STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STREAM CHANNEL ALTERATION PERMIT APPLICATION

For Official Use Only:
RECEIVED
COMMISSION ON WATER RESOURCE MANAGEMENT
2024 SEP 12 AM 8:53

Instructions: Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of **$25.00** payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at **587-0234**. For further information and updates to this application form, visit http://dlnr.hawaii.gov/cwrm.

☒ Check here to allow Commission staff to communicate primarily via e-mail.
Legally required and other key correspondence will still be transmitted via postal mail.

PERMIT TYPE:

1. Permit Applying For: ☒ New ☐ After-The-Fact

2. Type of Construction: ☒ Installation ☐ Modification ☒ Removal

APPLICANT INFORMATION

3. APPLICANT'S NAME / COMPANY	Applicant's Contact Person	Applicant's Phone
Hawaii Department of Transportation, Highways Division	Larry Hail	(808) 873-3535
Applicant's Mailing Address	**Applicant's E-mail Address**	
650 Palapala Drive, Kahului, HI 96732	larry.d.hail@hawaii.gov	

☒ **Check here if project will impact multiple landowners.** *If project impacts multiple landowners, skip **Item 4** below, then complete and attach **Form LND-APP** to identify and verify landowner's approval of proposed stream channel alteration work.*

4. LANDOWNER'S NAME / COMPANY	Landowner's Contact Person	Landowner's Phone
State of Hawaii	Larry Hail	(808) 873-3535
Landowner's Mailing Address	**Landowner's E-mail Address**	
650 Palapala Drive, Kahului, HI 96732	larry.d.hail@hawaii.gov	

5. CONSULTANT'S NAME / COMPANY	Consultant's Contact Person	Consultant's Phone
WSP USA Inc.	Gerald Andrade	(808) 566-2243
Consultant's Mailing Address	**Consultant's E-mail Address**	
1001 Bishop Street, Suite 2400, Honolulu, HI 968813	gerald.andrade@wsp.com	

6. CONTRACTOR'S NAME / COMPANY	Contractor's Contact Person	Contractor's Phone
TBD	TBD	TBD
Contractor's Mailing Address	**Contractor's E-mail Address**	
TBD	TBD	

STREAM INFORMATION

7. Island: *(Check only one)* ☐ Kauai ☐ Oahu ☐ Molokai ☐ Lanai ☒ Maui ☐ Hawaii

8. Tax Map Key(s) *List all affected tax map key parcels.*

(2) 2-9-009:019; 2-9-009:023; 2-9-009:024; 2-9-009:026.

9. Stream / Gulch Name(s) *List all affected streams and/or gulches.*

Hanehoi Stream

FOR OFFICIAL USE ONLY:	SWHU ID:	FILE ID:
LAT:	GWHU ID:	DOC ID:
LON:	REACH ID:	

GENERAL PROJECT INFORMATION

10. Project Type: *Check all that apply.*

☐ Bank Stabilization ☐ Bridge ☐ Channel Alignment ☐ Channel Lining ☒ Culvert ☐ Dam / Dike / Weir
☐ Desilting Area ☐ Drainage Outlet ☐ Dredging ☐ Ford Crossing ☐ Grading ☐ Levee / Flood Wall
☐ Restoration ☐ Retaining Wall ☐ Retention Basin ☐ Stream Gage ☐ Sewer Line ☐ Water Line
☐ Other - Describe:

11. Project Site Location(s): *Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).*

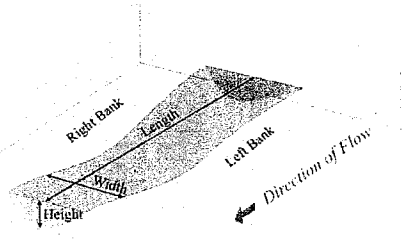
Latitude: 20° 53' 50.46" Longitude: 156° 13' 27.43" Elevation: 580ft. above mean sea level

12. Structure Dimensions: *(feet)*
Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

Width: 32
Height: 21
Length: 35
Diameter: 16.5

13. Structure Location:
Provide the general location of the stream channel alteration structure in relation to the streambank.

☐ Left bank *(downstream view)*
☐ Right bank *(downstream view)*
☒ Across entire stream channel



14. State Land Use Classification: *(Check all that apply)* ☒ Agriculture ☐ Conservation ☐ Rural ☐ Urban

LEGAL REQUIREMENTS

If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (http://dlnr.hawaii.gov/cwrm/info/forms/) for links to agency websites/contact information.

15. Conservation District Use Permit (CDUP): *To find out if your stream channel alteration project is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at http://luc.hawaii.gov/maps to view Land Use District Boundary maps. If the stream channel alteration will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine is a CDUP is required.*

☐ Stream channel alteration is in a Conservation District.
☐ Required. CDUP #: _____ Date CDUP approved: _____
☐ Not Required. *Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.*
☐ I have not checked with the OCCL about whether or not a CDUP is required.
☒ Stream channel alteration is not in a Conservation District.

16. Special Management Area Permit (SMAP): *To determine if an SMAP is necessary, contact your County Planning Department.*

☐ Required. SMAP #: _____ Date SMAP approved: _____
☐ Not Required. *Attach documentation from applicable County agency.*
☒* I have not checked with the County about whether or not an SMA Permit is required. ***SMAP Determination in progress***

17. State Historic Preservation Division (SHPD), Department of Land and Natural Resources: *If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHDP. If the affected parcel(s) has not undergone SHDP review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.*

Please note: You are **strongly advised to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.*

☒ I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.
☐ I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.

18. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:

☐ An Environmental Assessment was completed, and
☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).
Publication date in The Environmental Notice: _____
☒ A Finding of No Significant Impact has been determined (attach letter).
Publication date in The Environmental Notice: HRS CH 343 Exemption (HDOT's 2022 Exemption List)

This project proposes:

☒ Use of state or county lands, or use of state or county funds
☐ Use within a state conservation district
☐ Use within a shoreline setback area
☐ Use within a national or Hawaii registered historic site
☐ Use within the Waikiki Special District
☐ The construction, expansion or modification of helicopter facility
☐ A wastewater treatment unit
☐ Waste-to-energy facility
☐ Landfill
☐ Oil refinery
☐ Power-generating facility
☐ None of the above 11 items

OTHER REGULATORY REQUIREMENTS

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	Attached	N/A
19. **U.S. Army Corps of Engineers** (Harbors and Rivers Act, Section 404, Clean Water Act)	☐	☒
20. **State Department of Health, Clean Water Branch** (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	☐	☒
21. **Right-of-Entry or Right-of-Way Permit** if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	☐	☒
22. **Hawaii Environmental Policy Act** (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	☒	☐
23. **Soil and Water Conservation District**	☐	☒
24. **County Certification of "No-Rise"**	☐	☒
25. **County Grading Permit**	☒	☐
26. **County Discretionary Permit(s)**	☐	☒

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

27. **Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.**

There is one historic property in the Project Area, the Hana Belt Road, which is listed in the National Register of Historic Places ([NHRP] #01000615) and is assigned State Inventory of Historic Places (SIHP) Number 50-50-va-01638. Hana Belt Road is a linear historic district extending approximately 42 miles along Hana Highway (Route 360) from 0.2 miles west of MP 3 near Huelo to the Koukouai Bridge on the south end. According to its NRHP registration form, the historic district includes 74 contributing resources mostly comprising of bridges and culverts.

28. **Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.**

The replacement of the culvert is not considered an adverse affect on the Hana Belt Road as identified in HAR Chapter 13-275-7(b). Given that the culvert is not a listed contributing feature of the Hana Highway and the integrity of the culvert has already been reduced by flooding, the affect of the project on the culvert and the Hana Belt Road would not be harmful. No traditional Native Hawaiian practices are known to exist in the project area. Any impacts to any cultural practices, if they exist, would be temporary, occurring only while construction is occuring.

29. **What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?**

No feasible action needs to be taken to protect Native Hawaiian rights in regards to this application, as this project will not put Native Hawaiian rights at any risk.

PROJECT DESCRIPTION

Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

30. Describe the overall project scope and objectives.

The culvert at Milepost 4.3 carries Hana Highway over Hanehoi Stream on the island of Maui and is located at roughly 20°53'50.46" N, 156°13'27.43" W. The total work area is approximately 0.75 of an acre. It is anticipated that the main work and construction staging areas will be contained within the existing state highway right-of-way (ROW). However, a temporary bypass would be located in adjacent parcels TMK 2-9-009:023 and 2-9-009:024. Construction access will largely be from the existing roadway.

On December 6, 2021, the Governor issued an Emergency Proclamation addressing work necessitated by heavy rain and flooding. Emergency work was completed to stabilize the mauka embankment in the days following the proclamation. The subject project proposes permanent repairs not covered under the Emergency Proclamation.

The proposed project will consist of a full culvert replacement due to the age and instability of the existing culvert. The culvert replacement will require complete removal of embankment material at the culvert location, therefore, it is necessary to construct a temporary bypass road to allow for vehicle travel in and out of Hana. The temporary bypass, located outside of the HDOT ROW, would include temporary pipe culverts to convey flow during construction. The new culvert is anticipated to be larger than the original culvert in order to convey the anticipated flows per current HDOT drainage design standards. The dimensions of the existing culvert are irregular and approximately 7 foot wide by 8 foot high. The new culvert would be approximately 14 foot wide by 9 feet high. Precast concrete construction is anticipated to be utilized to reduce the duration of the construction. The new culvert would include a precast bottom, where the current culvert bottom is unlined. Temporary bypass pipes to carry base stream flow through the construction zone during construction may be required.

Construction equipment may be placed or staged in the stream bed. Vegetation clearing will be needed along the stream to accommodate the temporary bypass road. Removal of large trees will be avoided. Best management practices (BMPs) will be implemented during construction. Please see attached project location map.

The project has coordinated with the US Army Corps of Engineers, who has given a no permit required determination for the project. An NPDES permit will be obtained for the project.

31. Describe existing stream channel and streamflow conditions at the site of the proposed stream channel alteration.

The subject stream channel is located in the Hamakualoa District, approximately 6.75 miles east-southeast of Haiku on the island of Maui and carries Hana Highway (Route 360) over Hanehoi Stream. The culvert is generally not visible from the roadway. The stream channel sits entirely within the FEMA flood zone X, which is categorized as having a moderate or low risk of flooding.

The culvert consists of grouted rubble abutments with a concrete deck. It is assumed that the underlying foundation material below the abutements is natural rock formation. There is no concrete invert lining within the culvert crossing. Scour damage, believed to be caused by heavy rain and floods on Maui in December 2021, has resulted in severe erosion of the upstream face of the Hana Highway crossing Hanehoi stream embankment.

32. Identify and describe the project components outlined below

A. Materials

Concrete, detergents, paints, metal studs, tar, fertilizers, petrolium based products, cleaning solvents, wood, masonry block, herbicides and pesticides, curing compoinds, and adhesives will be present onsite during construction. Epoxy grout shall be a three-component, 100% solids, moisture insensitive, load bearing, epoxy-resin system. Mortar for CRM wall shall consist of one part cement and two parts fine aggregate or sand by volume. Sealant between culvert joints shall be a bitumen sealant or butyl rubber sealant conforming to AASHTO M198. All reinforcing steel shall be ASTM A615, Grade 69 unless otherwise noted. Glass Fiber Reinforced Polymer rebar shall conform to ASTM D7957. No material and/or equipment shall be stockpiled or otherwise stored within the State right-of-way except at locations designated in writing and approved by the Engineer.

B. Quantities

Quantities of materials and equipment are to be determined by the design engineer and ensured by the contractor.

C. Excavation

Excavation within the stream for the construction of a temporary bypass road is anticipated. Exposed slopes during excavation for culvert replacement are anticipated to be stabilized using shotcrete. Measurement for structure excavation shall include removal of existing CRM walls and removal of existing culvert. Stones in existing CRM walls shall be salvaged during excavation.

D. Fill

The placement of temporary fill within the stream for the construction of a temporary bypass road is anticipated. 1000 psi CLSM backfill shall be poured equally on both sides of the culvert before proceeding to the subsequent lift.

E. Disposal

All asphalt concrete materials from cold planing, reconstruction and roadway excavation operations shall be properly disposed at an authorized facility. The contractor shall remove and dispose of all existing raised pavement markers and traffic tapes prior to the overlaying of asphalt concrete.

F. Construction methods

Perimeter control measures above the ordinary high-water mark will be implemented. BMPs will be implemented during construction to minimize the potential for impacts to water quality. BMPs for in-water and land-based construction will be implemented in accordance with the documented approach as detailed in "An Integrated Storm Water Management Approach and a Summary of Clear Water Diversion and Isolation Best Management Practices for Use in the State of Hawaii" by the Federal Highway Administration and Hawaii Department of Transportation Practitioners Guide (2016) or the Construction Best Management Practices Field Manual by the State of Hawaii Department of Transportation (2008).

G. Temporary facilities

Temporary bypasses to minimize sedimentation during excavation within the stream area will occur. Traffic will be transformed to this temporary lane before starting excavation and demolition.

Work may be performed only between the hours of 8:30am and 3:30pm, Monday through Friday, except holidays, unless otherwise permitted by the District Engineer. Traffic will be diverted to the temporary bypass road before excavation and demolition begin. It has not been determined if night work is required during construction.

H Expected period of time required for construction

Work may be performed only between the hours of 8:30am and 3:30pm, Monday through Friday, except holidays, unless otherwise permitted by the District Engineer. Traffic will be diverted to the temporary bypass road before excavation and demolition begin. It has not been determined if night work is required during construction.

I. Liability during construction

The contractor is required to monitor noise and emission levels from all construction activities relating to vehicles, construction equipment, and power tools. The contractor shall take all necessary precautions for the protection, conveniences, and safety of public traffic. The contractor shall be held liable for any damages incurred to the existing facilities and/or improvements as a result of their operations. The contractor shall indemnify and be solely responsible for the protection of adjacent properties, utilities, and existing structures from damages due to construction. Repairs shall be at the contractor's own expense to the satisfaction of the affected party.

33. Describe the project's consistency with county zoning and development plans.

The project area is located entirely within the HDOT right-of-way surrounded by County AG - Agriculture, Interim, and road zones. The proposed action does not alter any existing land uses or zoning pattern and therefore remains consistent with zoning and development plans.

34. Identify potential alternatives to the project and describe the relative costs and benefits of each alternative.

It has been determined that the current culvert is undersized and not sustainable relative to recent storm water volumes. Therefore, the culvert needs to be enlarged in order to avoid further scouring and damage.

Potential alternatives included a No-Build alternative. Because the culvert occurs within the Hana Highway Historic District, the No-Build alternative, as well as any alternatives involving significant changes in the alignment or character of the roadway would be considered an adverse affect to the historic nature of the district and were therefore deemed not feasible.

SUBMITTALS

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

35. Location Map: Provide a location map of the proposed project relative to major roadways.

36. Plans / Elevations / Sections: Provide a plan view of the proposed stream channel alteration structure in relation to the stream channel and property boundaries. Elevation and section views of the structure in relation to the stream channel should also be provided if available.

SIGNATURES

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

1) The proposed work is to be completed within two (2) years from the date of permit approval.
2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
4) The 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.
5) 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.

37. APPLICANT

Print Name:	Signature:	Date:
Larry Hail	Larry Hail	8/14/24

38. CONSULTANT

Print Name:	Signature:	Date:
Gerald Andrade		8/14/24

39. CONTRACTOR

Print Name:	Signature:	Date:
TBD		

40. LANDOWNER *(If multiple landowners, skip **Section 53**, then complete and attach **Form SCAP-LND** with appropriate landowner signatures.)*

Print Name:	Signature:	Date:
State of Hawaii		Aug 22, 2024

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

MULTIPLE LANDOWNERS/LOCATIONS FORM

For Official Use Only:

Instructions: Please print in ink or type and send completed form attached to stream channel alteration or stream diversion works permit application to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete applications without the required landowner signatures. For assistance, contact the Stream Protection and Management Branch at **587-0234**. For further information and updates to this application form, visit http://dlnr.hawaii.gov/cwrm.

A. LANDOWNER INFORMATION

For proposed stream channel alterations and stream diversion works affecting multiple landowners, complete the sections below for each individual landowner. ***Form LND-APP*** provides space for information on five (5) landowners. Complete as many forms as necessary to identify all, and only those, landowners affected by the proposed stream channel alteration or stream diversion works.

1. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
East Maui Irrigation Company, LLC	Mark Vaught	(808) 579-9516
Landowner's Mailing Address P.O. Box 791628 Paia, HI 96779-1628	Tax Map Key Parcel(s) 2-9-009:019 and 2-9-009:023	
	Landowner's E-mail Address mark.vaught@mahipono.com	
Print Name:	**Signature:**	**Date:**

2. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Department of Land and Natural Resources	Daniel Ornellas	(808) 984-8117
Landowner's Mailing Address 1151 Punchbowl Street Honolulu, HI 96813	Tax Map Key Parcel(s) 2-9-009:024	
	Landowner's E-mail Address dlrn@hawaii.gov	
Print Name: Dawn N. S. Chang	**Signature:**	**Date:** Apr 4, 2025

3. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s)	
	Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

4. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s)	
	Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

5. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s)	
	Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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East Maui Irrigation Company, LLC	Mark Vaught	(808) 579-9516
Landowner's Mailing Address P.O. Box 791628 Paia, HI 96779-1628	Tax Map Key Parcel(s) 2-9-009:019 and 2-9-009:023 Landowner's E-mail Address mark.vaught@mahipono.com	
Print Name: Mark Vaught	**Signature:** Mark Vaught	**Date:** 05/20/2025

2. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Department of Land and Natural Resources	Daniel Ornellas	(808) 984-8117
Landowner's Mailing Address 1151 Punchbowl Street Honolulu, HI 96813	Tax Map Key Parcel(s) 2-9-009:024 Landowner's E-mail Address dlrn@hawaii.gov	
Print Name: Dawn N. S. Chang	**Signature:**	**Date:**

3. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s) Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

4. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s) Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

5. LANDOWNER'S NAME/COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Tax Map Key Parcel(s) Landowner's E-mail Address	
Print Name:	**Signature:**	**Date:**

CHECKLIST FOR A COMPLETE APPLICATION and ITEM DESCRIPTIONS (ITEMS 1 - 14)

- □ Fill in the most recent application form (check **http://dlnr.hawaii.gov/cwrm** or call 587-0234 for updates).
- □ Fill in every line which includes Items 1-40, as indicated (total 8 pages).
- □ Enclose a check for $25 payable to the Department of Land and Natural Resources.
- □ Mark the proposed stream channel alteration location on: the appropriate USGS quad map, TMK map, photo and schematic, and attach to the application.
- □ Attach Form LND-APP to identify and obtain authorizations for the project if multiple landowners will be impacted.
- □ Attach a grading plan and cross section profiles showing existing and finish grades, if available.
- □ Attach documentation from CDUP, SMAP, SHPD when applicable regarding Items 15-17.
- □ Attach letters from U.S. Army Corps of Engineers, Hawaii Department of Health, Office of Conservation and Coastal Lands, and appropriate county agencies regarding Items 18-26.
- □ Provide digital copies on CD-ROM or via e-mail, if available.
- □ Obtain the necessary signatures for the application form.

Send the application and maps, copies, and the filing fee to:
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

PERMIT TYPE

1. **Permit Status:** Indicate whether this application is for a new stream channel alteration project (including medication or abandonment) or if the project has already been completed and an after-the-fact permit is being applied for.
2. **Type of Construction:** Is the permit application for the installation of a new stream channel alteration, or modification or removal of an existing stream channel structure.

APPLICANT INFORMATION

3. **Applicant's Information:** Fill in the information for the applicant. This should be the entity that will be responsible for the maintenance of the stream channel alteration when the project is completed.
4. **Landowner's Information:** Fill in the information for the landowner of the property where the stream channel alteration will be located.
5. **Consultant's Information:** Fill in the information for the consultant who will assist with plan and design preparation for the subject project.
6. **Contractor's information:** Fill in the information for the contractor who will perform the work on the subject stream channel alteration project.

STREAM INFORMATION

7. **Island:** The island name where the stream channel alteration will be located.
8. **TMK:** Tax Map Key number (generally there is no lot number, but where a parcel is divided into two lots, fill in the lot number)
9. **Stream / Gulch Name:** Name of the stream or gulch where the stream channel alteration will be located.

GENERAL PROJECT INFORMATION

10. **Project Type:** Identify the type of work being performed, and select all that apply to the project.
11. **Project Site Location(s):** Fill in stream channel alteration location coordinates taken from a GPS unit at the project site. Units are Degrees, Minutes and Seconds (seconds should be filled out to at least one decimal place; e.g. 19°59'32.8"N, 155°14'51.5"W). If more than one site, attach separate sheet. Elevations should be provided in feet above mean sea level.
12. **Structure Dimensions:** What are the physical dimensions of the stream channel alteration structure that will be located in or adjacent to the stream channel?
13. **Structure Location:** Will the structure be located on the right or left bank (facing downstream) or across the entire stream channel?
14. **State Land Use Classification:** Identify the current State Land Use Classification.

Please see header descriptions for remaining Sections in completing Items 15 to 40.

Hana Highway Culvert Repair Mile Post 4.3
Federal Aid Project No. ER-24(009)

Appendix A: Project Location Map

Appendix B: Proposed Work

Appendix C: SHPD Concurrence Letter

Appendix D: HRS 343 Exemption List

Appendix E: USACE Determination of No Permit Required

Appendix F: State Land Use Determination Map

Appendix G: Flood Zone Map

Hana Highway Culvert Repair Mile Post 4.3

Appendix A:
Project Location Map


Legend
Project Area
Parcel Boundary
Project Location
MAUI
N
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Hana Highway Culvert Repair Mile Post 4.3

Appendix B:
Proposed Work

HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Aerial View of Culvert Crossing
(Downstream end visible)

Existing Unlined Culvert
(Looking from Downstream End)

HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Existing Upstream Side of Culvert
Note: Temporarily stabilized with shotcrete to stabilize embankment.

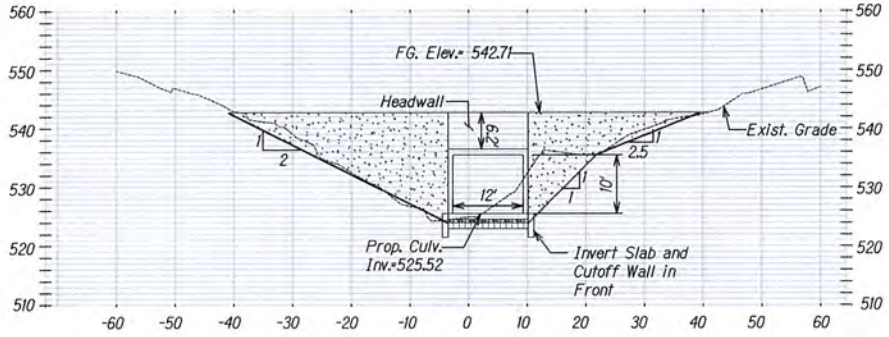
Existing Culvert Information:

Dimensions: 7' x 9' Approximately.

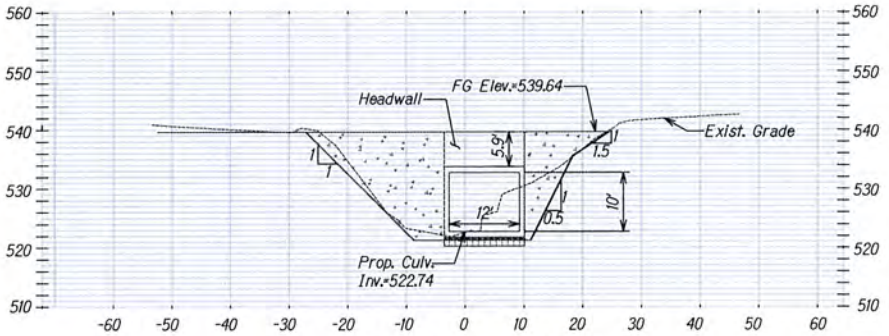
Bottom lining: Unlined.

Rubble masonry abutments with concrete plank span.

FED ROAD DIST NO.	STATE	FEDERAL AID PROJ NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-24(009)	2022	X	00



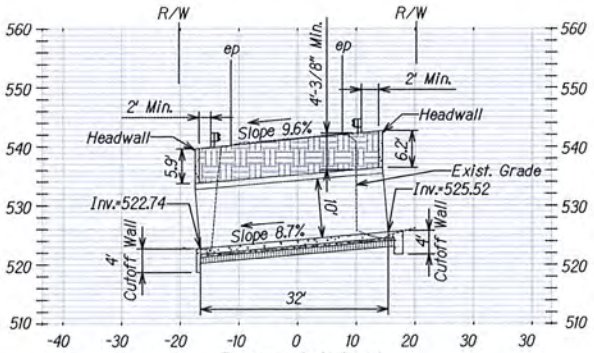
Upstream Culvert Section
(Proposed)



Downstream Culvert Section
(Proposed)

Legend:

- #2 Wrapped in Filter Fabric
- Backfill Material
- #3 Fine
- Concrete



Proposed Culvert
Profile
Scale: 1"=10'

Date	Revision

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

PROPOSED CULVERT SECTIONS AND PROFILE

HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Scale: 1"=10' Date: June 2022

SHEET No. X OF X SHEETS

X

HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Approximate limits of Temporary Road

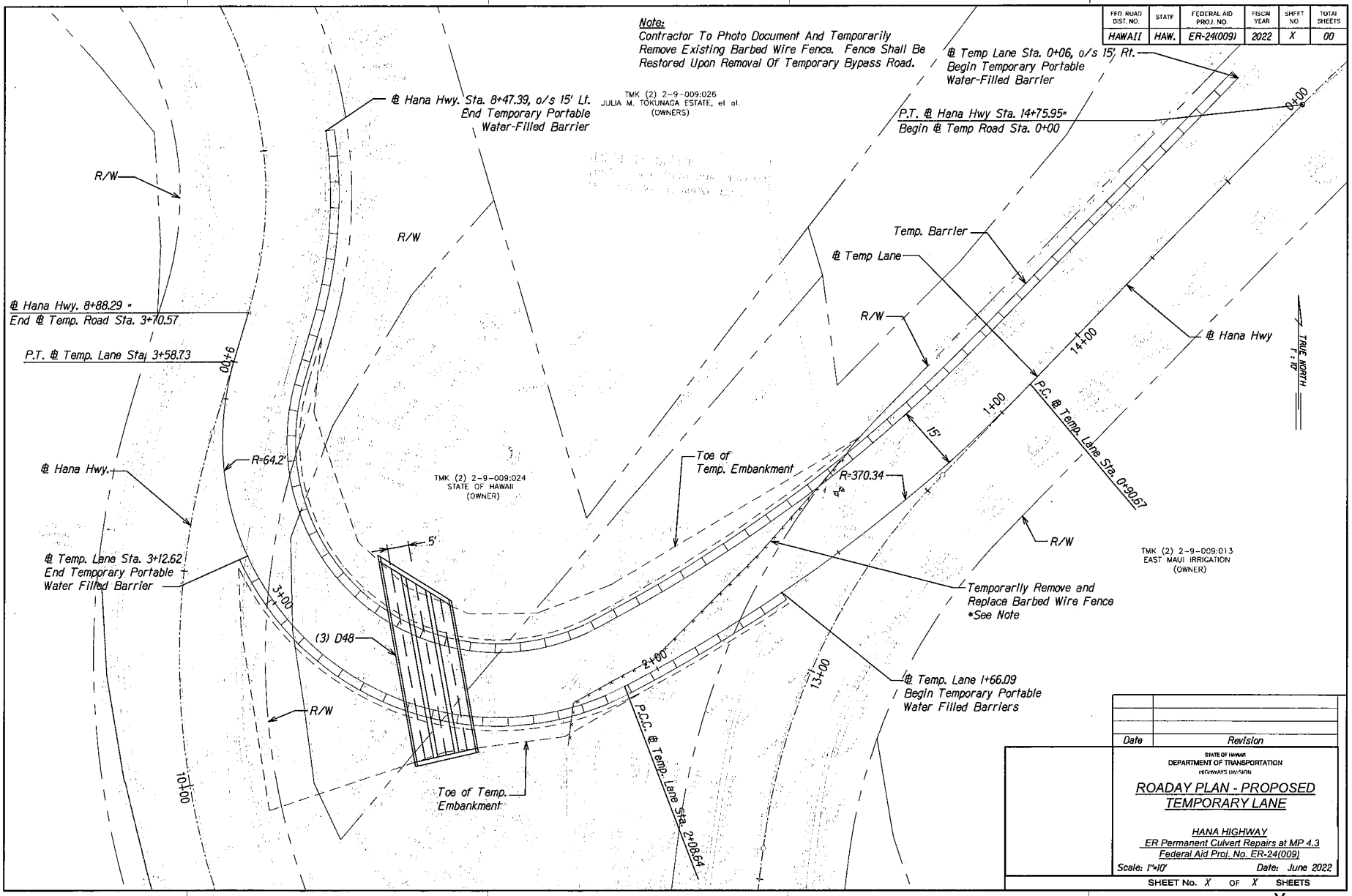
Proposed temporary road:

- *One lane wide;*
- *Three (3) pipes @ 48" each;*
- *Granular fill wrapped in geotextile fabric;*
- *Embankment will be approximately 20' high;*
- *Temporary concrete headwalls to protect granular fill around the temporary pipes.*

Once temporary road is operational, existing culvert will be excavated and removed completely. Temporary bypass pipes may be installed within the workzone during construction.

Precast concrete units to be utilized for permanent culvert construction to minimize construction time.

Upon completion of the permanent culvert, temporary road will be removed and the stream/banks restored.



FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-24(009)	2022	X	00

Date	Revision

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

ROADAY PLAN - PROPOSED TEMPORARY LANE

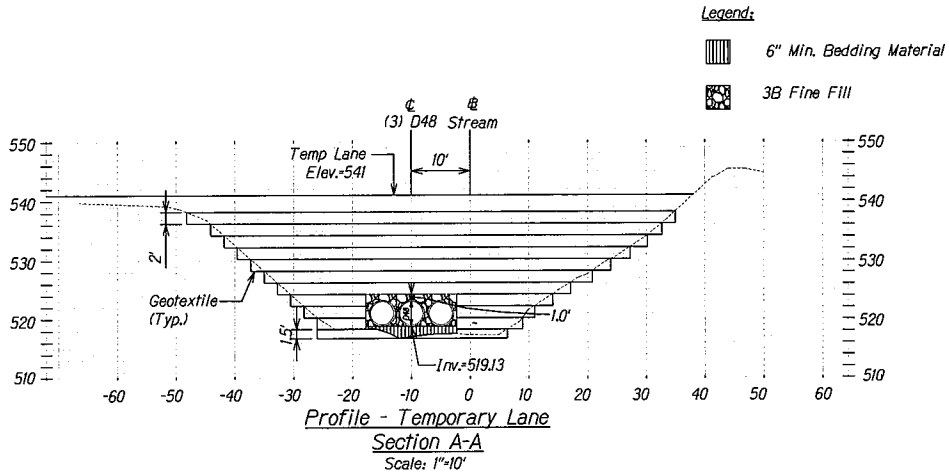
HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Scale: 1"=10' Date: June 2022

SHEET No. X OF X SHEETS

X

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	ER-24(00)16	2021	X	52



Profile - Temporary Lane
Section A-A
Scale: 1"=10'

Date	Revision

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

STREAM SECTION TEMPORARY LANE EMBANKMENT

HANA HIGHWAY
ER Permanent Culvert Repairs at MP 4.3
Federal Aid Proj. No. ER-24(009)

Scale: 1"=10' Date: May 2021

SHEET No. X OF X SHEETS

X

Hana Highway Culvert Repair Mile Post 4.3

Appendix C:
SHPD Concurrence Letter

STATE OF HAWAII | KA MOKUʻĀINA ʻO HAWAIʻI
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA ʻOIHANA KUMUWAIWAI ʻĀINA

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

October 31, 2023

IN REPLY REFER TO:
Project No.: 2022PR00783
Doc. No.: 2310SH13
Archaeology
Architecture

Richelle Takara
Division Administrator
Federal Highway Administration, Hawai'i Federal-Aid Division
U.S. Department of Transportation
300 Ala Moana Boulevard, Room 3-229, Box 50206
Honolulu, Hawai'i 96850
Email Reply to: Richelle.Takara@dot.gov
Electronic Transmittal Only, No Hard Copy to Follow

Dear Richelle Takara:

SUBJECT: **National Historic Preservation Act (NHPA) Section 106 Review – Continued Consultation and Request for Concurrence with the Effect Determination Hana Highway (Route 360) Culvert Repair at Mile Post 4.3 Ref. No. HDA-HI, Federal Aid Project No. ER-24(009) Hanehoi Ahupua'a, Hāmākualoa District, Island of Maui TMK: (2) 2-9-009:019, (2) 2-9-009:023, (2) 2-9-009:024, and (2) 2-9-009:026**

The State Historic Preservation Division (SHPD) received a letter dated August 28, 2023 from the Federal Highway Administration (FHWA) to continue the Section 106 historic preservation review process and to request the State Historic Preservation Officer's (SHPO's) concurrence with the effect determination for the Hana Highway (Route 360) Culvert Repair project at Mile Post 4.3 on the island of Maui. The SHPD received this letter with ninety percent project plans on September 1, 2023 (HICRIS Submission No. 2022PR00783.003). Prior to that, on August 28, 2023 an illustration of the Area of Potential Effects (APE), photographs, and project plans were provided (HICRIS Submission No. 2022PR00783.002).

The proposed Hawai'i Department of Transportation (HDOT) project will receive funding from the FHWA and is therefore a federal undertaking as defined in 36 CFR 800.16(y). The proposed project is subject to compliance with Section 106 of the NHPA. Pursuant to the Programmatic Delegation of Authority (May 2016) the FHWA delegated Section 106 consultation to HDOT. The project is also subject to historic preservation review under Hawai'i Revised Statutes (HRS) §6E-8.

The subject project is located in the Hamakualoa District, approximately 6.75 miles east/southeast of Haiku on the island of Maui and carries Hana Highway (Route 360) over Hanehoi Stream. Scour damage, caused by heavy rains and floods in Maui in December 2021, resulted in the severe erosion of the upstream, mauka side of the embankment and headwall. On December 6, 2021, the Governor issued an Emergency Proclamation addressing work necessitated by this heavy rain and flooding.

FHWA states that emergency repairs to the mauka side of the culvert occurred in late December 2021 and included the use of shotcrete to stabilize the embankment and headwall. The use of shotcrete was intended as a temporary repair to prevent further deterioration of the rubble masonry abutments and headwall supporting the culvert's concrete span and roadway. The culvert continues to be undermined by flooding events and scour damage and is in danger of future collapse.

FHWA describes the undertaking as a full culvert replacement due to the failing condition of the existing culvert. The culvert replacement would require complete removal of embankment and headwall material at the culvert location, necessitating a temporary bypass road to allow for vehicle travel in and out of Hana. The proposed culvert replacement would be a concrete box-type culvert and expand the original culvert's opening from 9 to 12 feet while maintaining its existing 7-foot height. This increased width would allow the culvert to handle the anticipated flows per current HDOT drainage design standards.

Following guidance in the Hana Highway, Route 360 Bridge Preservation Plan (HDOT 2015), the new box culvert would be faced with a cement rubble masonry (CRM) headwall to resemble the appearance of the existing culvert to the extent possible. With the exception of grading of up to 18 inches at the invert of the stream excavation for the construction of the culvert would be wholly contained within the existing roadway embankment. Precast concrete construction is anticipated to be utilized to reduce the duration of the construction, and temporary bypass pipes may be required to carry base stream flow during construction. When completed, the newly constructed culvert crossing would remain one-lane and feature metal guardrails similar to existing.

The APE encompasses the culvert footprint, the approach/transition onto the road, approximately 20 feet on either side of the culvert for vegetation clearing, foot access, and as a construction staging area, as well as space for a temporary bypass road. In total, the APE is approximately 0.75 acres.

FHWA has identified one historic property in the APE, the Hana Belt Road, which is listed in the National Register of Historic Places ([NRHP] #01000615) and is assigned State Inventory of Historic Places (SIHP) Number 50-50-va-01638. Hana Belt Road is a linear historic district extending approximately 42 miles along Hana Highway (Route 360) from 0.2 miles west of MP 3 near Huelo to the Koukouai Bridge on the south end. According to its NRHP registration form, the historic district includes 74 contributing resources mostly comprising bridges and culverts. Hana Belt Road is significant under Criterion A and Criterion C.

The culvert at MP 4.3 is an unnamed culvert located within the historic district but is not listed as a contributing resource on the Hana Belt Road NRHP registration form. FHWA opines the culvert was likely constructed at the same time as the Holua Bridge and the Kailua Bridge, around 1929, and consists of grouted rubble abutments with a concrete deck spanning approximately 7 feet. The culvert does not appear to have been substantially modified by past repairs or construction projects. FHWA states prior to the emergency repairs, the culvert appears to have been an unidentified contributing resource to the Hana Belt Road due to its location, design, and CRM construction. The use of shotcrete on the culvert during those repairs has permanently diminished its integrity of design, workmanship, materials, and feeling, particularly on the mauka headwall. Because the culvert was not included in either the NRHP registration form for Hana Belt Road, or the Hana Highway, Route 360 Bridge Preservation Plan, there is no previously recorded description of the culvert.

FHWA asserts the new culvert would maintain a single lane and include stacked rock headwall facings consistent in appearance to the existing CRM headwalls. This treatment would allow the new construction to minimize effects on the Hana Belt Road's integrity of design, materials, workmanship, and feeling. The new culvert is visually compatible with the other culverts and bridges along the Hana Belt Road and maintain its sense of place and time as an early twentieth century roadway in East Maui.

The FHWA has determined the proposed project will result in *no adverse effect*. **The SHPO concurs.**

Please submit any forthcoming information and correspondence related to the subject project to SHPD via HICRIS under Project No. 2022PR00783 using the Project Supplement option.

The FHWA and the HDOT are the offices of record for this undertaking. Please maintain a copy of this letter with your environmental review record for this undertaking.

Please contact Jessica Puff, Architecture Branch Chief, at Jessica.Puff@hawaii.gov for any matters regarding architectural resources, and please contact Stephanie Hacker, Historic Preservation Archaeologist IV, at Stephanie.Hacker@hawaii.gov or at (808) 692-8046 for any matters regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Annette Matsuda, HDOT (annette.dh.matsuda@hawaii.gov)
Larry Hail, HDOT (larry.d.hail@hawaii.gov)
Robin Shishido, HDOT (robin.k.shishido@hawaii.gov)
Trisha Watson, Honua Consulting (watson@honuaconsulting.com)
Matthew Small, WSP (matthew.small@wsp.com)
Gerald Andrade, WSP (gerald.andrade@wsp.com)

Hana Highway Culvert Repair Mile Post 4.3

Appendix D:
HRS Chapter 343 Exemption List

The Environmental Advisory Council reviewed and concurred upon this list on February 1, 2022.

COMPREHENSIVE EXEMPTION LIST

FOR THE

STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

AMENDED, February 1, 2022

The Department of Transportation (DOT) Comprehensive Exemption List, reviewed and concurred by the Environmental Advisory Council, State of Hawaii, amends and supersedes the November 15, 2000 and the December 16, 1992 exemption lists for the DOT.

Pursuant to, Hawaii Administrative Rules (HAR), Section 11-200.1-15, there are ten types of actions that shall generally be exempt from the preparation of an environmental assessment (EA). Pursuant to HAR, Section 11-200.1-15(d), these exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

The DOT Comprehensive Exemption List of actions eligible for exemption is organized by ten general types of actions (HAR, Section 11-200.1-15) and further classified within each type as one of the following:

Part 1 – DOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16(b).

Part 2 – DOT exempts the action from the preparation of an EA and files an exemption notice in accordance with HAR, Section 11-200.1-16(c).

Part 3– DOT added Part 3 to address emergency actions. All necessary DOT emergency actions that are not listed under Part 1 Exemption Types are subject to the provisions of HAR, Sections 11-200.1-8(2)(b) and (c).

1. When an agency proposes an action during a governor-declared state of emergency, the proposing agency shall document in its records that the emergency action was undertaken pursuant to a specific emergency proclamation. (HAR, Section 11-200.1-8(b)).

2. If the emergency action has not substantially commenced within sixty days of the emergency proclamation, the action will be subject to Hawaii Revised Statutes, Chapter 34. (HAR, Section 11-200.1-8(b)).

3. In the event of a sudden unexpected emergency causing or likely to cause loss or damage to life, health, property, or essential public service, but for which a declaration of a state of emergency has not been made, a proposing agency undertaking an emergency action shall document in its records that the emergency action was undertaken pursuant to a specific emergency and shall include the emergency action on its list of exemption notices for publication by the office in the bulletin pursuant to section HAR, Section 11-200.1-17(c).

EXEMPTION TYPE 1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving minor expansion or minor change of use beyond that previously existing.

TYPE 1, PART 1: Operations, repairs or maintenance.

A. STRUCTURES/FACILITIES

1. Repair or maintain buildings, office space, sheds, parking structures, warehouses, utility systems, aircraft aprons and hardstands, hangars, tunnels and other similar structures or facilities necessary for the continued function and use, and to meet current local, state and federal standards and regulations. Actions include but not limited the following:

    a. General: repaint, reroof, repair/replace windows and doors, interior modifications: furnishings, space configuration, flooring and flooring cover, framework, roof sheathing and other similar actions.

    b. Utility systems: electrical, interior lighting, plumbing, wastewater, information technology (IT)/communication and security systems, heating/ventilation/air conditioning (HVAC) units and other similar systems.

    c. Ancillary facilities: elevators (including modifying the capacity of elevators within the same roofed structure), escalators, conveyors, gates, fencing and other similar facilities.

2. Repair, maintain and upgrade exterior lighting systems, in compliance with HRS Chapter 201-8.5, Night Sky Protection Strategy.

3. Control termites and other pests using pesticides that comply with applicable regulations and administered under the supervision of certified applicators.

4. Pavement preservation work strategies and surface treatments that do not go beyond previously disturbed soils or lands of the existing structures and facilities, including but not limited to the following actions:

    a. Repave roadways, airport runways/taxiways/hardstands, sidewalks, bike paths or bridge decks, piers, tunnels and parking areas.

    b. Cleaning, chipping, painting, patching, resealing, restriping and cold-planing.

    c. Repair localized pavement failures (e.g., potholes, settlements, subsidence and cracks).

    d. Pave previously graded roadway shoulders and gravel surfaces.

    e. Groove pavement, apply high friction surface treatments, and install rumble strips to improve skid resistance and safety.

5. Repair, maintain, or upgrade safety or accessibility features to meet current regulations (e.g., Occupational Safety & Health Administration, Americans with Disabilities Act), including but not limited to the following: fencing, gates, railings, wheelchair ramps, sidewalks and identification check points.

6. Repair or maintain existing structures or facilities located in or above the water necessary for the continued function and use, and to meet current local, state and federal standards and regulations,

and as permitted by the U.S. Army Corps of Engineers and U.S. Coast Guard. Structures include but not limited to:

a. Perimeter seawalls, revetments, groins and other similar protective structures.

b. Pier decks, aprons, piles, sheet piles, bulkheads, dolphins, launch ramps, loading docks, substructure elements and other similar structures.

c. Bull rails, fender systems, bollards, cleats and other similar mooring features.

d. Fuel and other pipelines, hatch frames, manifolds, utilities, manholes, covers and other similar structures.

e. Stormwater systems (e.g., culverts, drainage systems, inlets and outfalls), pipes, swales, manholes as other similar structures.

f. Navigational aids, range lights and other similar navigational assets.

7. Repair or maintain bridges that do not require full bridge closure, including but not limited to: repair scouring, remove rust, repaint, repair riprap, pavement treatments to protect against stream erosion and pollution of the stream.

8. Provide contra-flow for carpools and buses during peak hours by coning the opposite direction of travel, closure and/or metering of highway ramps for safety purposes or for improvement of traffic flows.

9. Implement traffic management plans and other similar measures during construction to minimize traffic impacts.

10. Repair or maintain existing fuel systems, including but not limited to: fuel tanks, fuel lines and pumping equipment used for emergency power at various sites and for refueling vehicles in vehicle servicing areas, and maintenance of base yards.

11. Repair or maintain existing wastewater treatment facilities where the local municipality does not have any off-site sewerage system available, does not have the system capacity to permit any additional sewage loading, or requires some treatment before discharge into their systems.

12. Repair or maintain existing sewage and water pumping stations, pipelines, industrial traps and treatment facilities to meet applicable codes and regulations.

13. Repair or maintain existing structures or facilities that are necessary for the continued function and use, and to meet current local, state and federal standards and regulations, and as permitted by the U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Services, FAA, Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife, to protect DOT facilities from potential wildlife hazards.

B. EQUIPMENT

1. Repair or maintain vehicles, trucks, vessels, machinery, maintenance and construction equipment, and other similar equipment necessary to support operations.

2. Temporary storage and staging of equipment and materials on State lands as necessary to support exempted and planned repair or maintenance activities.

3. Replace, repair, upgrade, or adjust location of safety equipment, including but not limited to: traffic controllers, traffic signals, street lights, rapid flashing beacons, guardrails, crash attenuators and bollards, signage, striping and pavement markers.

C. TOPOGRAPHICAL FEATURES

1. Maintenance dredging of accumulated sediments from existing vessel berthing areas, navigational basins, entrance channels, under bridges, and other areas with disposal of dredged material redeposited into lower areas of the navigational basin or at either approved ocean disposal or landfill sites. Dredging will not exceed the original designed depths and will be done as permitted by the U.S. Army Corps of Engineers.

2. Planting, trimming, mowing and irrigating of vegetation to reduce fire hazards, wildlife attraction, and maintain appropriate visual appearance.

3. Clearing and grading, for which grading permits are not required, to maintain safety and security standards for aircraft and vehicular traffic.

4. Clearing, grading and landscaping, for which grading permits are not required, to prevent wildlife attraction to DOT facilities.

5. Clearing of swales and drainage conduits to maintain existing flow characteristics for erosion control and to minimize pollution of waterways.

6. Clearing of shoreline areas of debris or other objectionable material such as oil and derelict crafts.

7. Maintain and clear vegetation on land and in water for transportation safety and security. Restore sight distance, visibility of traffic control signs and signals, aesthetics and stormwater drainage.

8. Prevent and remove potential hazards from DOT rights-of-way, such as boulders, rocks, landslides, vegetation, downed utility poles and lines, sand and other marine debris washed ashore, solid waste, dead animals, and non-working vehicles.

9. Repair or replace rock fall/landslide control structures (e.g., netting, revetments, fencing).

10. Remove loose materials on slopes that could be a traffic or slide hazard.

11. Natural resource management actions that DOT declares are designed specifically to monitor, conserve, or enhance the status of native species or native species' habitats, such as fences around or to manage rare, threatened or endangered plants. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

12. Capture, trap or use of other means to control, transfer or eradicate non-protected feral animals, wildlife or invasive species that may present hazards to transportation facilities and the environment.

TYPE 1, PART 2: Operations, repairs or maintenance.

1. Use of new bridge scour countermeasure methods, excluding any hardening, as permitted by the U.S. Army Corps of Engineers, and any other permitting requirements, as applicable.

EXEMPTION TYPE 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located, generally on the same site, and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

TYPE 2, PART 1: Replacement or reconstruction of assets that have exceeded their operational life and deteriorated beyond the cost-effectiveness of routine maintenance, can no longer be repaired to meet current safety standards, or no longer meet local, state or federal regulations/guidelines. Part 1 actions that meet the following criteria:

A. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places or structures without a historic significance determination.

B. Occur within the existing disturbed DOT property boundary and DOT rights-of-way.

1. Replace, remove, reconstruct or minor expansion of existing outdoor deteriorated and/or damaged structures or facilities to their original/better condition, including but not limited to existing: airfield pavements, runways and taxiways, aprons and hardstands, pier decks, cargo yard pavements, base yards, parking areas, storage areas and roadway pavements for the continued function of the facility.

2. Replace or upgrade of existing rockfall protection systems, including but not limited to: wire mesh drape, anchored wire mesh, impact fence system, combination impact fence and wire mesh drape, catchment ditch, and retaining wall.

3. Reconstruct, upgrade, or minor expansion of existing roadways and shoulders, intersections, pedestrian facilities (e.g., sidewalks and curbs, bridges, raised crosswalks), bikeways, shared-use routes, driveways, crossroads, runaway truck ramps, railroad crossings or separations, and stream crossings. Includes but not limited to widening less than one lane width, adding shoulders, and adding auxiliary lanes for localized purposes (e.g., passing, deceleration for turns, etc.), correcting substandard curves and intersections and other similar improvements.

4. Restripe, or replace pavement markers, wind cones, safety equipment and signage in new locations and patterns, as needed, to improve safety and meet current design standards.

5. Replace or upgrade systems, including but not limited to: fire protection, potable water, wastewater, electrical, interior lighting, HVAC systems, security systems (e.g., video, walls, fences, alarms), public safety, IT/communications, traffic control, navigation aids, mooring systems (e.g., buoys, bollards, cleats).

6. Replace or upgrade exterior lighting systems, in compliance with HRS Chapter 201-8.5, Night Sky Protection Strategy.

7. Replace or reconstruct existing fuel systems including but not limited to: fuel tanks, relocation of fuel lines and pumping equipment used for emergency power at various sites and for refueling vehicles in vehicle servicing areas and maintenance base yards.

8. Replace, remove, or reconstruct existing drainage systems to maintain a consistent level of service or to comply with applicable codes and regulations including but not limited to: culverts, channels, conduits, ditches, gutters, waterways, inlets and outfalls, swales and other similar improvements that collect and divert rainfall runoff on-site.

9. Replace, remove, or reconstruct existing sewage and water pumping stations, and treatment facilities to meet established codes and standards. Replace, modify, remove or repair existing cesspools with individual wastewater systems to the year 2050 and other approved systems.

10. Replace, remove or reconstruct existing structures, buildings, and accessory structures, including but not limited to: office buildings, sheds, warehouses, parking structures, aircraft hangars, airport/harbor terminals, comfort stations, security buildings, maintenance/base yard facilities, cattle holding pens and shelters.

11. Replace, remove, or reconstruct existing in water structures, including but not limited to: revetment structures, and groins, pier decks, substructure and aprons, piles, sheet piles, dolphins, offshore mooring systems, pipelines and hatches, bull rails, fender systems, bollards and cleats, launch ramps, loading docks, drainage outlets, navigational aids and all associated work necessary for the continued function of the structure, as permitted by the U.S. Army Corps of Engineers and U.S. Coast Guard.

12. Replace asphalt pavement with more durable concrete pavement to reduce maintenance.

13. Replace or reconstruct DOT structures when flood or other natural phenomena causes complete collapse or serious damage to the structures which render them unsafe.

14. Replace, remove or renovate existing landscaping or vegetation.

15. Replace vehicles, trucks, machinery, equipment, vessels, and all other associated items required to support operations.

16. Closure and/or metering of roadway ramps for safety purposes or for the improvement of traffic flow along a major highway or other roadways.

TYPE 2, PART 2: Actions that:

A. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places, or structures without a historic significance determination.

B. Occur outside the existing DOT property boundary and DOT rights-of-way.'

C. Replace, remove, or reconstruct existing perimeter seawalls

1. Use of new bridge scour countermeasure methods, excluding any hardening, as permitted by the U.S. Army Corps of Engineers, and any other permitting requirements, as applicable.

EXEMPTION TYPE 3: Construction and location of single, new, small facilities or structures, and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of same, including, but not limited to:

A. Single family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;

B. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;

C. Stores, offices and restaurants designed for total occupant load of twenty individuals or fewer, if not in conjunction with the building of two or more such structures;

D. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities; and

E. Accessory or appurtenant structures including garages, carports, patios, swimming pools and fences; and, acquisition of utility easements.

F. Installation of noise monitoring equipment which includes poles for microphones and battery boxes.

G. Installation of communication systems, passport kiosks, elevators, escalators, conveyors, heating/ventilation/air conditioning units, pedestrian bridges and underpasses to existing facilities.

TYPE 3, PART 1: Modification of existing facilities or installation of new equipment.

1. Widen (pavement/gravel) an existing previously disturbed DOT rights-of-way, less than one lane width, adding shoulders, or auxiliary lanes for localized purposes (e.g., passing, deceleration for turns, sidewalks/curbs and correcting substandard curves and intersections.

2. Create, extend, or upgrade a shared roadway shoulder bicycle route, using striping and signage when the action is secondary to Type 1 and Type 2, Part 1 pavement actions.

3. Pave previously graded shoulder areas within the existing DOT rights-of-way to provide access to DOT pavement lanes from the adjacent common property line for residential and commercial driveways and subdivision street connections.

4. Install new equipment designed to promote transportation safety, security, accessibility, and effective communication to the public, such as traffic surveillance, electronic message signs, incident response and management, Intelligent Transportation Systems, and safety systems (e.g., safety barriers, traffic calming, guard rails, energy attenuators, traffic signals, directional, informational, and regulatory signs, light standards, hazard elimination and mitigation) within existing DOT property.

5. Install new screens/shelters/fences around trash bins and other outdoor storage areas for noise control, improved aesthetics, litter control, or rodent control.

6. Convert an intersection to a roundabout or traffic circle with appropriate signage to improve traffic operations or safety within the DOT rights-of-way.

7. Install new rockfall protection systems such as wire mesh draped system, anchored wire mesh, impact fence system, combination impact fence and wire mesh drape, catchment ditch, and retaining wall.

8. Modify existing structures and buildings that houses utility or sprinkler system components such as pumps, transformers, etc.

9. Modify existing structures including buildings, personnel shelters, storage facilities and carports.

10. Modify existing buildings such as schools, libraries, other publicly-owned buildings, and residential structures either on DOT property or offsite property, to provide for noise attenuation such as the installation of insulation material, louvers, acoustic filters or air conditioning units.

11. Modify existing airport general aviation T-hangars.

12. Modify existing structures, facilities, utility systems and equipment to bring them into compliance with current building codes and applicable health, safety, access, disability and security regulations or to meet energy or other resource conservation mandates.

13. Modify utility systems including electrical (e.g., convert overhead lines to underground lines), gas, water, sewer, communications and other services to serve structures, buildings, or facilities. Extend utility service connection to new or modified assets. Exterior lighting modifications will comply with HRS Chapter 201-8.5, Night Sky Protection Strategy.

14. Modify drainage inlets and outfalls, fuel systems, wastewater and sewage treatment facilities, and water pumping stations to address sea level rise or to protect the environment.

15. Modify existing buildings, facilities and equipment to bring them into compliance with current building codes and applicable federal and state regulations, including but not limited to:

    a. Occupational Safety and Health Administration.

    b. Americans with Disability Act.

    c. Clean Water Act.

    d. County Fire and Safety Codes.

    e. Hawaii Department of Health Regulations.

    f. United States Department of Transportation; Federal Aviation Administration, Federal Highways Administration and Maritime Administration.

    g. United States Department of Homeland Security, Federal Emergency Management Administration and the United States Coast Guard.

16. Install new substation, transformers and electrical connections to supplement existing power supply and to maintain the functionality of a facility.

17. Install renewable power equipment and systems.

    a. Roof top solar systems including retro-fitting electrical systems for the installation of solar energy or for e-vehicle charging systems.

    b. Hydropower equipment to provide power to equipment operations not to exceed 5 megawatts.

18. Install or remove electrical, interior lighting, plumbing, wastewater, fire alarm, sprinkler, IT/communication and security systems; HVAC units, building walls, office partitions, doors and utility outlets as required.

19. Install or remove reefer outlets.

20. Install or remove works of art.

21. Install debris collection systems at drainage or streams connecting to waters.

22. Installation of temporary parking and temporary storage of construction equipment and materials on DOT property.

TYPE 3, PART 2: Development of new structures and facilities.

1. Construct and locate new structures including buildings, sheds, warehouses, personnel shelters, storage facilities and other similar structures if not in conjunction with the construction of two or more such structures serving the same purpose.

2. Construct and locate new off-street parking facilities.

3. Construct and locate new drainage systems to maintain a consistent level of service or to comply with applicable codes and regulations, including swales, ditches, gutters, retention basins and other similar surface runoff management improvements.

4. Construct and locate of new irrigation systems, irrigation ditches, flumes and structures.

5. Construct and locate bus shelters, telephone booths, sidewalks and curbside improvements.

6. Construct and locate new airport general aviation T-hangars.

7. Construct new shared use roadway shoulder bike routes when the bike route is the primary purpose of the project, independent of Type 1 and 2, Part 1 pavement actions.

8. Construct new shoreline protection systems that are considered to be short-term to mid-term solutions, subject to the following thresholds:

    a. Un-grouted Rock Revetment or Rip Rap extending less than 500 linear feet.

    b. Other methods extending less than 2,000 linear feet, including, but not limited to the following:

        i. Kyowa Bags

ii. Sandsaver

iii. Sandbags

iv. Elco-Rock

v. Eco-Concrete

vi. Living Shoreline (e.g., Sea Grass, Naupaka)

vii. Erosion Matting

9. Use of new bridge scour countermeasure methods, excluding any hardening, as permitted by the U.S. Army Corps of Engineers, and any other permitting requirements, as applicable.

EXEMPTION TYPE 4: Minor alteration in the conditions of land, water, or vegetation.

TYPE 4, PART 1: Minor alternations necessary to maintain State lands and waters in a safe and functional condition, and do not require a grading permit. Part 1 actions include but are not limited to:

1. Remove natural materials, including displaced boulders, and dislocated soils and vegetation.

2. Remove non-natural materials from ocean waters, submerged lands and rivers, including sunken and derelict vessels, aircrafts, vehicles, oil spills and hazardous residues.

3. Manage surface water runoff, including installation of swales and drainage ditches, and implementation of stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.).

4. Minor ground adjustments (e.g., grading, grubbing, cutting, or filling) for eliminating hazards to vehicles, aircrafts and navigational aids.

5. Minor vegetation clearing and management, including mowing, pruning, trimming, removal and/or transplanting of trees that are not considered historical or significant, sodding of bare areas for dust and erosion control.

6. Minor modifications to existing retaining walls as necessary to protect the environment.

7. Remove or fill in unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations.

8. Install underground sprinkler or drip irrigation systems, and planting of groundcover, shrubs and trees to prevent erosion.

9. Pave over previously graded parking and storage yard areas.

TYPE 4, PART 2:

1. Use of new bridge scour countermeasure methods, excluding any hardening, as permitted by the U.S. Army Corps of Engineers, and any other permitting requirements, as applicable.

EXEMPTION TYPE 5: Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.

TYPE 5, PART 1: Nondestructive data collection and other activities.

1. Conduct studies, surveys and monitoring that do not lead directly to construction to identify project concepts, elements of proposed actions and alternatives so that social, economic and environmental effects can be subsequently assessed.

    a. Studies such as planning, social, economic, environmental, feasibility, financial, inventory and other similar studies.

    b. Environmental surveys such as historical, cultural, biological, ecological, wetland delineation, oceanographical, traffic (including transit patronage surveys), noise, water, air and other similar surveys.

    c. Engineering surveys such as structural, building, civil, mechanical, architectural, topographical, electrical and other utilities, asbestos, lead and other similar surveys.

    d. Structural studies such as pavement and bridge testing, inspection and other similar studies.

    e. Monitoring such as rockfall, shoreline, bridge scour and other similar monitoring.

    f. Conduct public meetings or hearings for disseminating information and/or receiving public input, to develop administrative rules, guidelines or other public policy, and other similar activities.

2. Experimental/pilot/demonstration projects, including but not limited to:

    a. Ridesharing and other travel demand management projects.

    b. Usage fee and toll projects.

    c. Pavement and other material testing projects.

    d. Traffic calming and pedestrian crossing safety projects.

    e. Autonomous vehicle demonstration projects.

    f. Ferry demonstration projects.

3. Conduct GIS mapping, aerial, land surveys and other similar activities.

4. Conduct geotechnical, archeological, burial, foundational and other subsurface investigations (i.e., trenching and boring activities) and other similar investigations provided the State Historic Preservation Division was consulted and mitigations implemented, if applicable.

5. Real estate transaction actions, including but not limited to: due diligence, appraisals, and land surveys (e.g., metes and bounds, shoreline setback) to determine the acquisition/sales price, rental establishment or the establishment of royalties.

6. Permission to enter public lands for conducting those actions listed above, provided that the requisite right-of-entry and approvals are obtained.

EXEMPTION TYPE 6: Demolition of structures, except those structures that are listed on the National Register or Hawaii Register of Historic Places.

TYPE 6, PART 1: Includes structures determined to be ineligible for listing on the National Register or Hawaii Register of Historic Places.

1. Demolition or removal of structures, facilities, equipment, impounded property or other improvements that are abandoned and no longer required or maintained, including but not limited to:

    a. Structures such as buildings, sheds, warehouses and other similar structures.

    b. Improvements such as airfield, yard and roadway pavements, light poles and electrical connections, fencing and other similar improvements.

    c. Improvements such as electrical, communication, HVAC and water systems, wastewater, sewer, septic tank systems; above- or underground storage tanks, fuel systems and other similar improvements.

    d. Equipment such as machinery, vehicles, experimental devices and other similar equipment.

EXEMPTION TYPE 7: Zoning variances except shoreline setback variances.

TYPE 7, PART 1: Land acquisition for public use or provision of public services, except beachfront property.

1. Application for zoning variance for use of State lands disposed to private parties or to governmental agencies, except shoreline setback variances.

EXEMPTION TYPE 8: Continuing administrative activities

TYPE 8, PART 1: DOT administrative activities and operations that would not result in direct, indirect or cumulative adverse impacts to the environment. These types of actions include but are not limited to:

1. Procurement of professional services, goods and services, competitive sealed proposals, competitive sealed bidding and other similar services.

2. Procurement of office equipment, furniture and supplies; small purchases, materials and other similar items.

3. Procurement of motor vehicles, equipment, small boats and other similar items.

4. Requests and use of federal, state, county or private grants to support ongoing operations, implement programs, training of personnel including purchase and rental of training facilities and equipment, and other similar activities.

5. Perform all aspects of administrative functions including personnel actions, accounting, budgeting, training, regulatory reporting, and the promulgation of rules and directives, and other similar activities.

6. Conduct public education, outreach, communications, including meetings, surveys, websites, training, newsletters, press releases, long-range planning documents and other similar activities.

7. Prepare and administer interagency agreements, ministerial approvals, letters of agreement with developers regarding impact fees and fair share contributions to regional traffic improvements and other similar activities.

8. Real estate and land tenure actions:

    a. Transfer of management authority or title over public lands between DOT and public agencies through Governor's executive orders or other legal instruments.

    b. Subdivide or consolidate public lands through subdivision to facilitate transfer between DOT and public agencies for continued public use, including but not limited to:

        i. Subdivide lots not previously subdivided into highway parcels and highway remnants.

        ii. Subdivide or consolidate a portion of DOT lands due to encroachment or determined surplus.

    c. Convey existing roadway rights-of-way between DOT and public agencies.

    d. Consolidate residential-zoned highway remnant parcels into one lot.

    e. Acquisition and/or exchange of property for public use, including but not limited to: easements, minor subdivision and consolidation of parcels for public use such as rounding corners or minor street widening.

    f. Execute and administer rights-of-entry agreements, use and occupancy contracts.

    g. Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing.

    h. Creation or extension of leases, revocable permits or easements of property for continuing aeronautical or maritime uses or complementary purposes.

EXEMPTION TYPE 9: Acquisition of land and existing structures, including single or multi-unit dwellings, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding.

TYPE 9, PART 1: Routine real estate/land tenure actions meeting this definition are listed and addressed under Type 8, Part 1.

EXEMPTION TYPE 10: New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

A. Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with HRS, Chapter 343;

B. As proposed conforms with the existing state urban land classification;

C. As proposed is consistent with the existing county zoning classification provided that allows housing; and

D. As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in HAR, Section 11-200.11-13(b)(11).

Hana Highway Culvert Repair Mile Post 4.3

Appendix E:
USACE Determination of No Permit Required

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

October 28, 2022

SUBJECT: Determination of No Permit Required, Culvert Maintenance, Hana Highway Milepost 4.3, Hanehoi Stream, Island of Maui, Hawai'i
Department of the Army File No. POH-2022-00109

Robin Shishido
Hawai'i Department of Transportation
Highways Division
650 Palapala Drive
Kahului, Hawai'i 96732

Dear Ms. Shishido:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has received your request for a determination whether a Department of the Army (DA) permit is required for the culvert maintenance located in Hanehoi Stream at Hana Highway Milepost 4.3 in Haiku on the island of Maui, Hawai'i. Your request has been assigned Department of the Army (DA) file number POH-2022-00109. Please reference this number in all future correspondence with our office relating to this action.

We have reviewed your submittal pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344; "Section 404") and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403; "Section 10"). The determination provided in this letter pertains only to whether your proposed project is an activity we regulate; it does not address geographic jurisdiction.

While we have not made a determination of the jurisdictional status of the aquatic resource(s) on your property, based on the information you provided, we have determined that your proposed project would not involve an activity subject to the regulatory jurisdiction of the Corps (repairing a currently serviceable structure) and therefore, a DA permit is not required. This determination of no permit required addresses only the proposed work activities described in your submitted documentation and does not convey our determination of the jurisdictional status of the Hanehoi Stream.

While a DA permit is not required for your proposed project, you are responsible for obtaining all other applicable Federal, state, or local authorizations required by law. Be advised, a DA permit may be required if you alter the method, scope, or location of your

proposed work. You should contact our office if you are considering modifying your project.

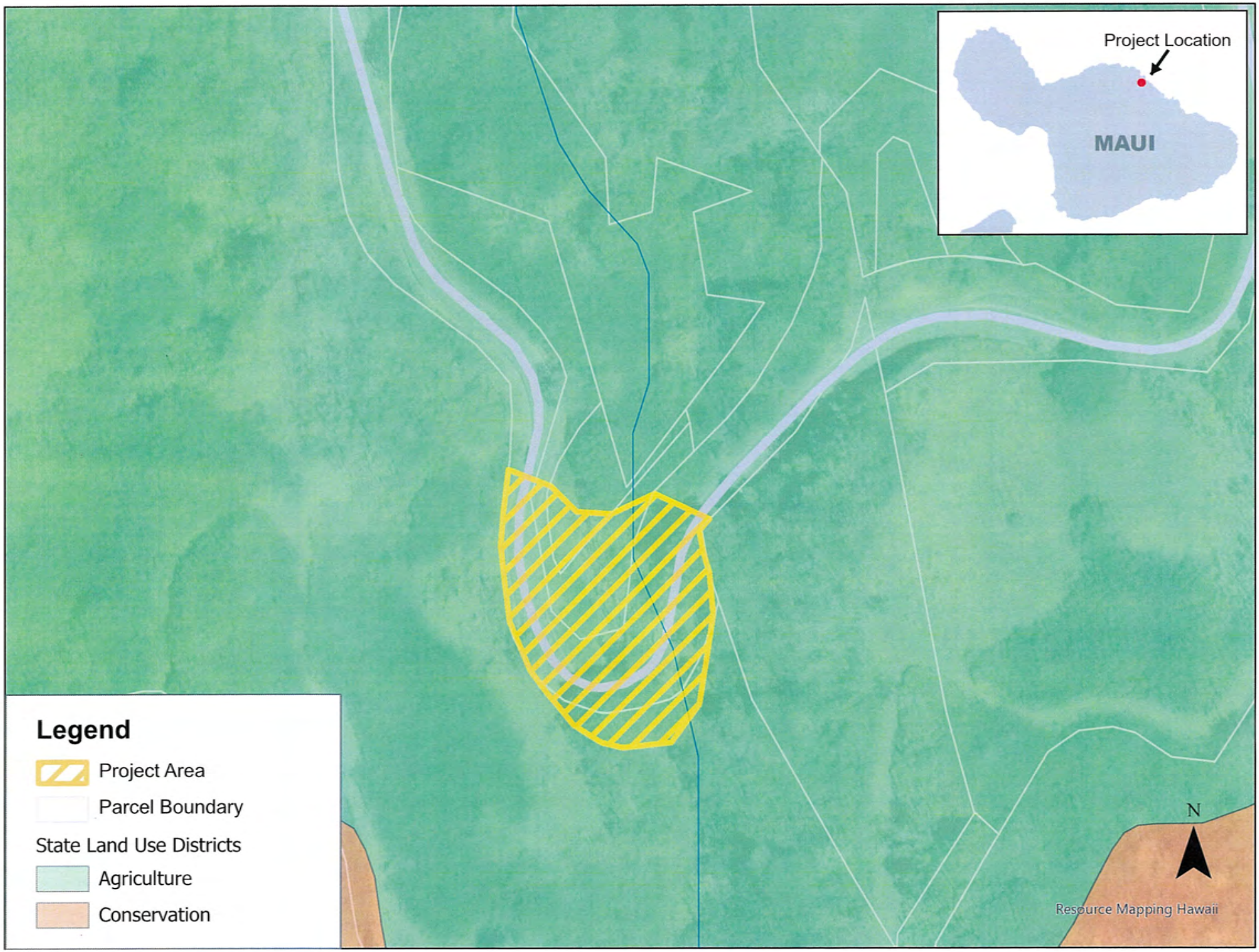
Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me at 808-835-4309 or via e-mail at Kristi.D.Fluker@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. For additional information about our Regulatory Program, please visit our web site at http://www.poh.usace.army.mil/Missions/Regulatory.

Sincerely,

Kristi Fluker
Biologist

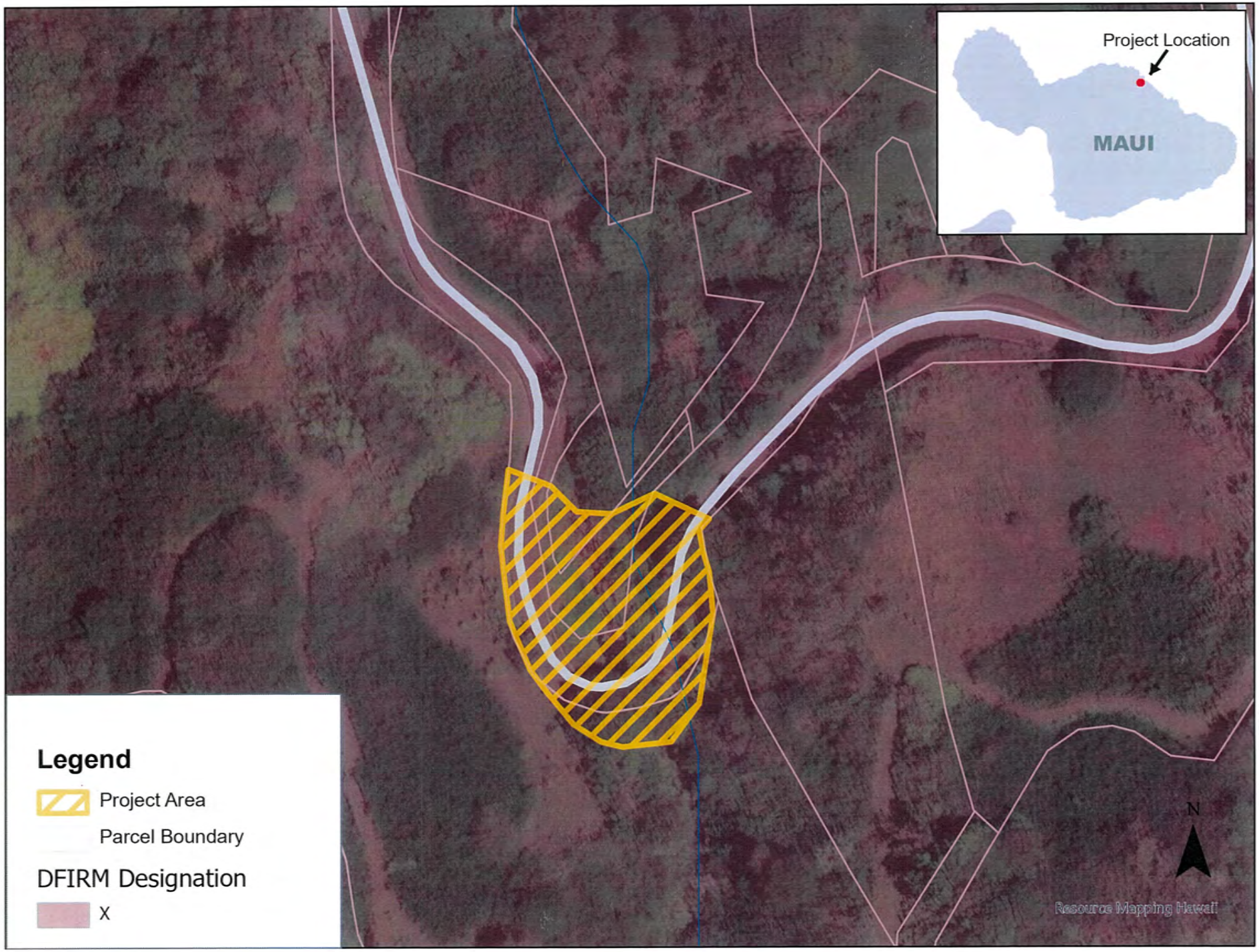
Hana Highway Culvert Repair Mile Post 4.3

Appendix F:
State Land Use Determination Map


Project Location
MAUI
Legend
Project Area
Parcel Boundary
State Land Use Districts
Agriculture
Conservation
N
Resource Mapping Hawaii

Hana Highway Culvert Repair Mile Post 4.3

Appendix G:
Flood Zone Map


Project Location
MAUI
Legend
Project Area
Parcel Boundary
DFIRM Designation
X
N
Resource Mapping Hawaii