



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

REPLY TO
ATTENTION OF:

April 25, 2008

Regulatory Branch

File Number POH-2006-531

Mr. Robert McDaniel III
Maui Medical Plaza at Kanaha
350 Hukilike Street, Suite D
Kahului, HI 96732

Dear Mr. McDaniel:

This letter responds to your jurisdictional determination request dated May 8, 2007 for Corps verified wetlands located on the parcel where the proposed Maui Medical Plaza at Kanaha is sited at 151 Hana Highway, Kahului, Maui Island, Hawaii 96732 (TMK: (2) 3-7-11: 28). We have reviewed the information you provided under the Corps' authority to issue Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344).

Based on the information provided in the document "*Request for Jurisdictional Determination and Wetland Permit Application*" compiled by Mr. John Vuich of Malama Environmental, LLC and dated March 7, 2007, subsequent information submittals forwarded by you at the Corps request; and a site visit conducted on March 17-18, 2008 by Ms. Joy Anamizu of my staff and a representatives from both the U.S. Environmental Protection Agency (EPA) and the State of Hawaii, Department of Health, Clean Water Branch, we have determined the wetlands on the subject property are jurisdictional waters of the U.S.

On October 25, 2007, we issued a verification letter for the wetlands delineated on the property. Based on the information provided in Robert Hobdy's report "*Wetlands Determination for the Kanaha Industrial Subdivision Project, Kanaha, Kahului, Maui*" dated June 2006, we accepted the recommended 4 foot elevation contour as the delineated boundary for wetland (Enclosure 1). A topographic survey map completed by R. T. Tanaka Engineers, Inc. better depicts two separate areas that are below the 4 ft mean sea level (Enclosure 2). Any work activities that will involve the discharge and/or placement of fill and/or dredge material into waters of the U.S., which also include these wetlands and the adjacent drainage canals, will require a DA permit.

Enclosed is a copy of the final approved jurisdictional determination form for your project and a *Notification of Administrative Appeal Options and Process and Request for Appeal* form (Form F). Please review and submit a completed Form F within 60 calendar days from date of this letter. Information regarding the appeal process is available at following link at <http://www.pod.usace.army.mil/Regulatory/fedreg.pdf>.

Should you have any questions regarding this jurisdictional determination or any other requisite materials you need to aid in the processing of permit, please contact Ms. Joy Anamizu of my staff by phone at 808-438-7023, by fax at 808-438-4060, or by electronic mail at joy.n.anamizu@usace.army.mil and reference Corps **File No. POH-2006-531** in all future correspondence.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch

Copy furnished (w/o enclosures):

- Dr. Wendy Wiltse, U.S. Environmental Protection Agency, Region IX, Honolulu Branch, P.O. Box 50003, Honolulu, HI 96850
- Mr. Roland Asakura, Department of Health, Clean Water Branch - Maui, Maui District Health Office, 54 High Street, Room 300, Wailuku, HI 96793
- Mr. Edward Chen, Department of Health, Clean Water Branch, P.O. Box 3378, Honolulu, HI 96801-3378
- Dr. Fern P. Duvall II, Department of Land and Natural Resources, Division of Forestry & Wildlife, 54 South High Street, Room 101, Wailuku, HI 96793
- Mr. John Nakagawa, State Office of Planning, Coastal Zone Management Program, P.O. Box 2359, Honolulu, HI 96804
- Mr. Michael Molina, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd. Room 3-122, P.O. Box 50088, Honolulu, HI 96858-0001
- Mr. John Vuich, Environmental Consultant, Malama Environmental, LCC, P.O. Box 880487, Pukalani, HI 96788-0487
- Mr. Peter A. Horowitz, Attorney at Law, 305 High Street, Suite 101, Wailuku, HI 96793
- Ms. Patricia Billington, CEPOH-OC
- Mr. Thom Lichte, CEPOD-PDC