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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
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STAFF SUBMITTAL

for the meeting of the  
COMMISSION ON WATER RESOURCE MANAGEMENT

June 21, 2006  
Honolulu, Oahu

Request to Rescind September 1, 1993 Emergency Authorization Procedures

SUMMARY OF REQUEST:

Staff is requesting that the Commission rescind the Emergency Authorization procedures that were approved by the Commission on Water Resource Management (Commission) on September 1, 1993.

LOCATION: Statewide application.

BACKGROUND:

Hawaii administrative Rules Section 13-169-55 provides for emergency channel alteration work. Commission staff currently follows the attached (Exhibit 1) emergency authorization procedures that are a combination of the administrative rules and additional procedures added for clarification.

The heavy rainfall in March and April 2006 triggered increased requests for emergency authorizations to construct projects to prevent damage to life and property due to flooding concerns. In issuing emergency authorizations according to the September 1, 1993 procedures, it became apparent that there were some ambiguities in the language of the document. Staff met with the Deputies Attorney General to discuss the matter. After considerable discussion, it was recommended by the deputies that the Commission formally rescind the September 1, 1993 procedures and that staff follow the existing administrative rules.

RECOMMENDATION:

That the Commission rescind the emergency authorization procedures that were approved by the Commission on September 1, 1993. Commission staff will follow the procedures for emergency work as provided in Section 13-165-55 of the Hawaii Administrative Rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean A. Nakano".

DEAN A. NAKANO  
Acting Deputy Director

Exhibit(s) 1 Emergency Authorization Procedures

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read "Peter T. Young".

PETER T. YOUNG  
Chairperson

Item E2