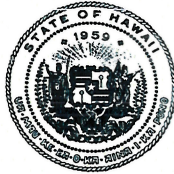


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA O HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKOLE

In reply, please refer to:  
File:

WQC1100.FNL.25

December 5, 2025

Via e-mail [sara.w.longan@usace.army.mil](mailto:sara.w.longan@usace.army.mil) only

Ms. Sara W. Longan  
Regional Regulatory Chief  
U.S. Department of the Army  
U.S. Army Corps of Engineers, Honolulu District  
Fort Shafter, Hawaii 96858

Dear Ms. Longan:

**Subject: Blanket Section 401 Water Quality Certification (WQC) for  
Certain 2026 Department of the Army (DA)  
Nationwide Permits (NWP) and Activities  
All Islands, State of Hawaii  
File No. WQC1100**

**Purpose.** This letter is a blanket Section 401 WQC (Blanket Certification) and sets forth applicable qualifications and activity-specific conditions to certain NWPs and activities, as described below. This Blanket Certification may be utilized by any applicant that is seeking work authorization verification from the U.S. Army Corps of Engineers (USACE), Honolulu District of the Pacific Ocean Division (POH).

This Blanket Certification supersedes and replaces WQC1092.FNL.20 issued November 20, 2020 (WQC1092) when the USACE issues and implements the 2026 NWPs for a specific project. For the avoidance of doubt:

1. Requirements and conditions set forth in WQC1092 which are not set forth in this Blanket Certification shall no longer be applicable;
2. Activities covered under WQC1092 shall be subject to this Blanket Certification, including requirements and conditions different from or in addition to WQC1092; and
3. Pending applications, including those currently under review by USACE POH or the Department of Health (DOH), shall be subject to this Blanket Certification.

**Overview.** The DA has published a list of NWP and applicable general conditions that attach to those NWPs.<sup>1</sup> Certain NWPs may require a Section 401 WQC from the State of Hawaii. The DOH has the authority to issue a Blanket Certification and may qualify or condition the Blanket Certification. The conditions in this Blanket Certification become additional conditions to the NWPs. The qualifications would set forth the applicability of the Blanket Certification to a NWP or other described activity.

The DOH reviewed the NWP and General Conditions published in the Federal Register: Final Rules and the additional comments submitted by USACE POH. The DOH believes that when all requirements and conditions contained in this Blanket Certification are fully complied with, there is a reasonable assurance that the activities will be conducted in a manner which will not violate the applicable State water quality requirements and will comply with the applicable provisions of the CWA, Sections 301, 302, 303, 306, and 307.

The NWPs and activities in Item 2.a below do not require a Section 401 WQC. The NWPs and activities in Item 2.b below are covered under this Blanket Certification. The DOH has determined that projects authorized by the USACE POH for the NWPs and activities in Item 2.b below, subject to the requirements of the General Conditions in Item 3 below, will not cause adverse environmental impacts or effects; are in the public interest; and represent the optimum balance between economic development and environmental quality.

1. Term of this Blanket Certification
  - a. This Blanket Certification is effective on **March 15, 2026**.
  - b. This Blanket Certification will expire at midnight, **March 14, 2031**.
  - c. This Blanket Certification's coverage to a certain project is administratively extended beyond midnight, March 14, 2031, when the USACE POH extends the project authorization/verification.

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<sup>1</sup> The DA NWP authorizes activities under 1) Section 404 of the Clean Water Act (CWA), 2) Section 10 of the Rivers and Harbors Act of 1899 (RHA), and/or 3) a Letter of Permission, and was published on June 18, 2025, in the Federal Register, Volume 90, Number 116 (Federal Register).

2. Coverage of this Blanket Certification

a. The NWP and activities listed below do not require a Section 401 WQC.

- NWP 1 – Aids to Navigation
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
- Projects in response to a public emergency proclaimed by the President of the United States or Governor of Hawaii where HRS Chapter 342D has been suspended.
- Emergency projects as determined by the Director of Health.
- Projects granted an exemption under Act 048 of 2017 (temporary exemption of certain bridge rehabilitation projects).
- Projects involving structures over a waterbody where debris and other pollutants associated with the installation, construction, and operation do not enter the waterbody.
- Projects involving directional drilling under a waterbody where entry and exit pits are located on land and all slurry/spoils/runoff is contained on land.
- Projects to install in State waters temporary Best Management Practices (BMPs) consisting of inert material, excluding any material used to divert or dam stream flow.
- Projects to improve or modify permitted existing offshore moorings installed prior to October 4, 2017, for the Department of Land and Natural Resources, Division of Boating and Ocean Recreation.
- Activities exempt under CWA, Section 404(f)(1).
- Bridge inspection activities.
- Coral transplant activities with oversight by the National Oceanic and Atmospheric Administration.
- Events where visible debris from fireworks is collected afterwards.
- Events where lanterns and rubber duckies are collected afterwards.
- Events where ashes from funeral ceremonies are dispersed 3 miles away from shore.
- Comprehensive Environmental Response, Compensation, and Liability Act actions with oversight from the DOH Hazard Evaluation and Emergency Response (HEER) Office and/or EPA.
- DOH HEER response actions.
- After-The-Fact applications for USACE POH enforcement actions<sup>2</sup>.

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<sup>2</sup> DOH has decided not to process After-The-Fact applications so the USACE POH can proceed with their enforcement action.

- b. The NWP and activities listed below are hereby granted coverage under this Blanket Certification in the State of Hawaii if the applicant of the activity/discharge complies with the General Conditions (Item 3) and USACE POH provides notification (Item 4). Any person, including any public body, conducting activities authorized by these NWPs and activities that cannot or will not comply with this Blanket Certification must apply for and obtain an individual Section 401 WQC from the DOH Clean Water Branch (CWB).

- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water from Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 22 – Removal of Vessels
- NWP 23 – Approved Categorical Exclusions
- NWP 25 – Structural Discharges
- NWP 27 – Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities
- NWP 28 – Modifications of Existing Marinas
- NWP 29 – Residential Developments
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste



- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines
- NWP 55 – Seaweed Mariculture Activities
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances
- NWP 59 – Water Reclamation and Reuse Facilities
- NWP A – Activities to Improve Passage of Fish and Other Aquatic Organisms
- Letters of Permission – Section 10 only activities with no discharge of fill material.
- Any activity conducted in compliance with DOH pre-approved Standard Operating Procedures.

c. Limitations on Coverage

This Blanket Certification shall not cover:

- (1) Any projects that may result in discharge(s) regulated under CWA, Section 402. [Authorization: HRS § 342D-50(a)]
- (2) Any projects that may result in downstream/downdrift post construction impacts to the physical, chemical, and/or biological environment. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- (3) Any projects involving the concrete lining of any section of natural streambeds or banks.<sup>3</sup> [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, 11-54-8]

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<sup>3</sup> This type of activity is prohibited as it will result in adverse post construction impacts by eliminating ground water recharge, raising pH, and lowering dissolved oxygen or causing downstream bank erosion.

- (4) Any projects involving the removal of dams, impoundments, structures, or sand bars that will result in the downstream/downdrift mobilization of material, sediment, and/or water pollutants.  
[Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, HRS Chapter 11-54-8]
- (5) Any projects that may result in waste discharges to natural lakes or anchialine pools, as specified in HAR § 11-54-5.2(a), or any State waters. Per HRS § 342D-1, "waste" means sewage, industrial and agricultural matter, and all other liquid, gaseous, or solid substance, including radioactive substance, whether treated or not, which may pollute or tend to pollute the waters of this State. Non-contaminated and suitable dredge and fill material authorized under a 2026 NWP is not considered waste.
- (6) Any projects that may result in new sewage discharges or new industrial discharges to estuaries, as specified in HAR §§ 11-54-3(b) and 11-54-5.2(d), or embayments, as specified in HAR §§ 11-54-3(c) and 11-54-6(a). New industrial discharges do not include the repair and/or replacement within the footprint of an existing structure.
- (7) Any projects that may result in discharges, such as discharges of wash waters, that are regulated under Section 402 of the CWA. Wash waters include, but are not limited to, vehicle wash waters, wheel wash waters, concrete truck wash waters, equipment wash waters, container wash waters, and any other type of wash waters. For any projects involving such discharges to State waters, applicants shall apply for and obtain a National Pollutant Discharge Elimination System (NPDES) permit from the CWB.  
[Authorization: HRS § 342D-50(a)]

3. General Conditions

The applicant of the activity/discharge shall:

- a. Maintain records at the project site or in the nearby field office demonstrating that all Blanket Certification requirements have been fully complied with. [Authorization: HRS § 342D-55]
- b. Report any non-compliance with the conditions of this Blanket Certification to the USACE POH via e-mail to [CEPOH-RO@usace.army.mil](mailto:CEPOH-RO@usace.army.mil) with the USACE POH project number in the e-mail subject line. This Blanket Certification is a condition of the USACE POH permit.<sup>4</sup> Do not report or submit compliance related information to the DOH. [Authorization: HAR § 11-54-1.1]
- c. Ensure that all activities are conducted in a manner that will comply with applicable State water quality requirements as specified in HAR Chapter 11-54.
- d. Ensure that the activities will not permanently interfere or become injurious to any designated uses and/or existing uses of the receiving State water. Any permanent adverse impacts to the designated uses and/or existing uses of the receiving State water are violations of HAR Chapter 11-54. [Authorization: HAR §§ 11-54-1.1, 11-54-4(a)(4), 11-54-5, 11-54-6, 11-54-7]
- e. Ensure, for activities conducted in a stream, ditch, or gulch, that unimpeded flow around the in-water work area is maintained to allow for aquatic animal migration and/or to prevent work site and downstream flooding situations. The unimpeded flow shall be equivalent to a two-year, twenty-four-hour duration storm event and/or the existing flow capacity of the stream, ditch, or gulch. Pumped diversions may be utilized if the stream, ditch, or gulch is dry or there is only standing/ponded water without the existence of living aquatic animals. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, 11-54-8]

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<sup>4</sup> For any projects that are granted USACE POH coverage under Item 2.c, non-compliance reports from USACE POH shall be submitted to CWB.

- f. Ensure that all material(s) placed or to be placed in State waters are free of waste metal products, organic materials, debris, and any pollutants at toxic or potentially hazardous concentrations to aquatic life. No construction material or construction related materials shall be stockpiled in the aquatic environment or stored or placed in ways that will disturb the aquatic environment. [Authorization: HAR § 11-54-4(c)]
- g. Ensure that pollution control measures and BMPs are utilized that prevent water pollutants from leaving the in-water work area authorized by the USACE POH permit.<sup>5</sup> Any visual plume emanating from the authorized in-water work area is a violation of State water quality requirements. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a)(3), 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- h. Ensure that pollution control measures and BMPs are utilized for all upland project activity to minimize the discharge of water pollutants into State waters, including the designated in-water work area. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a), 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- i. Ensure that BMPs utilized for all activities are inert and not sources of pollution themselves. Examples of inappropriate in-water porous material BMPs include but are not limited to: compost filter socks since they are a source of nutrients; and soil berms since soil particles will erode. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a)(4), 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- j. Ensure that appropriate catchment/detention devices are used to collect activity/discharge related water pollutants (e.g., construction debris; airborne particulates; dust; concrete slurry; concrete chips; concrete surface preparation washing effluent; excess water and overflow from boring related activity, horizontal directional drilling slurry; etc.) from localized work areas and to minimize or prevent the release of these water pollutants into State waters, including the in-water work area. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a), 11-54-5, 11-54-6, 11-54-7, 11-54-8]

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<sup>5</sup> For any projects that are granted USACE POH coverage under Item 2.c, the relevant in-water work area is identified in the USACE POH project.

- k. Ensure that all areas temporarily impacted, either directly or indirectly, by the project construction activities are fully restored to its pre-construction conditions. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a)(4), 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- l. Ensure that all construction debris from any portion of the activities (including but not limited to debris caused by hydraulic saws, water jets, or drilling equipment) are contained and prevented from entering or re-entering State waters. All construction debris and sidecast material shall be properly removed from the aquatic environment and disposed of at an upland State and county approved site. Before the start of the activities, a Solid Waste Disclosure Form for Construction Sites shall be submitted to the DOH Solid and Hazardous Waste Branch (SHWB). The disclosure form is available on the e-Permitting Portal at: <https://eha-cloud.doh.hawaii.gov/epermit/>. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-4(a)(1), 11-54-4(a)(2), 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- m. Adhere to the following guidelines for any projects that involve dredging/excavation activities:
  - (1) The applicant shall determine if the project site including the authorized in-water work area is listed as a contaminated or potentially contaminated site at the DOH Hazard Evaluation and Emergency Response (HEER) Office System at: <https://eha-cloud.doh.hawaii.gov/iheer#!/home>.<sup>6</sup> If contaminated soil, sediment, vapor, or groundwater is known to be present at the project site, the applicant shall contact the HEER Office at (808) 586-4249 and submit the Notification of Construction Activities (HEER Office) Form to inform the HEER Office of soil disturbing activities. The form is available on the e-Permitting Portal at: <https://eha-cloud.doh.hawaii.gov/epermit/>. The applicant shall notify the HEER Office at least 90 days prior to surface and subsurface disturbing activities that may disturb the ground surface at the project site. If the 90-days prior notification is missed, the applicant shall notify the HEER Office as soon as possible to avoid any potential delays regarding the project.

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<sup>6</sup> The HEER Office is currently updating information for sites and not all sites are displayed on the website. Site document data transfer is ongoing and not all site documents are currently available via the website. To get the complete record for a specific site, a record request form can be filled and submitted to the HEER Office.

- (2) The applicant shall contain on land return flow or runoff from upland dredged spoils dewatering site(s)/disposal site(s), including the confined disposal facility (CDF), which shall be contained on land and not allowed to discharge and/or re-enter State waters without first obtaining the required discharge permit from USACE-POH or CWB. Unless authorized by a USACE-POH or NPDES permit, the applicant cannot allow any runoff, return flow, or airborne particulate pollutants from the excavated or dredged material dewatering or stockpiling site, including the CDF, to enter or re-enter State waters.
  - (3) Warning signs shall be properly deployed and maintained until the portion of the in-water work is completed and the affected area water quality has returned to its initial condition and turbidity control devices have been removed from the waterway.
  - (4) Sand plug removal may be performed by dredging sand using cranes, excavators, backhoes, bulldozers, tire loaders, and/or track loaders or opening a small breach 2 to 3 feet wide in the sand plug using hand tools or small excavator and/or loader and allowing the flowing stream water to further open the sand plug. Any trash and debris shall be removed first prior to the sand plug removal. Sand pulled for the plug may be side cast on the beach adjacent to the stream mouth. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, 11-54-8]
- n. Adhere to the following guidelines for any projects that involve moorings:
- (1) Avoid locating moorings (including anchors and floats) in sensitive aquatic habitats such as coral reefs, fish spawning areas, and submerged aquatic vegetation (unless location is acceptable to the Department of Land and Natural Resources, Division of Aquatic Resources or the National Oceanic Atmospheric Administration).
  - (2) Ensure moorings (including anchors and floats) are made of clean, inert material. Treated lumber shall not be used as it may contain compounds that can be released into the water and become toxic to the aquatic environment. [Authorization: HAR § 11-54-4(a)(4)]



- (3) Pre-cast and cure concrete anchors, if required, away from State waters prior to use to prevent seepage of potentially toxic substances into the waterbody. [Authorization HAR § 11-54-4(a)(4)]
  - (4) Locate moorings in depths that allow structures and vessels to remain afloat at the lowest possible water levels and that prevent propellers from disturbing bottom sediments.
  - (5) Select mooring anchors of an adequate size to secure vessels or structures and prevent the anchor from shifting or dragging along the bottom of the State water.
  - (6) Size the length of mooring lines, chains, or cables to avoid excess line, chain, or cable accumulation on the bed of the State water. [Authorization: HAR § 11-54-4(a)(1)]
  - (7) Ensure native beach material such as logs, sand, gravel, and boulders that are important components of fish habitat are not used as mooring structures and are left in place on the foreshore.
  - (8) Properly dispose of derelict or unused floats, lines, chains, or cables in accordance with appropriate laws and rules. [Authorization: HAR §§11-54-4(a)(1), 11-54-4(a)(2)]
  - (9) Ensure moorings are kept in good repair by regularly inspecting and maintaining the structure. Mooring maintenance must be performed into perpetuity (or until it is properly disposed of) or it will itself become a pollution source. [Authorization: HAR §§ 11-54-1.1, 11-54-4, 11-54-5, 11-54-6, 11-54-7, 11-54-8]
4. USACE POH shall e-mail to the CWB ([cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) and [reef.migita@doh.hawaii.gov](mailto:reef.migita@doh.hawaii.gov)) a PDF copy of all issued final verifications. This Blanket Certification coverage shall become valid with respect to an activity only when USACE POH notifies CWB via e-mail of a project authorization/verification and conditions of this Blanket Certification have been incorporated as part of the USCE POH final verification.<sup>7</sup>

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<sup>7</sup> Item 4 does not apply to activities that do not require a pre-construction notification.



If you agree with the terms and conditions of this Blanket Certification, please sign and date below; make a copy for your administrative record; and submit this entire letter with your original signature to CWB within fourteen (14) calendar days from your signature date.


If you have any questions, please contact Mr. Reef Migita of the CWB Engineering Section at (808) 586-4309.

Sincerely,

  
for  
KENNETH S. FINK, MD, MGA, MPH  
Director of Health

- c: Ms. Jennifer Martin, USACE POH Regulatory Office  
[via e-mail [jennifer.l.martin@usace.army.mil](mailto:jennifer.l.martin@usace.army.mil) only]  
USACE POH Regulatory Office [via e-mail [CEPOH-RO@usace.army.mil](mailto:CEPOH-RO@usace.army.mil) only]  
DBEDT, Office of Planning and Sustainable Development, CZM Program  
[via e-mail [dbedt.op.czm@hawaii.gov](mailto:dbedt.op.czm@hawaii.gov) only]  
DLNR, Division of Boating and Ocean Recreation  
[via e-mail [dlnr.bd@hawaii.gov](mailto:dlnr.bd@hawaii.gov) only]  
DLNR, Division of Aquatic Resources [via e-mail [dlnr.aquatics@hawaii.gov](mailto:dlnr.aquatics@hawaii.gov) only]  
DOH SHWB [via e-mail [shwb@doh.hawaii.gov](mailto:shwb@doh.hawaii.gov) only]  
DOH HEER [via e-mail [heernotify@gmail.com](mailto:heernotify@gmail.com) only]  
DOH DHO (Hawaii, Maui, Kauai)

I AGREE WITH THE TERMS AND CONDITIONS OF THIS LETTER:

  
\_\_\_\_\_  
MS. SARA W. LONGAN  
REGIONAL REGULATORY CHIEF  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT

05 DEC 2025  
\_\_\_\_\_  
DATE