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

February 4, 2021

SUBJECT: Nationwide Permit Verification for HDOT-Highways Wailua River Bridges Emergency Flood Repairs, Wailua, Kauai, HI, Department of the Army File No. POH-2018-00247

Mr. Sergio George Abcede
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Dear Mr. Abcede:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Office has completed review of your Pre-Construction Notification requesting authorization for the placement of fill below the High Tide Line of the Wailua River for repairs to the Wailua River Bridge at 22.045210°, -159.336667° and the Wailua Plantation Bridge at 22.0451357°, -159.336460°. Both bridges are located in the vicinity of Milepost 5.7 on Kuhio Highway (Route 56), in Wailua, Island of Kauai, Hawaii. Please reference Department of the Army (DA) file number POH-2018-00247 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) #3, (Maintenance) issued on March 19, 2017 (82 FR 1860, January 6, 2017). This NWP verification letter is being issued pursuant to Section 404 of the Clean Water Act for the discharge of dredged and/or fill material into waters of the U.S. and Section 10 of the Rivers and Harbors Act of 1899 for work or structures in, over, under or affecting navigable waters of the U.S.

This project will involve the discharge of fill for the protection of the Wailua River Bridge and Wailua Plantation Bridge abutments and the footers of Piers 8 and 9, all below the High Tide Line. The applicant used the Mean Higher High Water mark (MHHW) NOAA datum as a proxy for the High Tide Line in determining project impacts. The project activities are described below and depicted on the enclosed drawings (Enclosure 1):

a. On the north abutment of Wailua River Bridge, the proposed discharge of fill will include the placement of 179 cubic yards (cy) of kyowa bags, woven polyester bags filled with stones, in 3,250 square feet of waters of the U.S. On the south abutments of Wailua River Bridge and Wailua Plantation Bridge, the proposed discharge of fill will include the placement of 1,917 cy of loose riprap for a revetment along the existing abutments. The upper portion of the revetment will be grouted using 11 cy of concrete

grout. Half of the revetment will be laid directly on the stream substrate at the Wailua River Bridge. The other half of the revetment will be placed on top of 152 cy of triton mattresses, stone-filled thin linear high-density polyethylene geogrids, at the Wailua Plantation Bridge. The total proposed fill footprint of the revetment below the MHWW, including the triton mattresses, at the south abutment will be 10,200 square feet.

b. Construction of the scour prevention around bridge footers at Piers 8 and 9 will start with the removal of approximately 600 cubic yards of accumulated sand. To prevent sand from filling the work area, a sheet pile cofferdam will then be installed to a depth of two feet below the stream substrate around the exposed bridge footers. Approximately 200 cy of grout-filled bags will then be placed within the sheet pile cofferdam and grout will be pumped into the bags. Approximately 2200 cy of clean sand will then be placed on top of and in any voids remaining between the grout-filled bags and the stream substrate. Placement of grout-filled bags and sand for the protection of bridge footers for Piers 8 and 9 will impact approximately 1,800 square feet of the Wailua River below the MHHW.

c. For construction access and erosion protection for the repairs to both bridges, the applicant’s contractor will temporarily place clean fill, such as sandbags, in an 3.7-acre area extending approximately 200 feet upstream and 100 feet downstream of the bridges as well as beneath the bridges. The temporary fill for construction access will be placed in accordance with the FHWA's guidebook, "An Integrated Storm Water Management Approach and a Summary of Clear Water Diversion and Isolation Best Management Practices for Use in the State of Hawaii, by the Federal Highway Administration and Hawaii Department of Transportation: Practitioner's Guide" (April 2016). Temporary fill will be removed in its entirety following completion of construction. The construction duration of the proposed project is estimated to be approximately twelve to eighteen months. Equipment will be staged and project materials and waste materials temporarily stored on the bridge road surface and/or on a temporary floating platform in the river or on a temporary trestle bridge. Any temporary structures will be removed following completion of construction.

d. HDOT is also requesting after-the-fact authorization for the discharge of fill below the MHHW to protect the Wailua Plantation Bridge abutment and the footer of Pier 4. In 2018, approximately 120 cy of grout-filled bags and 1,200 cy of sand was placed in 950 square feet of the Wailua River below the MHHW to protect the footer of Pier 4. In August 2020, approximately 1,169 cy of riprap was placed for a 6,210 square foot revetment along the north abutment of the Wailua Plantation Bridge and 336 cy of kyowa bags placed in 4,000 square feet surrounding the revetment.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosure 2).

Verification of your project under this NWP is valid until **March 19, 2022** unless this NWP is modified, reissued, or revoked prior to that date. It is incumbent upon you to remain informed of changes to the NWPs. If the Corps modifies, reissues, or revokes any NWP at an earlier date, we will issue a public notice announcing the changes. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of the Clean Water Act and/or Rivers and Harbors Act and subsequent enforcement action. This authorization does not relieve you of the responsibility to obtain any other federal, state, and/or local authorizations required by law.

Your project complies with the requirements of the Clean Water Act, Section 401 Blanket Water Quality Certification (WQC0901.FNL.20) issued for this Nationwide Permit by the State of Hawaii Department of Health, Clean Water Branch. You are responsible for complying with the attached General Conditions of this WQC (Enclosure 3).

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date, and return the enclosed *Compliance Certification* form (Enclosure 4) within 30 days of completion of work to the email address specified below or to the mailing address indicated on the letterhead above.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this authorization, please contact me Vera.B.Koskelo@usace.army.mil or via telephone at (808) 835-4031.

You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

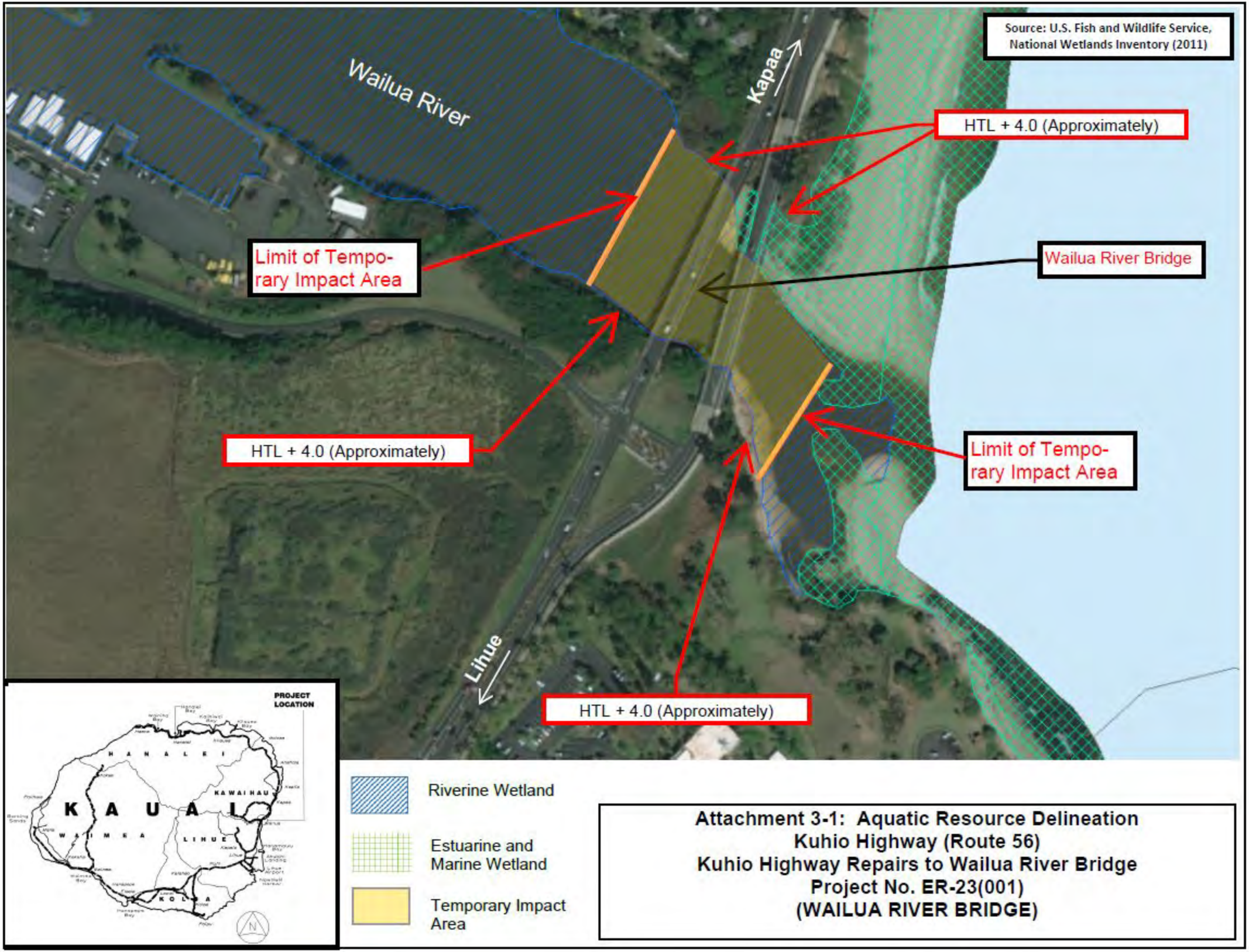
KOSKELO.VERA.B.1370139110 Digitally signed by KOSKELO.VERA.B.1370139110 Date: 2021.02.04 14:13:18 -10'00'

Vera Koskelo
Regulatory Project Manager

Enclosures

Electronic cc:
CleanWaterBranch@doh.hawaii.gov
darryl.lum@doh.hawaii.gov
john.d.nakagawa@hawaii.gov
todd.nishioka@wsp.com


Kauai
WAILUA RD
KUHIO HWY
Wailua River Bridge
Wailua Plantation Bridge
Legend
Parcel Boundaries
0 75 150 300 Feet
N
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Attachment 3-1: Aquatic Resource Delineation
Kuhio Highway (Route 56)
Kuhio Highway Repairs to Wailua River Bridge
Project No. ER-23(001)
(WAILUA RIVER BRIDGE)

Attachment 3-2: Aquatic Resource Delineation
Kuhio Highway (Route 56)
Kuhio Highway Repairs to Wailua River Bridge
Project No. ER-23(001)
(WAILUA RIVER BRIDGE)

INDEX TO DRAWINGS	
SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	STANDARD PLANS SUMMARY
3	GENERAL NOTES & LEGEND
4-6	GENERAL NOTES
7-8	WATER NOTES
10-11	UTILITY NOTES
12-14	WATER POLLUTION AND EROSION CONTROL NOTES
15	WATER POLLUTION AND EROSION CONTROL DETAILS
16	EROSION CONTROL PLAN
17	ALIGNMENT PLAN
18	ROADWAY PLAN
19	GUARDRAIL DETAILS & NOTES
20	STRONG POST W-BEAM GUARDRAIL
21	SIGNING AND PAVEMENT MARKING NOTES AND LEGEND
22-23	SIGNING AND PAVEMENT MARKING PLAN AND DETAIL
24-38	SCOUR PROTECTION PLANS
39-102	STRUCTURAL PLANS
103-109	TRAFFIC CONTROL PLANS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	1	109

STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

HONOLULU, HAWAII

PLANS FOR

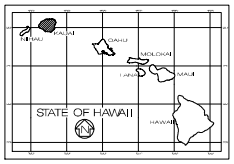
KUHIO HIGHWAY

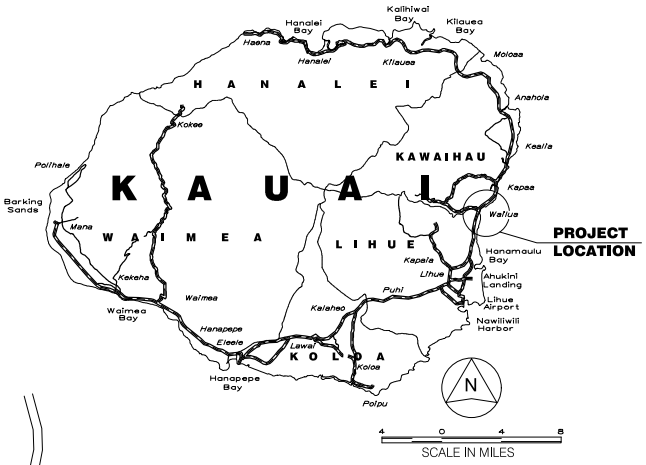
REPAIRS TO WAILUA RIVER BRIDGE

FEDERAL AID PROJECT NO. ER-23(001)

DISTRICT OF LIHUE

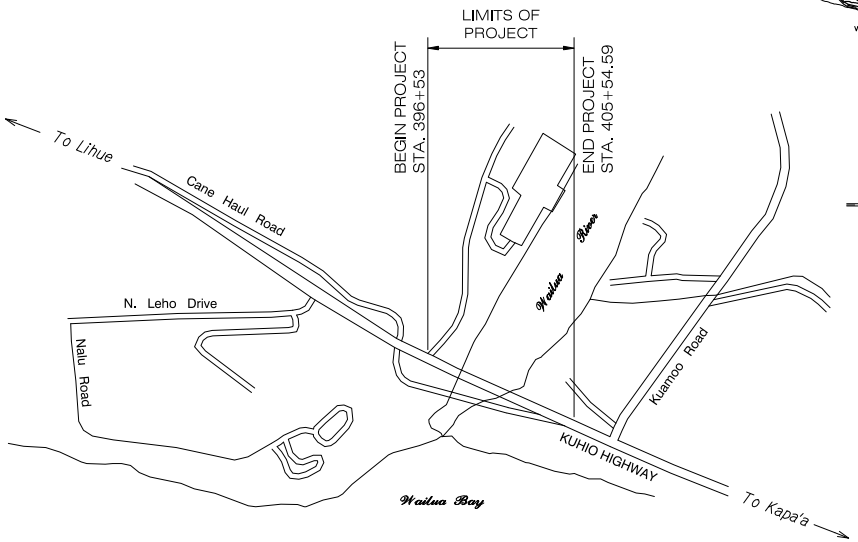
ISLAND OF KAUAI





FEDERAL AID PROJECTS PREVIOUSLY CONSTRUCTED OR UNDER CONSTRUCTION

MILE POST 5.70 TO MILE POST 5.87



LAYOUT PLAN

Not to Scale

GROSS LENGTH OF PROJECT. . . . . 0.40 MILES
NET LENGTH OF PROJECT. . . . . 0.17 MILES

SECTION / TRAFFIC DATA	Kuhio Highway at Wailua River Bridge, MP 5.84; Kapule Highway to Kuamoo Road Route 56 (MP 2.61 to 5.96)
2020 ADT	37,900
2030 ADT	46,300
2040 ADT	54,800
2030 DHV	3,700
2050 DHV	4,380
Design K	8.0
Design D	60/40
Design T	3.5
T24	3.5
CLASSIFICATION	24-HOUR TRUCK COMPOSITION PERCENT
BUS	8.60
2D	52.19
3X	14.17
4X	4.14
2S1, 3S1, 2S2	8.61
3S2, 3-2, 2-3	6.85
6/6+X S-TLR	1.36
5X M-TLR	1.21
6X M-TLR	0.62
7X M-TLR	2.26

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII

APPROVED:

DIR. OF TRANSPORTATION DATE

KSF, INC. DESIGNED BY

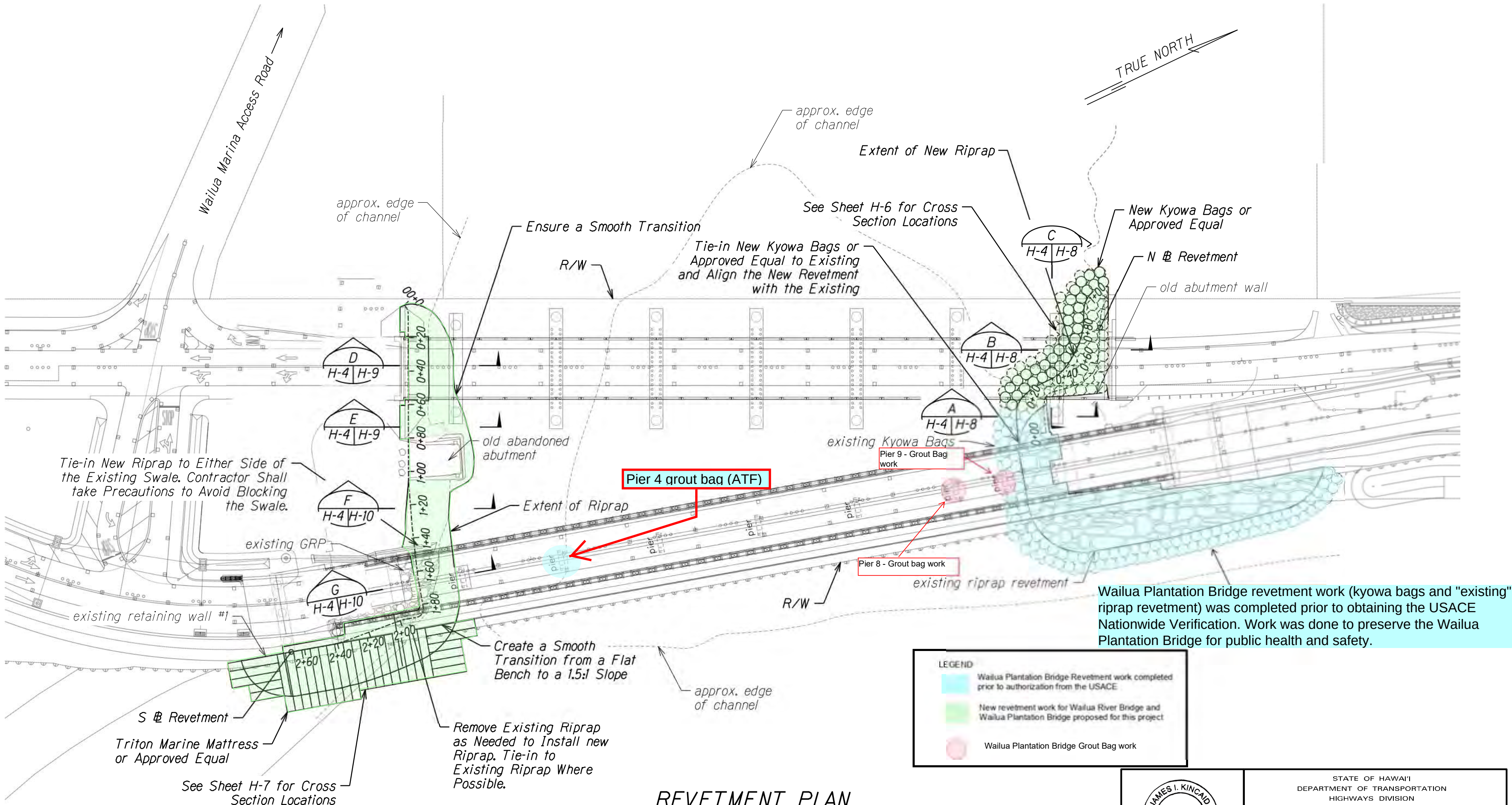
HWY-K MANAGED BY:

241-3000 PHONE

OCT. 2020 DATE

DRAWING NAME: Z:\00 ONGOING\20-016-WAILUA RVR BR SCOUR-DOT\01 CAD\12-15-20 BID REVIEW\G1 WBS-T01G1.DWG PLOT TIME: 12-14-20, 9:55 PM)

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	27	109



REVETMENT PLAN

Scale: 1" = 30'-0"

ORIGINAL PLAN | SURVEY PLOTTED BY | DRAWN BY | TRACED BY | DESIGNED BY | QUANTITIES BY | CHECKED BY | NOTE BOOK | No. | DATE

JAMES I. KINCAID, LICENSED PROFESSIONAL ENGINEER No. 12562-CE, HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

SIGNATURE | EXPIRATION DATE OF THE LICENSE 4-30-22

STATE OF HAWAI'I
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

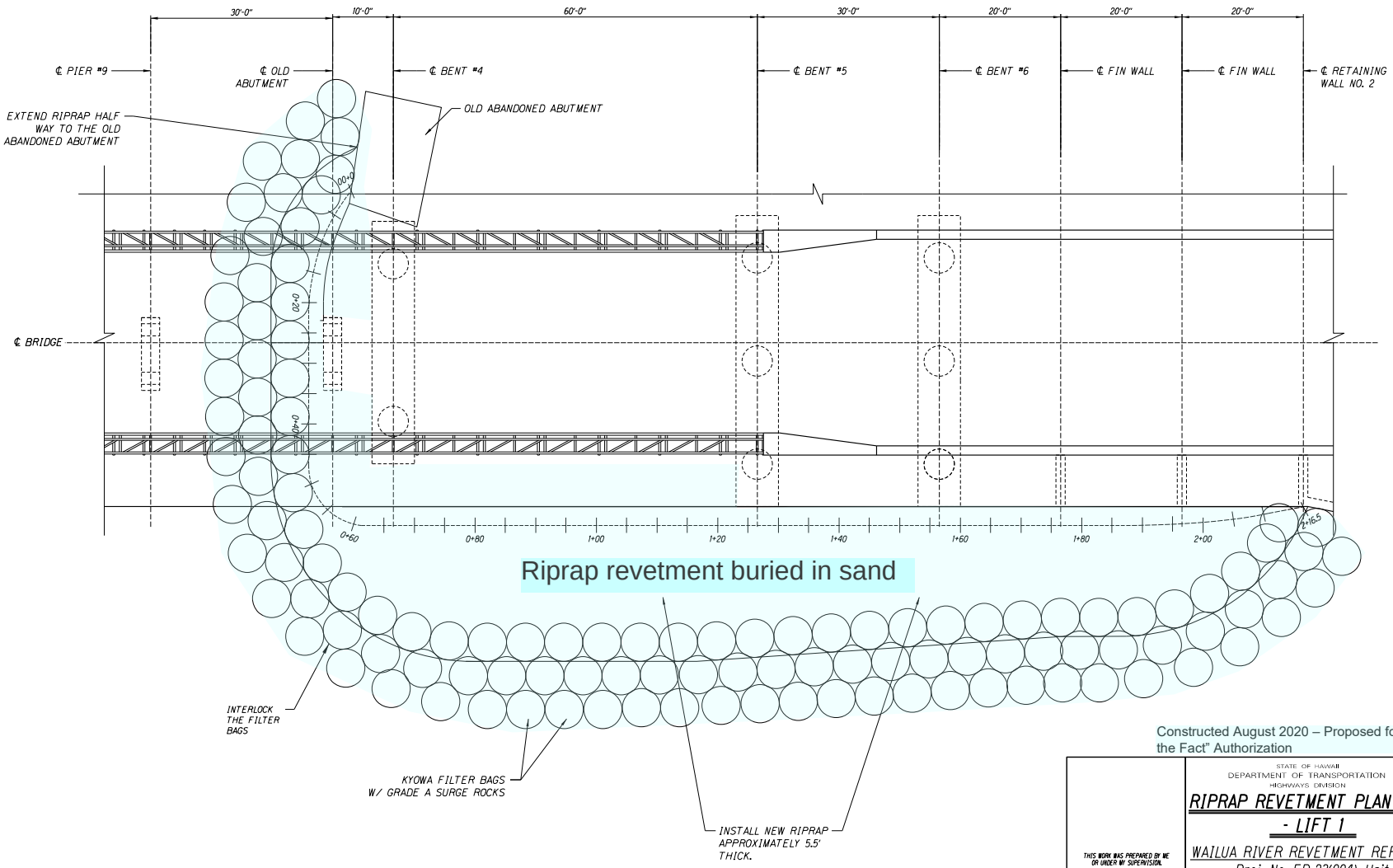
REVETMENT PLAN

KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)

Scale: As Noted Date: Dec. 2020

SHEET No. H-4 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit 1	2020	9	12



Constructed August 2020 – Proposed for "After the Fact" Authorization

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

RIPRAP REVETMENT PLAN VIEW - LIFT 1

WAILUA RIVER REVETMENT REPAIRS
Proj. No. ER-23(004), Unit 1

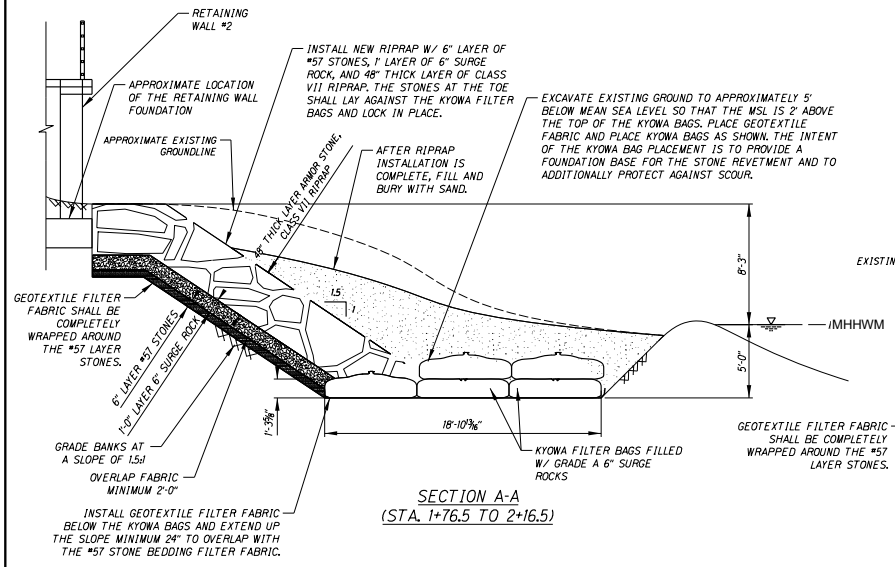
Scale: None Date: August, 2020

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
SIGNATURE EXPIRATION DATE OF THE LICENSE

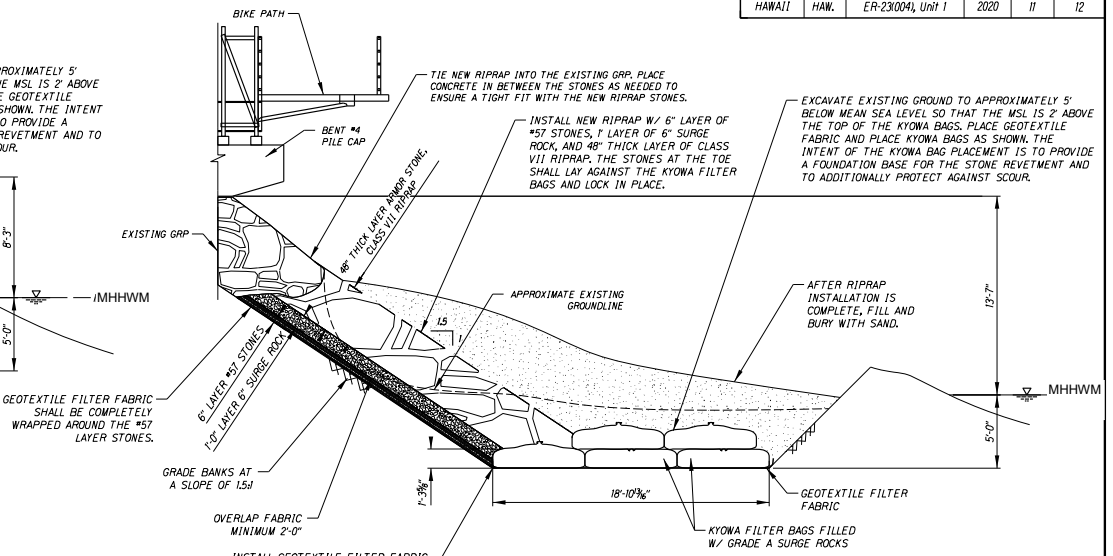
SHEET No. 9 OF 12 SHEETS

ORIGINAL PLAN
SURVEY PLOTTED BY
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
DATE
NOTE BOOK
No.

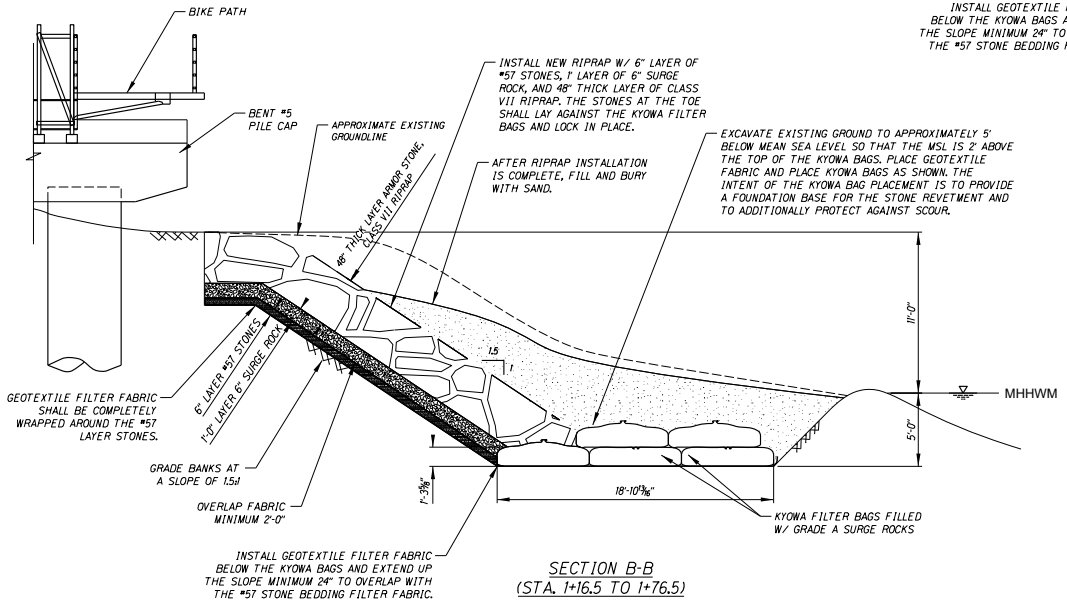
FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit 1	2020	11	12



SECTION A-A
(STA. 1+76.5 TO 2+16.5)



SECTION C-C
(STA. 0+56.1 TO 1+16.5)



SECTION B-B
(STA. 1+16.5 TO 1+76.5)

Constructed August 2020 – Proposed for "After the Fact" Authorization

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

RIPRAP REVETMENT - CROSS SECTIONS

WAILUA RIVER REVETMENT REPAIRS
Proj. No. ER-23(004), Unit 1

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

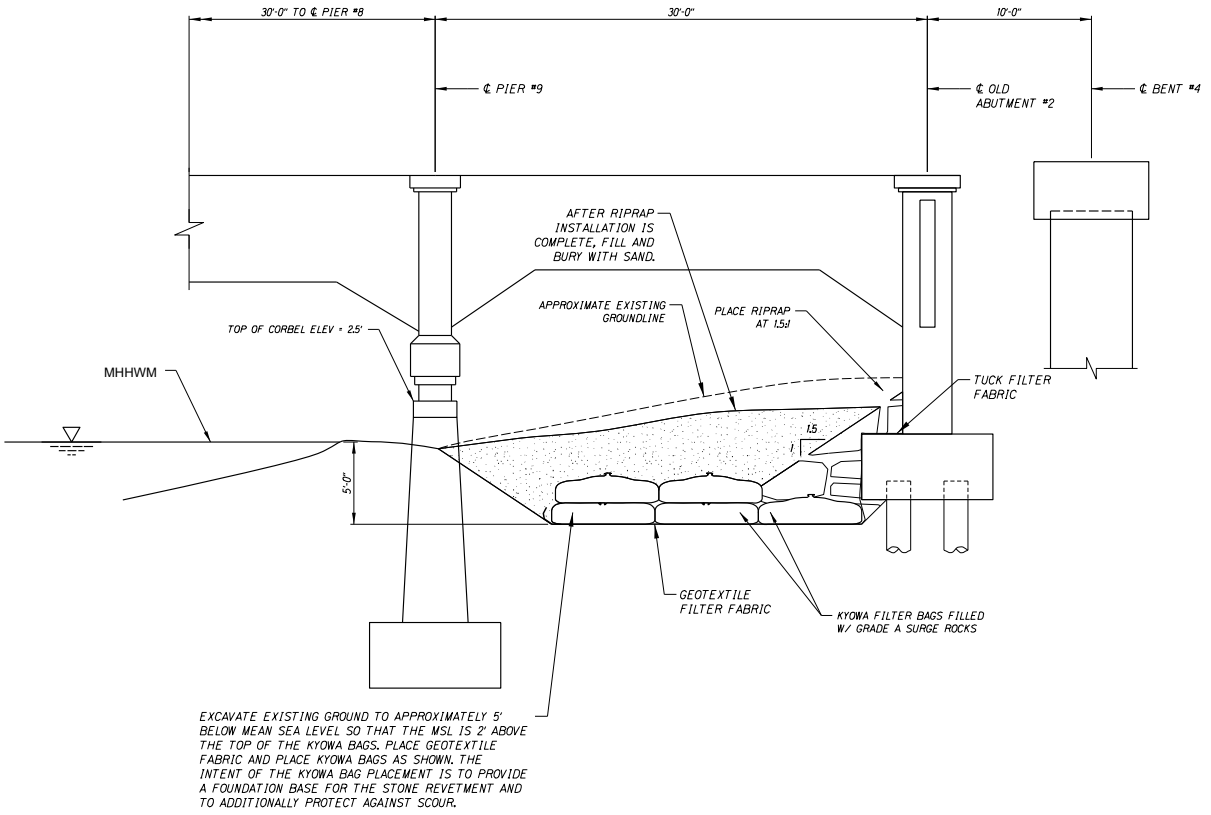
SIGNATURE EXPIRATION DATE OF THE LICENSE

Scale: None Date: AUGUST, 2020

SHEET No. 11 OF 12 SHEETS

ORIGINAL PLAN | SURVEY PLOTTED BY | DRAWN BY | TRACED BY | DESIGNED BY | QUANTITIES BY | CHECKED BY | DATE | NOTE BOOK | No.

FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit 1	2020	12	12



SECTION D-D
(STA 0+00 TO 0+56.1)

Constructed August 2020 – Proposed for "After the Fact" Authorization

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

RIPRAP REVETMENT - RIVER SIDE CROSS SECTIONS

WAILUA RIVER REVETMENT REPAIRS
Proj. No. ER-23(004), Unit 1

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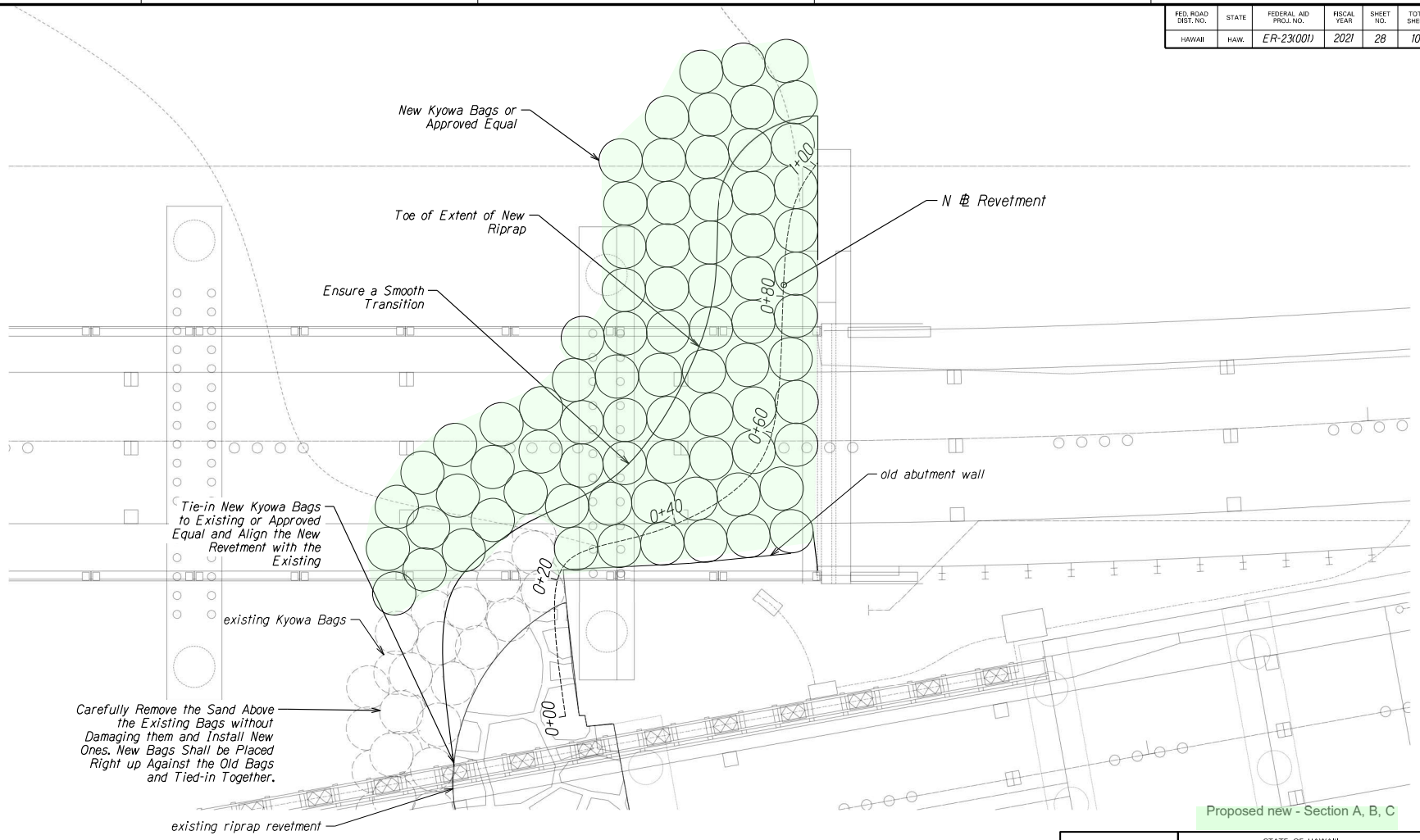
SIGNATURE EXPIRATION DATE OF THE LICENSE

Scale: None Date: August, 2020

SHEET No. 12 OF 12 SHEETS

ORIGINAL PLAN
SURVEY PLOTTED BY
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
NOTE BOOK
No.
DATE

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	28	109



KYOWA BAGS LIFT 1 LAYOUT

Scale: 1" = 7'-0"

Proposed new - Section A, B, C

ORIGINAL PLAN
REVISED PLOTTED BY ..... DATE
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
NOTE BOOK
No.

JAMES I. KINCAID
LICENSED PROFESSIONAL ENGINEER
No. 12562-CE
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

SIGNATURE EXPIRATION DATE OF THE LICENSE

STATE OF HAWAI'I
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

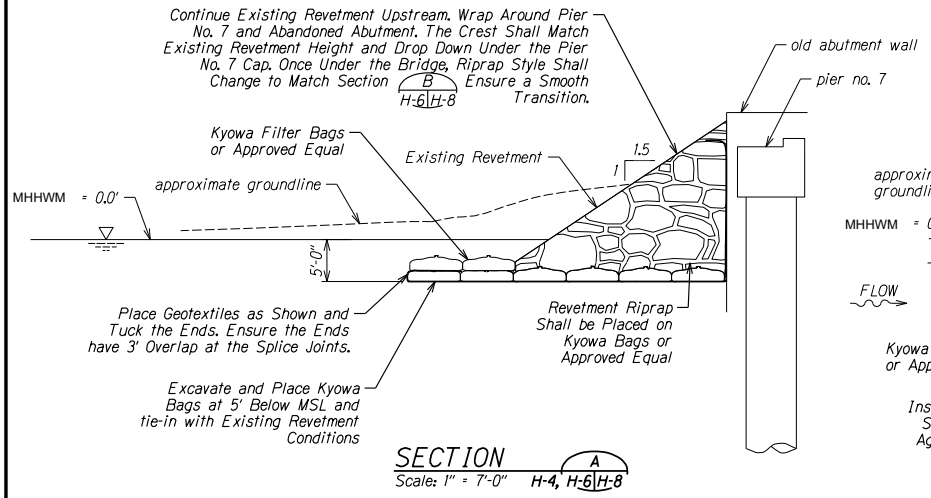
KYOWA BAGS LIFT 1 LAYOUT

KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)

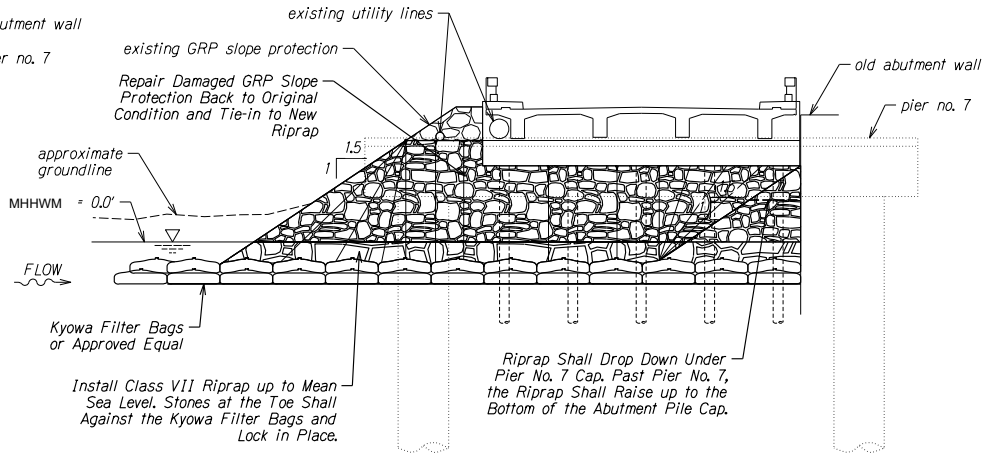
Scale: As Noted Date: Dec. 2020

SHEET No. H-5 OF 15 SHEETS

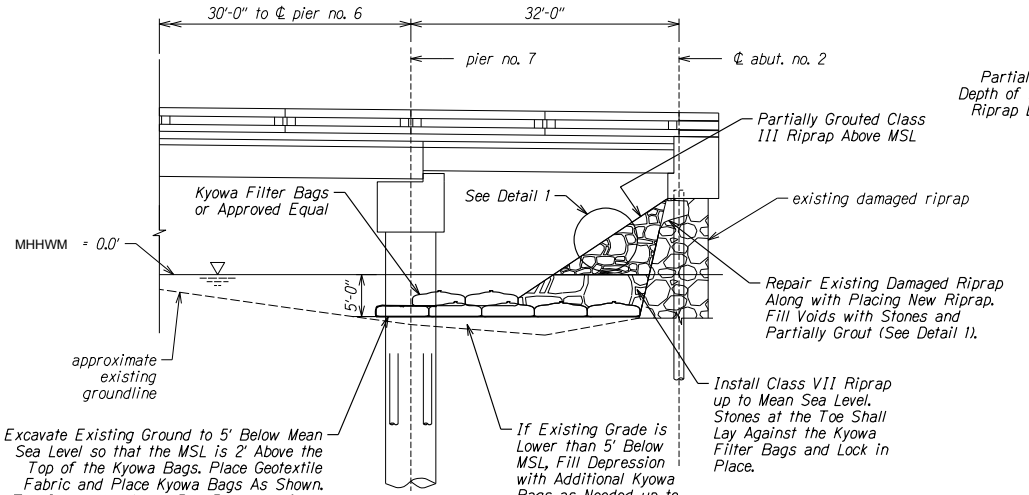
FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	31	109



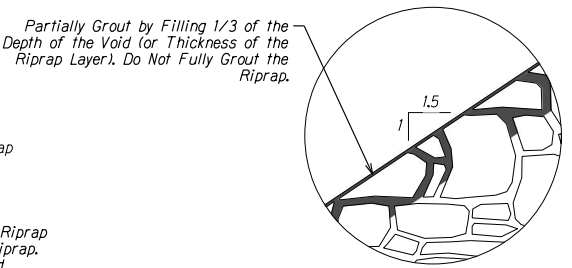
SECTION A
Scale: 1" = 7'-0" H-4, H-6|H-8



SECTION C
Scale: 1" = 7'-0" H-4, H-6|H-8



SECTION B
Scale: 1" = 7'-0" H-4, H-6|H-8



Detail 1
Not to Scale

Proposed new - Sections A, B, C

ORIGINAL PLAN
SURVEY PLOTTED BY
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
DATE
No.

JAMES I. KINCAID
LICENSED PROFESSIONAL ENGINEER
No. 12362-CE
HAWAII, U.S.A.
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
SIGNATURE
EXPIRATION DATE OF THE LICENSE

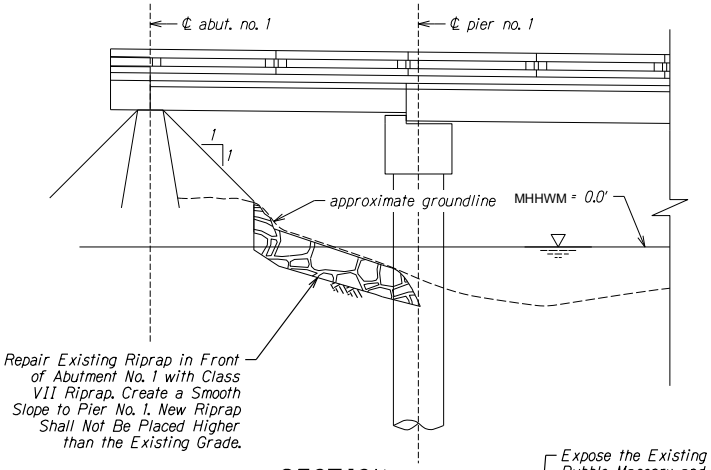
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

WAILUA RIVER RIPRAP - SECTIONS A, B, & C

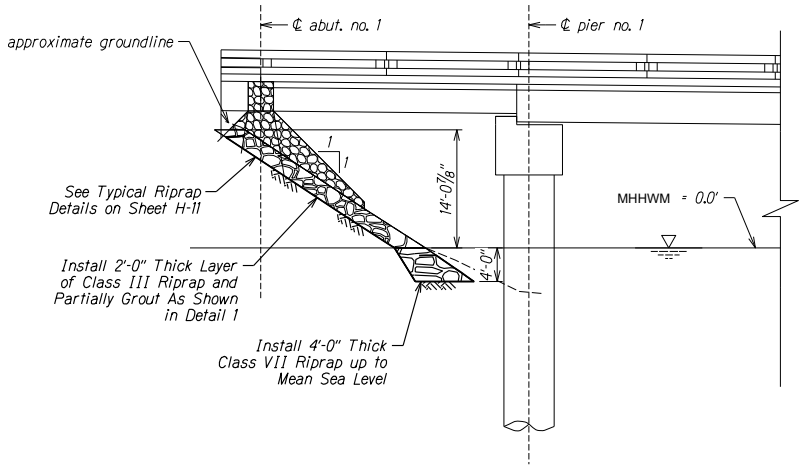
KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)
Scale: As Noted Date: Dec. 2020

SHEET No. H-8 OF 15 SHEETS

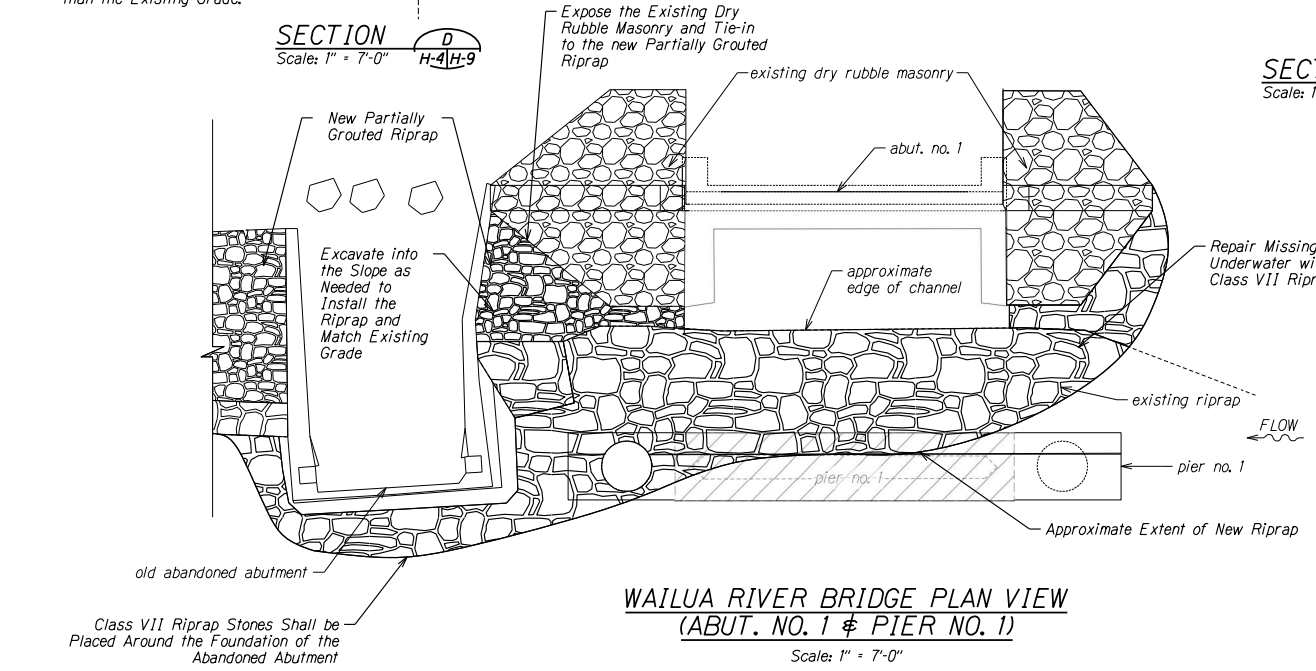
FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	32	109



SECTION D
Scale: 1" = 7'-0"
H-4 H-9



SECTION E
Scale: 1" = 7'-0"
H-4 H-9



WAILUA RIVER BRIDGE PLAN VIEW (ABUT. NO. 1 & PIER NO. 1)

Scale: 1" = 7'-0"

Notes:

1. Contractor to Verify Extent of Existing Riprap and Slope Between Abutment No. 1 and Pier No. 1.
2. Contractor to Verify Damages to Existing Riprap on the Upstream Side Below Water Level.

Proposed new - Section D, E (west, mauka side)

ORIGINAL PLAN
REVISED PLANS BY
DATE
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
NO. DATE

JAMES I. KINCAID
LICENSED PROFESSIONAL ENGINEER
No. 12362-CR
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
SIGNATURE
EXPIRATION DATE OF THE LICENSE

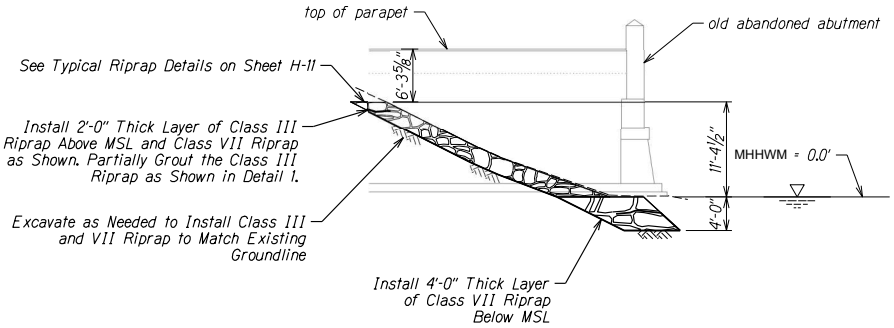
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

WAILUA RIVER RIPRAP - SECTIONS D & E

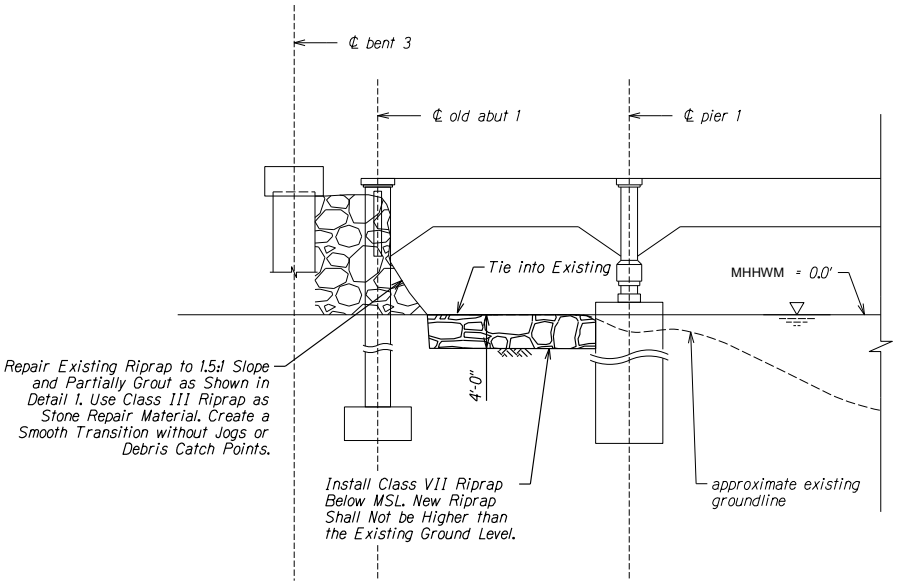
KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)
Scale: As Noted Date: Dec. 2020

SHEET No. H-9 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	33	109



SECTION F
Scale: 1" = 7'-0"
H-4 H-10



SECTION G
Scale: 1" = 7'-0"
H-4 H-10

Proposed new - Section F, G (west, center)

ORIGINAL PLAN
SURVEY PLOTTED BY
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
DATE
NO. BOOK
No.

JAMES I. KINCAID
LICENSED PROFESSIONAL ENGINEER
No. 12362-CE
HAWAII, U.S.A.
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.
SIGNATURE
EXPIRATION DATE OF THE LICENSE

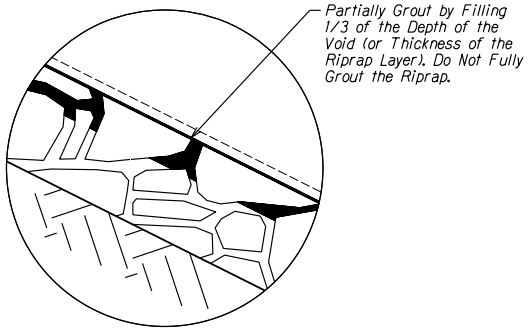
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

WAILUA RIVER RIPRAP - SECTIONS F & G

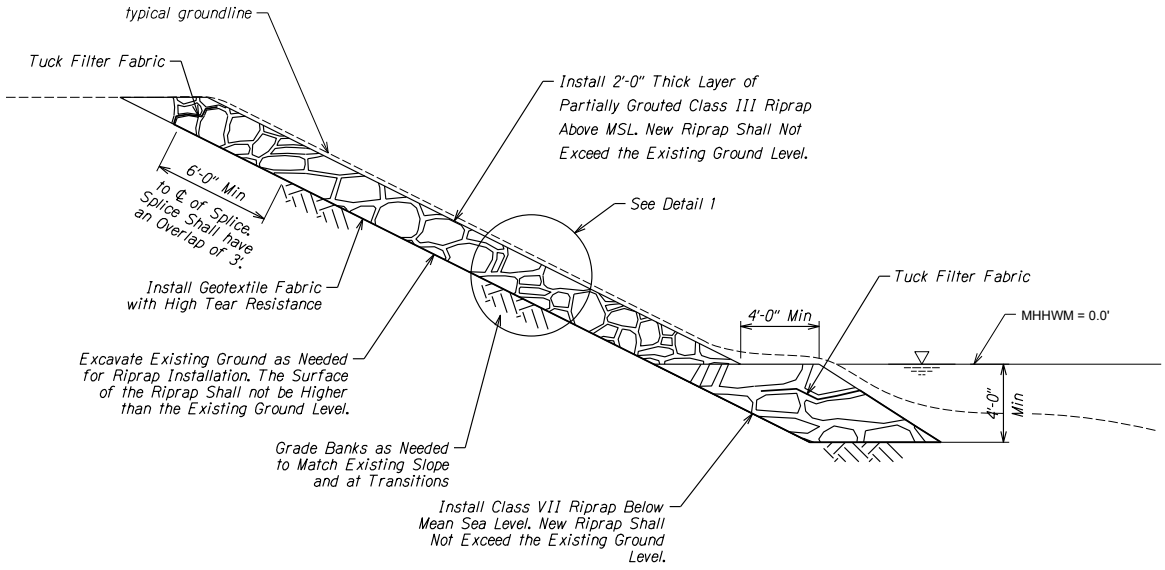
KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)
Scale: As Noted Date: Dec. 2020

SHEET No. H-10 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	34	109



DETAIL 1



TYPICAL RIPRAP DETAILS

ORIGINAL PLAN
SURVEY PLOTTED BY
DRAWN BY
TRACED BY
DESIGNED BY
QUANTITIES BY
CHECKED BY
DATE
NO. DATE

JAMES I. KINCAID
LICENSED PROFESSIONAL ENGINEER
No. 12562-CE
HAWAII, U.S.A.

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SIGNATURE
EXPIRATION DATE OF THE LICENSE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

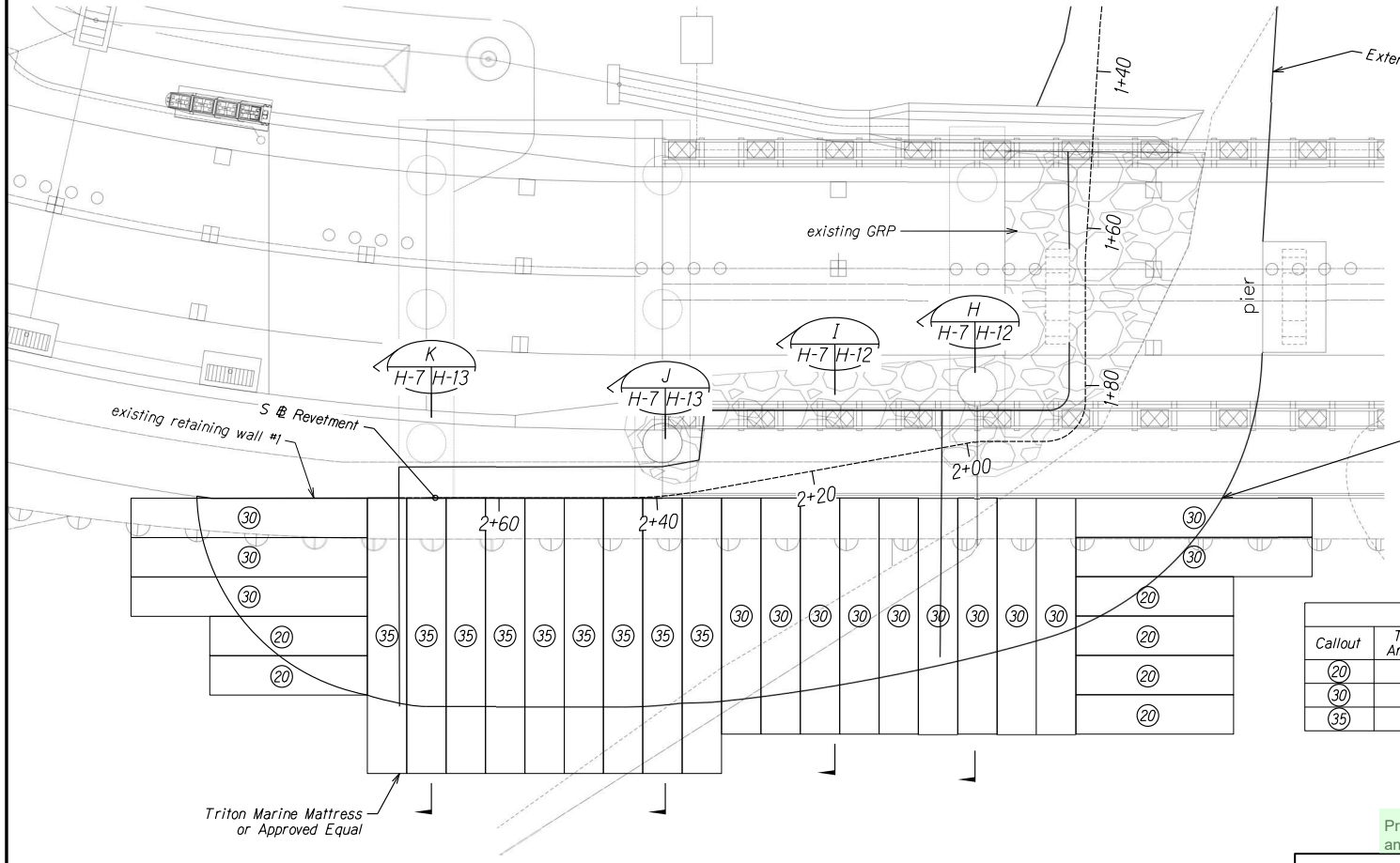
TYPICAL RIPRAP DETAILS

KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)

Scale: As Noted Date: Dec. 2020

SHEET No. H-11 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	30	109



Triton Marine Mattresses				
Callout	Total Amount	Length (ft)	Width (ft)	Depth (ft)
(20)	6	20	5	1
(30)	14	30	5	1
(35)	9	35	5	1

TRITON MATTRESS LAYOUT

Scale: 1" = 7'-0"

Proposed new - triton mattress beneath riprap and grouted riprap

ORIGINAL PLAN
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DESIGNED BY
NDPB BOOK
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CHECKED BY
DATE
No.

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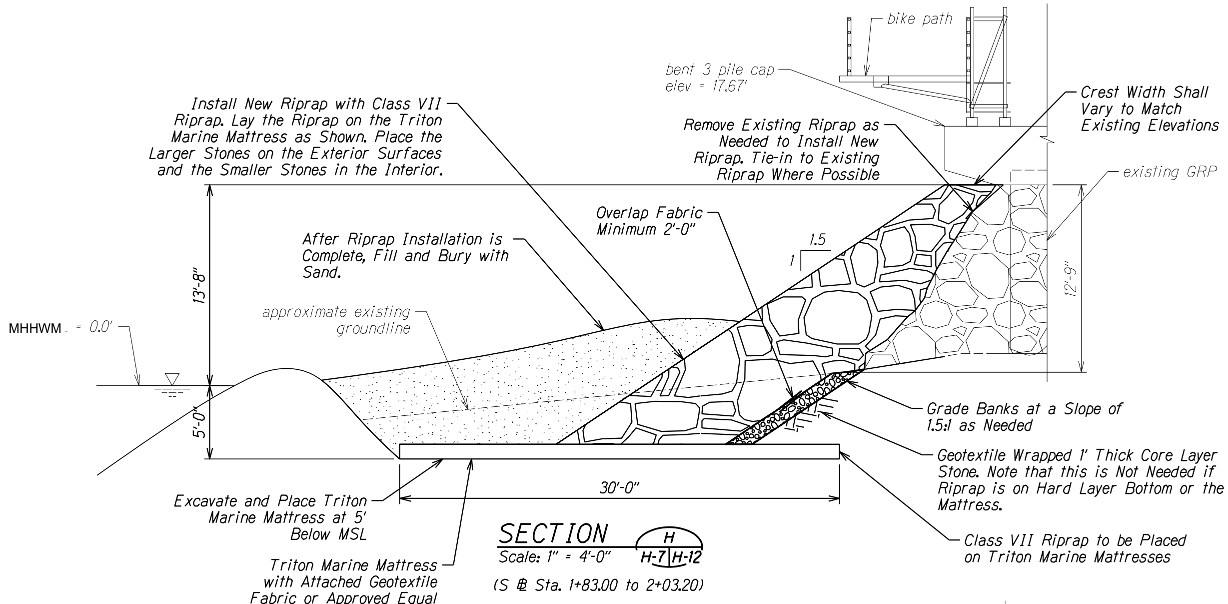
TRITON MATTRESS LAYOUT

KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)

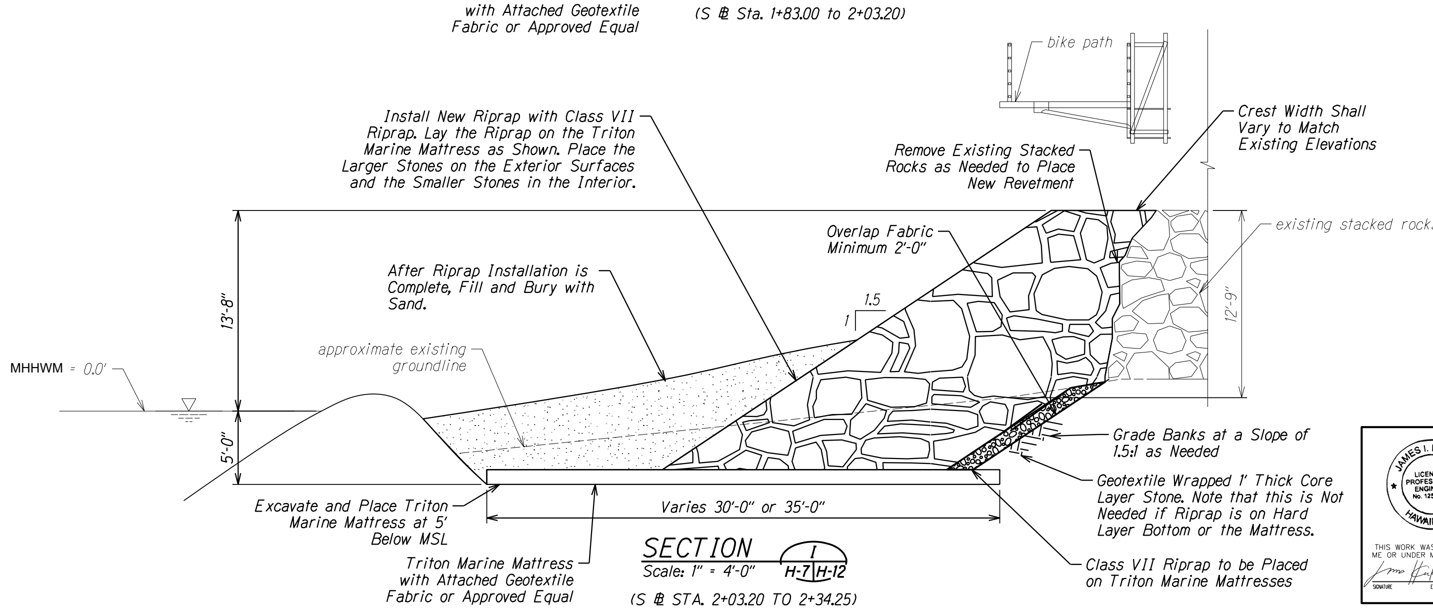
Scale: As Noted Date: Dec. 2020

SHEET No. H-7 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	35	109



SECTION H (H-7 | H-12)
Scale: 1" = 4'-0"
(S ℄ Sta. 1+83.00 to 2+03.20)



SECTION I (H-7 | H-12)
Scale: 1" = 4'-0"
(S ℄ STA. 2+03.20 TO 2+34.25)

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DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

WAILUA RIVER RIPRAP -
CROSS SECTIONS H & I

KUHIO HIGHWAY

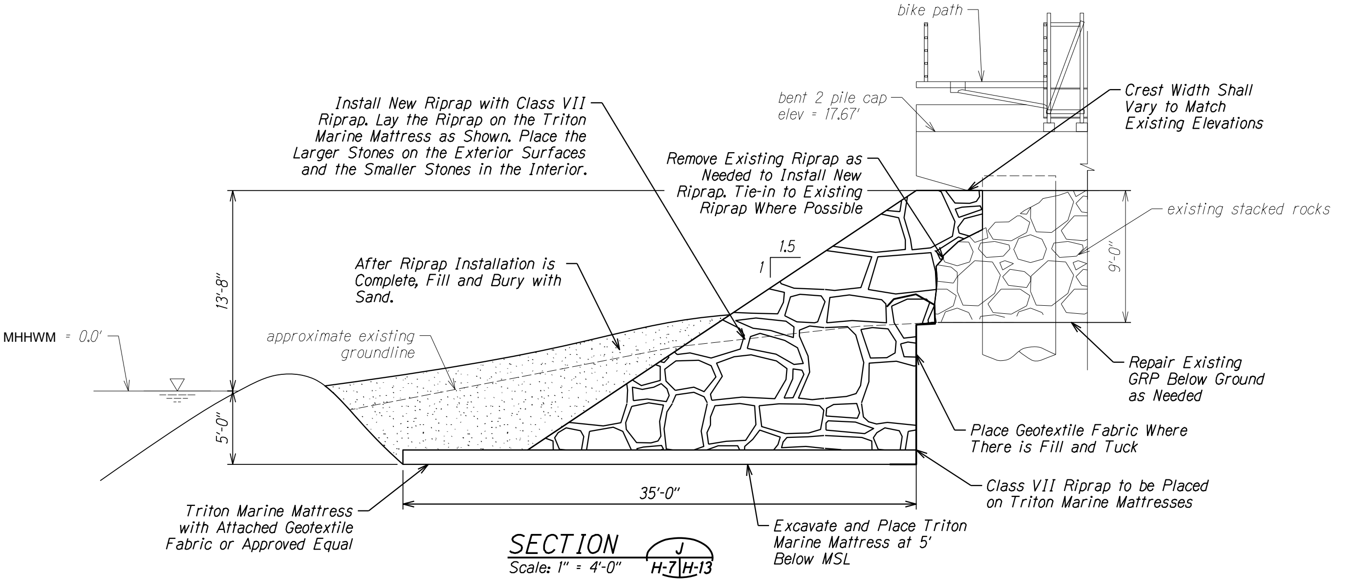
Repairs to Wailua River Bridge

Fed. Aid Project No. ER-23(001)

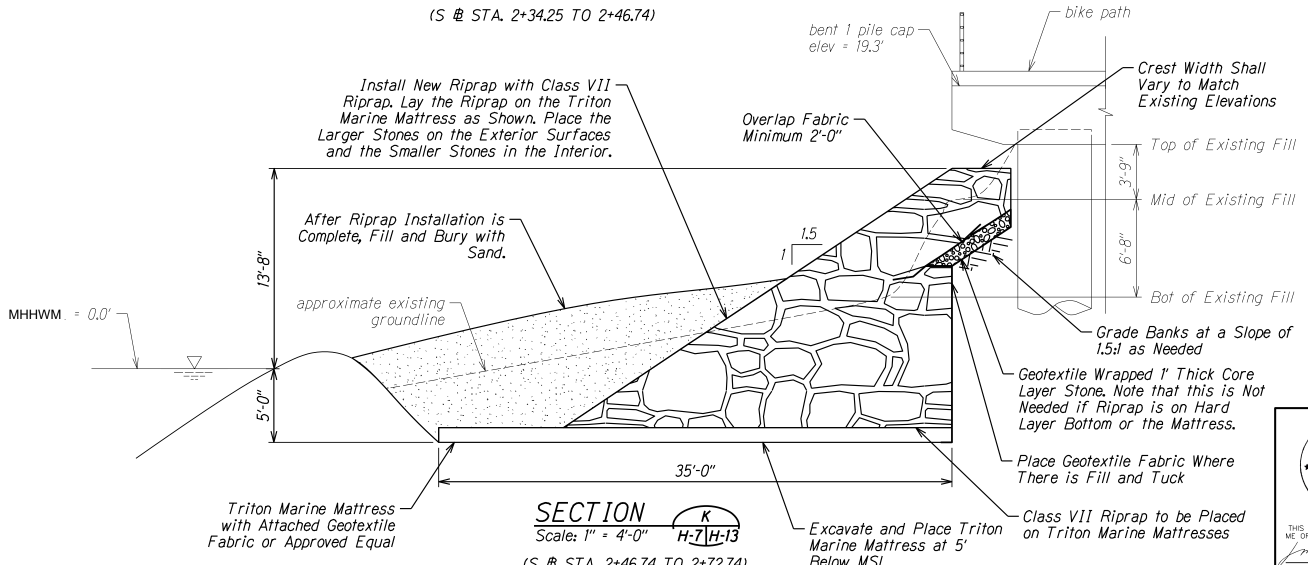
Scale: As Noted   Date: Dec. 2020

SHEET No. H-12 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	36	109



SECTION J (H-7 | H-13)
Scale: 1" = 4'-0"
(S ℄ STA. 2+34.25 TO 2+46.74)



SECTION K (H-7 | H-13)
Scale: 1" = 4'-0"
(S ℄ STA. 2+46.74 TO 2+72.74)

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WAILUA RIVER RIPRAP - CROSS SECTIONS J & K

KUHIO HIGHWAY

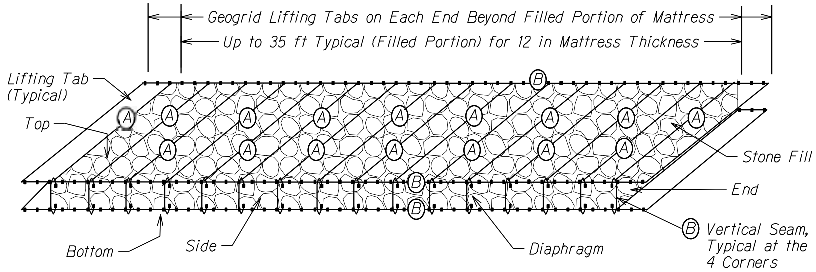
Repairs to Wailua River Bridge

Fed. Aid Project No. ER-23(001)

Scale: As Noted Date: Dec. 2020

SHEET No. H-13 OF 15 SHEETS

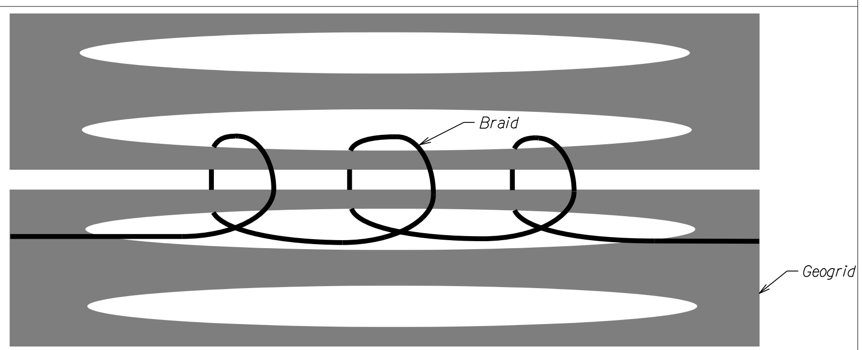
FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(001)	2021	37	109



TYPICAL CONFIGURATION OF FILLED MATTRESS UNITS

Notes:

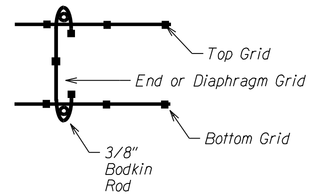
-Ends, top, bottom, sides, and any extra length used for lifting or anchoring purposes shall be composed of Tensar UXTriton200 Geogrid.
-Internal diaphragms shall be composed of Tensar UXTriton100 Geogrid.
-Nominal width of units: 5 ft (filled), 4.4 ft (unfilled).
-Nominal thickness (filled): 12 inches.
-Plastic cable ties may be used to secure bodkin connectors in position prior to tensioning or filling of mattress units.



TYPICAL LOCK-STITCH BRAIDING CONFIGURATION FOR MATTRESS FABRICATION

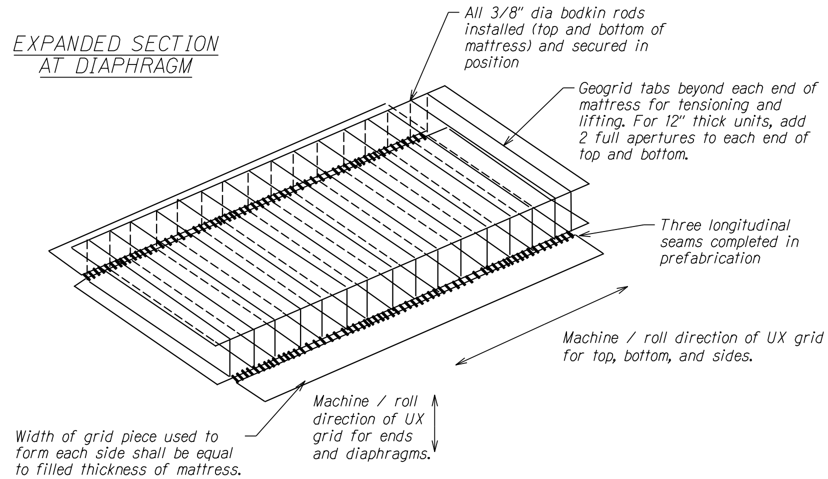
Notes:

-All cut ends of braid material shall be knotted within 1/2" to 2" of the end to prevent raveling of braid.
-At all ends of all braided seams the braid shall be securely knotted to the geogrid.
-At all ends of all pieces of braid material used, the braid shall be knotted to splice it to the next piece of braid, or to secure it to the geogrid. Each braided seam shall be continuous, with securely knotted splices allowed. The braid shall be securely knotted to the geogrid at a spacing not to exceed 3 ft along any seam.
-The braid shall be stitched through each pair of apertures along the seam at least once, and the minimum number of stitches per foot along the seam shall be six (6). The spacing of stitches along each seam shall be reasonably uniform.
-All knots shall be tied in a manner to prevent slipping and cinching.
-The wraps along the seam shall be sufficiently tight to close the gap between the adjacent pieces of geogrid,



EXPANDED SECTION AT DIAPHRAGM

See typical configuration of filled mattresses for additional dimensions and material types.



TYPICAL CONFIGURATION OF PREFABRICATED MATTRESSES

Note: Typical spacing of diaphragms is every three aperture lengths (± 19").
A shorter spacing may be used in order to match the required mattress length.
Length of end pieces and internal diaphragm pieces shall be 2 grid apertures long for 12" (filled) mattress thickness:.

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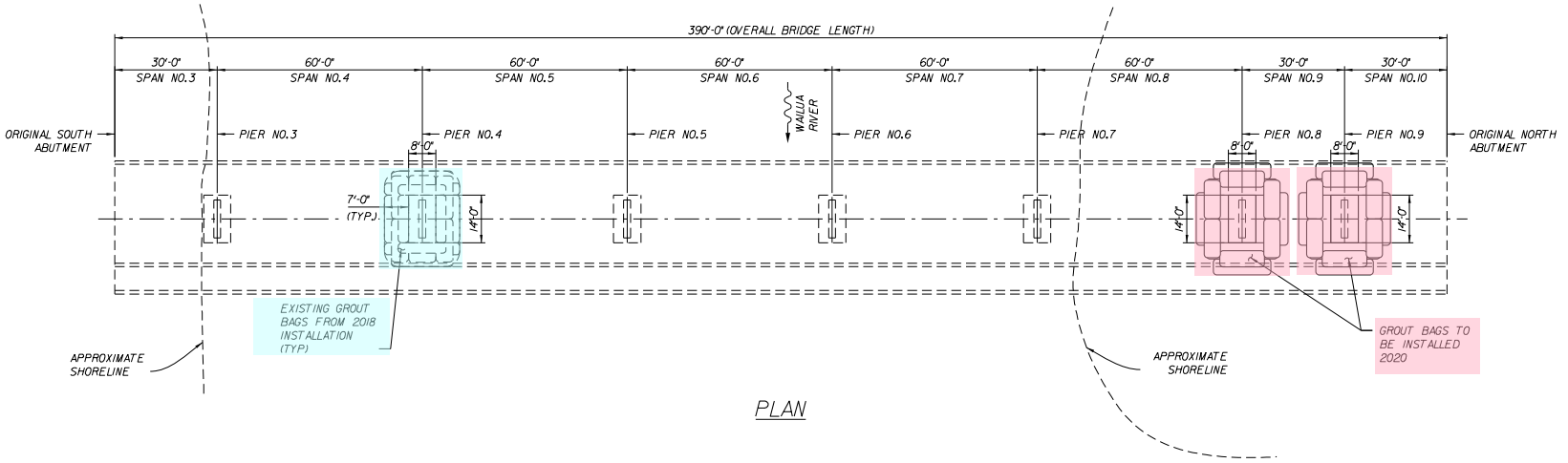
TRITON MARINE MATTRESS
TYPICAL DETAILS

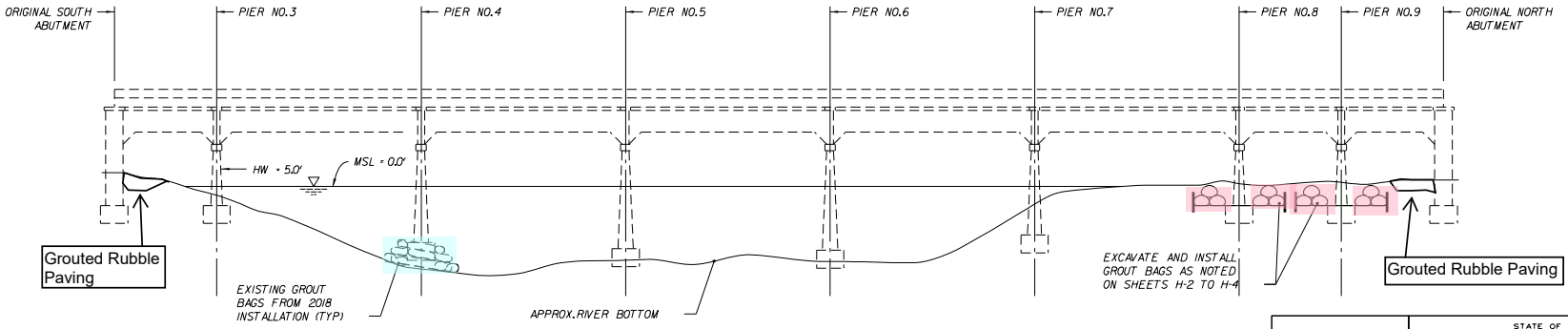
KUHIO HIGHWAY
Repairs to Wailua River Bridge
Fed. Aid Project No. ER-23(001)
Scale: As Noted Date: Dec. 2020

SHEET No. H-14 OF 15 SHEETS

FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit I	2020	9	xx



PLAN



ELEVATION

GENERAL NOTES:

1. FOR SIMPLIFICATION, ONLY THE ORIGINAL PLANTATION BRIDGE STRUCTURE IS SHOWN. THE ROAD WIDENING REPAIR AND ACROW BRIDGE REHAB IS NOT SHOWN. HOWEVER, THE PIER NUMBERING SYSTEM IS RELATED TO THE ACROW BRIDGE REHAB.
2. FOOTINGS ARE PILE SUPPORTED. FOR CLARITY, PILES ARE NOT SHOWN.
3. GROUT BAGS ARE TO BE PLACED ADJACENT TO AND SURROUNDING THE PIER FOOTINGS AS SHOWN ON SHEETS H-2 TO H-4.

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HIGHWAYS DIVISION

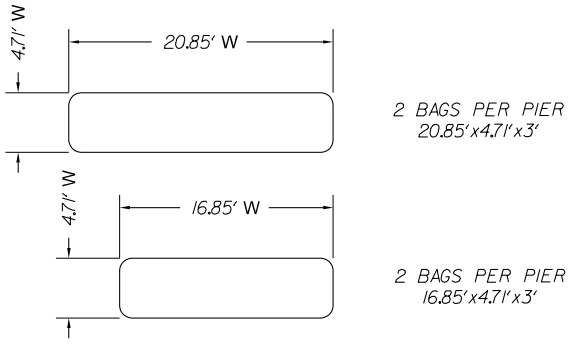
GROUT BAG INSTALLATION LOCATIONS

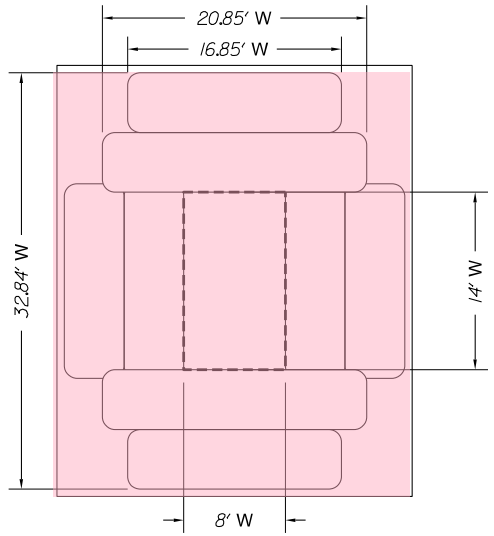
WAILUA RIVER
SCOUR REMEDIATION
Proj. No. ER-23(004), Unit I

Scale: None Date: MAY, 2020

SHEET No. H-1 OF SHEETS

FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit I	2020	10	XX





PLANTATION BRIDGE
PIER 8 & 9
LIFT I

New grout bags

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

GROUT BAG PLACEMENT - LIFT I

WAILUA RIVER
SCOUR REMEDIATION
Proj. No. ER-23(004), Unit I

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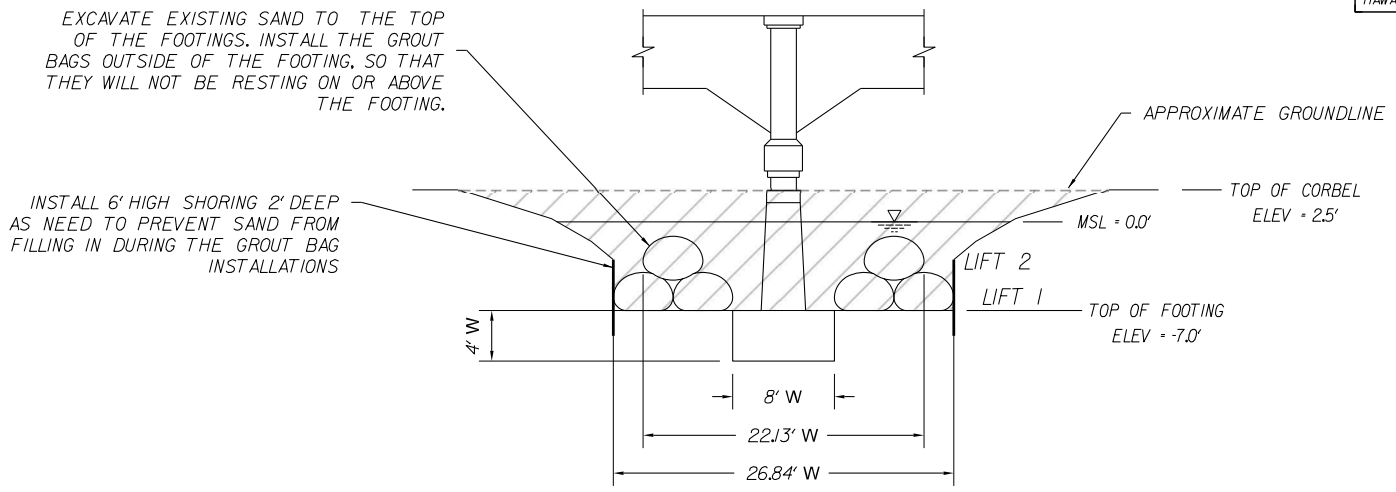
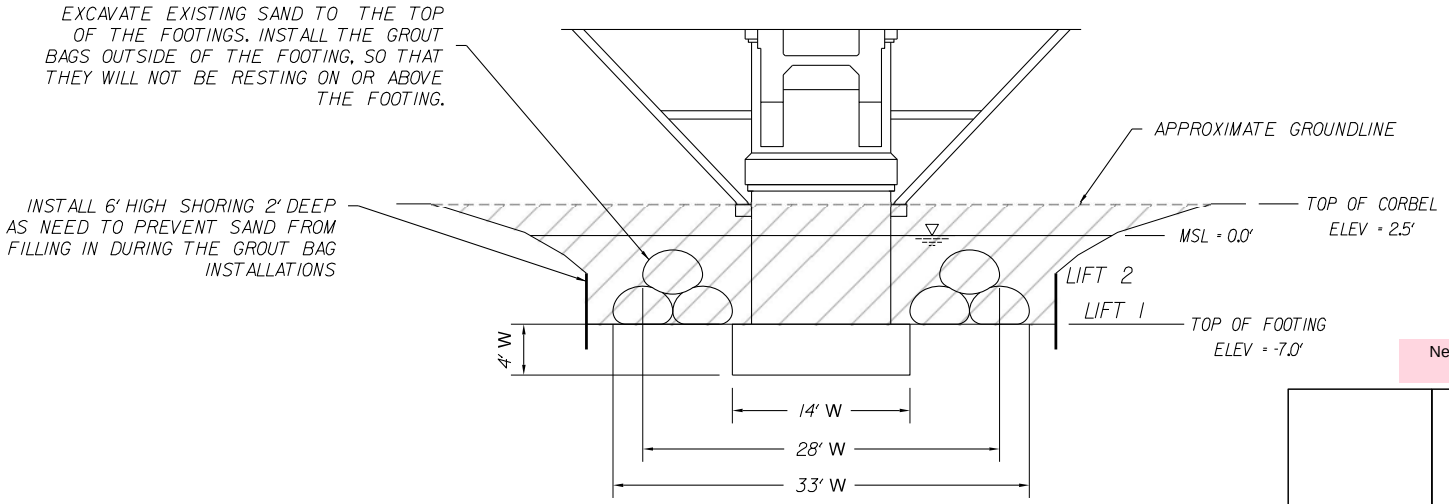
Scale: None Date: MAY, 2020

SHEET No. H-2 OF SHEETS

FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-23(004), Unit I	2020	12	XX



C-C



D-D

New grout bags

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

EXCAVATION & GROUT BAG PLACEMENT - SECTION VIEW

WAILUA RIVER
SCOUR REMEDIATION
Proj. No. ER-23(004), Unit I

Scale: None | Date: MAY, 2020

SHEET No. H-4 OF SHEETS

Nationwide Permit (3) Maintenance
(Effective Date: 3/19/2017 and Expiration Date: 3/18/2022)

a. The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

b. This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (*e.g.,* bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

c. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

d. This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

***Notification:* For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre- construction notification to the district engineer prior to commencing the activity (see General Condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.**

(Authorities: Sections 10 and 404)

***Note*: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.**

REGIONAL CONDITIONS:

The Honolulu District Regulatory Office has issued the following Regional Conditions as a means to ensure that activities authorized by NWP in the Honolulu District cause no more than minimal adverse environmental effects, individually and cumulatively. The additional restrictions or requirements imposed by the Regional Conditions avoid and/or minimize adverse impacts to resources of concern in the Honolulu District's area of responsibility. Before the Honolulu District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

APPLICABILITY: The Honolulu District's Area of Responsibility (AOR) consists of the State of Hawaii, including the Northwestern Hawaiian Islands, the territories of American Samoa and Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and the following U.S. Minor Outlying Islands: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Island.

CORAL REEF ADVISORY: Coral reefs (as defined at 40 CFR 230.44) are special aquatic sites with complex ecosystems that provide ecologically valuable functions and services. Coral reefs are recognized as a difficult-to-replace resource. Proposed impacts to all aquatic resources, including coral reefs, must first demonstrate avoidance and minimization to the greatest extent practicable before being considered for U.S. Army Corps of Engineers (Corps) authorization. Be advised that compensatory mitigation may be required to ensure no more than minimal impact.

RESTRICTIONS:

Regional Condition 1 – Revoked Permits
The following NWPs are revoked within the Honolulu District's AOR:
- NWP 21 - Surface Coal Mining Activities
- NWP 24 - Indian Tribe or State Administered Section 404 Programs NWP 34 – Cranberry Production Activities
- NWP 44 - Mining Activities
- NWP 49 - Coal Remining Activities
- NWP 50 - Underground Coal Mining Activities
- NWP 52 - Water-Based Renewable Energy Generation Pilot Projects

Regional Condition 2 – Limited Use Areas
When seeking Corps authorization, you must identify in your Pre-Construction Notification (PCN) if any of these resources occur within or in the vicinity of your project area.

- In Honolulu District AOR: National Wildlife Refuges, Hawaii Wildlife Sanctuaries, Hawaii Marine Life Conservation Districts, Guam Marine Preserve Areas and CNMI Marine Protected Areas
- In Hawaii: Anchialine Pools, Montane Bogs, Natural Freshwater and Saline Lakes
- In Guam: Aquatic areas containing Nipa palms (*Nypa fruticans*)
- In Guam, CNMI and American Samoa: Mangroves, Saline Lakes, Sea/Freshwater Caves (Allogenic Streams, Cenotes, Phreatic Zones, Sinkholes, Stream Caves, and Vadose Shafts)

Regional Condition 3 – Acreage Limitation
The maximum acreage of permanent loss to wetlands and other special aquatic sites for a single project may not exceed 0.10-acre resulting from any discharge of dredged or fill material.

Regional Condition 4 – Stream Channelization and Impoundment Restriction
NWPs may not be used to authorize permanent stream channelization or for the construction of dams that permanently impound wetlands, other special aquatic sites and other waters

CONDITIONS APPLICABLE TO ALL NWPS:

Regional Condition 5 – NWP Verification
A written NWP verification must be obtained from the Corps prior to conducting any activity authorized by NWP (excludes NWPs listed in Regional Condition 1).

Regional Condition 6 – Pre-Construction Notification (PCN)
To obtain a NWP verification, all prospective permittees must submit a written PCN to the Corps that meets NWP General Condition (GC) #32.

Regional Condition 7 – Additional PCN Information
1. For Federal permittees, your PCN must provide documentation demonstrating compliance with the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Management and Conservation Act. For non-Federal permittees, in addition to the requirements at GC #18, #20 and GC #32, your PCN must contain the following information to demonstrate your avoidance and minimization of adverse impacts to wetlands, other special aquatic sites and other waters, and if applicable, endangered species, essential fish habitat and historic properties, including cultural resources. The level of detail submitted in your PCN shall be commensurate with the anticipated degree of project-related impacts.
   a. For activities where federally-listed or proposed threatened and endangered species or critical habitat, are known or likely to occur within the project area, the PCN must contain the following information:
      i. A list of species, both listed and proposed for listing, and critical habitat, known to occur within and in the near vicinity of the project impact area. Information on the location of threatened and endangered species and their critical habitat and potential project-related impacts to these resources can be obtained directly from the Pacific Islands U.S. Fish & Wildlife Service Office and National Marine Fisheries Service Pacific Islands Regional Office.
      ii. Best Management Practices (BMPs) proposed to be implemented throughout the duration of construction to avoid and/or minimize adverse impacts to threatened and endangered species.
   b. For activities occurring in tidally-influenced nearshore and marine environments, the PCN must contain the following information:
      i. A list of Management Unit Species and associated Essential Fish Habitat (EFH) occurring within and in the near vicinity of the project impact area. Information on the location of EFH and potential project-related impacts to these resources can be obtained directly from your local National Marine Fisheries Service office.
      ii. A description of the existing environment within and in the near vicinity of the project impact area: characterization of the benthic substrate (seafloor or stream bed e.g., sand, cobbles, silt, etc.), water depth, distance from shore, tidal range (intertidal, subtidal, submerged), general characterization of water quality (temperature range, salinity, water circulation, turbidity).
      iii. Measures to avoid and/or minimize adverse impacts to EFH and proposed mitigation, if applicable.
   c. For activities that might have the potential to cause effect to historic properties, including cultural resources, listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties, the PCN must contain the following information:
      i. A description of any associated upland activities proposed under the same project.
      ii. A list of any known historic properties within the project area and in the near vicinity listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic places. Information on the location of historic properties including cultural resources and potential project-related impacts to these resources can be obtained directly from your local State Historic Preservation Officer.
      iii. A list of any Native Hawaiian Organizations, community members, or other parties you think may have an interest in providing comment on the impact the proposed activity may have on cultural resources. Any information you may have related to historic or current cultural use or importance at or near the project site.
      iv. Copies of any correspondence from the State Historic Preservation Officer, any NHO, or other party consulted with regarding the potential impacts of the proposed activity on historic properties, including cultural resources.
      v. A list of resources, (e.g. published documents, assessments, surveys, etc.) reviewed to provide response to items i-iii, above.
      vi. BMP measures proposed to be implemented throughout the duration of construction to avoid and/or minimize adverse impacts to historic properties, including cultural resources.
2. For non-Federal and Federal permittees, activities that would result in the permanent loss of wetlands, other special aquatic sites and other waters, you must provide a written discussion of the on-site design configurations that you considered to demonstrate avoidance and minimization of impacts was evaluated and that the proposed permanent loss is unavoidable. Submission of a plan-view sketch depicting the footprint of on-site design configurations overlaying such waters within the project area will assist in the Corps' review of your proposed activity.

Regional Condition 8 – Best Management Practices
To the extent applicable, the following standard BMPs must be implemented for all NWPs to avoid and/or minimize adverse impacts on environmental resources:
1. Pre-construction BMPs:
   a. Prior to commencement of the authorized work in wetlands, other special aquatic sites and other waters, you must clearly identify (demarcate) in the field the geographic limits of such waters (i.e., High Tide Line, Mean High Water Mark, Ordinary High Water Mark, approved wetland boundary) affected by the authorized work and as approved by the Corps and demarcated on your drawings. The delineation of these geographic bounds may be accomplished by staking, flagging, painting, silt fencing, signage, buoys, etc. and in all cases must be maintained and remain observable throughout the construction period. The permittee must also demarcate in the field the project limits of the Corps-authorized fill footprint to ensure that dredged or fill material is not discharged beyond the authorized limits. The permittee is prohibited from conducting any activity occurring in or affecting wetlands, other special aquatic sites and other waters that requires prior authorization from the Corps, outside of the permitted limits of disturbance (as shown on the permit drawings).
2. During Construction BMPs:

a. Turbidity and the suspension or re-suspension of sediment from project-related work must be minimized and contained to the immediate vicinity of the authorized activity through the appropriate use of effective containment devices or measures and based on project-specific conditions. Silt fences, silt curtains, or other diversion or containment devices must be installed to contain sediment and turbidity at the work site (a) parallel to, and along the toe of any fill or exposed soil which may introduce sediment to an adjacent aquatic site; and (b) adjacent to any fill placed or soil exposed within an aquatic site. All silt fences, curtains, and other devices must be installed according to the manufacturer's guidelines and properly maintained throughout the construction period and until the impact area is stabilized and/or elevated turbidity levels have returned to ambient levels.
b. All project-related materials (e.g., fill, rocks, landscaping, structures, etc.) and equipment (e.g., dredges, barges, backhoes, etc.) authorized to be used or placed in wetlands, other special aquatic sites and other waters, must be free of invasive plant and animal species.
c. Any temporary tethering, anchoring, mooring or similar in-water structural components must be placed in a manner to avoid direct physical impact to coral and seagrass beds during installation and throughout the duration of its use in wetlands, other special aquatic sites and other waters.
d. Any temporary in-water structures must be removed of, in their entirety, upon completion of the authorized work in or affecting wetlands, other special aquatic sites and other waters. The authorized work is not complete until these temporary structures are removed.
e. Unless specifically authorized, stockpiling of project-related materials (e.g., fill, dredged material, revetment rock, pipe, etc.) or unsuitable materials (e.g., trash, debris, car bodies, asphalt, etc.) in or in close proximity to wetlands, other special aquatic sites and other waters such that the stockpiled materials could be carried into such waters by wind, rain, or high surf is prohibited.
f. Upland containment areas sited in uplands near wetlands, other special aquatic sites and other waters for the purpose of stockpiling, dewatering, etc. must be bounded by impermeable material to prevent return flows of dewatered effluent into such waters. The runoff or overflow from a contained disposal area into such waters requires separate authorization.

3. Post-Construction BMPs:
a. Native plants appropriate for current site conditions must be used for re-vegetation for the purposes of restoring areas temporarily disturbed by the authorized work.

ACTIVITY-SPECIFIC REGIONAL CONDITIONS:

Regional Condition 9 – Bank Stabilization

1. For new bank stabilization projects in streams with vegetated slopes and/or natural bed and bank, vegetative and environmentally sensitive stabilization practices must be used whenever practicable. Documentation of consideration of environmentally sensitive bank stabilization practices must be included in the PCN to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable given site-specific circumstances. Environmentally sensitive stabilization techniques incorporate organic materials to produce functional structure, provide wildlife habitat, and/or provide areas for re- vegetation. Examples of environmentally sensitive bank stabilization practices include, but are not limited to, the use of the following: adequate sized armoring keyed into the toe of the slope with native plantings, or other suitable vegetation, on the banks above; vegetated geogrids; coconut fiber coir logs; live woody vegetated cuttings; fascines or stumps; brush layering; soil lifts. In situations where the use of these stabilization techniques are not practicable (due to high stream flow velocities, for example) stream bank armoring should be designed to incorporate environmentally friendly natural features, if possible. Examples include: vegetated gabions, vegetated gabion mattresses, live cribwalls and joint plantings.
2. For new shoreline stabilization projects, environmentally sensitive designs that provide wave dissipation, interstitial spaces for fish, crustacean and invertebrate habitat, and other environmental benefits must also be used whenever practicable. Documentation of consideration of environmentally sensitive shoreline stabilization practices must be included in the PCN to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable.

GENERAL CONDITIONS:

***Note*:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. *Navigation.*
(a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (*e.g.,* through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. *Migratory Bird Breeding Areas.* Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. *Shellfish Beds.* No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP

6. *Suitable Material.* No activity may use unsuitable material (*e.g.,* trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. *Water Supply Intakes.* No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. *Adverse Effects from Impoundments*. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. *Management of Water Flows.* To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g. stream restoration or relocation activities).

10. *Fills Within 100-Year Floodplains*. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. *Equipment*. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. *Soil Erosion and Sediment Controls*. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. *Removal of Temporary Fills*. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. *Proper Maintenance*. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. *Single and Complete Project*. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. *Wild and Scenic Rivers*.
    (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
    (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.
    (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/

17. *Tribal Rights*. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. *Endangered Species.*
    (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which ''may affect'' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.
    (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If preconstruction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
    (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity ''may affect'' or will have ''no effect'' to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have ''no effect'' on listed species or critical habitat, or until ESA section 7

consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the ''take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (*e.g.,* an ESA Section 10 Permit, a Biological Opinion with ''incidental take'' provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word ''harm'' in the definition of ''take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide Web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. *Migratory Birds and Bald and Golden Eagles.* The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether ''incidental take'' permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. *Historic Properties.*

(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. *Discovery of Previously Unknown Remains and Artifacts*. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the

activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. *Designated Critical Resource Waters*. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
    (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
    (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. *Mitigation*. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:
    (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.,* on site).
    (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
    (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require preconstruction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require preconstruction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
    (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).
    (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (*e.g.,* conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (*e.g.,* riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.
    (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
        (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.
        (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).
        (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.
        (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).
        (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
        (6) Compensatory mitigation requirements (*e.g.,* resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).
    (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.
    (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the

framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. *Safety of Impoundment Structures.* To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. *Water Quality.* Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. *Coastal Zone Management.* In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. *Regional and Case-By-Case Conditions.* The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. *Transfer of Nationwide Permit Verifications.* If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

_____

(Transferee)

_____

(Date)

30. *Compliance Certification*. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. *Activities Affecting Structures or Works Built by the United States*. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ''USACE project''), the prospective permittee must submit a preconstruction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. *Pre-Construction Notification.*

(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or

division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is ''no effect'' on listed species or ''no potential to cause effects'' on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:
  (1) Name, address and telephone numbers of the prospective permittee;
  (2) Location of the proposed activity;
  (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
  (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (*e.g.,* a conceptual plan), but do not need to be detailed engineering plans);
  (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has Corps, as appropriate;
  (6) If the proposed activity will result in the loss of greater than 1⁄10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
  (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
  (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;
  (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the ''study river'' (see general condition 16); and
  (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:*
  (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.
  (2) Agency coordination is required for:
    (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1⁄2-acre of waters of the United States;
    (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed;
    (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and

(iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (*e.g.,* via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the reconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (*i.e.,* NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.
2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (*e.g.,* partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (*e.g.,* watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.
3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (*e.g.,* streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.
4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either:
   (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;
   (b) That the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or
   (c) That the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day

PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

DEFINITIONS:

Definitions of terms used throughout the Regional Conditions and General Conditions can be provided upon request via a separate document.

Blanket Water Quality 0901.FNL.20 General Conditions

The applicant of the activity/discharge shall be responsible for complying with the Following requirements:

a. Report any non-compliance with the conditions of this Blanket Certification to the USACE POH. Do not report or submit compliance related information to DOH. This Blanket Certification is a condition of the USACE POH permit.

b. Maintain records at the project site or in the nearby field office demonstrating that all Blanket Certification requirements have been fully complied with.

c. 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.

d. 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).

e. Ensure that the activities will not, after the completion of the activity, interfere or become injurious to any designated uses and/or existing uses of the receiving State water. Any such post-activity adverse impacts to the designated uses and/or existing uses of the receiving State water is a violation of HAR Chapter 11-54.

f. Ensure that pollution control measures and BMPs are utilized that prevent water pollutants from leaving the in-water work area authorized by the USACE POH permit. Any visual plume emanating from the authorized in-water work area is a violation of HAR Chapter 11-54.

g. Ensure that all construction debris from any portion of the activities (including but not limited to debris caused by hydraulic saws, waters jets, or drilling equipment) are contained and prevented from entering or re-entering State waters. All construction debris and sidecast material 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 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.

h. Only utilize BMPs that are inert and not sources of pollution themselves. Examples of inappropriate in-water porous material BMPs include but are not limited to: compost biosocks since they are a source of nutrients; and a soil berm since the soil particles will erode.

i. Collect activity/discharge related water pollutants utilizing appropriate catchment/detention devices (e.g. construction debris; airborne particulates; dust; concrete slurry; concrete chips; concrete surface preparation washing effluent; excess water and overflow from boring related activity, horizontal directional drilling slurry; etc.) from localized work areas and minimize or prevent the release of these water pollutants into State waters, including the in-water work area.

j. Utilize BMPs for all upland project activity to minimize the discharge of water pollutants into State waters, including the designated in-water work area.

k. Comply with the USACE POH Regional Conditions. Regional Condition 8 contains requirements for pre, during, and post construction BMPs.

l. For a stream, ditch, or gulch: Allow unimpeded flow around the in-water work area to allow for aquatic animal migration and/or to prevent work site and downstream flooding situations. The unimpeded flow shall be equivalent to a 2-year, 24-hour duration storm event and/or the existing flow capacity of the stream, ditch, or gulch. Pumped diversions may be utilized if the stream, ditch, or gulch is dry or there is only standing/ponded water without the existence of living aquatic animals.

m. There shall be no discharge of any type of wash water and/or effluent into State waters without first obtaining from DOH a National Pollutant Discharge Eliminations System (NPDES) permit authorizing such type of water pollutant discharge to State waters.

n. Not allow any concrete truck wash water to be disposed by percolation into the ground.

o. Ensure that all areas temporarily impacted, either directly or indirectly, by the project construction activities are fully restored to its pre-construction conditions. For example: Incidental construction debris is cleaned up prior to removal of BMPs; remove all scientific measurement devices and any other structures or fills associated with installation and use of these devices (e.g., foundations, anchors, buoys, lines, etc.) when no longer in use; etc.

US Army Corps of Engineers
Honolulu District
BUILDING STRONG®

DEPARTMENT OF THE ARMY PERMIT

COMPLIANCE CERTIFICATION

File Number: POH-2018-00247
Project Title: HDOT-Highways Wailua River Bridges Emergency Flood Repairs, Wailua, Kauai, HI

PERMIT TYPE: Nationwide Permit #3, (Maintenance)

NAME OF PERMITTEE: Mr. Sergio George Abcede, State of Hawaii Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813-5097

DATE OF ISSUANCE: February 04, 2021

DATE OF EXPIRATION: March 19, 2022

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 thirty (30) days of completion of work:

U.S. Army Corps of Engineers, Honolulu District
Regulatory Office
Building 230, CEPOH-RO
Fort Shafter, HI 96858-5440
Email: 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

ENCLOSURE 4