



U.S. Army Corps of Engineers
Honolulu District

PUBLIC NOTICE

Public Notice No. **POH-2008-273**

Date: December 10, 2008

Reply to:
District Engineer
U.S. Army Corps of Engineers
Building 230
Fort Shafter, Hawaii 96858-5440

Respond by: January 10, 2008

WATERWAY NAME: Kahului Bay, Kahului Commercial Harbor, Maui Island

Interested parties are hereby notified that an application has been received for authorization of a Department of the Army Standard Permit to modify the mooring system of the barge *Manaiakalani* to Pier 2C, Kahului Commercial Harbor, as described below and shown on the attached sheets.

1. **APPLICANT:** Harbors Division, Department of Transportation, State of Hawai'i, Hale Awa Ku Moku Building, 79 South Nimitz Highway, Honolulu HI 96813-4898
2. **AGENT:** Moffatt & Nichol, Seven Waterfront Plaza Center, 500 Ala Moana Boulevard, Suite 400, Honolulu, HI 96813
3. **APPLICABLE STATUTORY AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and with due consideration of the public interest and potential environmental effects following the issuance of this Public Notice.
4. **LOCATION OF THE PROPOSED ACTIVITY:** Kahului Commercial Harbor, Kahului Bay, Maui Island
5. **PURPOSE AND PROJECT DESCRIPTION:**

The Harbors Division, Department of Transportation is seeking to modify the mooring system of the barge *Manaiakalani* at Kahului Harbor from a conventional soft-line and tug-assisted mooring array to a 6-point anchor-and-mooring chain configuration. The proposed activity is intended to provide a more secure berthing of the barge *Manaiakalani* during and after arrival and departure operations of the Superferry and to minimize barge damage to Pier 2C during rough weather events.

The proposed activity in navigable waters of the U.S. will involve the installation of about 1,130 feet of 3-inch mooring chain in 3 legs (418, 325 and 383 feet) each anchored by one 15-ton stockless anchor-type sea anchor through a mid-chain 15-ton anchor to the barge *Manaiakalani*. As much as 2,900 square feet of harbor bottom disturbance would be generated by the installation. The location and configuration of this temporary mooring structure are indicated in Figures 2, 3 and 4.

These in-water activities are expected to take 1 month to complete.

6. The following information is pertinent to the Applicant's proposed project:

(i) The proposed mooring modification site at Kahului Commercial Harbor is latitude 20° 53' North and longitude 156° 28' West;

(ii) There will be no discharge of dredged or fill material regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344);

(iii) The modified mooring array, if authorized, shall be temporary and will be removed when maintenance dredging of the area is required;

(iv) The waters in which the work is proposed to take place are designated Class A marine waters by Hawai'i Administrative Rules (HAR) 11-54 and is a designated zone of mixing by the Hawai'i State Department of Health;

(v) The applicant has provided no estimates of the total days which would be required for the installation of the 6-point mooring array; and

(vi) Available geotechnical data indicate sediments in the proposed installation area are disturbed and composed of volcanic deposits and marine and terrestrial sediments. The bathymetry is relatively flat and ranges between minus-32 and minus-38 feet below mean lower low water (MLLW). Coral reefs, coral colonies, and seagrass beds are absent where anchors and chain are to be installed. Additional information regarding the reconnaissance survey of the affected marine environment and the characterization of benthic habitats is contained in the reference: Marine Research Consultants, June 2007, *Reconnaissance Survey of the Marine Environment, Kahului Commercial Harbor, Maui, Hawaii; Characterization of Benthic Habitats, Assessment of Impacts from Harbor Expansion*. Prepared for Belt Collins Hawaii, Ltd.

7. **IMPACTS OF PROPOSED ACTIVITIES IF AUTHORIZED:**

The proposed activity would permanently disturb approximately 2,900 square feet of accumulated sediments, gravels, and cobbles of the basin bottom at water depths from minus-32 to minus-38 feet below MLLW. Use of this area by the general public would be restricted during construction through the placement of appropriate safety devices, structures, and signage. Water quality within the basin is expected to remain the same during and after installation. The water quality of the receiving Kahului Commercial Harbor and Kahului Bay waters that are accessible to the public are not expected to be significantly degraded during the placement of anchors and chains. A Construction Contractor's Site-Specific Best Management Practices Plan (BMPP) will be required to minimize turbidity. The BMPP will also contain measures to avoid, minimize, or mitigate potential impacts to endangered species as well as potential pollution events from equipment maintenance, leaks, and spills.

Short term impacts during installation of the mooring array will include temporary disruption to water-dependent activities within the harbor basin from construction equipment and material staging, and increased noise.

Sessile, slow-moving, and fish biota inhabiting the Kahului Harbor basin, or attached to the existing Pier 2C substrates will likely be destroyed or displaced. Noise-producing activities

during construction (i.e. equipment operation) will be minimized by distance from residential areas and daylight hours of operation.

8. IMPACT ON TRADITIONAL CULTURAL AND HISTORIC PROPERTIES:

The areas of direct and indirect impact from installing the mooring system of the barge will not adversely impact the Kahului Commercial Harbor, a site listed on the Hawai‘i Register of Historic Places, or any other adjacent historic or traditional cultural property listed, or eligible for listing, on the Hawai‘i and/or National Registers of Historic Places. Existing benthic surfaces within the project area are unlikely to contain *in situ* Native Hawaiian traditional cultural properties and burial remains.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs, Hui Malama I Na Kupuna and the ‘Aha Kiolo Advisory Council. Any comments they have regarding historic properties and cultural resources will be considered before a final decision is made on the DA permit.

9. IMPACT ON ENDANGERED SPECIES AND ESSENTIAL FISH HABITAT:

Green sea turtles, a Federally-listed threatened species, are known to forage within the nearshore areas of Kahului Harbor and Kahului Bay. There is no indication that the placement of anchors and mooring chain in navigable marine waters will result in inadvertent entrapment or crushing of turtles or other larger biota. The receiving benthic marine environment around the areas of proposed disturbance consists primarily of sediments, gravels, cobbles, and existing harbor structures that support minimal growth of marine algal species preferred by turtles. The threatened green sea turtle (*Chelonia mydas*), endangered hawksbill turtle (*Eretmochelys imbricata*), humpback whale (*Megaptera novaengliae*), Hawaiian monk seal (*Monachus schauinslandi*), Newell’s shearwater (*Puffinus articularis newelli*), Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*), Hawaiian hoary bat (*Lasirus cinereus semotus*), Hawaiian duck (*Anas wyvilliana*), Hawaiian coot (*Fulica alai*), Hawaiian stilt (*Himantopus mexicanus knudseni*), and Blackburne’s sphinx moth (*Manduca blackburni*) may transit in the vicinity of harbor waters and/or within the boundaries of Kahului Bay. Pursuant to Section 7 of the Endangered Species Act (ESA), the Corps has determined that the proposed project may affect, but is not likely to adversely affect any Federally-listed species since all proposed installation activities will comply with plans and specifications that will avoid and minimize potential harm to Protected Marine Species.

This notice has been sent to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State of Hawai‘i Division of Aquatic Resources. Any comments they have on endangered or threatened species, designated critical habitat, or essential fish habitat will be considered before a final decision is made on the permit.

10. OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS:

Prior to the issuance of a valid Department of the Army permit, the applicant is required to obtain a Coastal Zone Management (CZM) Program consistency determination or waiver from the Office of Planning. The requirements for a CZM consistency statement and accompanying information are available for public review at the Department of Business, Economic

Development & Tourism, Office of Planning, CZM Program Office, 235 S. Beretania Street, 6th Floor, Honolulu, HI 96813. Comments on the consistency statement should be submitted in writing to the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, P.O. Box 2359, Honolulu, HI 96804 no later than 30 days from the date of this notice.

The work area is located entirely within the Kahului Commercial Harbor, an area controlled by the Harbors Division, Hawai'i Department of Transportation. The frequency, duration, and use of water-borne machinery and vessels as proposed in Kahului Commercial Harbor to accomplish the project shall also be the subject of notification to the Commander, U.S. Coast Guard District Honolulu. The Commander's department shall be consulted to determine the conditions under which the proposed work shall, or shall not take place, in navigable waters subject to their control and security.

Other State and local approvals required may include a Community Noise Control Permit from the State Department of Health and/or a Special Management Area Use Permit or Building Permit from the County of Hawai'i Department of Planning.

11. EVALUATION FACTORS:

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

12. COMMENTS AND INQUIRIES:

The U.S. Army Corps of Engineers (USACE) is soliciting comments from the public, Federal, State and local agencies and officials, native Hawaiian organizations and individuals, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Interested parties may submit in writing any comments they have on issuance of a permit for the proposed activity. Comments on the described work, referencing **POH-2008-273**, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Farley K. Watanabe at 808-438-7701 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at CEPOH-EC-R@usace.army.mil. Facsimile comments can be sent to 808-438-4060.

It is the Corps of Engineers policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary form.

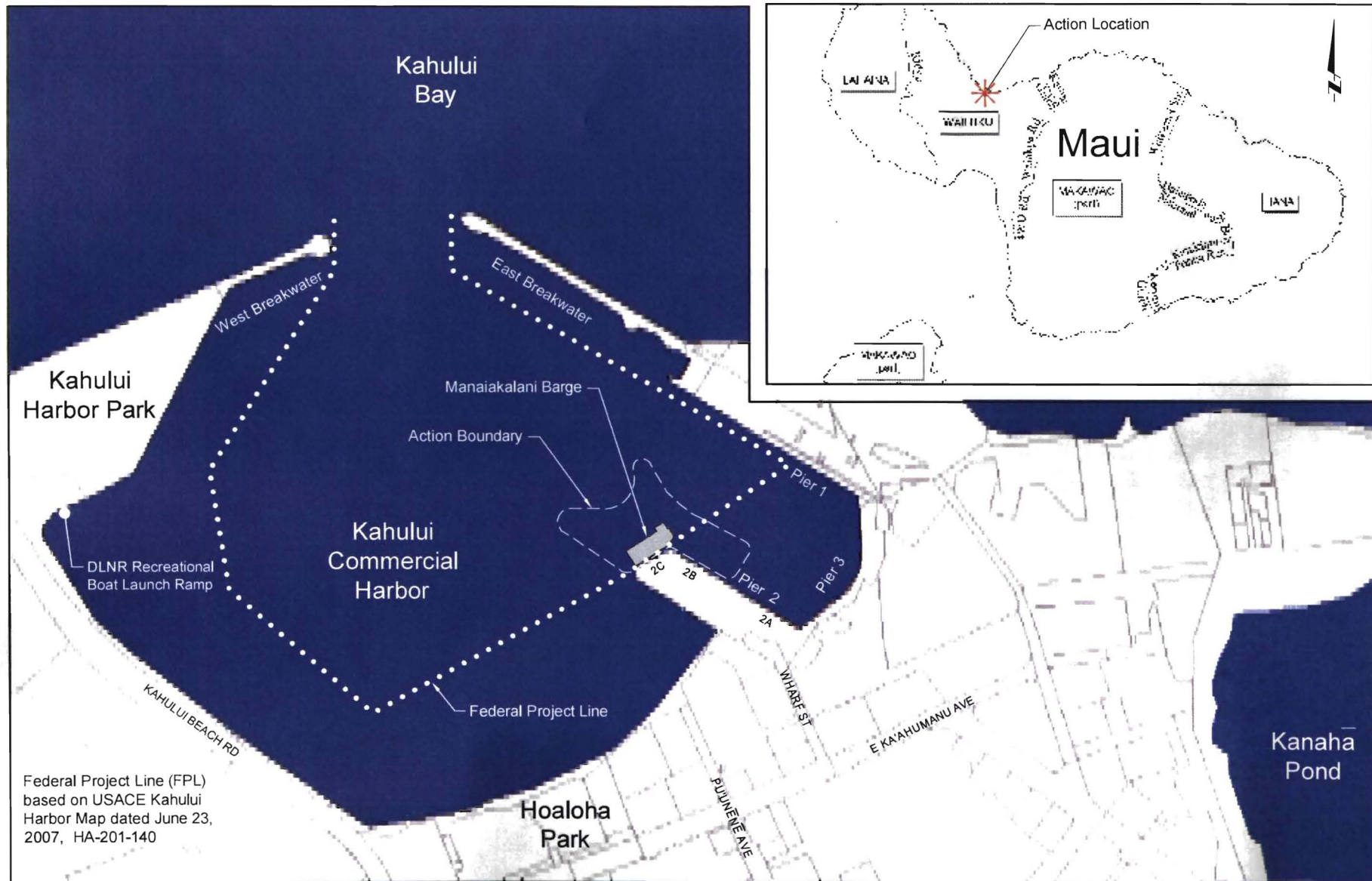
13. REQUEST FOR PUBLIC HEARING:

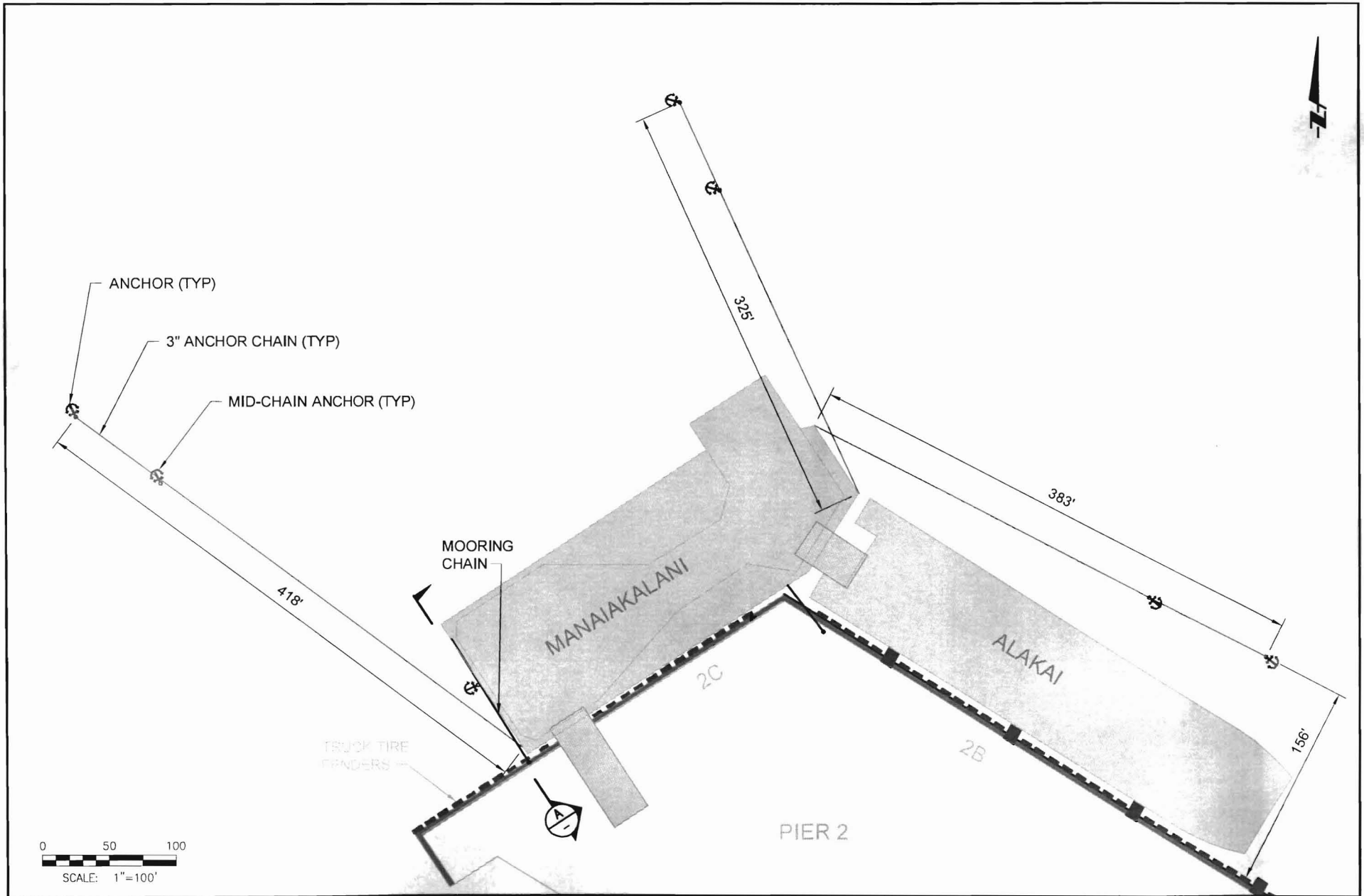
Any person may request, in writing, within 30 days from the date of this notice that a public hearing be held to consider issuance of a permit for the proposed project. Requests for public hearing must specifically state the reasons for holding a public hearing.


14. Attachments:

- Figure 1. General Location Map
- Figure 2. Proposed Mooring Array in Operational Position
- Figure 3. Proposed Mooring Array in Weather Position
- Figure 4. Conceptual Profile of Mooring and Anchor Location
- Figure 5. Georeferenced Location and Benthic Habitat Maps
- Text 6. Proposed Best Management Practices Plan for Moorage Modification Action

15. Additional references relevant to this proposed project can be requested from the Applicant's Agent, Ms. Margaret Schwertner at 808-543-6484

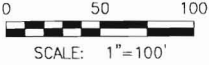
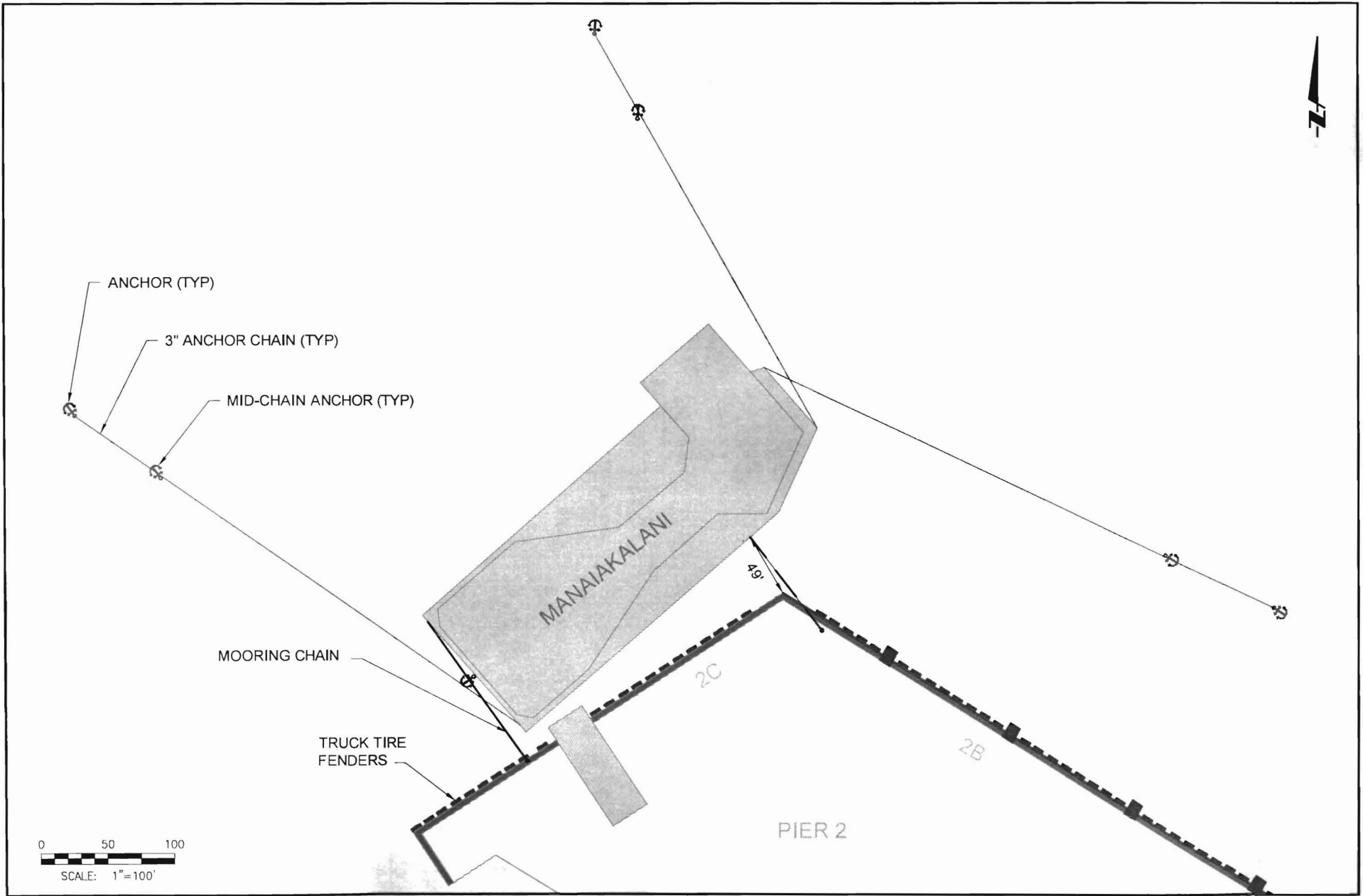





 **Moffatt & Nichol**

APPLICANT: HAWAII DEPARTMENT OF TRANSPORTATION,
HARBORS DIVISION

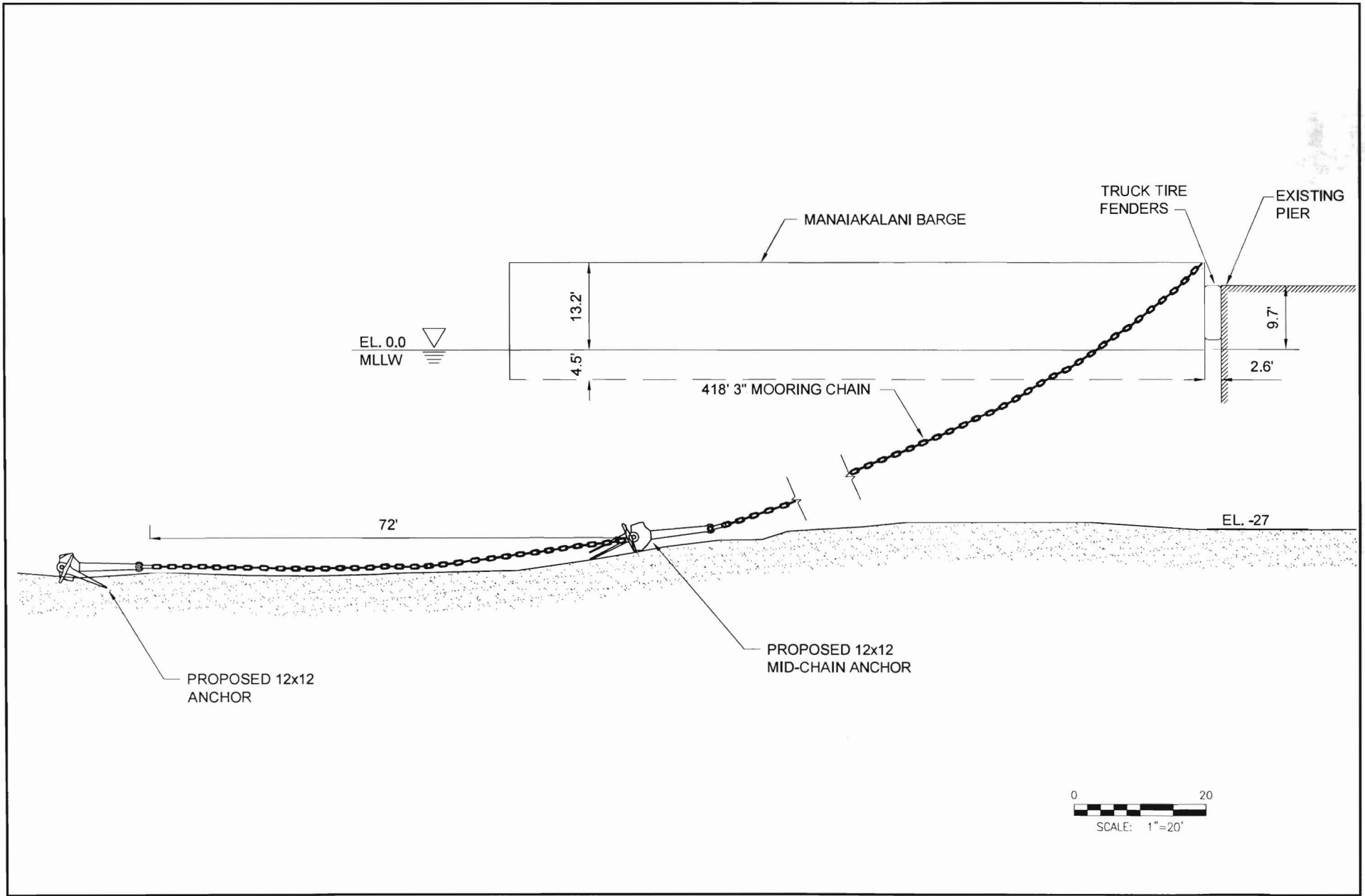
PIER 2C MOORAGE MODIFICATION
KAHULUI HARBOR, HI
OPERATIONAL POSITION



 **Moffatt & Nichol**

APPLICANT: HAWAII DEPARTMENT OF TRANSPORTATION,
HARBORS DIVISION

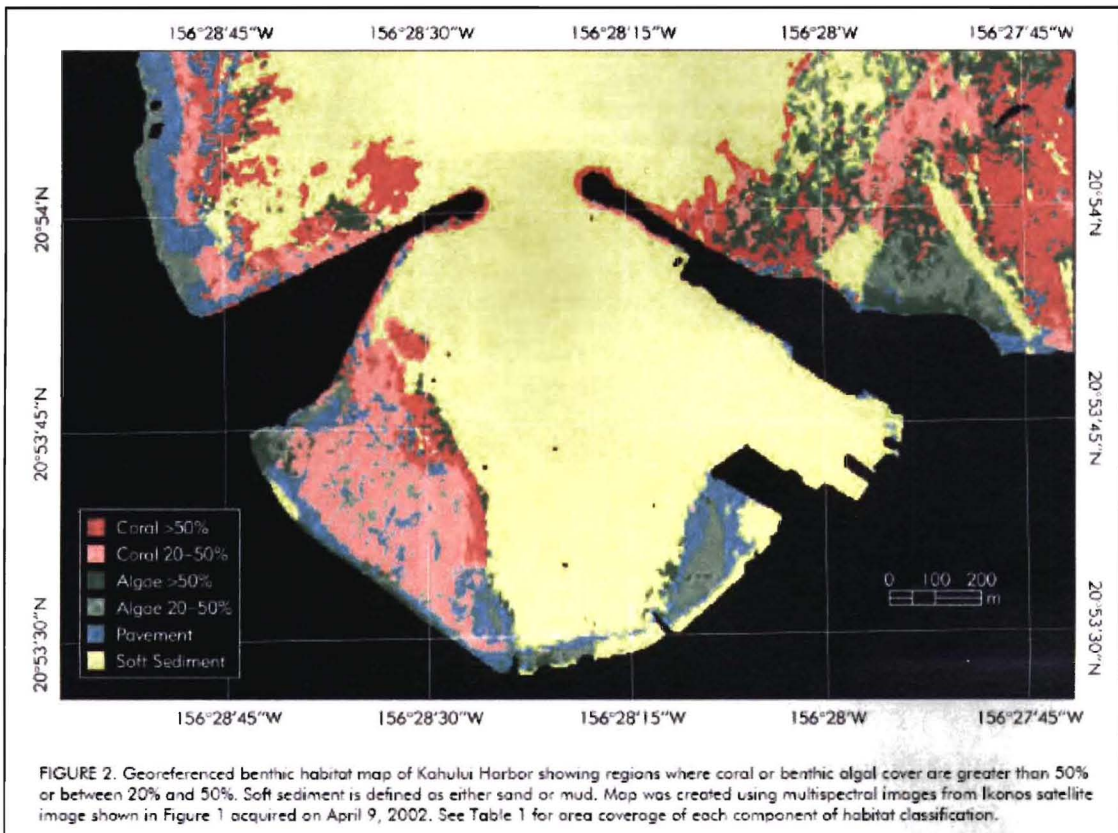
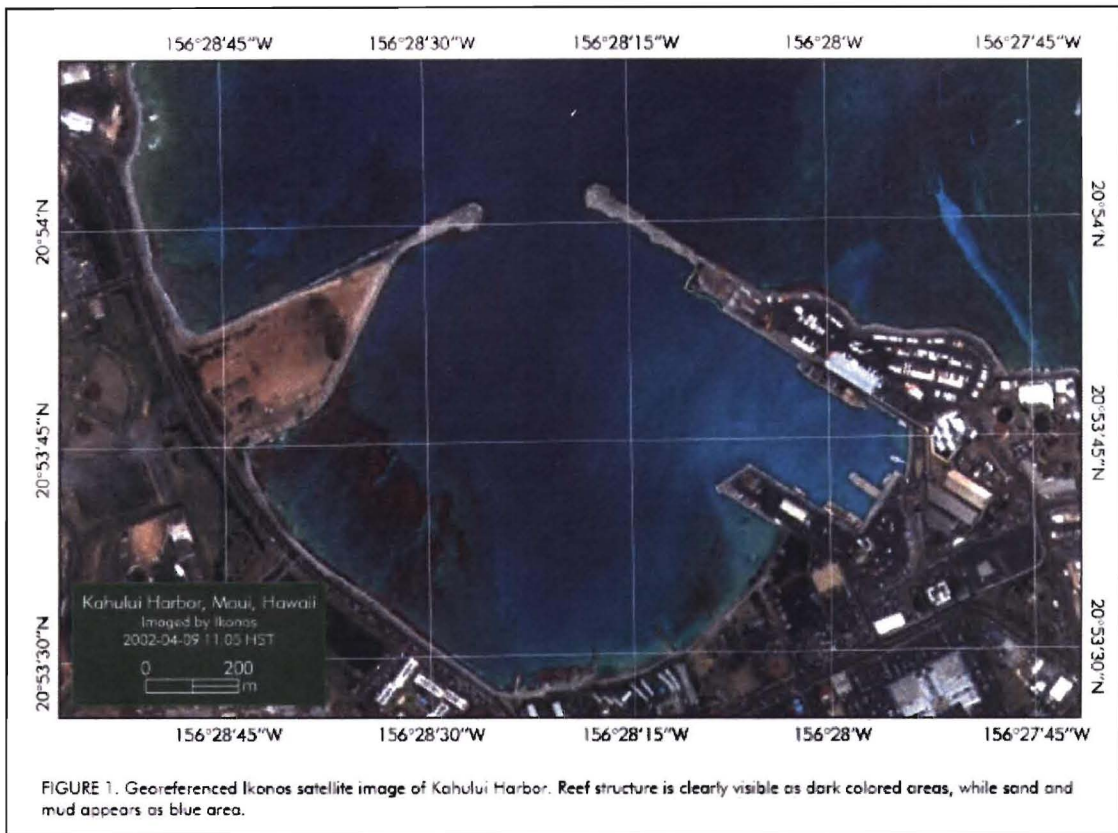
PIER 2C MOORAGE MODIFICATION
KAHULUI HARBOR, HI
WEATHER POSITION



Moffatt & Nichol

APPLICANT: HAWAII DEPARTMENT OF TRANSPORTATION,
HARBORS DIVISION

PIER 2C MOORAGE MODIFICATION
KAHULUI HARBOR, HI
CROSS SECTION- ANCHOR LOCATION



GENERAL BEST MANAGEMENT PRACTICES PLAN FOR PIER 2C MOORAGE MODIFICATION ACTION

1. Control of Work Area

- a. During the Pier 2C Moorage Modification Action, the contractor will be required to adhere to applicable Federal, State of Hawaii, and County of Maui laws and regulations.
- b. The contractor will be required to comply with an Environmental Protection Plan section of the project plans and specifications including drafting a Best Management Practices (BMPs) Plan. The contractor will be required to develop this BMPs Plan, based on the proposed construction methods, and will describe any specific measures to be used. The Environmental Protection Plan will comply with all applicable regulations to insure that secondary environmental effects from construction operations are minimized. The contractor's BMPs Plan must be approved by appropriate agencies that are responsible for assuring that the contractor's operations do not violate applicable laws and regulations. The Environmental Protection Plan will be completed, and submitted to the appropriate agencies, once final design of the Pier 2 C Moorage Modification Action has been completed.
- c. The purpose of the detailed BMPs Plan is to ensure that adequate protective measures are in place during the on-site construction work to prevent or minimize pollutant discharges entering the air, land, and navigable waters.

2. Mitigative Measures

- a. All construction related materials will be free of pollutants.
- b. Wastes will not be permitted to fall, flow, leach, or otherwise enter the ocean including debris from welding operations.
- c. Blasting will not be permitted.

3. Guidelines for preparation of construction Best Management Practices (BMPs) Plan.

- a. **Site Characterization.** The site characterization shall identify the ambient condition at the project site with detailed location of the construction site (ocean, harbor).
- b. Description of any specific attention or protection needed to protect the ecosystem at the project site.

- c. Description of anchors and associated chain with quantity to be placed in State waters.
- d. Construction sequence constitutes an important portion of the BMP Plan. The construction sequence shall be arranged to minimize the potential adverse impact (s) resulting from the proposed construction activities. The construction schedule shall be explicit, particularly the schedule of all in-water work. A contingency plan is required to ensure that even under worst case scenario, the construction activity will have minimal adverse impact (s) to the State Waters including living corals, other reef resources, marine mammals and turtles.
- e. The BMPs Plan shall also identify the specific construction method (s) to be applied with respect to each type of construction activity proposed. The BMP Plan shall also describe the type of equipment involved and how and where this type of equipment would be employed.
- f. The selection of the most appropriate and effective control measures shall be designed, implemented, and maintained in a manner to properly isolate and confine the construction activities and to contain and prevent the potential pollutant(s) discharges from adversely impacting the State water quality. Wastes will not be permitted to fall, flow, leach, or otherwise enter the ocean including debris from welding operations. Typical sections of the structural control measure (s) shall also be submitted as part of the BMP Plan.
- g. Oil and Petroleum spills associated with the operations of heavy equipment during construction shall be minimized by performing daily inspection of equipment for leakage, and maintenance of equipment according to standard maintenance schedules. If a spill equals or exceeds the regulatory reportable quantities, the contractor shall verbally notify the appropriate agencies.
- h. Water used in washing abatement, demolition or construction and other waste water will not be allowed to enter public waters, including Harbor Waters.
- i. The jobsite will be kept free of rubbish and construction debris. The project site will be cleaned regularly and the waste materials will be collected in disposal containers provided and serviced by a vendor specializing in waste disposal. These materials will be disposed of on a routine basis to minimize the accumulation of onsite waste. Construction materials and supplies will be properly stored in containers, on dunnage, or as required by the material manufacturer to avoid contact with storm water.
- j. The anchors and chains used for the proposed mooring system will be inspected prior to installation to ensure that they do not contain any invasive species or deleterious materials.

Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District, Honolulu
Building 230
Fort Shafter, HI 96858-5440