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January 23, 2019

To: Jade T. Butay, Director
Department of Transportation

From: Leo R. Asuncion, Planning Program Administrator II
Office of Planning

Subject: Hawaii Coastal Zone Management Program Federal Consistency Review for the Kapalama Container Terminal Wharf and Dredging, Honolulu Harbor Piers 40-45, Oahu; Department of the Army Permit File No. POH-2012-00081

The Hawaii Coastal Zone Management (CZM) Program has completed the federal consistency review for the Kapalama container terminal wharf and dredging project at Honolulu Harbor Piers 40-45, Oahu (proposed activity). The Hawaii CZM Program conditionally concurs with the Department of Transportation's certification that the proposed activity is consistent with the enforceable policies of the Hawaii CZM Program. The following conditions shall apply to this consistency concurrence:

1. The proposed activity shall be completed as represented in the CZM federal consistency application and supporting materials. Any changes to the proposal shall be submitted to the Hawaii CZM Program for review and approval. Changes to the proposal may require a full CZM federal consistency review, including publication of a public notice and provision for public review and comment. This condition is necessary to ensure that the proposed activity is carried out as reviewed for consistency with the enforceable policies of the Hawaii CZM Program. Hawaii Revised Statutes (HRS) Chapter 205A Coastal Zone Management, is the federally approved enforceable policy of the Hawaii CZM Program that applies to this condition.

2. The proposed activity shall comply with State of Hawaii water quality standards and requirements, as specified in Hawaii Administrative Rules (HAR) Chapter 11-54 Water Quality Standards, including the Section 401 Water Quality Certification (WQC0899) that was issued by the Department of Health on November 28, 2018. This condition is necessary to ensure consistency with HRS Chapter 342D Water Pollution, and HAR Chapter 11-54, which are federally approved enforceable policies of the Hawaii CZM Program.

3. The proposed activity shall comply with State of Hawaii water pollution control requirements, as specified in HAR Chapter 11-55 Water Pollution Control, including

the National Pollutant Discharge Elimination System (NPDES) Permits, HI R10E714 for construction activities and HI 15FE715 for hydrotesting effluent discharge, that were issued by the Department of Health on May 20, 2015 and May 18, 2015, respectively. This condition is necessary to ensure consistency with HRS Chapter 342D Water Pollution, and HAR Chapter 11-55, which are federally approved enforceable policies of the Hawaii CZM Program.

4. To minimize impacts to aquatic resources and the marine environment, all of the minimization and offset measures that are specified in the Memorandum of Agreement between the Board of Land and Natural Resources (BLNR) and the Department of Transportation (DOT) (approved by BLNR on October 26, 2018 and finalized by BLNR and DOT on December 21, 2018) shall be fully implemented. This condition is necessary to ensure consistency with the Hawaii CZM Program coastal ecosystems policies contained in HRS Chapter 205A, which is the federally approved enforceable policy that applies to this condition.

If the requirements for conditional concurrences specified in 15 CFR § 930.4(a), (1) through (3), are not met, then all parties shall treat this conditional concurrence letter as an objection pursuant to 15 CFR Part 930, subpart D. Furthermore, you are hereby notified that, pursuant to 15 CFR § 930.63(e) and 15 CFR Part 930, subpart H, you have the opportunity to appeal an objection resulting from not meeting the requirements of 15 CFR § 930.4(a), (1) through (3), to the Secretary of Commerce within 30 days after receiving this conditional concurrence letter, or 30 days after receiving notice from the U.S. Army Corps of Engineers that your Department of the Army Permit will not be approved as amended by the conditions required by this concurrence.

This CZM conditional concurrence does not represent an endorsement of the proposed activity nor does it convey approval with any other regulations administered by any state or county agency. Thank you for your cooperation in complying with the Hawaii CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at 587-2878.

cc: U.S. Army Corps of Engineers, Honolulu District, Regulatory Office
Darryl Lum, DOH, Clean Water Branch (email)
Catherine Gewecke, DLNR, Division of Aquatic Resources (email)
Jay M.K. Stone, Belt Collins Hawaii