



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

December 20, 2019

SUBJECT: Nationwide Permit Verification for Bank Stabilization, H3 Piers:
Halawa, Island of Oahu, Hawaii
Department of the Army File No. POH -2019-00159

State of Hawaii Dept. of Transportation
Mr. Jade Butay
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Butay:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed the review of your Pre-Construction Notification dated September 18, 2019 requesting the discharge of approximately 155 feet of riprap below the ordinary high water mark (OHWM) in the Halawa Stream a waters of the United States (US) located at 21.37779°, -157.90731°, Halawa, Island of Oahu, Hawaii (Enclosure 1). Please reference Department of the Army (DA) file number POH -2019-00159 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) #13, (Bank Stabilization) issued on March 19, 2017 (82 FR 1860, January 6, 2017). This NWP verification letter is being issued pursuant to Section 404 of the Clean Water Act for the discharge of dredged and/or fill material into waters of the U.S. You are authorized to conduct the following work as described below and as depicted on the enclosed drawings (Enclosure 2):

The discharge of approximately 155 feet of riprap below the ordinary high water mark (OHWM) of Halawa Stream. Additional work involves smoothing of the slope, excavation of a trench for the installation of the toe of the embankment, and placement of pollution and erosion control measures to protect the H-3 Viaduct Pier 26 from lateral stream migration as shown in the attached drawings.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions*, the *Honolulu District Regional Conditions* (Enclosure 3), and the following project-specific Special Conditions:

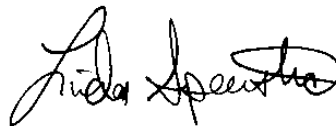
- a. Woody plants and trees more than 15 feet tall will not be removed or trimmed during Hoary Bat breeding season of June 1 – September 15.

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

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

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this authorization, please contact Mr. Frank Winter via e-mail at Frank.J.Winter@usace.army.mil or at (808) 835-4107.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Speerstra". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Speerstra".

Linda Speerstra
Chief, Regulatory Branch

Enclosures

Cc:

Ms. Jan Reichelderfer, WSP

Mr. Darryl Lum, State of Hawaii Department of Health, Clean Water Branch

Mr. John Nakagawa, State of Hawaii, Coastal Zone Management Program

Reichelderfer, Jan

From: Lum, Darryl C <darryl.lum@doh.hawaii.gov>
Sent: Tuesday, December 10, 2019 2:15 PM
To: CEPOH-RO@usace.army.mil
Cc: Wong, Alec Y; Linda.Speerstra@usace.army.mil; frank.winter@usace.army.mil; Butay, Jade; Abcede, George; Chun, Karen; Reichelderfer, Jan; Sato, Larissa M. V.; Nishioka, Todd S.
Subject: Interstate Route H-3, H-3 Finish, Unit VIIC (WQC1057/DA File No. POH-2019-002159)

The Department of Health (DOH), Clean Water Branch (CWB) received the e-Permitting NWP Blanket WQC Form on December 5, 2019 (Submission # HNR-B2W5-2KFZR). We concur that the subject individual verification is covered under the Blanket Section 401 Water Quality Certification for Nationwide Permit 13. Please reference WQC File No. WQC1057 in all future correspondence with the DOH-CWB.

Please contact me at 808-586-4309 if you have any questions.

Darryl Lum
Clean Water Branch
State of Hawaii Department of Health
Phone: (808) 586-4309

Notice: This information and attachments are intended only for the use of the individual(s) or entity to which it is addressed, and may contain information that is privileged and/or confidential. If the reader of this message is not the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited and may be punishable under state and federal law. If you have received this communication and/or attachments in error, please notify the sender via e-mail immediately and destroy all electronic and paper copies.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-33785

In reply, please refer to:
EMD/CWB

R10F928.FNL.19

December 10, 2019

The Honorable Jade Butay
Director
State of Hawaii
Department of Transportation
Highways Division
869 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Mr. Sergio George Abcede
District Engineer

Dear Mr. Butay:

Subject: NOTICE OF GENERAL PERMIT COVERAGE (NGPC)
National Pollutant Discharge Elimination System (NPDES)
Interstate Route H-3, H-3 Finish, Unit VIIC
Ewa, Island of Oahu, Hawaii
File No. HIR10F928

This letter is to notify you that the **STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION** (Permittee) is now covered under the NPDES General Permit authorizing discharges of storm water associated with construction activities. This only authorizes the Permittee to discharge storm water to certain receiving State waters discharge point(s) from certain project location(s), all as identified in the Notice of Intent (NOI) dated November 26, 2019 (received December 5, 2019); **provided that Permittee shall comply with applicable administrative rules¹ and the information submitted in the NOI (Administrative Requirements).**

Discharges of non-storm water, toxics, and other water pollutants to State waters are not authorized by this NPDES General Permit. This NGPC cannot be modified.

¹ Hawaii Administrative Rules (HAR) Chapter 11-54; HAR Chapter 11-55; HAR Chapter 11-55, Appendix A; HAR Chapter 11-55, Appendix C. HAR Chapters 11-54 and 11-55 are available on the DOH, Clean Water Branch website at: <http://health.hawaii.gov/cwb/>.

prepare the SWPPP prior to NOI submission, may result in criminal penalties for the Permittee and their authorized representative as provided in Clean Water Act², Section 309 and HRS § 342D-35.

DOH Survey. Please complete the DOH Customer Satisfaction Survey regarding your request for General Permit coverage. This brief survey is available on the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit>. Please use the Application Finder button and search for the "Customer Satisfaction Survey."

If you have any questions, please contact the CWB Enforcement Section or Mr. Darryl Lum of the Engineering Section at (808) 586-4309.

Sincerely,

for 

BRUCE S. ANDERSON, Ph.D.
Director of Health

Enclosure: Receipt No. 62505 for \$500 Filing Fee from WSP

- c: Ms. Jan Reichelderfer, WSP
[via e-mail Jan.Reichelderfer@wsp.com only]
Mr. Sergio George Abcede, Department of Transportation
[via e-mail George.abcede@hawaii.gov only]
Ms. Karen Chun, Department of Transportation
[via e-mail karen.chun@hawaii.gov only]
Ms. Larissa Sato, WSP USA
[via e-mail larissa.sato@wsp.com only]
Mr. Todd Nishioka, WSP USA
[via e-mail todd.nishioka@wsp.com only]
DOH-HEER [via e-mail heernotify@gmail.com only]

² Federal Water Pollution Control Act, 33 USC § 1251, *et seq.*

DAVID Y. IGE
GOVERNOR OF HAWAII



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

SUZANNE D. CASE
CHAIRPERSON

KAMANA BEAMER, PH.D.
MICHAEL G. BUCK
ELIZABETH A. CHAR, M.D.
NEIL J. HANNAHS
WAYNE K. KATAYAMA
PAUL J. MEYER

M. KALEO MANUEL
DEPUTY DIRECTOR

March 19, 2021

Ref: SCAP.5513.3

Jade Butay, Director
Department of Transportation
Highways Division
601 Kamokila Blvd., Room 688
Kapolei, HI 96707

Attention: Karen Chun

Aloha Ms. Chun:

NOTICE OF COMMISSION ACTION
Department of Transportation, Highways Division
Stream Channel Alteration Permit Application (SCAP.5513.3)
Installation of H-3 Hālawā Viaduct Pier 26 Riprap Revetment
North Hālawā Stream, Hālawā, O‘ahu
Tax Map Key: (1) 9-9-010:010 and 9-9-073:023

This letter serves as your notice of action taken by the Commission on Water Resource Management (Commission) on the subject application. On March 16, 2021, by a 7-0 vote, the Commission:

1. Approved the Stream Channel Alteration Permit (SCAP.5513.3) Application subject to the standard permit conditions and the special conditions below.
 - a. Implement the following mitigative measures recommended by the Department’s Division of Aquatic Resources during the construction activities 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) 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.

Jade Butay, Director

March 19, 2021

Page 2

Please sign and return one copy of the permit to the Commission and keep one copy for your records. Upon commencement and completion of the project, please fill out the construction notice and submit via email to: dlmr.cwrn@hawaii.gov. If you have any questions, contact Rebecca Alakai at 587-0266, or rebecca.r.alakai@hawaii.gov.

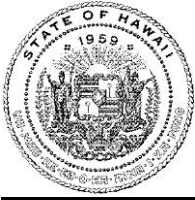
Ola i ka wai,

A handwritten signature in black ink, appearing to read "M. KALEO MANUEL".

M. KALEO MANUEL

Deputy Director

Enclosure

**COMMISSION ON WATER RESOURCE MANAGEMENT****SCAP.5513.3 STREAM CHANNEL ALTERATION PERMIT****PERMITTEE:** Department of Transportation, Highways Division**STREAM:** Hālawā Stream, Hālawā, O'ahu**PROJECT:** Installation of H-3 Hālawā Viaduct Pier 26 Riprap Revetment Project**TMK(s):** (1) 9-9-010:010 and 9-9-073:023**STANDARD PERMIT CONDITIONS**

The permittee is hereby granted a stream channel alteration permit for the subject project 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 as approved by the Commission on the date shown below, shall be incorporated herein by reference.
2. The project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, endangered species, and floodways. The permittee shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and county governments, including, but not limited to, instream flow standards.
3. The permittee, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the permittee or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.
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 in pdf format 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 in PDF format to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. The permittee shall implement site-specific, construction Best Management Practices in consultation with the DOH Clean Water Branch and other agencies as applicable, that are designed, implemented, operated, and maintained by the permittee and its contractor to properly isolate and confine activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting State waters per HRS Ch. 342D Water Pollution; HAR §11-54-1 through §11-54-8 Water Quality Standards; and HAR Ch. 11-55 Water Pollution Control, Appendix C.
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: March 16, 2021

M. KALEO MANUEL Deputy Director for
SUZANNE D. CASE, Chairperson
Commission on Water Resource Management

EXPIRATION DATE: March 16, 2023

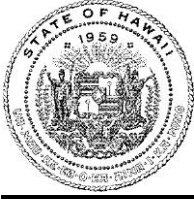
I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed. I also understand that non-compliance with any permit condition may be grounds for revocation and fines up to \$5,000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

ACCEPTED:_____
Jade Butay, Director

Date: _____

Please sign the permit. Return one copy to the Commission and keep one copy for your records.

CONSTRUCTION NOTICE



COMMISSION ON WATER RESOURCE MANAGEMENT**SCAP.5513.3 STREAM CHANNEL ALTERATION PERMIT****PERMITTEE:** Department of Transportation, Highways Division**STREAM:** Hālawā Stream, Hālawā, O'ahu**PROJECT:** Installation of H-3 Hālawā Viaduct Pier 26 Riprap Revetment**TMK(s):** (1) 9-9-010:010 and 9-9-073:023

☐ Date Construction to Commence: _____

☐ Date Construction Completed: _____

Submit a summary as-built plan and photos of the completed work in PDF format via email to:
dlr.cwrmm@hawaii.gov

☐ If Construction has been Abandoned: _____

Date Abandoned: _____

Reason for Abandonment: _____

Jade Butay, Director

Date: _____

Please sign this notice. Return one copy to the Commission and keep one copy for your records.

IMPORTANT: A copy of this form must be completed and submitted to the Commission on Water Resource Management prior to the commencement and upon completion of the subject project.

Mail hardcopies to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809 or

Email digital copies to: dlr.cwrmm@hawaii.gov