigation will not be required for the project. We will submit a signed, dated hard copy of this e-mail. Per Ms. Fouse, a hardcopy of the attachment will suffice and, therefore, precludes the need for a CD with this submittal.

Ms. Fouse has confirmed that there are no other outstanding items required to process the subject application. We appreciate Ms. Fouse's time and attention in processing the WQC approval for the project. Please contact me at 946.2277 or by e-mail should you have any questions or need additional information.

"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 significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Very Truly Yours,



SEPT. 08, 2009

Brian Lock
Wilson Okamoto Corporation

9/8/2009

Laura Mau

From: Meyer, Susan A SPL [Susan.A.Meyer@usace.army.mil]
Sent: Tuesday, September 08, 2009 9:37 AM
To: Laura Mau
Cc: Phung, Pat; Darell.Young@hawaii.gov
Subject: Kuhio Hwy. Short-Term Improvements Project -- POH-2007-000280

Laura,

This email serves to provide clarification on the need for compensatory mitigation for unavoidable impacts to waters of the United States as a result of the implementation of the subject project. As the Corps works towards issuance of a NWP 14 verification letter, we have determined that compensatory mitigation for the 0.05-acre permanent loss of low quality wetlands located adjacent to the existing highway is not warranted. More specifically, in consideration of the NWP general conditions, our April 2008 Compensatory Mitigation Rule, site-specific biological information, comments received from Federal resource agencies in response to our PCN, and our best professional judgment we have determined that compensatory mitigation is not needed in this case to ensure minimal individual and cumulative adverse impacts to the aquatic environment.

Please do not hesitate to contact me should you have any questions or need additional information.

Susan

Susan A. Meyer

Biologist, Sr. Project Manager
U.S. Army Corps of Engineers, Regulatory Division/Branch
CESPL-RG/CEPOH-EC-R
Bldg. 230 (Bldg. T214)
Ft. Shafter, Hawaii 96858-5440
Tel: 808.438.2137; Fax: 808.438.4060
susan.a.meyer@usace.army.mil
<http://www.poh.usace.army.mil/EC-R/EC-R.htm> (USACE, Honolulu District)
<http://www.spl.usace.army.mil/regulatory> (USACE, Los Angeles District)
<http://www.usace.army.mil/CECW/Pages/Home.aspx> (USACE, Headquarter's)

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9/8/2009