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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
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STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

September 19, 2007
Honolulu, Hawaii

Application for a Stream Channel Alteration Permit (SCAP.1750.2)
Tropic Works Productions, Inc.
Construction of a Temporary Footbridge Across
South Fork Wailua River (Waiahi Stream), Lihue-Koloa Forest Reserve, Kauai
TMK: (4) 3-8-001:001

APPLICANT:

Ms. LeeAnn Stonebreaker/Mr. Michael Burmeister
Tropic Works Productions, Inc.
4-1191 Kuhio Highway, PMB #293
Kapaa, HI 96746

LANDOWNER:

Grove Farm Company Inc.
3-1850 Kaumualii Hwy
Lihue, HI 96766

AGENT:

Mr. Tom Fee/Mr. Rob James
Helber Hastert & Fee, Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

SUMMARY OF REQUEST:

Tropic Works Productions, Inc. would like a Stream Channel Alteration Permit (SCAP) to construct a temporary pedestrian footbridge across the South Fork Wailua River (Waiahi Stream), to support its movie production at the Upper Powerhouse Site (reference: Commission on Water Resource Management's (Commission) SCAP-KA-410 and Office of Conservation and Coastal Lands (OCCL) File No. KA-07-242).

LOCATION:

The site is on private land within the State Conservation District (Resource Subzone), South Fork Wailua River (Waiahi Stream), Lihue-Koloa Forest Reserve, Kauai. Exhibit 1.

Approved by Commission on
Water Resource Management
at the meeting held on
SEP 19 2007

Item D5

BACKGROUND:

The footbridge is needed to provide temporary access (approximately 3 weeks) to the far side of the stream while a special effects bridge is being rigged, and during and after the bridge is blown-up (as part of a movie scene). The special effects bridge was included in the referenced SCAP and OCCL Permit.

The footbridge is essentially an oversight from the original permits. Pedestrian access across the special effects bridge will be terminated about one week prior to filming the explosion scenes (to allow time to prepare the bridge to be blown up). The explosion scenes may take a week to shoot. Access to the far bank will be needed for an additional week to clear out the area and return it to its pre-existing condition. Initial consideration was given to using a lightweight aluminum gangway type structure (sometimes referred to as "speed rail") across the stream rocks to facilitate temporary pedestrian access. Fluctuations in stream water levels observed over the past several months indicate this would be impractical and potentially dangerous. The bridge deck would need to be high enough to stay above observed stream levels. The temporary footbridge would be located approximately 75 feet downstream of the existing concrete weir (and the special effects bridge).

DESCRIPTION:

The temporary footbridge would consist of an approximately 120-foot span (see site plan and photo examples) constructed of plywood and dimensional lumber in approximately 16-foot segments. The in-water supports would consist of common 2-inch dia. pipe scaffolding. A total of 5-8 pairs of pipe supports (10-16 individual footings) together with cross bracing would comprise the instream support elements. The pipe scaffolding would be erected by hand and placed directly on the stream bed rocks. The individual segments of the walkway would be placed onto the assembled pipe scaffolding by hand and bolted together. Removal would be accomplished by a similar method and the site would be restored to its preexisting condition.

All work within the stream channel would be by hand; no heavy equipment would be utilized within the stream channel. Materials to be temporarily placed in the stream are considered benign (e.g., pipe scaffolding), and when removed, will leave no lasting footprint.

ANALYSIS:

Staff considers this project an amendment of SCAP-KA-410, approved by the Commission on May 10, 2007, because the project is located only about 75 feet downstream of the existing concrete weir/special effects bridge, and has less impact on the stream than both the special effects bridge at the Upper Power House and the bridge at the Lower Power House.

Following is a recap of the analysis for SCAP-KA-410:

The U.S. Army Corps of Engineers (COE) determined that a Department of the Army permit is not required for the (two temporary bridges) project.

The State Department of Health Clean Water Branch made the following comments which were also sent to the applicant:

- 1) The applicant must contact the COE to see if a Department of the Army (DA) permit is required for the project.
- 2) A National Pollutant Discharge Elimination System (NPDES) permit for storm water associated with construction activities will be required if the land disturbance area is one acre or more.
- 3) Discharge of explosives (for special effects) in State waters should be avoided, and Best Management Practices (BMPs) shall be properly applied to control/collect the debris.
- 4) All discharges related to the project construction or operation activities must comply with the State's Water Quality Standards.

The Department of Land and Natural Resources (DLNR) Land Division had no comments on the project. The Department of Hawaiian Home Lands and DLNR Forestry and Wildlife had no major concerns. Kauai County Public Works concluded that there were no floodplain issues.

DLNR Division of Aquatic Resources commented that there are virtually no native Hawaiian fish, crustaceans or mollusks in this reach of the South Fork Wailua River because of the large population of alien and predatory small mouth bass and due to substantial stream dewatering and diversions which decrease the habitat of native amphidromous species and block their migratory pathways.

DLNR Office of Conservation and Coastal Lands (OCCL) staff conducted a site visit on April 24, 2007, and OCCL approved a request for road maintenance repairs to Grove Farm’s back country access road. On May 3, 2007, OCCL approved a Conservation District Use Permit (CDUP) pursuant to CDUP SH-1050. The CDUP is subject to 19 conditions plus three additional conditions. The purpose of the CDUP was to simplify the permit process for film making in Hawaii to the extent that such activities do not cause undesirable effects to the state, its people, and the environment.

The State Historic Preservation Division staff conducted a site visit on April 23, 2007, and indicated that there were no historic preservation concerns associated with the proposed filming activities.

The U.S. Fish and Wildlife Service submitted comments and concerns regarding endangered species, road improvements, and stormwater/erosion/runoff. The comments were forwarded to the applicant.

DLNR Engineering Division had no comments and State Parks had no objections to the project.

The Office of Hawaiian Affairs recommended that the services of a cultural monitor should be retained to observe the proposed activities, and that the cultural monitor should be from Kauai Island and familiar with Hawaiian cultural protocol, history, and traditions.

The University of Hawaii, Environmental Center did not submit comments.

RECOMMENDATION:

That the Commission approve a Stream Channel Alteration Permit to construct a temporary pedestrian footbridge across the South Fork Wailua River (Waiahi Stream), to support Tropic Works Productions, Inc.’s movie production at the Upper Powerhouse Site. The permit shall be valid for one (1) year subject to the Commission’s standard conditions in Exhibit 5. The temporary bridge shall be removed and the stream restored by September 19, 2008.

Respectfully submitted,



KEN C. KAWAHARA, P.E.
Deputy Director

- Exhibit(s): 1. Location map
- 2. Plan – Flaming Dragon Compound
- 3. Photo of footbridge location and existing concrete weir
- 4. Examples of proposed footbridge
- 5. Standard Stream Channel Alteration Permit Conditions

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson