



PUBLIC NOTICE

US Army Corps of Engineers, Honolulu District

Regulatory Branch (CEPOH-RO)
Building 230
Fort Shafter, Hawaii 96858-5440

Public Notice Date: **August 28, 2018**
Expiration Date: September 26, 2018
Permit File Number: POH-2017-00246

FEDERAL PUBLIC NOTICE

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached drawings.

APPLICANT:

Mr. Michael Eadie
KW Kona Investors LLC
151 S. El Camino Drive
Beverly Hills, California 90212-2704

WATERWAY AND LOCATION OF THE PROPOSED WORK: in multiple open tidally-influenced trenches in TMK 7-2-010:010 at 19.831081, -155.984981, northeast of the Hulalai Resort and northwest of Queen Kaahumanu Highway, Kona, Island of Hawaii, Hawaii.

PROPOSED PROJECT PURPOSE:

Basic Project Purpose: to continue repairs of the Kona Village Resort

Overall Project Purpose: to install utility lines as part of the repair and redevelopment of Kona Village Resort

PROPOSED PROJECT DESCRIPTION:

The proposed project is to continue repairs of the Kona Village Resort by completing utility line installation through filling the 28 tidally-influenced trenches that remain open. The combined 0.17 acre area of all 28 trenches would be filled with approximately 265.16 cubic yards of sediment. The sediment proposed for filling the trenches had been excavated from the trenches in 2013 and has been stockpiled in uplands in areas isolated by silt curtains. All work would be performed in accordance with the enclosed project drawings.

Avoidance and Minimization: The applicant has informed the Corps that it is not possible to avoid or minimize the impacts associated with the proposed work as avoidance and minimization would not allow the project purpose to be met. The trenches were originally excavated in uplands; however, due to being abandoned since 2013, the trenches have

since intersected with the water table and are now tidally connected to the Pacific Ocean which is located approximately 45 meters northeast of the project area.

Mitigation: The applicant has not proposed mitigation for the project.

AUTHORITY: A Department of the Army permit is required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) - To perform work in or affecting navigable waters of the United States.
- Section 404 of the Clean Water Act (33 U.S.C. 1344) - Discharge dredged or fill material into waters of the United States. The Corps' public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) - Transport dredged material for the purpose of dumping it into ocean waters. The Corps' public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

WATER QUALITY CERTIFICATION: **The proposed action will result in a discharge of dredged or fill material into a water of the U.S.** and will require authorization from the Corps in accordance to Section 404 of the Clean Water Act of 1972 (CWA). Final Water Quality Certification WQC0972 was issued by the State of Hawaii, Department of Health – Clean Water Branch on May 22, 2018.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: **The proposed activity may affect land or water uses in the Coastal Zone.** Under Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), the Corps may not issue a permit for the described work until the applicant obtains a Federal Consistency Concurrence from the State of Hawaii, Department of Business, Economic Development, and Tourism – Office of Planning.

HISTORIC PROPERTIES: Pursuant to Section 106 of the National Historic Preservation Act (NHPA), our assessment of the project leads us to a preliminary determination that there is no potential to effect historic properties within the project area. Per 33 CFR 325, Appendix C, we have preliminarily determined that the nature, scope, and magnitude of the work and/or structures to be permitted is such that there is little likelihood that a historic property may be affected because the type of work or structures are of such limited nature and scope that there is little likelihood of impinging upon a historic property, even if such properties were to be present within the affected area. Excavation would be limited to the existing stockpiles of material removed from the trenches, so there is no potential to impact any buried historic properties. Also, filling the trenches would restore the aesthetics of the project area to the condition prior to the excavation of the trenches. Therefore, consultation with the State of Hawaii, Department of Land & Natural Resources, Historic Preservation Division (SHPD) will not be conducted.

ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA), federal agencies must consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on any action that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Corps Section 7 ESA consultation was concluded with a letter of concurrence from the USFWS dated August 06, 2018.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), which requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. The Honolulu District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, Western Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by NMFS. Preliminary determinations indicate that the described activity will not have an adverse effect on EFH, therefore consultation under MSA is not required for the described activity.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, 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.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Native Hawaiian Organizations; and other interested parties in order to evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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.

PUBLIC HEARING: Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state

clearly and concisely, the reasons and rationale for holding a public hearing. The District Commander will then decide if a hearing should be held.

COMMENT AND REVIEW PERIOD: Comments on this public notice should be made in writing via conventional mail or e-mail. Comments will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. Conventional mail comments should be sent to

U.S. Army Corps of Engineers, Honolulu District
Regulatory Branch, Attn: Ms. Vera Koskelo
Building 230
Fort Shafter, Hawaii 96858-5440.

Alternatively, comments may be emailed to Vera.B.Koskelo@usace.army.mil. Reference POH-2017-00246 in the subject heading of the email. In order to be accepted, e-mail comments must originate from the author's e-mail account. All e-mail comments should be sent to Vera.B.Koskelo@usace.army.mil

Both conventional mail and e-mail comments must include the DA permit number **POH-2017-00246**, and the commentor's name, address, and phone number. **All comments whether conventional mail or e-mail should be received by the close of business on September 26, 2018.**

PRIVACY & CONFIDENTIALITY: It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, please contact Ms. Vera Koskelo via telephone at (808) 835-4310 or via email at Vera.B.Koskelo@usace.army.mil.

Jamie R. Hyslop
Acting Chief, Regulatory Branch



Miles
0 2.5 5 10 15 20



TrenchID	Name	Area (sq ft)	Approximate Water Depth (inches)
1		1,000	1,000
2		3,181	1,000
3		900	1,000
4		900	1,000
5		900	1,000
6		900	1,000
7		900	1,000
8		900	1,000
9		900	1,000
10		900	1,000
11		900	1,000
12		900	1,000
13		900	1,000
14		900	1,000
15		900	1,000
16		900	1,000
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18		900	1,000
19		900	1,000
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22		900	1,000
23		900	1,000
24		900	1,000
25		900	1,000
26		900	1,000
27		900	1,000
28		900	1,000

NOTES:

1. HORIZONTAL COORDINATES ARE REFERENCED TO
KONA VILLAGE HAWAIIAN COASTLINE FROM TIGER.
2. ELEVATIONAL DATA REFERENCED TO U.S. COASTAL ELEVATION.
3. TRENCH LOCATED ON 2 STREET WHICH HAS BEEN RELOCATED
TO A NEW LOCATION IN THE FIELDBOOK.
4. THE TUNNELLING CURVE IS ONLY APPROXIMATE.
REFERENCE DATA IS FROM KONA VILLAGE TIGER.

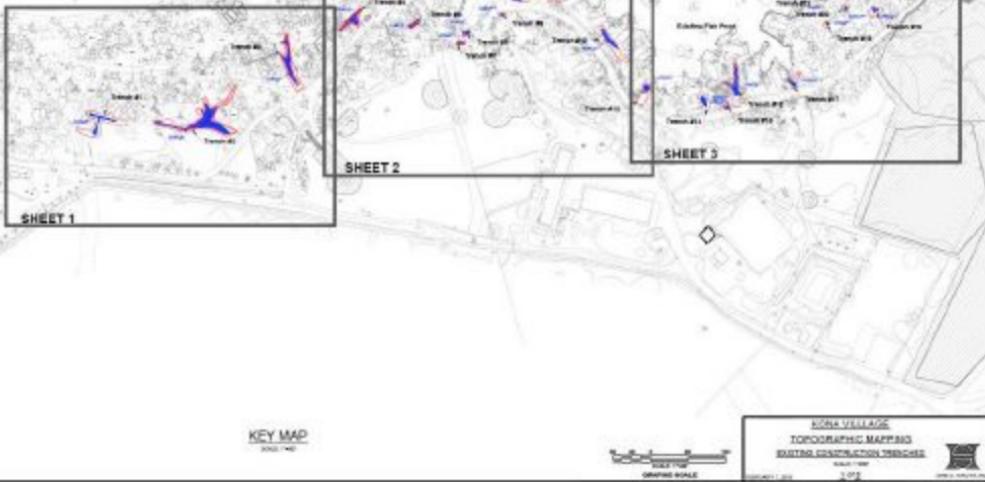
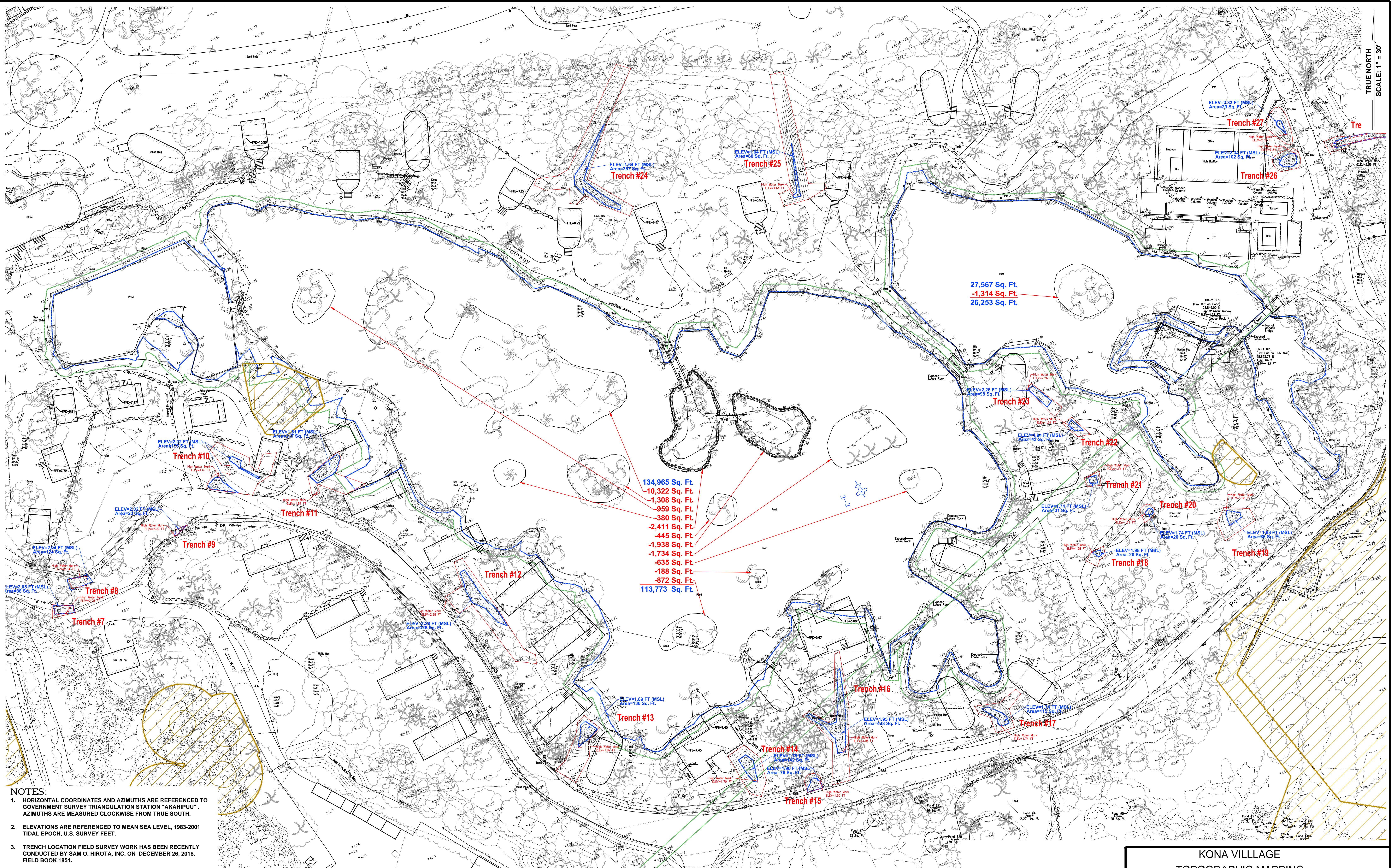


Figure 3. Overview figure of construction trench locations. See Appendix 1 for Sheets 1 through 4. Red outlined polygons define the exterior edges of the trenches, blue polygons represent the extent of surface water or algae when surveyed.



NOTES

1. HORIZONTAL COORDINATES AND AZIMUTHS ARE REFERENCED TO GOVERNMENT SURVEY TRIANGULATION STATION "AKAHIPUU". AZIMUTHS ARE MEASURED CLOCKWISE FROM TRUE SOUTH.
 2. ELEVATIONS ARE REFERENCED TO MEAN SEA LEVEL, 1983-2001 TIDAL EPOCH, U.S. SURVEY FEET.
 3. TRENCH LOCATION FIELD SURVEY WORK HAS BEEN RECENTLY CONDUCTED BY SAM O. HIROTA, INC. ON DECEMBER 26, 2018. FIELD BOOK 1851.
 4. A 2.26 FEET (MEAN SEA LEVEL) ELEVATION CONTOUR HAS BEEN GENERATED, DISPLAYED IN **BLUE**. BUFFER ZONE OF 5 FEET DISPLAYED IN **GREEN**.
 5. THIS TOPOGRAPHIC SURVEY CONTAINS COPYRIGHTED INFORMATION BY SAM O . HIROTA, INC. FEBRUARY 8, 2018

PLAN

1 LAN

A graphic scale bar consisting of a horizontal line divided into six segments. The first three segments are white, and the last three are dark grey. Above the line, numerical values are placed at regular intervals: 30, 15, 0, 30, and 60. Below the line, the text "SCALE: 1"=30'" is centered. At the bottom, the words "GRAPHIC SCALE" are printed in large, bold, capital letters.

KONA VILLAGE TOPOGRAPHIC MAPPING

EXISTING FISH POND (ELEV=2.26 FT)

SCALE: 1"=30'

The logo consists of a stylized, bold letter 'H' with a horizontal bar through the middle, followed by the text 'AMO HIROTA INC.' in a smaller, sans-serif font.



TRUE NURTH

SCALE: 1" = 20'

SHEET 1

SCALE: 1"=20'

SCALE: 1"=20'

Trend

envelope #1

**V=1.62 FT (MS)
=327 Sq. Ft.**

610

6,184.10' W
ELEV=6.42' FT

— 1 —

~~15.15~~ + 5.12

5

Trend

**EL EV=1.95
Area=790 S**

FILED 185

+5.57

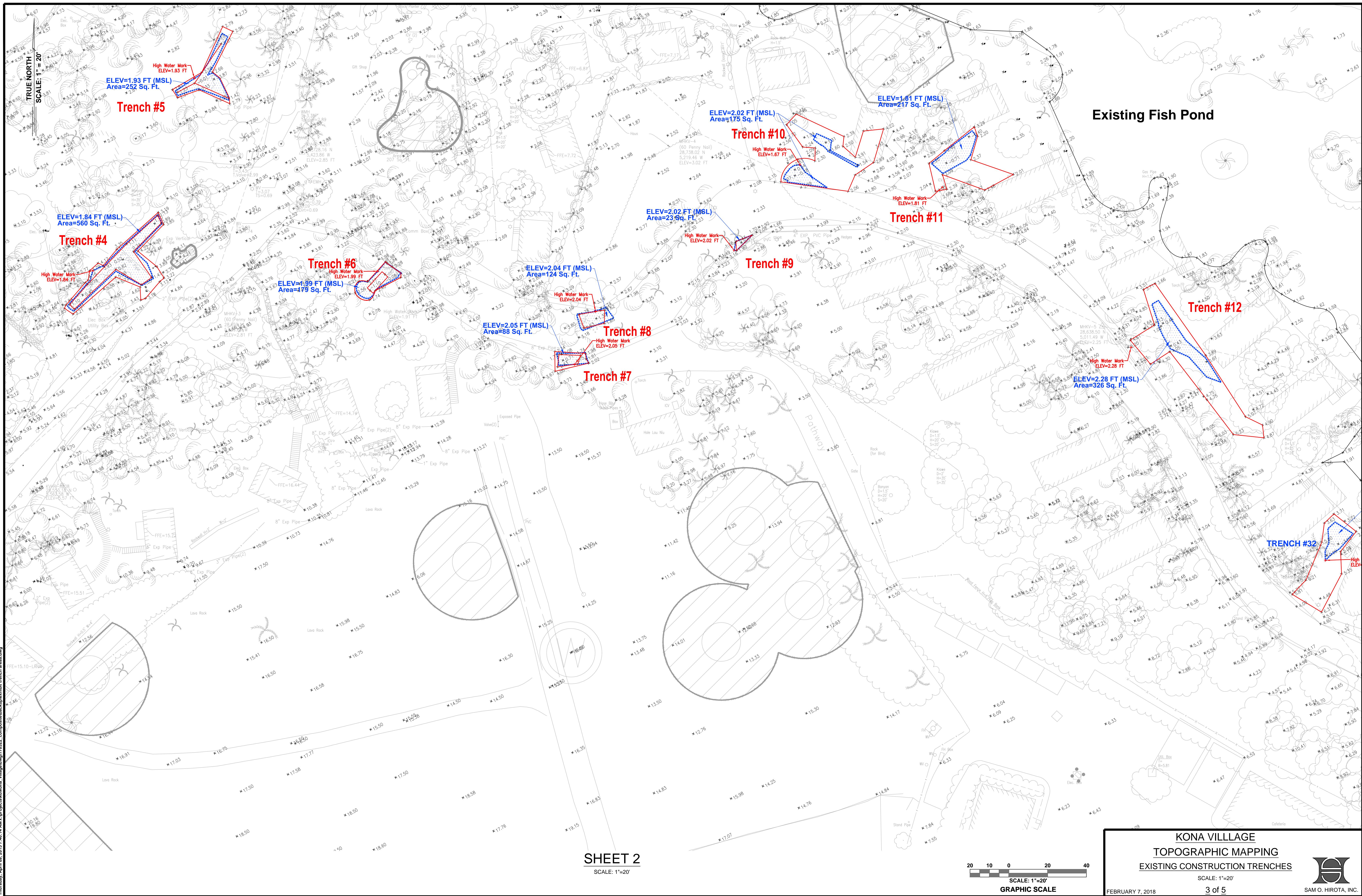
SCALE: 1"=20'

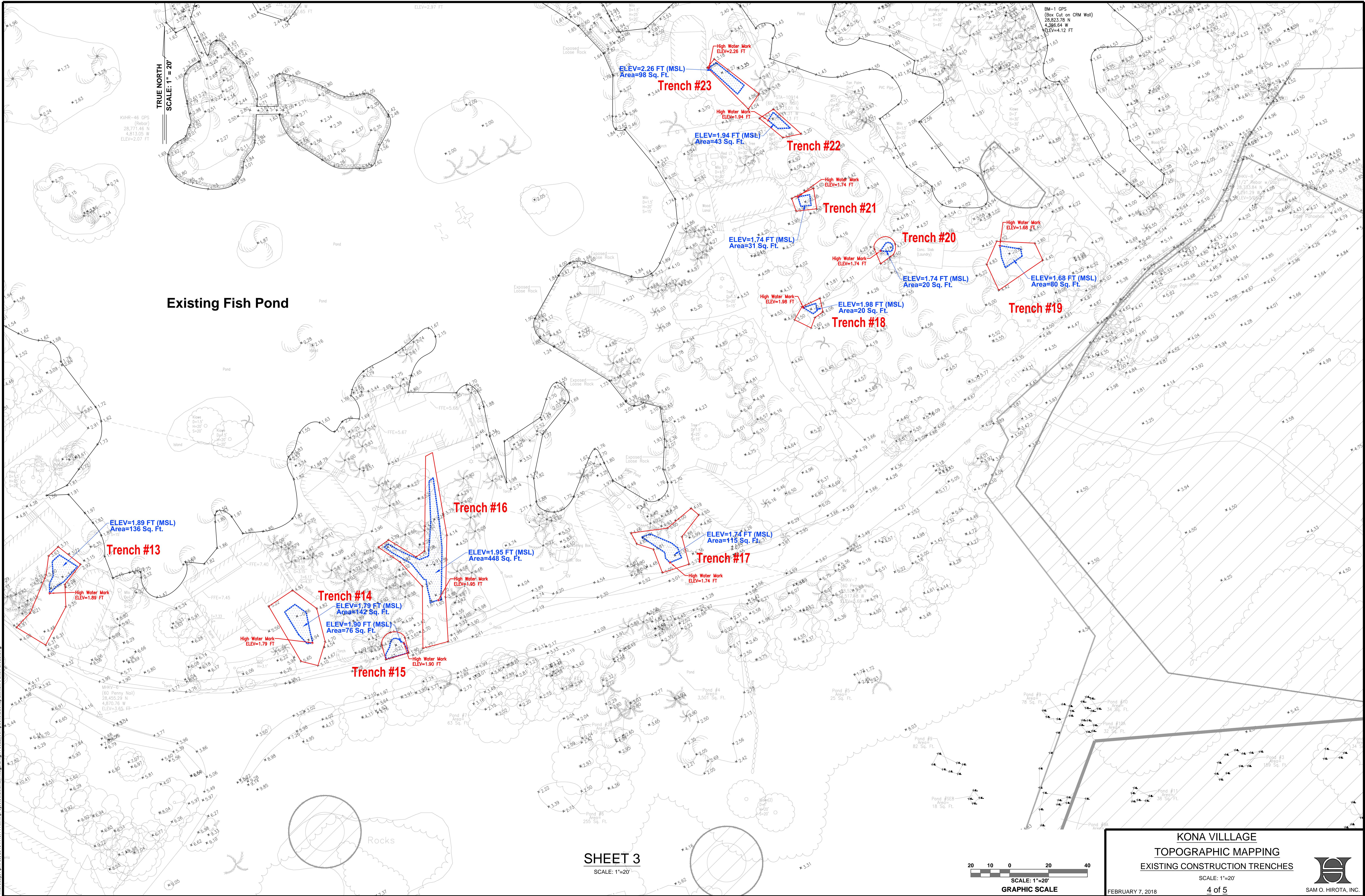
KONA VILLAGE

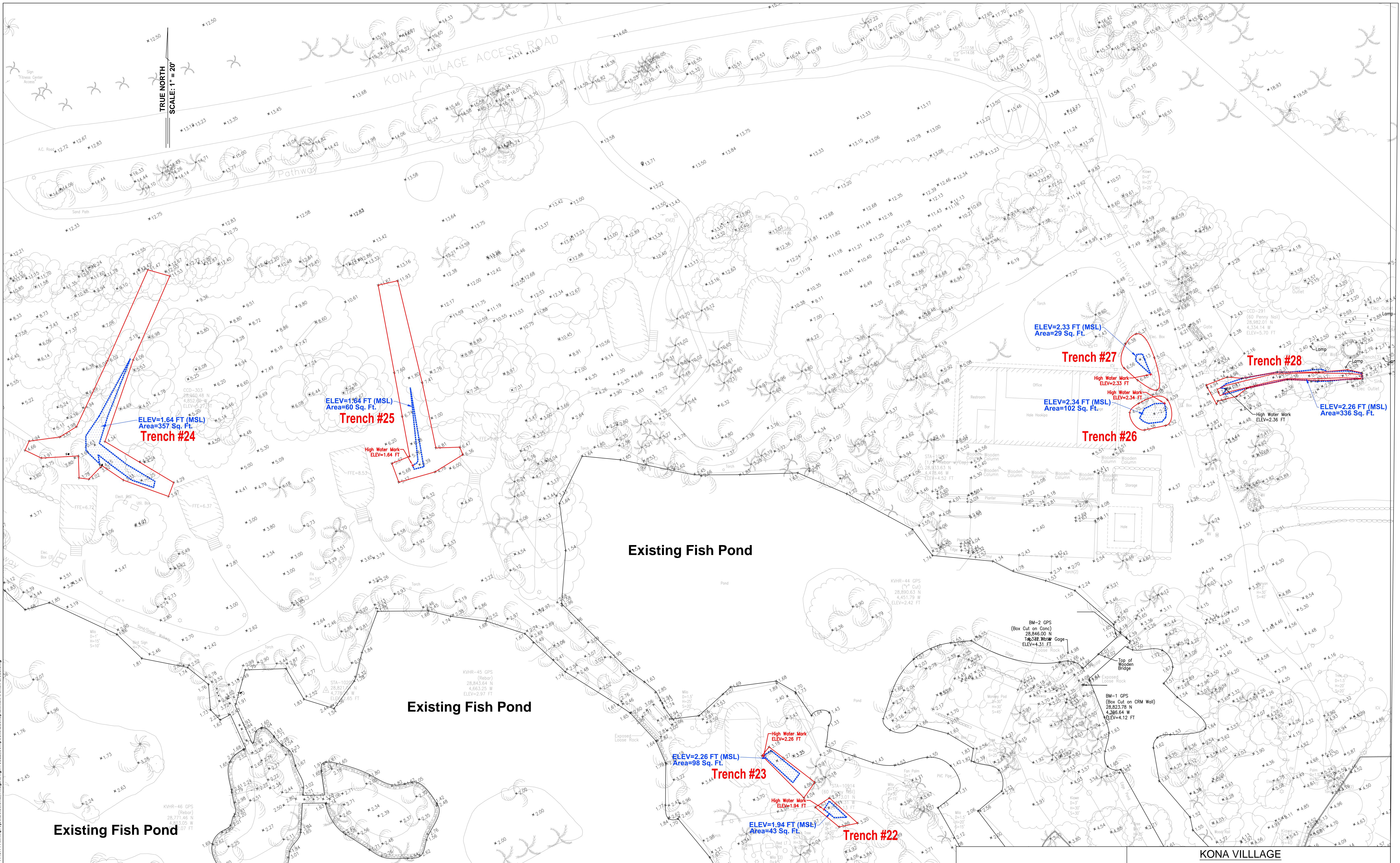
TOPOGRAPHIC MAPPING

EXISTING CONSTRUCTION TRENCHES









SHEET 4

SCALE: 1"=20'

SCALE: 1"=20'

A graphic scale bar consisting of a horizontal line with tick marks at 20', 10', 0', and 20'. The segments between the tick marks are shaded in different patterns: white, grey, and black. Below the scale, the text "SCALE: 1"=20'" is centered, and below that, the words "GRAPHIC SCALE" are written in large, bold, capital letters.



KONA VILLAGE

TOPOGRAPHIC MAPPING

EXISTING CONSTRUCTION TRENCHES

The logo consists of a stylized, bold letter 'H' with a horizontal bar through the middle, followed by the company name 'SAM O. HIROTA, INC.' in a smaller, sans-serif font.