



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

January 11, 2006
Honolulu, Hawaii

Application for a Stream Channel Alteration Permit (SCAP-KA-389)
And Declaratory Ruling DEC-KA06-S10
Waimea River Dredging to Restore Flow Capacity
Department of Public Works, County of Kauai (TMK: (1-6-02)

APPLICANT:

County of Kauai
Department of Public Works
4444 Rice Street
Lihue, HI 96766

LANDOWNER:

State of Hawaii, Dept. of Land and
Natural Resources

SUMMARY OF REQUEST:

The applicant proposes to dredge approximately 25,000 cubic yards of material from a portion of Waimea River, Kauai.

LOCATION: See Exhibits 1 and 2.

BACKGROUND:

The U.S. Army Corps of Engineers (Corps of Engineers) lined Waimea River in 1984 to prevent flooding. This application is to restore the flow capacity of the lined portion of the river as obligated by the Corps of Engineers. The Corps of Engineers inspected the project back in October 2004 and found the project's condition rating "unacceptable" mainly due to the lack of maintenance by the local sponsor. The project was placed in inactive status and is presently

ineligible for the Corps of Engineer's Federal assistance under Public Law 84-99 should the project experience damage due to an adverse flood event.

DESCRIPTION:

The site of the dredging is adjacent to an agricultural area near Waimea Town at the confluence of Waimea River and Makaweli River. The reach of the stream to be dredged is approximately a third of a mile on the west bank. The dredging will include approximately one third to one half of the width of Waimea River, removing a depth of approximately 10 feet of sediment and debris without changing the bottom elevations of the drainage way as it existed prior to the accumulation of the silt (See Exhibit 3). Work will be done by using a clamshell dredge and an excavator. The spoils will be taken to Kikiaula Land Company in Waimea, for use in agricultural fields.

The applicant expects the dredging operations to last approximately two to three months.

ANALYSIS:

We have not received any objections to the issuance of a stream channel alteration permit. The Corps of Engineers indicates the dewatering of dredged materials may require a Corps of Engineers permit. The Department of Health (DOH) determined that a National Pollutant Discharge Elimination System (NPDES, Section 402 of the Federal Clean Water Act) permit is required for this dredging and disposal of dredged materials. The Division of Aquatic Resources does not object to the dredging provided that water quality concerns are addressed. The State Historic Preservation Division believes there are no historic properties at the site.

In the past, the Commission issued two declaratory rulings regarding maintenance dredging operations. These include DEC-ADM99-S8 to the City and County of Honolulu, Department of Facility Maintenance, and DEC-ADM03-S9 to the Department of Transportation. Both of these Declaratory Rulings require stream channel alteration permits to be approved by the Commission for stream clearing activities, which remove more than 500 cubic yards of material. The 500 cubic yard quantity limit is based on previous concerns raised by reviewing agencies for City and County of Honolulu stream clearing projects. Stream channel alteration permits involving less than 500 cubic yards can be approved by the Chairperson.

However, considering that this dredging is required by the Corps of Engineers, that the DOH has NPDES jurisdiction over the dredging, and that other reviewing agencies have no objections to the dredging, the staff believes that a Declaratory Ruling exempting this dredging would be more appropriate than a stream channel alteration permit. The staff further recommends that similar Corps of Engineers-required maintenance activity for the entire lower reach of Waimea River be covered by this Declaratory Ruling. Declaratory Rulings are pursuant to Hawaii Administrative Rules §13-167-81.

RECOMMENDATION:

That the Commission issue a declaratory ruling that the dredging of approximately 25,000 cubic yards of silt and debris at the confluence of Makaweli River and Waimea River, Kauai, by the County of Kauai, Department of Public Works, and similar Corps of Engineers-required maintenance activity for the entire lower reach of Waimea River be exempt from a stream channel alteration permit pursuant to Hawaii Revised Statutes §174C-71.

Respectfully submitted,

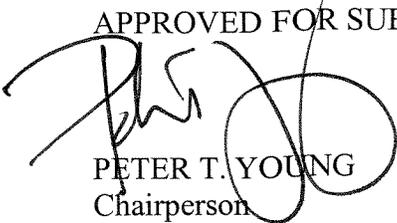


DEAN A. NAKANO
Acting Deputy Director

Attachments

- Exhibit(s):
1. Location Map
 2. Vicinity Map
 3. Typical Cross Sections

APPROVED FOR SUBMITTAL:



PETER T. YOUNG
Chairperson