

State of Hawaii
Department of Transportation
Highways Division

**DOCUMENTATION FOR CATEGORICAL EXCLUSIONS
LISTED UNDER 23 CFR §771.117(d)**

Project Title: Castle Hills Access Road Drainage Improvements
Project No.: HWY-O-04-98

1) DESCRIPTION

Attach project location map and other appropriate graphics.

<i>Estimated Project Cost</i> ROW: \$8,165,600 CON: \$3,348,550		<i>Project Length</i> .0284 mi (.0457km)	<i>Number of Lanes</i> 2 Existing 2 Proposed
<i>Design Speed</i> 25 mph Existing 25 mph Proposed		<i>Functional Classification – 1 = Principal Arterial, 2 = Minor Arterial, 3 = Major Collector, 4 = Minor Collector, 5 = Local Road</i> 4 Existing 4 Proposed	<i>Proposed Typical Section</i> X Rural Urban
<i>Bridge</i> Yes No (Name of bridge)		<i>Bridge Sufficiency Rating</i> NA	<i>Bridge ID</i> NA

Project Description:

The State of Hawaii, Department of Transportation (HDOT), Highways Division (HWY) is proposing to demolish and remove ten (10) residential structures in Kaneohe, Oahu, Hawaii. HDOT is also proposing to demolish the existing concrete rubble masonry (CRM) outlet structure and replace it with a new reinforced concrete drop structure to reduce the flow velocity and dissipate energy. Gabion apron and walls will also be installed to provide erosion control and stream bank stabilization. See Attachment A.

Phase 1 of the project is anticipated to start construction in December 2010 and be completed in July 2011.
Phase 2 of the project is anticipated to start construction in August 2011 and be completed in October 2012.

The project will be federally and stated funded.

2) ISSUES

Any response in a shaded box requires items 3 - 6 to be completed. Otherwise, skip to item 7.

	YES	NO
SOCIAL-ECONOMIC FACTORS		
A. General Economics - Adverse effects on the general economics of the community.		X
B. Community & Residential - Changes in the access controls along the length of the project.		X
C. Industrial & Commercial - Changes in the access controls along the length of the project.		X
D. Prime, Unique, Statewide, Local Important Farmland - Land on the Agricultural Lands of Importance for Hawaii Classification (ALISH) will be acquired.		X

E. Land Use/Urban Policy

- ***Consistent*** with the local transportation improvement plans, land use plans and urban policy.

X

	YES	NO
F. Right-of-Way <ul style="list-style-type: none"> - Right of way that may be acquired by fee simple purchase, permanent or temporary easement, right of entry, gift, or other device are <i>within</i> the following limits: <ol style="list-style-type: none"> 1. <u>Resurfacing, Reconditioning, Restoration, Rehabilitation Projects.</u> <ol style="list-style-type: none"> a. Permanent – Less than one acre for any one mile (0.25 ha for any 1 km) b. Temporary – Less than 2 acres for any one mile (0.5 ha for any 1 km) 2. <u>Bridge Rehabilitation (including full deck replacement) or Minor Replacement</u> Less than one half acre (0.2 ha) per bridge 	X	
<ul style="list-style-type: none"> - <u>Displacements</u> Residential, commercial, or industrial displacements. Vacant buildings which are not significant cultural resources may be acquired 		
G. Environmental Justice <ul style="list-style-type: none"> - Neither minority nor low-income populations <i>will receive</i> disproportionately high or adverse impacts as a result of the proposed project. 	X	
NATURAL & PHYSICAL ENVIRONMENTAL FACTORS		
H. Wetlands <ul style="list-style-type: none"> - A Section 404 permit is required. 		
I. Flood Plains <ul style="list-style-type: none"> - Encroachment into a floodplain. 		
J. Streams, Rivers, Shoreline Encroachments <ul style="list-style-type: none"> - A Section 404 permit is required. - <i>Contradictory</i> with the goals of the Coastal Zone Management Plan. - Use of lands, waters, or rivers designated as Wild/Scenic Rivers by the U.S. Government. (<i>DOI National Park Service and/or US Fish & Wildlife Service</i>) - Permit required from the United States Coast Guard & Department of Accounting and General Services (DAGS). <p>The project is consistent with the Coastal Zone Management Plan.</p> <p>The project does not use lands, waters or rivers designated as Wild/Scenic Rivers by the U.S. Government. A permit is not required from the U.S. Coast Guard and the Department of Accounting and General Services (DAGS).</p>		
K. Rare, Threatened & Endangered Species <ul style="list-style-type: none"> - Adverse effects on rare, threatened, and endangered species or their habitat. 		X
L. Section 106, Historical & Cultural <ul style="list-style-type: none"> - Adverse effects to a significant cultural and/or historical resource. (<i>Cultural and historical resources are significant only if they are on or eligible for the National Register of Historic Places.</i>) 		X
M. Section 4(f) or 6(f) Properties <ul style="list-style-type: none"> - Acquisition of lands under the protection of Section 6(f) of the Land And Water Conservation Act 1965. - Use of lands or other properties under the purview of Section 4(f) unless a Programmatic Section 4(f) approval has been made by the FHWA. 		X

		NO
N. Air Quality - Anticipate Carbon Monoxide levels that exceed 90% of the Federal standards of 9 ppm in 8 hours. - Mobile Source Air Toxics (MSATs). Projects on 23 CFR 771.117(c) list or exempt under Clean Air Act conformity rule 40 CFR 93.126, need only to document this fact. If the project is not listed in the 23 CFR 771.117(c) or 40 CFR 93.126, does the project result in increase in traffic volumes, changes in vehicle mix, modifies the location of the existing facility, or any other factor that would cause a meaningful increase in emissions impacts relative to the no-build alternative? If no, this effort is exempt from analysis for MSATs. Complete and attach MSAT FORM 1 as documentation.		X
O. Noise Quality - A noise analysis is required per 23 CFR § 772.5.		X
P. Hazardous Waste - Properties with hazardous waste will be acquired. A hazardous material survey was conducted in 2007 for the ten (10) properties that are proposed to be demolished. The survey found lead-based paint, asbestos and arsenic containing material at the three (3) homes along Pilina Way.		
Q. Visual and Aesthetic - Adverse effect to viewshed.		X
Recommendations:		

3) **PURPOSE AND NEED**

Purpose and need of proposed action. Include description of existing facilities, abutting facilities, and how the action links into the overall transportation system. **When appropriate**, show that this project does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

See Attachment A

4) **ALTERNATIVES**

Summary of the alternatives considered and if they are not proposed for adoption, why not. (Identify which, if any, of the alternatives is the preferred alternative.)

See Attachment B

5) **PUBLIC INVOLVEMENT**

Briefly summarize the status and result of public involvement. Include the dates and results of coordination with local units of government, if any.

A Final Environmental Assessment and Finding of No Significant Impact was issued for the project in May of 2006. In addition to this publically circulated document and review process, the State of Hawaii Department of Transportation held public informational meetings during the property acquisition and design process which informed the public and interested parties of the proposed improvements.

Subsequent meetings with the affected parties were held until mutually agreeable terms were negotiated prior to the acquisition process.

u) **IMPACTS**

Provide a description of the impacts. Also attach coordination and concurrence letters requested (See Instructions for Categorical Exclusions.) If the coordination letters are not attached, provide information on what coordination has taken place.

See Attachment C

7) **DETERMINATION**

X **Categorical Exclusion**

It is determined, after review of this document, and coordination with other agencies, that this project was demonstrated that no significant environmental effects will result.

 Environmental Assessment (EA) / Environmental Impact Statement (EIS)

It is determined, after review of this document, and coordination with other agencies, that further study is required to determine if there will be significant environmental consequences. An Environmental Assessment is required.

SIGNATURES

Prepared By:

Date

Project Engineer/Manager
Hawaii Department of Transportation

Approved By:

Date

Administrator, Highway Division
Hawaii Department of Transportation

Date

Federal Highway Administration
Transportation Engineer

ATTACHMENT A

PROJECT DESCRIPTION, PURPOSE AND NEED

Project Description, Purpose and Need for Project

In January 1996, a period of heavy rainfall caused a portion of Kapunahala Stream near the project site to experience severe erosion. Since that time, the area has undergone settlement and erosion resulting in the loss of private property and the potential to cause severe damage to homes and the roadways located adjacent to the stream. One home was deemed unsafe and was acquired by the State of Hawaii in March 2000.

A number of engineering solutions have been considered to remedy the ongoing settlement and erosion problem. An initial design alternative proposed to channelize the entire length of the stream from the 20-foot wide by 10-foot high concrete box culvert beneath Po'okela Street to an existing 6-foot wide by 4-foot high concrete box culvert located approximately 350 feet downstream. A second design alternative included the construction of a stormwater detention basin to be located mauka (west) of Po'okela Street. These alternatives were developed to allow the remaining residences to stay in their current location. Both alternatives were subsequently rejected because the existing soil conditions make construction of retaining walls along the stream banks very difficult and potentially dangerous to the existing residences during the construction period. Other considerations include the high cost and difficulty in obtaining timely approval of the required stream permits.

Between August 2006 and February 2007, the State of Hawaii acquired seven (7) properties along Kupohu Street within the Castle Hills subdivision and three (3) properties along Pilina Way within the Kahelelani subdivision. These properties were acquired to ensure the safety of the residents as well as allow for the construction of the proposed drainage improvements.

The project proposes to demolish and remove of the ten (10) residential structures. The project also proposes to demolish the existing concrete rubble masonry (CRM) outlet structure located at the outlet of the 20-foot wide by 10-foot high concrete box culvert. The CRM outlet structure will be replaced with a reinforced concrete drop structure. The new drop structure will consist of retaining walls and an invert slab to reduce the flow velocity and dissipate the energy. Gabion apron and gabion walls will also be installed downstream of the drop structure to provide erosion control and stream bank stabilization.

Due to budget constraints, the project will be separated into two (2) phases. Phase 1 of the project includes the demolition of the ten (1) residential structures and the construction of a gabion wall located along a portion of the south stream bank of Kapunahala Stream. Phase 1 also consists of grading, grassing, and the construction of a perimeter fence. Phase 1 is anticipated to start construction in December 2010 and be completed in July 2011.

Phase 2 of the project consists of the demolition of the existing CRM outlet structure and the construction of a new reinforced concrete drop structure. A gabion apron will be constructed downstream of the drop structure. In addition, a gabion wall will be constructed along a portion of the north stream bank of Kapunahala Stream immediately downstream of the drop structure. Phase 2 is anticipated to start construction in August 2011 and be completed in October 2012.

The project will be federally and stated funded.

ATTACHMENT B

ALTERNATIVES

Alternatives

The project was preceded by the acquisition of a total of ten (10) private properties located within the Castle Hills (7 properties) and Kahalelani (3 properties) subdivisions. The action under consideration consists of the construction of drainage improvements, including stream bank stabilization, along a portion of Kapunahala Stream in the vicinity of Pookela Street, Kupohu Street and Pilina Place in Kaneohe, Oahu, Hawaii. Two major alternatives were considered for the drainage improvement project. The first consisted of stream bank stabilization measures developed in conjunction with a detention basin. The second alternative under consideration consisted of improvements to the drainage culvert below Pookela Street which will stabilize erosion and settling at this outfall and will allow the stream to run naturally along the vacated properties.

Stream Bank Stabilization Measures:

The proposed stream bank stabilization measures include reinforced concrete retaining walls along both stream banks. Gabion retaining walls were selected as the most environmentally compatible and cost effective alternative.

Concrete rubble masonry (CRM) retaining walls were also considered to stabilize the stream banks. Due to the soft underlying soil conditions, the CRM walls are anticipated to settle under it's own weight. Cracks will then develop in the CRM walls. This alternative is anticipated to require frequent maintenance and repair.

Detention Basin:

A detention basin was considered to be located within properties having a tax map key number 4-5-024: 2, 3 and 4 and 4-5-108: 71, 72, 73 and 74. The detention basin would reduce the 100-year peak stormwater runoff rate flowing into the downstream drainage system by approximately 40 cubic feet per second. The detention basin would also reduce the flow velocities, minimize erosion along this reach of Kapunahala Stream and provide for stormwater quality improvements. The design of this improvement is based on 100-year peak storm events as is standard for calculating storm runoff from areas greater than 100 acres.

Reinforced concrete retaining walls and grading were also considered for the detention basin to maximize the storage volume for stormwater runoff.

Construction activities include but are not limited to the demolition and removal of ten (10) residential dwellings owned by the State, installation of best management practices (BMP), clearing and grubbing, excavation, grading, installation of permanent erosion control measures (such as turf reinforcement matting, grouted rubble paving, dumped riprap lining and/or grassing), construction of a reinforced concrete retaining walls and maintenance access road, and the installation of a chain link fence along the perimeter of the project.

The proposed action will have minimal impact to the existing wetlands as all gabion retaining walls and other drainage improvements will be constructed outside of the wetland boundary. The proposed improvements will be designed to limit improvements in the wetland area to less than 25 cubic yards of fill material to eliminate the need for a Department of the Army Section 404 Individual Permit.

The cost of this alternative is approximately \$12 million for design and construction.

Selected Alternative of Drainage Improvements at Outlet of Existing 20-foot by 10-foot Concrete Box Culvert

The selected alternative will consist of the reconstruction of the existing outlet structure. This plan includes limited lengths of concrete retaining walls and an invert slab. A drop structure will be integrated into the new outlet to reduce the flow velocity and dissipate energy. The improvements will be designed to minimize fill material introduced in the wetlands to less than 25 cubic yards. This alternative will require a DA Nationwide Permit rather than a 404 Individual Permit. The remainder of the stream will be allowed to run in its natural state.

The cost for this alternative is approximately \$4 million budgeted for construction.

Additional Alternatives Considered

Two alternatives were considered for the proposed action however each was rejected in favor of the proposed plan. Non-action was not considered an alternative as this would result in the unacceptable risk to health, safety and property by allowing the hazardous settling and erosion conditions to continue.

Concrete-Lined Drainage Channel

This alternative would consist of the construction of a 24-foot wide concrete-lined channel that would start at the existing State owned 20-foot by 10-foot Pookela Street box culvert and would end at the existing City owned 6-foot by 4-foot culvert located near Pilina Place in the Kahelelani Subdivision. This alternative was not selected as the carrying capacity of the channel would exceed the capacity of the City owned culvert. The City is planning for future drainage improvements to accommodate the peak flow from its tributary drainage area. -The cost of this alternative is approximately \$12 million for improvements and \$8 million to acquire the adjacent properties.

Stream Bank Stabilization and Detention Basin

This alternative would consist of the same improvements described for the concrete-lined drainage channel and would include the construction of a detention basin mauka (west) of Pookela Street on State owned property. Under this plan, runoff waters would be retained upslope of the residential area and would be allowed to enter the drainage channel in a controlled manner. The area considered for the detention basin has a shallow water table that would require the construction of an earth berm to create adequate storage capacity. The use of the mauka lands for a detention basin would also result in the loss of wetlands to construct the berm and basin. Poor subsurface soils in the mauka area also caused concern that the underlying soils may not support the weight of the basin and berm and could cause settlement, cracking and possible failure of the berm. The cost of this alternative is approximately \$17 million for improvements and \$8 million to acquire the adjacent properties.

ATTACHMENT C

IMPACTS

DESCRIPTION OF ANTICIPATED IMPACTS AND MITIGATION

A. Environmental Setting

The project site is located within a single-family dwelling residential area. The project area consists of 11 former single-family dwellings that have been acquired to accommodate drainage improvements to the Kapunahala Stream which bisects the project area.

The residences are located on subdivided parcels varying from approximately 5,000 to 22,000 square feet. The dwellings are typically constructed of wood framing on concrete slab or post and pier foundations. Back yards adjacent to the stream are generally landscaped or left in a natural overgrowth state.

The stream enters the project area through a 20' x 10' concrete box culvert located beneath Pookela Street then flows into a concrete channel and a rip-rap section of hardened stream. The stream flows naturally until it reaches a headwall and 6' x 4' concrete culvert located at the end of Pilina Place. Approximately 350 linear feet of unimproved stream lies between the outlet and the 6' x 4' culvert.

B. Surrounding Uses

Surrounding uses are primarily detached single-family dwellings located on similarly sized parcels serviced by county standard streets and infrastructure. The area is commonly referred to as the Castle Hills subdivision. The Hawaii State Hospital, Windward Community College and the Kaneohe District Park are located to the north and west. Likelike Highway lies to the south and east of the project area.

Roadways serving the affected properties will remain in use and other adjacent properties will not be affected by the proposed action.

C. Environmental Considerations

1. Geological Characteristics

Topography

The natural grade of the project site is moderately sloping from Pookela Street (west) towards Pilina Place (east). Each of the affected properties also slopes towards the Kapunahala Stream. Most properties feature improved yards that naturally descend to the stream banks however the properties located along Pilina Way have CRM walls that drop down to the stream bank. The stream banks are naturally vegetated.

The waterway is consists of large and small boulders, silty flats and muddy eroded stream banks. Landscaping is found along portions of the stream banks while significant overgrowth lines the majority of the stream.

Climate

While Hawaii is generally characterized as being temperate, the geography of the Kaneohe District is notable for its temperate to wet climate. Rainfall in the project area is generally higher than other regions on Oahu. Prevailing trade winds flow from the northeasterly direction.

According to the Atlas of Hawaii, Third Edition, the project typically experiences 80 to 100 inches of rainfall annually. Average mean temperatures in district range from mean highs between 75 and 85 degrees to mean lows between 62 and 67 degrees Fahrenheit.

USDA Soil Survey Report

According Sheet Number 60 of the Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii by the US Department of Agriculture Soil Conservation Service, the project site is located on soils classified as HnB Hanalei silty clay, 2 to 6 percent slopes (Figure 8).

This soil type consists of poorly drained soils that were developed in alluvium derived from basic igneous rock. Runoff is slow and erosion hazard is considered slight.

Detailed Land Classification

The project site is classified by the University of Hawaii Land Study Bureau as land type Urban on panel 184 of the Detailed Land Classification-Island of Oahu report. This land type is generally characterized by moderately productive, rock-free lands with deep soil. These lands are not considered agriculturally significant according to this study.

2. Water Resources

The project does not does not serve as a water source of any agricultural activity however the Kapunahala Stream does serve as a natural drainage source for the area. The stream flows into an improved drainage system immediately east of the project boundary. The project area is also fed by a culvert located beneath Pookela Street.

Hydrologic Hazards and Resources

According to Panel 270 of the Federal Emergency Management Agency Flood Insurance Rate Map as viewed from the Department of Planning and Permitting GIS Hicentral internet site, the project site is located in Zone X, an area where base elevations have not been determined.

The project site is also not identified as an area subject to tsunami evacuation hazard according to the Oahu Civil Defense Agency Maps.

Special Management Area

The project site is not located within the Special Management Area (SMA).

Wetlands

Areas around the stream are designated as wetlands that are considered a valuable natural resource. Wetlands often serve as a natural habitat for various species of flora and fauna and are regulated by the U.S. Army Corps of Engineers. Actual delineation of the wetland was verified in a survey conducted with the Corps of Engineers and was mapped for planning purposes.

The proposed improvements were designed with all retaining walls located outside of the wetland boundary. This will allow the wetlands to continue to serve as potential habitat and will also allow the project to proceed without a Department of the Army 404-Individual Permit.

3. Archaeological, Cultural, Botanical and Faunal Resources

Archaeological Resources

A survey of archaeological resources in the project area was conducted by Garcia and Associates for the proposed project.

The report summarized other studies conducted in the project area and found that:

...the archaeology of Kaneohe has been well documented by numerous archaeological projects, including inventory survey, monitoring, and data recovery. Agricultural remains, lithic-working sites, habitation areas, ceremonial structures, and burials have been found. Because the current project area runs along a major stream, traditional agricultural remains might be expected. These could include terraces, 'auwai, and subsurface pondified deposits. Remnants of

historic era land use would likely be related to cultivation or habitation, and might include the remains of water control features and/or historic artifacts.

A survey conducted along the project site resulted in the following conclusion:

No archaeological surface features were found on TMK: 4-5-024: 002, :003, :004, :005, 4-5-108:069, :070, :071, :072, : 073, or :074. Most parcels are residential lots, with houses, landscaped yards, and paved driveways, and are therefore heavily disturbed. The only finds in the project area were a circular stone pit and a ceramic shard. The pit is clearly recent in age, and the ceramic shard was likely deposited secondarily during heavy stream flow. Drainage improvements to Kapunahala Stream will have no effect on significant historic properties because significant historic properties are absent on the ten surveyed parcels. It should be noted that subsurface archaeological remains, including human burials, might be

discovered during construction activities, even though no archaeological remains occur on the surface. This is unlikely, however, given the extensive modern alteration t the land in this area. For this reason, archaeological monitoring is not recommended for construction activities. Should human burial remains be discovered during construction, work in the vicinity of the remains must cease and the Oahu Island Archaeologist should be contacted.

Cultural Resources

Historic land uses within the Kaneohe area were researched by Garcia and Associates as part of the Archaeological Assessment included as Appendix C. A summary of historic land uses is presented as follows:

With its productive fishponds of Kane'ohe Bay and extensive agricultural resources, Kane'ohe Ahupuaa was one of Oahu's major population centers in traditional times. Kane'ohe lowland irrigated taro fields were so vast that the interior slopes were not terraced. Kula lands were planted in hala, wauke, mai'a, and 'uala, but no dryland taro was grown. At the base of the Ko'olau, a famous hala grove produced fragrant keys for lei, and yams, olona, and other plants were cultivated. By 1839, many taro lo'i were abandoned due to population decline. By the 1880s sugar and rice were the dominant crops in Kane'ohe, although taro continued to be cultivated into the Twentieth Century. Pineapple was also grown in Kane'ohe, with a peak period of cultivation between 1910 and 1925, and cattle ranching took place after the late 1800s.

The shoreline of Kane'ohe was used extensively for fishpond aquaculture, and 14 ponds are named by Sterling and Summers. These include Kalokohanahou, Kanohuluiwi, Punalu'u, Keana, Mahinui, Kaluaa, Mikiola, Kea'alau, Hanalua, Papa'a, Halekou, Nu'upia, Kaluapuhi, and Muliwai'olena. The offshore waters provided fish as well; the ocean at Mokapu Peninsula was a kapu fishing ground reserved for ali'i.

A number of heiau were once located in Kane'ohe, but many have been destroyed. The heiau that have been lost include Kukuiothane, Pu'upahu, Kalaoa, and Pu'umakani. Ahukini, Kawa'ewa'e and Pu'uwaniania Heiau are still standing.

Kukuiothane Heiau was in the land division of Luluku. It has been described as the most important heiau in the region and a very large. It is said that when the heiau was destroyed by Libby, McNeil, and Libby Co., their pineapples were consumed by disease and their venture failed.

Pu'upahu Heiau was once located on a hill named Pu'upahu. It has been destroyed and there are no remains.

Kalaoa Heiau has also been destroyed. It was once located on a hill near the Kane'ohe municipal campground. The stones were used in the construction of a mill, leaving nothing remaining of the structure.

Pu'umakani Heiau once sat on the ridge that faces the Nu'uanu Pali. It was destroyed and its stones were used in the construction of a cattle pen on the slope. This heiau is thought to have been built by Olopana.

Ahukini Heiau is located near Kokokahi Road. This is a small heiau set on a hill. It was built mostly with small cobbles and has low walls. A large stone stands in the southwest corner.

Kawa'ewa'e Heiau sits atop the ridge between Kane'ohe and Kailua, on the Kane'ohe side of the ridge. The structure is composed of a large enclosure with substantial walls and a small terrace on the north side of the enclosure. The enclosure was used as a cattle pen during the historic era, obliterating any features within the walls. The heiau was built by Olopana in the beginning of the Twelfth Century.

Pu'uwaniania Heiau is located near the Pali Highway before the hairpin turn. It is thought to be an agricultural heiau and is composed of a low stone wall that encloses two large stones.

The Mokapu area was an extensive burial site in traditional Hawai'i. More than 500 burials have been documented, making this the largest known burial ground in the islands.

The sport of holua sledding was practiced in Kane'ohe, as evidenced by a holua slide documented in 1853. The slide was located on a small round hill near Kawaewae Heiau, although the name of the hill has been lost. The slide was destroyed by pineapple cultivation.

The sport of maika, similar to bowling, was also played in Kane'ohe. A maika field, or kahua maika was located near the ocean at Ulupa'u. This field was used by the father of Kamehameha the Great.

Flora

The project site contains a mix of landscaped areas and natural overgrowth. Most of the parcels in residential use contain lawn grass and ornamental plants down to the stream banks. Areas that are not landscaped in an around the stream include: California grass, bamboo, kukui, African tulip, papyrus and ferns. No rare or endangered species were observed in the area.

Fauna

Based on on-site observation, the only aquatic wildlife noted were guppies and tadpoles. Crayfish, bullfrogs and toads may also inhabit the stream and bank area but none were observed during the field inspections. No rare or endangered species were found in the stream.

4. Infrastructure and Utilities

The proposed improvements are not expected to have a significant negative impact on existing infrastructure. The project is expected to result in the improvement of the existing storm drainage conditions. Public safety will also be improved by providing a large buffer adjacent to the stream, ensuring that no damage will occur to surrounding residential properties.

Vehicular Access and Traffic Conditions

No significant off-site traffic impacts are expected as a result of the proposed improvements. The immediate neighborhood will experience a minor decrease in traffic by the removal of 10 residential properties.

Noise and Air Quality

Noise and air quality impacts resulting from the development of the proposed project can be assessed in two categories, short-term construction related impacts and long-term operational related impacts.

Construction of the proposed improvements will result in an increase in noise levels and a degradation of air quality. The primary noise impacts occurring during the construction period will from construction vehicles. Typically bulldozers, dump trucks and air hammers will be used in the site preparation process. The operation of these heavy machinery vehicles are subject to State Department of Health Community Noise Standards however it must be acknowledged that during the construction period, noise levels in the project vicinity will increase.

No increase in noise levels is anticipated from the proposed improvements. It is likely that a very minor decrease in noise levels will result from the decrease in residences in the area.

Water

The proposed improvements will result in a minor decrease in water demand in the project area from the decrease in residences in the area.

Wastewater

The proposed improvements will result in a minor decrease in wastewater disposal demand in the project area from the decrease in residences in the area.

Drainage

No additional drainage will be created by the proposed improvements and no additional demand will occur on the existing storm drain system. It is possible that a minor decrease in storm drainage will result from the decrease in covered and paved surfaces after the existing residences have been removed.

Solid Waste

Solid waste disposal systems will not be affected by the proposed improvements. Refuse will continue to be collected by the municipal waste collection service.

Telephone and Electrical Services

No telephone or electrical services will be affected by proposed project.

5. Public Facilities

The proposed project will not have any impact on public facilities including schools, police, and fire or emergency medical services.

Kaneohe Fire Station Number 17 provides fire protection and first response emergency and rescue service to the project area. The station is located at 45-910 Kamehameha Highway approximately one mile from the project site. Response time to the sites is less than 5 minutes. This station is served by an engine and ladder company.

Ambulance service for the project vicinity is co-located at Kaneohe Fire Station Number 17.

Police service is provided by the Honolulu Police Department's District 4, Beat 469. District 4 includes the area between Kahuku to Kailua. The district main station is located at 45-270 Kaikalua Road in Kaneohe.

D. Social and Economic Characteristics

The proposed project has acquired 10 residential properties to accommodate the proposed improvements.

Acquisition was deemed the only suitable alternative when preliminary studies indicated that construction of all evaluated alternatives would render the existing homes unusable. In the interest of public health and safety, it was determined that the properties must be acquired for drainage improvement use.

E. Relationship to Plans, Codes and Ordinances

1. Federal Plans and Approvals

Work within streams and wetlands generally fall under the jurisdiction of the Department of the Army. Work within Kapunaha Stream has been issued a Department of the Army (DA) for a 404-Nationwide Permit. This requirement is differentiated from a DA 404-Individual Permit which is required when more than 25 cubic yards of fill material are used within a stream. The proposed plan will introduce less than 25 cubic yards of material allowing for a less stringent Nationwide Permit.

2. State of Hawaii Plans and Approvals

Project site is located with the Urban District on the State Land Use Map. The proposed use is consistent with this designation and no approval from the State Land Use Commission will be required.

The project acquired a Stream Channel Alteration Permit (SCAP) from the Department of Land and Natural Resources Commission on Water Resource Management. This permit is required whenever work occurs within a perennial stream.

The State Department of Health has also issued a Section 401 Water Quality Certification which runs in parallel with the DA-Nationwide Permit. In addition, a National Pollutant

Discharge Elimination System (NPDES) approval will be required for any disturbances greater than one acre.

3. City and County of Honolulu Plans and Approvals

Zoning for the project area is R-5 Residential. The proposed action will not require any change in zoning.

The project area is also subject to the Koolaupoko Sustainable Communities Plan. The following excerpt from the Infrastructure Section of plan summarizes the conformance of the proposed action with the general policies pertaining to Koolaupoko's drainage system.

- *Promote drainage system design that emphasizes control and minimization of non-point source pollution and the retention of storm water on-site and in wetlands.*
- *Modifications needed for flood protection should be designed and constructed to maintain habitat and aesthetic values, and avoid and/or mitigate degradation of stream, coastline and nearshore water quality.*
- *View storm water as a potential irregular source of water that should be retained for recharge of the aquifer rather than quickly moved to coastal waters.*
- *Select natural and man-made vegetated drainageways and retention basins as the preferred solution to drainage problems wherever they can promote water recharge, help control nonsource pollutants, and provide passive recreation benefits.*
- *Keep drainageways clear of debris to avoid the flooding problems that have occurred in the past.*

The Planning Principles to guide the maintenance and improvement of Koolaupoko's drainage systems include:

- *Retention and Detention.* *Emphasize retaining or detaining storm water for gradual release into the ground as the preferred strategy for management of storm water. Also, large capacity boulder and debris basins in upper valleys above urbanized areas should be properly maintained in order to prevent the blocking of downstream channels during major storm events.*
- *Stream Channel Improvements.* *Integrate planned improvements to the drainage system into the regional open space network by emphasizing the use of retention basins, creation of passive recreational areas, and recreational access for pedestrians and bicycles without jeopardizing public safety. In places where the hardening of stream channels is unavoidable or highly desirable to prevent significant loss of property or threat to public health and safety, the improvements should be designed and made in a manner which protects natural resource and aesthetic values of the stream.*

The project is not located within the Special Management Area (SMA) boundaries and will not require a Special Management Area Permit (SMP) prior to final approval of the project

The proposed improvements will require demolition and grading permits from the City and County of Honolulu, Department of Planning and Permitting. Work on the proposed improvements will not commence until the demolition and grading permits and the environmental assessment process are completed.

F. Probable Impact on the Environment

The proposed action will result in a long-term change to the environment. The current residential uses on the project site will be lost in favor of an improved drainage system. The construction of the new drop structure and the addition of gabion walls will alter the residential characteristic of the area and will replace it with an expanded open area.

These improvements will have direct benefit to the entire vicinity, as the proposed project is an integral part of a major local drainage system. When all downstream segments are completed, the Kapunahala Stream will have the capacity to serve as a safe and effective drainage system.

G. Adverse Impacts Which Cannot be Avoided

Adverse impacts that cannot be avoided are generally related to short-term construction activities. These impacts can be minimized by sound construction practices, adherence to applicable construction regulations as prescribed by the Department of Health, and coordination with applicable State and County agencies.

H. Mitigation Measures

Long-term impacts resulting from the proposed improvements will ensure that stormwater drainage conveyed through the Kapunahala Stream will no longer jeopardize public safety or property. When improvements are completed by the City and County of Honolulu for the downstream portion of the stream, the drainage system for the area will operate optimally for the benefit of the entire watershed. A maintenance road is provided in the design to allow for regular clean outs of the detention basin and culvert interface to ensure that stream flow is not impeded.

Short-term construction related noise and air quality impact mitigation measures include general good housekeeping practices and scheduled maintenance to avoid a prolonged construction period. The contractor will be directed to use best management practices (BMP) wherever applicable.

Examples of BMPs that may be implemented include silt fences, stabilized construction entrances, inlet protection, surface covering, and sediment traps. All waste materials will be securely contained and appropriately disposed.

The project contractor will be directed to comply with the rules relating to the Guidelines and Rules Relating to Storm Drainage Standards. The BMPs that will be specified for the project include: drainage inlet filters that will be monitored for adequate screening of debris into the

storm drain system, silt fencing and dust screening, installation of temporary access points, site inspection and clean up of accumulated debris.

I. Irreversible and Irretrievable Commitment of Resources

Implementation of the proposed project will result in the irreversible and irretrievable commitment of resources in the use of non-recyclable energy expenditure and labor. Materials used for new construction may have salvage value; however, it is unlikely that such efforts will be cost-effective. The expenditure of these resources is offset by gains in construction-related wages, increased tax base and tertiary spending.





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

REPLY TO
ATTENTION OF:

October 29, 2009

Regulatory Branch

Mr. Brennon T. Morioka, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, HI 96813

NOTICE OF PROVISIONAL NATIONWIDE PERMIT VERIFICATION

Proposed Drainage Improvements Project

File No. POH-2009-00185

TMKs 145108068, 145108069

Kapunahala Stream, Oahu

Dear Mr. Morioka:

This office has completed evaluation of your Department of the Army (DA) permit application and deemed it complete for the proposed placement of less than 25 cubic yards of permanent fill material in Kapunahala Stream, TMKs 145108068, 145108069, Kaneohe, Oahu.

The proposed drainage improvements project consists of the reconstruction of a new stormwater culvert outlet and gabion apron in Kapunahala Stream. Appurtenant work above the Ordinary High Water Mark includes the installation of new gabion walls on the north and south banks of Kapunahala Stream and the reconstruction of a concrete ditch leading into the open culvert. Temporary in-stream discharges include placement of a sand bag berm to divert stream water away from the sheetpile cofferdam enclosing the work area. The project will be conducted in accordance with the drawings titled *Plans for Castle Hills Access Road Drainage Improvements, Vicinity of Pookela Street, Kupohu Street & Pillina Way, Project No. HWY-O-04-98* (attachment).

The Corps has determined that the proposed work can be authorized under Nationwide Permit (NWP) #18 (Minor Discharges) in accordance with the Corps Nationwide Permit (NWP) authority at 33 CFR Part 330, Appendix A, the March 12, 2007 (72 FR 11092) Notice of Issuance of Nationwide Permits, Paragraph B.18 (Minor Discharges)), Paragraph C (General Conditions), and the Honolulu Engineer District Regional General Conditions for Nationwide Permits (approved May 14, 2007). This NWP is issued provisionally under the authority of Section 404(e) of the Clean Water Act (33 U.S.C. 1344).

This letter is to inform you that although the Corps has completed its review of your application, we cannot issue a final verification of the above-referenced NWP until the Clean Water Branch, Hawaii State Department of Health issues a Section 401 Water Quality Certification (WQC0000768) or waiver for your proposed drainage improvement project. Therefore, your application is a **Provisional NWP Verification** until a valid WQC, or waiver, is issued and received by the Corps. Upon receipt of the WQC issued by the Clean Water Branch, DOH, the proposed work will be considered verified, instream work can commence and the NWP will expire 2 years from the date of that WQC letter. All nationwide permits expire on March 18, 2012. It is incumbent upon you to remain informed of changes to the nationwide permits. If the Corps modifies, reissues, or revokes any nationwide permit at an earlier date, we will issue a public notice announcing the changes.

DO NOT begin the work until receipt of the WQC is received by this office. You are cautioned that commencement of the proposed work prior to DA NWP verification would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from other government agencies does not waive or exempt you from the requirement to have a DA permit prior to commencing the proposed work.

The following determinations have been made in order to issue this notice of provisional NWP verification:

CZM Consistency: The Office of Coastal Zone Management issued their conditional CZM concurrence of consistency for activities under NWP 18 on May 11, 2007. The CZM issued their consistency determination to the Department of Transportation for this project on August 16, 2009. A copy of this provisional NWP verification will be provided to their office and may be subject to subsequent comment.

Section 401 Water Quality Certification (WQC0000768): The Clean Water Branch, DoH has not completed its evaluation and a WQC has not been issued.

Endangered Species: The Corps has determined that the proposed project's Area of Potential Effect (APE) at the Kapunahala Stream location will have no effect on species listed as endangered or threatened, or their designated critical habitat, pursuant to Section 7 of the Endangered Species Act. This determination is consistent with the U.S. Fish and Wildlife Service's (USFWS) current record that the APE contains no federally listed, endangered, threatened or proposed threatened or proposed endangered species and is not part of a proposed or designated critical habitat.

Essential Fish Habitat (EFH): In accordance with the Essential Fish Habitat (EFH) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFMA), the Corps has determined that the proposed project will have no effect on designated EFH within the Kaneohe watershed and nearshore waters

Compliance with Section 106, National Historic Preservation Act, Historic/Cultural Resources: The Corps has determined that no cultural or historic resources are located within

the APE for the culvert work. The APE consists of an approximate 400-square-foot area of drainage channel and embankment where the replacement culvert and gabion apron would be placed. The National and State Register of Historic Places for the Island of Oahu were consulted and no historic property is likely to be within, or immediately adjacent to the APE. The proposed location of the culvert spillway would not result in any disturbance to known agricultural lo'i. Accordingly, The Corps has determined that issuance of a NWP for the proposed drainage improvements project is a federal undertaking that will have "No Effect" on any eligible or listed historic and traditional cultural properties on the State and National Registers of Historic Places.

You must comply with all applicable conditions of the NWP General Conditions and the Corps Honolulu District NWP Regional Conditions. Copies of the conditions are provided for your compliance in Enclosures 1 and 2, respectively. In accordance with NWP General Condition #26, the Permittee shall sign, date and return the enclosed Compliance Certification upon completion of the maintenance and repairs (Enclosure 3).

The following special conditions listed below shall apply to the proposed drainage improvements project at Kapunahala Stream:

SPECIAL CONDITIONS

1. Upon receipt of WQC0000768 issued by the Clean Water Branch, DOH, the proposed work will be considered verified and will expire 2 years from the date of that WQC letter. Instream work may commence from that date.

2. THE PERMITTEE's designated Construction Contractor shall submit a Best Management Practices Plan (BMPP) to the Regulatory Branch POC prior to conducting instream activities. Relevant measures recommended by the USFWS shall also be incorporated in the BMPP (Enclosure 4).

3. THE PERMITTEE and/or their designated Contractor shall ensure daily visual inspection of the construction site and its environs by the designated individual, or his representative, to verify that the permitted activities do not result in uncontrolled adverse environmental impacts and that where environmental harm occurs, is minimized to the maximum extent practicable. The Regulatory Branch POC shall be notified prior to conducting instream work. Visual inspections will be documented with photographs and written descriptions, if necessary. A post-construction report consisting of before-and-after construction photographs shall be submitted to the Honolulu District Regulatory Branch with the Compliance Certification form.

4. No mechanized equipment may be stockpiled in the aquatic environment.

Please be advised a nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others, nor any interference with any existing or proposed Federal projects. This authorization does not relieve the Permittee of any need to obtain other Federal, State, or local authorizations required by law.

File No. POH-2009-00185 is assigned to this project. Please refer to this number in any correspondence with us. Please contact Mr. Farley Watanabe at 438-7701 (FAX 438-4060), or Farley.K.Watanabe@usace.army.mil if you have any questions.

Sincerely,



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

Enclosures

Copy Furnished (w/o encls):

Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 50088, Honolulu, HI 96850
Dr. Wendy Wiltse, U.S.E.P.A., Region IX, Honolulu Branch, P.O. Box 50003, Honolulu, HI 96850
John Nakagawa, Office of Planning, CZM Program, P.O. Box 2359, Honolulu, HI 96804
Alec Wong, Chief Clean Water Branch, State DOH, P. O. Box 3378, Honolulu, HI 96801
Laura H. Thielen, Chairman & State Historic Preservation Officer, DLNR, P.O. Box 621, Honolulu, HI 96809
Dr. Pua Aiu, Administrator, State Historic Preservation Office, 601 Kamokila Blvd., #555, Kapolei, HI 96707
Clyde W. Namu'o, Office of Hawaiian Affairs, 711 Kapiolani Blvd., Suite 500, Honolulu, HI 96813
David K. Tanoue, Director, Dept. of Planning and Permitting, C&C Honolulu, 650 So. King St, Honolulu, HI 96813

NATIONAL MARINE FISHERIES SERVICE

Russell Arakaki

From: Karen.Chun@hawaii.gov
Sent: Friday, January 30, 2009 3:59 PM
To: rarakaki@pareninc.com
Subject: Fw: HWY-0-04-98

FYI

----- Forwarded by Karen Chun/HWY/HIDOT on 01/30/2009 03:56 PM -----

"alan.everson" <Alan.Everson@noaa.gov>

To karen.chun@hawaii.gov

cc

01/29/2009 03:11 PM

Subject HWY-0-04-98

Hi Karen:

NMFS PIRO Habitat Conservation Division has reviewed this project for impacts to essential fish habitat. Provided BMP's are employed to minimize discharge into Kapunahala Stream, we don't anticipate any adverse impacts to EFH. Thanks for the opportunity to comment.

--Alan

Tuesday, February 9, 2010 1:50 PM

Taeyong and Karen,

Attached below are the U.S. Fish and Wildlife comments.
Could you please respond to these concerns?

Thanks.
Robert

Robert K. Chong, Planner

Commission on Water Resource Management
1151 Punchbowl Street, Room 227
Honolulu, HI 96813
Phone: (808) 587-0266
Fax: (808) 587-0219

----- Forwarded by Robert K Chong/DLNR/StateHIUS on 08/22/2009 01:39 PM -----

Paula_Levin@fws.gov

To Robert.K.chong@hawaii.gov, glenn.r.higashi@hawaii.gov

cc Michael_Molina@fws.gov, Gordon_Smith@fws.gov

08/22/2009 01:24 PM

Subject HDOT request for Stream Channel Alteration at Kapunahala Stream

Dear Robert: This is response to your request for USFWS review of HDOT's application to the State of HI DLNR for the Castle Hills Access Road Drainage Improvements, District of Koolaupoko, Oahu.

Thank you for your time today helping to clarify the confusion of the subject line in your memo to us, and for correcting the error that this application was not intended for an After-the-Fact permit to alter the Kapaka Stream at Hauula, Oahu, but rather, the application was currently for an alteration of the Kapunahala Stream, and our comments requested by July 6, 2009. I understand how errors can happen with the use of "template" letters. I'm glad we both caught that!

Normally, we receive notice of such projects impacting freshwater aquatic ecosystems in the form of a notice from the US Army Corps of Engineers (Corps), which I understand the applicant already has initiated, in addition to your State permit application in process. The Corps permit application is the usual mechanism by which informal or formal ESA consultation would also be initiated. The Corps permit would be the federal "nexus" that would trigger our authorities to review and comment on your application under the Clean Water Act or Fish and Wildlife Coordination Act. However, to date, I have not seen a Corps Pre-Construction notification, public notice or other form of correspondence referring to the Kapunahala stream project at the Castle Hills Development in the vicinity of Pookela Street, Kupohu St. and Pilina Way.

In the interim, as requested, I will share my initial concerns with you, as follows:

First, I would like to acknowledge the applicants intention of applying extensive BMPs to the construction of this project and that measures will be taken to ensure minimal impacts to water quality. I also understand that Glenn Higashi of your Division of Aquatic Resources has surveyed the stream and that there may not be substantial concern about the presence of native stream species.

However, I recommend you discuss with Glenn, that in spite of the presence of mostly introduced and invasive species, whether there is any potential for habitat enhancement at this site or if there is potential to improve conditions for native species with minor augmentations to the project design or mitigation for stream bed, banks or riparian habitat being impacted by the project.

The applicant should describe the conditions of the existing stream bed and banks, and if are there functions that would be eliminated by replacement with extensive gabion walls? Is there a plan to place concrete in the stream bed, and if so, the linear distance is not clear in the plans and if the 3-inch weep holes are included to accommodate ground water recharge, is this stream function or replacement of it sufficiently addressed in the project design?

The applicant needs to explain the purpose of the concrete drop structure and more clearly define its elevation above the stream bed, and explain the slope of the structure, to ensure that the drop structure does not inhibit passage of native species. Glenn might have some recommendations for ensuring the drop structure does not create a permanent barrier, and may have some views on whether a permanent barrier would be indicated at this point in the stream to prevent further intrusion of non-native species.

The stream diversion that is necessary to complete the project over 12 months may completely dewater the already ephemeral system, precluding any possibility for native species migration. Glenn might also have some recommendations about provision of "conservation flows" or minimal flows that could support the up- and downstream migration of native stream species.

The BMPs state that hydroseeding and grasses may be used to stabilize banks during and after construction. It is important to not introduce non-native grasses or vegetative cover that would eliminate riparian habitat function. I would recommend a more explicit BMP.

Otherwise, at this stage of the planning process I would withhold any further comments until USFWS actually has a federal involvement. I hope you find my initial comments helpful in your evaluation of whether to issue your stream alteration permit.

Paula Levin
USFWS Pacific Islands
Coastal Conservation
(808)792-9417

Tuesday, February 9, 2010 1:29 PM

Subject: RE: Castle Hills Categorical Exclusion (CATEX)
Date: Tuesday, October 13, 2009 3:11 PM
From: Russell Arakaki <rarakaki@parenInc.com>
To: T. M. Kim tkim@environcom.com

Taeyong,

This will do for the Coast Guard.

Need to work on OHA.

Thanks,

Russell

-----Original Message-----

From: T. M. Kim [mailto:tkim@environcom.com]
Sent: Tuesday, October 13, 2009 2:44 PM
To: Russell Arakaki
Subject: FW: Castle Hills Categorical Exclusion (CATEX)

Russell,

I hope this does it for now.

This Lt. took over from the previous Lt. who was supposed to reply earlier.

Taeyong

----- Forwarded Message

From: "Miller, Douglas LT" <Douglas.J.Miller@uscg.mil>
Date: Tue, 13 Oct 2009 13:46:09 -1000
To: "T. M. Kim" <tkim@environcom.com>
Subject: RE: Castle Hills Categorical Exclusion (CATEX)

Sir,

Based on the information provided in your e-mail and attachments, and the lack of any impact to navigational waters of the United States, the Coast Guard has no objections to the project as proposed, official letter to follow.

Please let me know if you have any questions.

Douglas J Miller, LT USCG
District 14 dpw
(w) 808-535-3412
(f) 808-535-3414

-----Original Message-----

From: tkim@environcom.com [mailto:tkim@environcom.com]
Sent: Tuesday, October 13, 2009 1:21 PM
To: Miller, Douglas LT
Subject: Castle Hills Categorical Exclusion (CATEX)

Lt. Miller,

Thank you for your assistance today. I understand that you will be assisting us at this time. As I had mentioned over the phone, the project is located in non-navigable waters.

Attached for your use are the original letter sent to the Commander several months ago, an aerial photo of the project start and end points, and location maps.

I am sure the document will not get lost in your sure hands!

Thank you for your expeditious assistance. The Department of Transportation is very anxious to proceed.

Best regards,

Taeyong Kim

Taeyong M. Kim
Principal
Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawaii 96813

Telephone: 808-528-4661
Facsimile: 808-528-4883
Email: tkim@environcom.com

Confidentiality Note:

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator, please send an email to info@environcom.com

----- End of Forwarded Message

USDA, NATURAL RESOURCES CONSERVATION SERVICE

Tuesday, February 9, 2010 1:48 PM

Subject: RE: Castle Hills Drainage Improvements
Date: Monday, August 10, 2009 2:01 PM
From: Kacir, Richard - Alea, HI <Richard.Kacir@hi.usda.gov>
To: T. M. Kim tkim@environcom.com

Mr. Kim,

In response to the letter, HWY-DS 2.9654, requesting comment on the proposed drainage improvement project. I have no comment on the project, the practices involved are all planned to be installed on non-agricultural land, and the project has no impacts upstream or downstream on agricultural land.

Chad Kacir
District Conservationist

NRCS

-----Original Message-----

From: T. M. Kim [mailto:tkim@environcom.com]
Sent: Monday, August 10, 2009 1:31 PM
To: Kacir, Richard - Alea, HI
Subject: Castle Hills Drainage Improvements

Thank you for your assistance Mr. Kacir.

You may send a response back to me via email, fax or mail.

If you have any questions, please call me at 528-4661.

Best regards,

Taeyong Kim

Taeyong M. Kim
Principal
Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawaii 96813

Telephone: 808-528-4661
Facsimile: 808-528-4883
Email: tkim@environcom.com

Confidentiality Note:

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator, please send an email to info@environcom.com



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

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

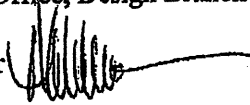
Telephone: (808) 587-2848
Fax: (808) 587-2824

Ref. No. P-12714

August 18, 2009

To: Brennon T. Morioka, Ph.D., P.E., Director
Department of Transportation

Attention: Karen Chun
Technical Design Services Office, Design Branch

From: Abbey Seth Mayer, Director 

Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency Review
for Federal Highway Administration (FHWA) Funding for Castle Hills Access
Road Drainage Improvements, Kaneohe, Oahu; TMK 4-5-24: 2-5, 4-5-108: 68-74

The proposal to use funds from the FHWA to construct drainage improvements at an existing outlet structure and stream, and construction of stream bank stabilization within Kapunahala Stream has been reviewed for consistency with the Hawaii CZM Program. We concur with your agency's certification that the proposed use of federal funds is consistent with the enforceable policies of the Hawaii CZM Program. We understand that the proposed project requires a Department of the Army Permit from the U.S. Army Corps of Engineers. If the Corps authorizes the project under one or more of the Nationwide Permits for which CZM general consistency concurrence was previously issued, then a separate CZM review is not required. However, if the project is subject to a Department of the Army individual permit, then a separate CZM review will be necessary.

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

c: U.S. Army Corps of Engineers, Regulatory Branch
Mr. Pat Phung, FHWA
Department of Planning and Permitting, City and County of Honolulu

PHONE (808) 594-1888

FAX (808) 594-1885



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813**

HRD09/2353D

October 15, 2009

Glenn Yasui
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 'i 96813-5097

**RE: National Historic Preservation Act Section 106 Consultation
Kapunahala Stream, Kāne'ōhe, O'ahu
TMKs: 4-5-024:002-5 & 4-5-108:068-74.**

Aloha e Glen Yasui,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter HWY-DS 2.9805 initiating consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended for the proposed construction of drainage improvements on portions of 10 residential lots. It is our understanding this proposed undertaking consists of demolition of existing structures, clearing and grubbing, grading and excavation work.

It is our understanding that the area of potential effect (APE) for this proposed undertaking has been determined to be within a single-family residential district bounded by Pilina Way to the north, Kupohu Street to the south, Pookela Street to the west, and Pilina Place to the east, otherwise commonly referred to as the Castle Hills Subdivision.

OHA recognizes that the Department of Land and Natural Resources (DLNR) has found that no historically significant sites were documented and no further archeological work is recommended in the project area given the extensive evidence of previous modifications and subsurface disturbance as part of their Section 106 consultation. (DLNR May 16, 2006 letter to Karen Chun)

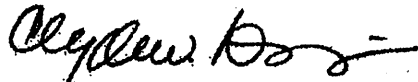
Glen Yasui
October 15, 2009
Page 2

OHA does wish to point out that in the NHPA Section 800.2 *Participants in the Section 106 process* it is the obligation of the federal agency to fulfill the requirements of section 106 and that while consultants may be used, it is the agency official that is responsible for all required findings and determinations.

However procedurally blemished, we do concur with the no effects determination based on the archeological inventory survey found in the applicant's March 2006 Draft Environmental Assessment, the description of the area of potential effect from the applicant's Section 106 invitation letter to OHA (HWY-DS 2.9805) and also based on the consultant's assurances that the Federal agency official "fully concurs with DLNR that the project will not affect any known historically significant sites". (10/09/2009 email from Environmental Communications, Inc. to OHA)

Thank you for initiating consultation with us. If you have further questions, please contact Grant Arnold by phone at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'ōia 'i'o,



Clyde W. Nāmu'o
Administrator

C: Taeyong M. Kim
Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawaii 96813

LINDA LINGLER
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER C. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT E. MASUDA
DEPUTY DIRECTOR - LAND

DEAN MAKANO
ACTING DEPUTY DIRECTOR - WATER

DEAN MAKANO
ACTING DEPUTY DIRECTOR - WATER
NATURAL RESOURCES
BOARD OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LAND
CONSERVATION AND RESOURCES ENFORCEMENT
RECREATION
FOREST AND WILDLIFE
HISTORIC PRESERVATION
KAOI LAKE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 16, 2006

Ms. Karen Chun
State of Hawai'i Department of Transportation
Design Branch, Highways Division
601 Kamokila Boulevard
Kapolei, Hawai'i 96707

LOG NO: 2006.1197
DOC NO: 0604CM46
Archaeology

Dear Ms. Chun:

SUBJECT: National Historic Preservation Act Section 106 Review [State DOT]-
Draft Environmental Assessment, Castle Hills Access Road Drainage Improvements
Kane'ole Ahupua'a, Ko'olaupoko District, Island of O'ahu
TMK: (1) 4-5-024:002-005 & 4-5-108:069-074

Thank you for the opportunity to review the aforementioned project. We received your documents, including a cover letter and Draft Environmental Assessment (DEA), on April 10, 2006. The proposed undertaking consists of drainage improvements to address erosion and significant loss of property in portions of the Castle Hill Subdivision adjacent to the Kapunahala Stream. According to the DEA, the scope of work includes demolition of existing structures, clearing and grubbing, grading, and excavation.

Given the location of the project area, and given the lack of previous archaeological work within the project area, we would have recommended that an archaeological inventory survey be conducted. Your archaeological consultant (Garcia and Associates) has recently completed this work, which we have provisionally accepted (with minor revisions) in a letter (LOG NO: 2006.1033, DOC NO: 0604CM16) dated April 7, 2006 (the draft report appears as your Appendix C). No historically-significant sites were documented, and no further archaeological work is recommended in the project area, given the extensive evidence of previous modification and subsurface disturbance.

In a letter (LOG NO: 2006.1215, DOC NO: 0604CM48) dated April 20, 2006, we accepted the archaeological assessment as fulfilling the requirements of HAR 13-13-276. Your mitigation commitments are now completed. Please contact Chris Monahan at 808-692-8015 if you have questions about this letter.

Aloha,

Peter Young, Chair
State Historic Preservation Officer

CM

Ms. Chun
Page 2

cc: Taeyong M. Kim, Environmental Communications, Inc.
John Peterson, Garcia and Associates

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 921
HONOLULU, HAWAII 96809

June 3, 2009

AQUATIC
RESOURCE: 2407

DIRECTOR	
COMM. FISH.	
AQ RES/ENV	
AQ REC	
PLANNER	
STAFF SVCS	
SCEN/WH	
PERMIT	
AFRC/FED AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
TECH ASST	X
Return to:	
No. Copies	
Copies to:	
Due Date:	

LAURA H. THIELEN
COMMISSIONER
MEREDITH J. CHING
NEAL S. FUJIMURA
CHRYONE L. FUKANO, M.D.
DONNA FAY K. KUYOSAKI, P.E.
LAWRENCE H. MURGE, M.D., J.D.

KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

Ref: SCAP.2380.3



✓ Aquatic Resources
Engineering
Forestry and Wildlife
Historic Preservation
Land Division
State Parks

FROM:

Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT:

Application for a Stream Channel Alteration Permit
Castle Hills Access Road Drainage Improvements and
Streambank Stabilization, Kapunahala Stream, Kaneohe, Oahu
TMKs: (1) 4-5-024:002 to 005, and (1) 4-5-108:068 to 074

Pursuant to Hawaii Revised Statutes, §174C-71, a permit is required for the proposed work. We would appreciate your review and comments of the attached permit application by July 6, 2009.

If you have any questions, please contact Robert Chong at 587-0266, or robert.k.chong@hawaii.gov.

Attachment(s)

Response:

- () We have no objections
() Not subject to our regulatory authority & permit
(X) Comments attached
() Additional information requested
() Extended review period requested

Contact Person: Glenn Higashi

Phone: 587-0112

Signed:

Francisco Ochoa

Date: July 2, 2009

FILE ID: SCAP.2380.3
DOC ID: 5082v

STATE OF HAWAII
Department of Land and Natural Resources
DIVISION OF AQUATIC RESOURCES

MEMORANDUM

TO: Dan A. Polhemus, Administrator *DP*
FROM: Glenn R. Higashi, Aquatic Biologist *GRH*
SUBJECT: Comments on Application for a Stream Channel Alteration Permit (SCAP.2380.3)
Comments Ken C. Kawahara
Requested By: Commission on Water Resource Management
Date of Request: 6/3/09 Date Received: 7/6/09

Summary of Project

Title: Application for a Stream Channel Alteration Permit Castle Hills Access Road
Drainage Improvements and Stream bank Stabilization, Kapunahala Stream,
Kaneohe, Oahu

Project By: State of Hawaii
Department of Transportation
Highways Division

Location: Kapunahala Stream, Kaneohe, Oahu, TMK: (1) 4-5-024: 2-5 and (1) 4-5-108: 68-74

Brief Description:

The applicant, State of Hawaii, Department of Transportation, Highways Division, is proposing drainage improvements and stream bank stabilization on Kapunahala Stream, Kaneohe, Oahu, TMK (1) 4-5-024: 2-5 and (1) 4-5-108: 68-74-9-001:018. The project is an erosion control and public safety improvement.

The proposed project involves the excavation of existing outlet structure and soils (3,060 C.Y.) and construction of a new concrete drop structure and gabion aprons (2,634 C.Y.). A 60-inch pipe culvert will be used to divert stream flow during construction of concrete outlet structure.

Comments:

The proposed project will have a significant impact on the aquatic resource in this area. The construction design of the proposed concrete vertical drop structure is a barrier to the upstream of native macrofauna.

The Kapunahala Stream is a tributary of Kaneohe Stream and provides habitat for 3 species of native macrofauna. These include native fish species such as *Eleotris sandwicensis*, *Awaous guamensis*, and the native crustacean *Macrobrachium grandimanus* (ref. DAR Aquatic Resources Database, Oct. 6, 2006).

The recruitment, migratory and reproductive natures of the native macrofauna are dependent on the connection to the ocean. The design and installation of the drop structure and temporary 60-inch pipe culvert should be designed to accommodate the upstream migration of these native macrofauna. The vertical drop structure should have a roughened surface and be constructed with a maximum slope of 200% or 63.4 degrees with grouted boulders and the temporary pipe culvert openings should be level and conform to the stream channel bottom to allow upstream migration of native macrofauna (*Atyoida bisulcata*, *Lantipes concolor*, *Sicyopterus stimpsoni*, *Awaous guamensis*, *Stenogobius hawaiiensis*, and *Neritina granosa*.)

The following mitigative measures should be implemented during the construction to minimize the potential for erosion, siltation and pollution of the aquatic environment:

- 1) lands denuded of vegetation should be planted or covered as quickly as possible to prevent erosion;
- 2) scheduling site work (particularly the excavation and construction) during periods of minimal rainfall; and,
- 3) prevent construction materials, petroleum products, debris and landscaping products at the construction site and staging areas from falling, blowing or leaching into the aquatic environment.

LINDA LINGLE
GOVERNOR OF HAWAII



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

CHYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
DOHPCMS

R10D388.FNL.09

September 15, 2009

The Honorable Brennon T. Morioka, P.E., Ph.D.
Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Mr. Glenn M. Yasui
Highways Administrator

Dear Dr. Morioka:

Subject: NOTICE OF GENERAL PERMIT COVERAGE (NGPC)
National Pollutant Discharge Elimination System (NPDES)
Castle Hills Access Road, Drainage Improvements, Project No. HWY-O-04-98
Kaneohe, Island of Oahu, Hawaii
File No. HI R10D388

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "Act"); Hawaii Revised Statutes, Chapter 342D; and Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55, Department of Health (DOH), State of Hawaii,

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION (DOT)
HIGHWAYS DIVISION (HWYS)

(hereinafter PERMITTEE)

is authorized to discharge storm water associated with construction activity from the subject project located at Kupohu Street and Pilina Way, in Kaneohe, Island of Oahu, Hawaii, TMK: (1) 4-5-024:002, 003, 004, and 005; and 4-5-108:068, 069, 070, 071, 072, 073, and 074, to the Class 2, Inland waters, identified in the following table:

Discharge Point	Receiving Water	Latitude (N)	Longitude (W)
1 (Upper Limit)	Kapunahala Stream	21°24'13"	157°48'37"
1 (Lower Limit)	Kapunahala Stream	21°24'13"	157°48'33"
2	Kapunahala Stream	21°24'14"	157°48'31"
3	Keapuka Stream	21°24'13"	157°48'23"

This NGPC will take effect on the date of this notice. This NGPC will expire at midnight, October 21, 2012, or when amendments to HAR, Chapter 11-55, Appendix C, are adopted, whichever occurs first. Any non-compliance with the conditions of this NGPC may be subject to penalties of up to \$25,000 per violation per day.

The Permittee shall:

1. Comply with HAR, Chapter 11-55, Appendix C, NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activities (enclosed).
2. Comply with HAR, Chapter 11-55, Appendix A, DOH, Standard General Permit Conditions (enclosed).
3. Comply with HAR, Sections 11-55-34.04(a), 11-55-34.07, 11-55-34.11, and 11-55-34.12 (enclosed) and any other applicable Sections of HAR, Chapter 11-55.
4. Comply with all materials submitted in and with the Notice of Intent (NOI), dated April 20, 2009, and additional information, dated August 18, 2009, and September 2, 2009.
5. Retain a copy of this NGPC and all other related materials at the job site or nearby field office.
6. Notify the Director of Health of the construction start date by e-mail at cleanwaterbranch@doh.hawaii.gov or fax at (808) 586-4352 within seven (7) calendar days before the start of each phase of construction activities. All communication, including but not be limited to the e-mail and fax, with the Clean Water Branch (CWB) shall include the File No. HIR10D388 and the certification statement below. The notification will only be accepted from the person qualified in accordance with HAR, Chapter 11-55, Section 11-55-34.08(f).
7. Implement, operate, and maintain the project site-specific Best Management Practices (BMPs) Plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable State water quality standards.
8. Submit the following site-specific information in accordance with the CWB NOI General Form and CWB-NOI Form C (Rev. 08/01/2007) to the CWB for review and comment at least 30 calendar days prior to the start of each phase of construction activities, as applicable:

All questions/concerns that the DOH may have must be answered to the satisfaction of the CWB, and you must receive CWB written acceptance of your submittal prior to the start of each phase of construction.

- a. A hard copy of the General Contractor information (Item No. 3 of the CWB NOI General Form) and the CWB NOI General Form with the General Contractor information submitted via "Submit by Email" button.
- b. Site-Specific Construction BMPs Plan (Item No. C.8.c. of the CWB-NOI Form C):
 - i. Construction Plan(s) showing the Construction Baseyard and/or staging areas (Item No. C.8.a.ii.(6) of the CWB-NOI Form C). Provide the location and BMPs to prevent discharge of pollutant(s) to State waters.
 - ii. Concrete Truck Wash Water (Item No. C.8.a.ii.(7) of the CWB-NOI Form C). Provide the location for the handling and disposal method of the concrete truck wash water. Show this information on a map or plan with detailed drawings and dimensions.
 - iii. Saw Cutting Slurry (Item No. C.8.a.ii.(7) of the CWB-NOI Form C). Provide the location for the handling and disposal method of the saw cutting slurry water. Show this information on a map or plan with detailed drawings and dimensions.
 - iv. Updated Construction Schedule (Item No. C.8.b.vi. of the CWB-NOI Form C).
9. Review the effectiveness and adequacy of the implemented site-specific BMPs Plan(s) and Erosion and Sediment Control (ESC) Plan(s) at a minimum of once per week, and update the plan as often as necessary. Any change(s) to the site-specific BMPs Plans and/or ESC Plans or correction(s) to information already on file with the CWB shall be submitted to the CWB as soon as such change(s) or correction(s) arises. The Permittee shall properly address all related concerns and/or comments to the CWB's satisfaction.
10. For future submittals include the File No. HI R10D388 and the following certification statement in your cover letter:

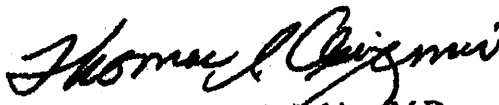
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Complete and submit the Solid Waste Disclosure Form for Construction Sites to the DOH, Solid and Hazardous Waste Branch, Solid Waste Section as specified on the form at least 30 calendar days before the start of each phase of construction activities. The form can be downloaded at:
<http://www.hawaii.gov/health/environmental/waste/sw/pdf/swdiscformnov2008.pdf>.
12. Complete and submit the Notice of Cessation (NOC) Form (CWB-NOC Form) to the CWB within two (2) weeks of completion of each phase of the subject project. The CWB-NOC Form can be downloaded from our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/pdf/cwb-noc.pdf>.
13. Know that as of the date of this letter, Mr. Russell Arakaki of ParEn, Inc. dba Park Engineering is no longer recognized as the duly authorized representative. Mr. Glenn Yasui or the Administrator of the DOT-HWYS is recognized as the duly authorized representative to submit information/documents for compliance with the NGPC conditions, except submittal of the CWB-NOC Form. A new authorized representative may be appointed by submitting a hard copy of the information on CWB NOI General Form: Item Nos. 6.c. or 6.d. – Authorized Representative Information; a hard copy of Item No.7. – Certification; and the CWB NOI General Form with the revised Authorized Representative Information submitted via "Submit by Email" button.

The Permittee is responsible for obtaining other Federal, State, or local authorizations as required by law.

If you have any questions, please contact Mr. Shane Sumida of the Engineering Section, CWB, at 586-4309.

Sincerely,


FOR Chiyome Leinaala-Eukiao, M.D.
Director of Health

- Enclosures:
1. HAR, Sections 11-55-01 and 11-55-34 to 11-55-34.12
 2. HAR, Chapter 11-55, Appendices A and C
 3. Title 40, Code of Federal Regulations Citations as referenced in HAR, Chapter 11-55, Water Pollution Control, Appendix A
 4. Hawaii DOH Customer Satisfaction Survey
- c: Mr. Russell Arakaki, ParEn, Inc. dba Park Engineering
(w/Receipt No. 25904 for \$500 Filing Fee only)
Mr. Glenn Yasui, DOT-HWYS (w/o encls.) [via fax 587-2340 only]

LINDA LINGLE
GOVERNOR OF HAWAII



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

CHRYME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
DOH/CHW1

09GD389.FNL.09

October 9, 2009

The Honorable Brennon T. Morioka, Ph.D., P.E.
Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Ms. Karen Chun
Project Manager

Dear Dr. Morioka:

**Subject: NOTICE OF GENERAL PERMIT COVERAGE (NGPC)
National Pollutant Discharge Elimination System (NPDES)
Castle Hills Access Road, Drainage Improvements, Project No. HWY-O-04-98
Kaneohe, Island of Oahu, Hawaii
File No. HI 09GD389**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "Act"); Hawaii Revised Statutes, Chapter 342D; and Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55, Department of Health (DOH), State of Hawaii,

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION (DOT)
HIGHWAYS DIVISION (HWYS)**

(hereinafter PERMITTEE)

is authorized to discharge construction activity dewatering from the subject project located at Kupohu Street and Pilina Way, in Kaneohe, Island of Oahu, Hawaii, TMKs: (1) 4-5-024:002, 003, 004, and 005; and 4-5-108:068, 069, 070, 071, 072, 073, and 074, to the receiving State waters identified as Kapunahala Stream, a Class 2, Inland Stream, at discharge point coordinates: Latitude 21°24'13"N and Longitude 157°48'36"W; and Latitude 21°24'13"N and Longitude 157°48'35"W.

- a. A hard copy of the General Contractor information and the CWB NOI General Form with the General Contractor information submitted via "Submit by Email" button (Item No. 3. of the CWB NOI General Form).
- b. Construction Schedule (Item No. G.6.c. of CWB-NOI Form G).
- c. Site-Specific Dewatering Plan (Item No. G.12. of the CWB-NOI Form G).
- d. Site-Specific Dewatering System Maintenance Plan (Item No. G.13. of the CWB-NOI Form G).
- e. Site-Specific Construction Pollution Prevention Plan (Item No. G.14. of the CWB-NOI Form G).

9. Monitor the discharge effluent as follows:

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS			
Effluent Parameter	Discharge ⁽¹⁾ Limitations	Minimum Measurement Frequency	Sample Type
Flow (GPM and Gallon)	Report	Once Per Discharge	Calculated or Estimated
Total Suspended Solids (mg/L)	Report	Once Per Discharge	Grab/Composite
Turbidity (NTU)	Report	Once Per Discharge	Grab
Oil and Grease ⁽²⁾ (mg/L)	15	Once Per Discharge	Grab
pH Range (Standard Unit)	5.5 to 8.0	Once Per Discharge	Grab ⁽³⁾

FOOTNOTES:

- ⁽¹⁾ - Pollutant levels exceeding discharge limitations shall be reported to the Director within 24 hours after the Permittee becomes aware of the results. The Permittee shall provide the Director with an explanation of the pollutant origin. Monitoring results shall be submitted on the Discharge Monitoring Report (DMR) form.
- ⁽²⁾ - Oil and Grease shall be measured by the EPA Method 1664, Revision A.
- ⁽³⁾ - The Permittee shall measure pH within 15 minutes of obtaining the grab sample.

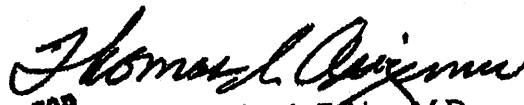
The Honorable Brennon T. Morioka, Ph.D., P.E.
October 9, 2009
Page 5

09GD389.FNL.09

The Permittee is responsible for obtaining other Federal, State, or local authorizations as required by law.

Enclosed in the copy for ParEn, Inc. dba Park Engineering is a receipt for the filing fee. If you have any questions, please contact Mr. Shane Sumida of the Engineering Section, CWB, at 586-4309.

Sincerely,


FOR Chiyome Leinaala Eulene, M.D.
Director of Health

- Enclosures:
1. HAR, Sections 11-55-01 and 11-55-34 to 11-55-34.12
 2. HAR, Chapter 11-55, Appendices A and G
 3. Title 40, Code of Federal Regulations Citations as referenced in HAR, Chapter 11-55, Water Pollution Control, Appendix A
 4. DMR Form
 5. Hawaii DOH Customer Satisfaction Survey

c: Mr. Russell Arakaki, ParEn, Inc. dba Park Engineering
(w/Receipt No. 25905 for \$500 Filing Fee only)
Ms. Karen Chun, DOT-HWYS (w/o encls.) [via e-mail karen.chun@hawaii.gov only]
Mr. Glenn Yasui, DOT-HWYS (w/o encls.) [via e-mail glenn.yasui@hawaii.gov only]

LINDA LINGLE
GOVERNOR OF HAWAII
DIRECTOR'S OFFICE
DEPT. OF
TRANSPORTATION

2010 MAR 15 A 11:27



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
WILLIAM D. BALFOUR, JR.
SUMNER ERDMAN
NEAL S. FUJIMURA
CHIYOME L. FUKINO, M.D.
DONNA FAY K. KUYOSAKI, P.E.
LAWRENCE H. MIKE, M.D., J.D.
KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

DIR 0274

March 9, 2010

Ref.: SCAP.2380.3

TO: Honorable Brennon Morioka, Director
Department of Transportation
Attention: Ms. Karen Chun

FROM: *for* Laura H. Thielen, Chairperson
Department of Land and Natural Resources

A handwritten signature in black ink, appearing to read "Laura H. Thielen", written over the printed name.

SUBJECT: Application for a Stream Channel Alteration Permit (SCAP.2380.3)
Department of Transportation Castle Hills Access Road Drainage Improvements
and Streambank Stabilization, Kapunahala Stream, Kaneohe, Oahu,
TMKs: (1) 4-5-024:002 to 005 and (1) 4-5-108:068 to 074

On July 15, 2009, the Commission on Water Resource Management (Commission) approved the State Department of Transportation's application for a Stream Channel Alteration Permit (SCAP.2380.3) for the Castle Hills Access Road Drainage Improvements and Streambank Stabilization at Kapunahala Stream in Kaneohe, Oahu, TMKs: (1) 4-5-024:002 to 005 and (1) 4-5-108:068 to 074. The July 15, 2009, staff submittal, Item D-2, is enclosed for your information.

As you requested, we are re-sending two original copies of the permit for your review and signature. Please review the conditions of the approval for SCAP.2380.3. If they are acceptable to you, please sign both copies of the permit, return one copy to the Commission, and retain a copy for your records.

If you have any questions concerning this permit, please contact Robert Chong of the Commission staff at 587-0266, or by email at robert.k.chong@hawaii.gov.

Enclosures

SCAP.2380.3**Stream Channel Alteration Permit**

PETITIONER: State Department of Transportation
STREAM: Kapunahala Stream, Kaneohe, Oahu
TMKs: (1) 4-5-024:002 to 005 and (1) 4-5-108:068 to 074

STREAM CHANNEL ALTERATION PERMIT

The permittee is hereby granted a permit to alter a stream channel, in accordance with the specifications and plans contained in the application, subject to the following conditions and limitations:

1. The permit application and staff submittal approved by the Commission at its meeting on July 15, 2009, shall be incorporated herein by reference.
2. The permittee shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State, and City and County of Honolulu governments.
3. The permittee shall be liable, to the extent allowed by the Federal Tort Claims Act, for claims for personal injuries or property damage resulting from the negligent or wrongful act or omission of any employee of the United States while acting within the scope of his or her employment, arising out of this agreement.
4. The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion. The permittee shall submit a set of as-built plans and photos of the completed work to the Commission upon completion of this project. This permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The proposed work under this stream channel alteration permit shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Commission upon showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.
5. Before proceeding with any work authorized by the Commission, the permittee shall submit one set of construction plans and specifications to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. The permittee shall develop site-specific, construction best management practices (BMPs) that are designed, implemented, operated, and maintained by the permittee and its contractor to properly isolate and confine construction activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting state waters. BMPs shall control erosion and dust during construction and schedule construction activities during periods of low stream flow.
7. The permittee shall protect and preserve the natural character of the stream bank and stream bed to the greatest extent possible. The permittee shall plant or cover lands denuded of vegetation as quickly as possible to prevent erosion and use native plant species common to riparian environments to improve the habitat quality of the stream environment.
8. In the event that subsurface cultural remains such as artifacts, burials or deposits of shells or charcoal are encountered during excavation work, the permittee shall stop work in the area of the find and contact the Department's Historic Preservation Division immediately. Work may commence only after written concurrence by the State Historic Preservation Division.

DATE OF APPROVAL: July 15, 2009
EXPIRATION DATE: July 15, 2011

[Signature]
LAURA H. THIELEN, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed. I also understand that non-compliance with any permit condition may be grounds for revocation and fines up to \$5,000 per day starting from the permit date of approval.

ACCEPTED:

[Signature]

BRENNON T. MORIOKA, Director, State Department of Transportation

Date: 8-19-20

Please sign both copies of this permit, return one copy to the Chairperson, and retain the other copy for your records.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EMD / CWB

WQC768.FNL.10

May 21, 2010

The Honorable Brennon T. Morioka, Ph.D., P.E.
Director
Department of Transportation
Aliiainmoku Building, Room 509
869 Punchbowl Street
Honolulu, Hawai'i 96813

Attention: Mr. Edwin Sniffen
Technical Design Section Head

Dear Dr. Morioka:

Subject: Section 401 Water Quality Certification (WQC)
Castle Hills Access Road Drainage Improvement
Kapunahala Stream between Pookela Street and Kupohu Street
Kaneohe, Island of Oahu, Hawaii
Government Project/Job No. HW-O-04-98
TMKs: (1) 4-5-024:002 to 005, and (1) 4-5-108:068 to 074
File No. WQC 0000768/DA File No. POH-2009-00185

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt on May 20, 2010, of your revised Application (signed and dated May 19, 2010) for a Section 401 WQC for the subject project notified by an e-mail and uploaded on the CWB's FTP site by Mr. Russell Arakaki of ParEn, Inc., your duly authorized representative, on May 20, 2010.

The proposed construction will be conducted in two (2) phases as summarized in Item No. 7.b of the Application, below:

Phase I

1. Install, maintain, and monitor temporary water pollution, dust and erosion control measures and Best Management Practices (BMPs).

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 2

WQC768.FNL.10

2. Demolition and removal of 10 residential buildings and appurtenant structures and landscaping.
3. Removal of invasive plants within the stream corridor and stabilization of disturbed areas.
4. Installation of stream diversion measures to allow construction of southern stream bank gabion wall.
5. Excavation and dewatering for gabion wall.
6. Installation of gabion wall.
7. Removal of diversion measures.
8. Installation of erosion controls including hydromulch, temporary grassing, and erosion control matting.

Phase 2

1. Install, maintain, and monitor temporary water pollution, dust and erosion control measures and BMPs.
2. Demolition and removal of existing concrete ditch.
3. Installation of a 60-inch diversion pipe and other diversion measures.
4. Construction of a temporary diversion wall.
5. Demolition and removal of CRM outlet structure.
6. Excavation and dewatering for the new reinforced concrete drop structure and gabion wall.
7. Drill and install micropile foundation.
8. Construct new concrete invert slab, gabion apron, and gabion wall.
9. Remove diversion structures, cofferdam and 60-inch bypass/diversion pipe.
10. Install erosion control measures.

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 3

WQC768.FNL.10

As stated in Mr. Arakaki's letter of May 20, 2010 that:

"It is the State Department of Transportation's goal to protect the existing in-stream uses and natural resources to the maximum extent practicable. Various studies have been conducted for the Castle Hills Access Road Drainage Improvements project, among which are an Archaeological Assessment in compliance with Section 106, and an Environmental Assessment (EA). A determination of a Finding of No Significant Impact (FONSI) was published for this EA and received no opposition during the 30-day public challenge period.

In addition, various Federal and State reviews and permits have been prepared to evaluate and mitigate any potential impacts of construction. Numerous government agencies, including the National Fish and Wildlife Service, United States Coast Guard, United States Department of Agriculture Natural Resources Conservation Service, Department of Land and Natural Resources Commission on Water Resource Management, State Historic Preservation Office, Division of Aquatic Resources, Department of Business Economic Development and Tourism Office of Planning, and Office of Hawaiian Affairs have been consulted through mail, email, conference and field investigation. Findings, comments and recommendations from these reviews have been taken into consideration and reflected in the revised design and site-specific BMP's developed for this project. The public, especially the communities adjacent to the proposed project, were also consulted during project development. Several community meetings were conducted to present project design approaches and to address any comments or concerns from the affected community. Project plans were revised to accommodate public comments on several occasions.

In accordance with HAR Section 11-54-09.1.04(b), we request a waiver from the public participation process as the proposed construction work for the Castle Hills Access Road Drainage Improvements Project is covered under a Nationwide Permit Authorization, the project will only result in minor discharge, and the project is noncontroversial."

The "*NOTICE OF PROVISIONAL NATIONWIDE PERMIT VERIFICATION*," dated October 29, 2009, Mr. George P. Young, Chief of the Regulatory Branch, Honolulu Engineer District (HED) of the U.S Army Corps of Engineers (COE) rendered his Department of the Army (DA) permitting jurisdictional determination which states:

"The proposed drainage improvements project consists of the reconstruction of a new stormwater culvert outlet and gabion apron in Kapunahala Stream. Appurtenant work above the Ordinary High Water Mark includes the installation of new gabion walls on the north and south banks of Kapunahala Stream and the reconstruction of a concrete ditch leading into the open culvert. Temporary in-stream discharges include placement of a sand bag berm to divert stream water away from the sheet pile cofferdam enclosing the work area. The project will be conducted in accordance with the drawings titled *Plans for Castle Hills Access Road Drainage Improvements, Vicinity of Pookela Street, Kupohu Street & Pilina Way, Project No. HWY-O-04-98*(attachment).

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 4

WQC768.FNL.10

The Corps has determined that the proposed work can be authorized under Nationwide Permit (NWP) #18 (Minor Discharges) in accordance with the Corps Nationwide Permit (NWP) authority at 33 CFR Part 330, Appendix A, the March 12, 2007 (72 FR 11092) Notice of Issuance of Nationwide Permits, Paragraph R18 (Minor Discharges)), Paragraph C (General Conditions), and the Honolulu Engineer District Regional General Conditions for Nationwide Permits (approved May 14, 2007). This NWP is issued provisionally under the authority of Section 404(e) of the Clean Water Act (33 U.S.C. 1344)."

Based on the DA NWP No. 18 (Minor Discharges) JD rendered by the COE-HED on October 29, 2009; information contained in the May 19, 2010 revised Section 401 WQC Application; in considering with Mr. Arakaki's waiver request; and in accordance with Hawaii Administrative Rules (HAR), Paragraph 11-54-9.1.04(b), the DOH waives the notification requirements for the processing of an Application for a Section 401 WQC for the subject project with the following conditions:

1. The determination of waiving the notification requirements for the processing of an application for a Section 401 WQC for the subject project:
 - a. Shall become effective the date of this letter and expire at midnight **March 18, 2012**, or until the applicable State Water Quality Standards (WQS) is revised or modified, or the applicable DA NWP No. 18 expires or is revised or modified, or the project construction is completed, whichever is earliest. If the applicable WQS is revised or modified, before **March 18, 2012**, and such that the activity complies with the revisions or modifications to the WQS, the determination of waiving the notification requirements shall continue to be valid until **March 18, 2012**.

The Director of Health (Director) may, upon the written request under 33 CFR 330.6(b) from the Department of Transportation (DOT) administratively extend the expiration date of this determination if the written request can demonstrate to the Director that the project is in fact under construction or under contract to begin construction after the NWP expires and there are no significant changes to the project scope and the changes will not, either individually or cumulatively, cause adverse impact to the receiving water quality. The request shall be accompanied with appropriate color photographs demonstrating that the project is in fact under physical construction and the purpose of extending the expiration date is to allow the contractor to complete the project construction.

- b. Shall become invalid if the project construction activity is found to be controversial after the effective date of this letter. The DOT shall cease all discharge activities as specified in Item No. 7.d for the purposes as specified in Item Nos. 7.b and 7.c of the May 19, 2010 revised Section 401 WQC Application. The DOT and the contractor(s) shall not hold the DOH responsible for any damages or costs incurred due to the cessation of the discharge activity.

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 5

WQC768.FNL.10

c. May be revoked when:

- (1) New State WQS are subsequently established before the activity is completed and/or the Director determines that the activity is violating new State WQS. The Director will notify the DOT of the violation. The DOT shall cease the violation within 180 calendar days of the date of the notice. If the DOT fails within 180 calendar days of the date of the notice to cease the violation, the Director may revoke this waiver determination; or
- (2) The Director determines that the discharge(s) from the activity is violating the existing State WQS or any condition specified in this letter. The Director will notify the DOT of the violation. The DOT shall cease the violation within seven (7) calendar days of the date of the notice. If the DOT fails within seven (7) calendar days of the date of the notice to cease the violation, the Director may revoke this waiver determination.

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

Written notification by the Director under this section is complete upon mailing or sending a facsimile transmission of the document or actual receipt of the document by the DOT.

2. The DOT shall:

- a. (1) Invite the DOH's representative(s) to attend the partnering, pre-construction or any other similar type of meeting that is established for the proposed construction project.
- (2) Notify the CWB:
 - (A) At e-mail cleanwaterbranch@doh.hawaii.gov or via fax No. (808) 586-4352 within seven (7) calendar days before any work is to begin. All communication, including but not be limited to the e-mail, with the CWB shall indicate **File No. WQC 000768.**
 - (B) Within 14 calendar days after the completion of the proposed construction activities (including the disturbed sites restoration activities).
- b. Submit to the CWB within seven (7) calendar days before each phase of the construction work is to begin, the:
 - (1) General Contractor's Information as required in Item No. 2 of the Application;
 - (2) Emergency Contact's information as required in Item No.3 of the Application;

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 6

WQC768.FNL.10

- (3) Project site Contact Person information as required in Item No.4 of the Application;
and
 - (4) An updated construction schedule, as appropriate.
- c. Ensure that work shall be performed only during the period that the Kapunahala Stream has minimal or no flow.
- d. Comply, and shall also require the contractor(s) to comply, with applicable specifications, schedules, procedures, "***Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāneʻohe, Oʻahu, Hawaiʻi*** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010), site-specific BMPs measures and any other project construction related requirements or information contained in your May 19, 2010 revised Section 401 WQC Application submitted with Mr. Arakaki's letter of May 20, 2010.

The DOT shall properly conduct or contract with a qualified laboratory/environmental consultant to conduct the "***Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāneʻohe, Oʻahu, Hawaiʻi*** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010) submitted with Mr. Arakaki's e-mail of May 20, 2010.

Test methods promulgated in 40 CFR Part 136 effective on July 1, 2001, and when applicable, the chemical methodology for sea water analyses (see HAR, Section 11-54-10) shall be used. The detection limits of the test methods used shall be equal to or lower than the applicable WQS as specified in HAR, Chapter 11-54. For situations where the applicable WQS is below the detection limits of the available test methods, the test method which has the detection limit closest to the applicable WQS shall be used. If a test method has not been promulgated for a particular parameter, the applicant may submit an application through the Director for approval of an alternate test procedure by following 40 CFR §136.4.

The Director may, at the Director's own discretion or upon written request from the DOT and on a case-by-case basis, require the DOT to modify the monitoring frequency(ies) or change the sampling locations and/or parameter, as appropriate. If a written request is submitted for the reduction of monitoring frequency(ies), it shall be accompanied by an assessment of monitoring results which shall clearly demonstrate that the project construction activity related discharge has fully complied with the applicable WQS.

The Honorable Brennon T. Morioka, Ph.D., P.E.

WQC768.FNL.10

May 21, 2010

Page 7

For each phase of the proposed construction work, DOT shall take representative pre and post-construction site photographs. Pre-construction representative site photographs shall be submitted to the CWB prior to the initiation of the proposed in-stream works. Post-construction representative site photographs shall be submitted to the CWB within 14 calendar days after the completion of each phase of the proposed construction activities (including the disturbed sites restoration activities).

Field measurement results as well as the turbidity laboratory analytical results shall be submitted to the CWB, before the closing of the next business day the sample was taken, via e-mail in Excel and pdf formats to cleanwaterbranch@doh.hawaii.gov. All communication, including but not be limited to the e-mail, with the CWB shall include **File No. WQC 0000768** and the certification statement below.

e. Ensure that:

- (1) All "discharges" associated with the proposed construction activities are conducted in a manner that will not cause or contribute to a violation to the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, Section 11-54-4.
- (2) 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 identified in HAR, Subsection 11-54-4(b).

f. Ensure that sheet piles, silt fence, sand bags, erosion control mats, and appropriate and effective silt containment or treatment device(s) and soil erosion control measures as well as the 60" stream flow diversion pipe will be properly deployed prior to the commencement of the construction work; be properly maintained throughout the entire period of the construction work; and not be removed until the construction work is completed and the condition in the affected area has returned to its preconstruction condition or better, as demonstrated by the monitoring results.

g. Ensure that construction debris, including but not limited to those resulting from the excavation/dredging activity, is contained on land and prevented from entering or re-entering State waters.

h. Ensure that all temporarily constructed structures (including the sheet piles, silt fence, sand bags, and 60" stream flow diversion pipe), silt containment device(s) and/or temporary soil erosion control structures, are properly removed immediately after the completion of the construction work and when the affected water body has returned to its preconstruction condition or better, as demonstrated by the monitoring results, including the color photographs.

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 8

WQC768.FNL.10

- i. Ensure that the permitted activity will not result in noncompliance or cause violations to the applicable State WQS. Although temporary increases in turbidity level is expected, any visible floating debris, oil, grease, scum, other floating materials, or objectionable color, or turbidity plume, detected outside the confined/isolated areas constitutes a violation to HAR, Subsection 11-54-4(a) requirements.

The DOT shall immediately cease the portion of the construction work which is causing or may cause noncompliance with HAR, Subsection 11-54-4(a), Subsection 11-54-4(b), or the portion of the construction is damaging or will cause damage to the aquatic environment as is indicated through applicable monitoring and assessment plan results or during the daily inspection or observations. The construction activity shall not resume until adequate mitigative measures are implemented and appropriate corrective actions are taken and approved by the Director.

The DOT, Contractor and/or subcontractor(s) shall not hold the DOH responsible for any damages or costs incurred due to the temporary cessation of the construction operation.

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

- j. Immediately report any spill(s) or other contamination(s) that occurs at the project to the CWB via telephone number (808) 586-4309 or through e-mail to:
cleanwaterbranch@doh.hawaii.gov.
 - k. Ensure that:
 - (1) Erosion and Sediment Control Measures are in place and functional before earth moving operations begin;
 - (2) Temporary soil stabilization shall be applied on areas that will remain unfinished for more than 30 calendar days; and
 - (3) Permanent soil stabilization shall be applied as soon as practicable after final grading.
- The DOT shall ensure that the Contractor and/or subcontractor(s) will maintain, at the construction site or in the nearby field office, a record that these requirements have been fully complied with.
- l. Not discharge construction site dewatering effluent, concrete truck wash water, and any other types of effluent without first obtaining the required National Pollutant Discharge Elimination System permit from the DOH.

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 9

WQC768.FNL.10

- m. Maintain, or require the contractor to maintain, a copy of the May 19, 2010 revised Section 401 WQC Application package which includes the **"Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāne'ohe, O'ahu, Hawai'i"** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010), and site-specific BMPs measures, the construction daily log and this letter at the construction site or in the nearby field office.
3. Work shall be discontinued during storm events that exceed 5-year, 1-hour intensity or during flood condition.
4. Clearing and grubbing shall be held to the minimum, if any.
5. The DOT shall review and update the effectiveness and adequacy of the **"Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāne'ohe, O'ahu, Hawai'i"** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010), implemented site-specific BMPs and other environmental protection measures as often as needed. The DOT shall modify the **"Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāne'ohe, O'ahu, Hawai'i"** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010), site-specific BMPs measures and/or environmental protection measures upon request or when instructed by the Director.

Any change(s) to the implemented site-specific BMPs measures, **"Applicable Water Quality Monitoring and Assessment Program for Castle Hills Access Road Drainage Improvements and Kapunahala Stream Bank Stabilization, Kāne'ohe, O'ahu, Hawai'i"** (AECOS No. 1212B, dated November 20, 2009, and revised April 16, 2010), and/or correction(s) or modification(s) to information already on file with the DOH shall be submitted to the CWB for review and comment, as such change(s), correction(s) or modification(s) arises. The DOT shall properly address all comment(s) and/or concern(s) to the Director's satisfaction before such change(s), correction(s) or modification(s) become effective.

6. By applying for and accepting this Section 401 WQC determination, the DOT agrees that the DOH may conduct routine inspection of the construction site in accordance with Hawaii Revised Statutes, Section 342D-8.
7. Construction debris, vegetation and/or dredged material removed from the construction site shall be disposed of at the upland State or County approved sites. A Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the DOH, Solid and Hazardous Waste Branch, Solid Waste Section. The form may be downloaded at: <http://hawaii.gov/health/environmentallwater/cleanwater/forms/pdf/oswm5-94.pdf>.

The Honorable Brennon T. Morioka, Ph.D., P.E.

WQC768.FNL.10

May 21, 2010

Page 10

No construction material or construction activity-related materials shall be stockpiled, stored or placed in State waters (including Kapunahala Stream) or in ways that will disturb or adversely impact the aquatic environment.

8. Runoff, return flow or airborne particulate pollutants, if any, from the excavated/dredged material dewatering process or from the stockpiling site shall be contained on land and not be allowed to enter State waters.
9. The DOT shall comply with all new State WQS adopted by the DOH after the effective date of this letter.
10. The DOH reserves the right of taking appropriate enforcement action authorized by law against any non-compliance of conditions contained in this letter.
11. Effective the date of this letter, Mr. Russell Arakaki is no longer recognized as the duly authorized representative. Mr. Pratt Kinimaka, District Engineer of DOT-HWYS, Oahu Office, is recognized as the duly authorized representative to comply with and be responsible for all conditions specified in this Section 401 WQC. All future information must be submitted by you or Mr. Pratt Kinimaka.

Please include File No. WQC 0000768 and the following certification statement in all future correspondence with the DOH for the subject project:


"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The Honorable Brennon T. Morioka, Ph.D., P.E.
May 21, 2010
Page 11

WQC768.FNL.10

If you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at 586-4309.

Sincerely,


Chiyome Leinaala Fukino, M.D.
Director of Health

- c: Regulatory Branch, HED, COE [via fax 438-4060 only]
CZM Program, Office of Planning, DBEDT [via fax 587-2899 only]
CWRM, DLNR (w/o encl.) [via e-mail Robert.K.Chong@hawaii.gov only]
Mr. Pratt Kinimaka, Oahu Office, DOT-HWYS (w/o encl.) [via fax 831-6726 only]
Mr. Edwin Sniffen, DOT-HWYS [via fax (808) 692-7555 only]
Mr. Russell Arakaki of ParEn, Inc., [via fax 593-1607 only]
Mr. Robert Shin, DOT-HWYS (w/o encl.) [via e-mail Robert.Shin@hawaii.gov only]
Ms. Larissa Sato, Parson Brickerhoff (w/o encl.) [via e-mail sato@pbworld.com only]