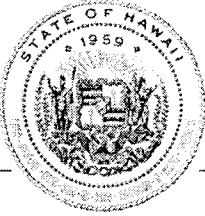


Attachment 4

Section 4(f) Coastal Zone Management



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

OFFICE OF PLANNING

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

Glenn
HWY 1030
LINDA LINGLE
GOVERNOR
THEODORE E. LIL
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
LAURA H. THIELEN
DIRECTOR
OFFICE OF PLANNING

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-11293

March 13, 2006

RECEIVED
MAR 15 2006

To: Brennon T. Morioka
Deputy Director - Highways
Department of Transportation

From: Laura H. Thielen, Director *LT*

Subject: Kamehameha Highway, Kaipapau Stream Bridge Replacement, Hauula, Oahu;
Federal-Aid Project No. BR-083-1(48) Section 4(F) Consultation Notification,
Department of Transportation Act of 1966

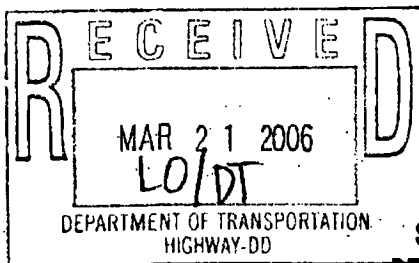
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RECEIVED
DEPT. OF TRANSPORTATION

Replacing the Kaipapau Stream Bridge on Kamehameha Highway in Hauula, Oahu, will likely require a Coastal Zone Management (CZM) federal consistency review by the Hawaii CZM Program. CZM federal consistency reviews are required for the use of certain Federal funds such as Federal Highway Administration grants, and for Federal permits such as the Department of the Army (DA) Permit from the U.S. Army Corps of Engineers. If the project involves either one or both of these Federal actions, then CZM federal consistency review will be necessary. It is possible that the project will require two CZM federal consistency reviews, one for the Federal funding and another for the DA Permit.

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
Department of Planning and Permitting, City and County of Honolulu

LINDA LINGLE
GOVERNOR OF HAWAII



DEPT OF TRANSPORTATION
STATE OF HAWAII MAR 13 P 1:52
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96809-1378
HIGHWAYS DIVISION

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

In reply, please refer to:
BMD / CWB

03036CEC.06

March 8, 2006

Mr. Glenn M. Yasui
Administrator
Highways Division
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

HIGHWAYS DIVISION
OAHU DISTRICT

2006 MAR 15 P 3:12

RECEIVED

Dear Mr. Yasui:

**Subject: Kamehameha Highway, Kaipapau Stream Bridge Replacement
Federal-Aid Project No. BR-083-1(48) Section 4(F) Consultation Notification
Department of Transportation Act of 1966 (United States Code - 49 U.S.C. 303)**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on March 3, 2006. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.
2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
 - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.

Mr. Glenn M. Yasui, Administrator
March 8, 2006
Page 2

- b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
- i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
- ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the commencement of the construction activities.** [HAR, Chapter 11-55, Appendix C]
- iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
- iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
- v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
- vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]
- vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
- viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
- ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
- x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
- xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]

Mr. Glenn M. Yasui, Administrator
March 8, 2006
Page 3

3. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
4. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a), requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at 586-4309.

Sincerely,



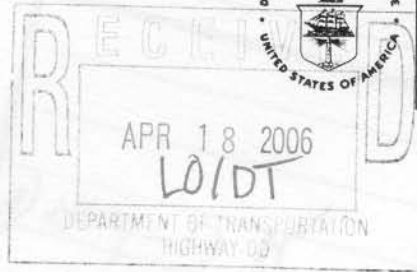
DENIS R. LAU, P.E., CHIEF
Clean Water Branch

EC:np

c: Regulatory Branch, COE
CZM Program, Office of Planning, DBEDT
CWRM, DLNR

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 973-2937 • Fax (808) 973-2941

HWY 1054



'06 APR 14 P3:28

MAR 31 2006

DESIGN BRANCH
HIGHWAYS DIVISION
DEPT. OF TRANSPORTATION

Brennon T. Morioka
Deputy Director-Highways
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Kamehameha Highway, Kaipapau Street Bridge Replacement, Federal-Aid
Project No. BR-083-1(48) Section 4(f) Consultation Notification, Department of
Transportation Act of 1966 (United States Code - 49 U.S.C.303.)

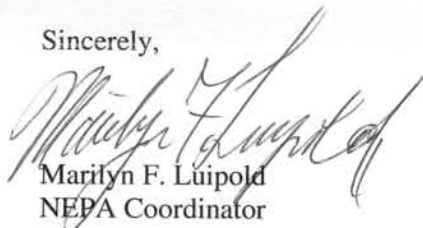
Dear Mr. Morioka:

I would like to thank you for the opportunity to comment on your letter regarding the Kaipapau Stream Bridge Replacement project.

As per our conversation on March 9, 2006, I wanted to bring to your attention that the project appears to take place near a beach with a known Hawaiian monk seal haul-out zone. Hawaiian monk seals are protected under the Marine Mammal Protection Act and the Endangered Species Act. As we discussed, it wasn't clear from the materials forwarded whether or not impacts or effects of the planned project could affect the beach area. As a result of our expression of concern and inquiry, you indicated you would seek additional information on proximity of activity to the beach and potential impacts of the project on the beach area, particularly as regards potential monk seal haul out disruption.

Again, the National Marine Fisheries Service appreciates the opportunity to offer comments on the proposed project. Please feel free to contact my office if you need additional information prior to undertaking the project.

Sincerely,


Marilyn F. Luipold
NEPA Coordinator

cc: Protected Resources Division
cc: Habitat Conservation Division

