



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

June 21, 2006  
Honolulu, Hawaii

Application for a Stream Channel Alteration Permit (SCAP-KA-395)  
Wainiha Stream Bank Stabilization  
Wainiha Stream, Hanalei, Kauai, TMK: (4)5-8-005: 004

APPLICANT:

Joel L. Cavasso  
1088 Koohoo Place  
Kailua, HI 96734

LANDOWNER:

Same

SUMMARY OF REQUEST:

The applicant proposes to stabilize the bank of Wainiha Stream adjacent to his house at Wainiha, Hanalei, Kauai.

LOCATION: Exhibit 1.

BACKGROUND:

November 8, 2005 – Letter from the U. S. Fish and Wildlife Service (Service) to the U.S. Army Corps of Engineers (Corps) commenting on the Department of the Army Permit (Section 404, Clean Water Act) submittal by Mr. Cavasso for bank stabilization of Wainiha Stream. The Service “does not support structural hardening of natural stream banks, particularly in aquatic systems that support high numbers of native species.” The Service also urged the Corps to “carefully consider the proposed project with respect to the potential resource effects on a watershed-wide basis.”

November 16, 2005 – Letter from the Department of Business, Economic Development & Tourism (DEBDT) to Mr. Cavasso requesting additional information regarding the Coastal Zone Management (CZM) federal consistency review for the Department of the Army Permit.

December 23, 2005 – Letter from DBEDT to Mr. Cavasso requesting that he respond to concerns raised from three parties, in addition to the information requested in the November 16, 2005 letter.

January 20, 2006 – Letter from DBEDT to Mr. Cavasso granting his request for a 30-day extension to submit the additional information.

February 28, 2006 – Letter from DBEDT to Mr. Cavasso granting a second 30-day extension to submit the information.

March 11, 2006 – Letter from Mr. Cavasso to the County Engineer asking that they contact the Commission staff and ask them to “fast track our request on an emergency basis.”

March 17, 2006 – Letter from Mr. Cavasso to the County of Kauai, Department of Public Works (Kauai DPW) asking Kauai DPW to consider fast-tracking the project.

March 21, 2006 – Letter from Mr. Cavasso to Mayor Baptiste requesting his help in fast-tracking the project.

March 22, 2006 – Staff from the Kauai DPW contacted Commission staff to discuss the Commission’s standard stream channel alteration permit requirements as well as the provisions for work during emergencies. The Commission’s Emergency Authorization procedures were faxed to Kauai DPW.

March 23, 2006 – Staff received a written request, dated March 22, 2006, for an Emergency Authorization to do the work.

March 23, 2006 – An Emergency Authorization (Exhibit 2) was issued to Mr. Cavasso along with a copy of the Commission’s Emergency Authorization procedures (Exhibit 3).

April 14, 2006 – Letter from Mr. Cavasso to the Commission explaining that the March 2006 rains have delayed the initiation of remedial work, and that “other delays have resulted due to the non-availability of crews and equipment that have been diverted to other emergency work needed after the flooding at Wainiha and other areas.”

April 19, 2006 – Staff visited the project site with Mr. Cavasso’s agent, Mr. Sandy Brodie, and found that the bank stabilization work had not yet started except for boulders placed on the property.

April 26, 2006 – Letter (Exhibit 4) from the Commission to Mr. Cavasso regarding staff’s field visit to the project site and asking Mr. Cavasso to submit a Stream Channel Alteration Permit

Application because “it now appears that the immediate threat to your property has subsided and the work has apparently not been completed.”

May 1, 2006 – Mr. Cavasso’s stream channel alteration permit application was accepted for processing and review by other agencies.

DESCRIPTION:

Mr. Cavasso proposes to stabilize the bank of Wainiha Stream to stop bank erosion, by lining 150 lineal feet of stream bank within his property with grouted rip-rap to eliminate erosion. The proposed grouted rip-rap wall will be about six feet above the bed of the stream with a two-foot deep by four-foot wide foundation below the streambed. The slope of the wall will be one-to-one, and will be adjusted to fit the existing slope protection on the adjacent lots.

ANALYSIS:

The Corps indicates that Mr. Cavasso’s Section 404, Clean Water Act Permit, POH-2005-518 permit **application has been filed**, and the **Water Quality Certification file No. 0000688 and Hawaii Coastal Zone Management Consistency Determination are still incomplete.**

The Department of Health indicates that the project is subject to the Section 401 Water Quality Certification File No. WQC 0000688.

The Department of Hawaiian Home Lands has no objections to the project.

Forestry and Wildlife and State Parks have no objections to the project.

Historic Preservation indicates there will be “no effect” on historic properties.

The Engineering Division has the following comments:

- 1) According to the Flood Insurance Rate Map, the project is located in Zone VE. The National Flood Insurance Program (NFIP) regulates development within Zone VE.
- 2) The project must comply with the rules and regulations of the NFIP presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken.
- 3) 44CFR indicates the minimum standards set forth by the NFIP. The Community’s local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. Questions regarding the local flood ordinances should be referred to the County of Kauai, Department of Public Works.

The County of Kauai, Department of Planning indicates that a Special Management Area permit is not required, and has no objections to the project.

At the time this submittal was prepared, staff was still awaiting comments from the U.S. Fish and Wildlife Service, the University of Hawaii-Environmental Center, the Office of Hawaiian Affairs, the State Land Division and Division of Aquatic Resources, and the County of Kauai-Department of Public Works.

Both the Corps and the Department of Health indicate they must issue Federal Clean Water Act permits to address water quality concerns (Sections 401 and 402). Staff believes that these permits are adequate to address concerns to minimize adverse water quality impacts to Wainiha Stream.

RECOMMENDATION:

That the Commission approve a stream channel alteration permit for the Wainiha Stream Bank Stabilization Project, TMK: (4) 5-8-005:004, Hanalei, Kauai. The permit shall have a term of two years subject to the Commission's standard permit conditions in Exhibit 5.

Respectfully submitted,



DEAN A. NAKANO  
Acting Deputy Director

- Exhibit(s): 1 Location Map
- 2 March 23, 2006 Emergency Authorization
- 3 Emergency Authorization Procedure
- 4 Letter of April 26, 2006
- 5 Standard Stream Channel Alteration Permit Conditions

APPROVED FOR SUBMITTAL:



PETER T. YOUNG  
Chairperson