

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA  
**COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

June 16, 2026  
Honolulu, Hawai'i

Find that Emergency Authorization (EA.6647.6) for Excavator Use to Remove Immediate Threats and Safety and Prevent Further Damage to Property Does Not Require a Stream Channel Alteration Permit;  
Applicant Robert and Tamara Horcajo,  
Wailuku River, Wailuku, Maui; TMK(s) (2) 3-3-018:002

APPLICANT

Robert and Tamara Horcajo  
80 'Īao Valley Rd.  
Wailuku, HI 96793

LANDOWNER

Same

I. SUMMARY OF REQUEST

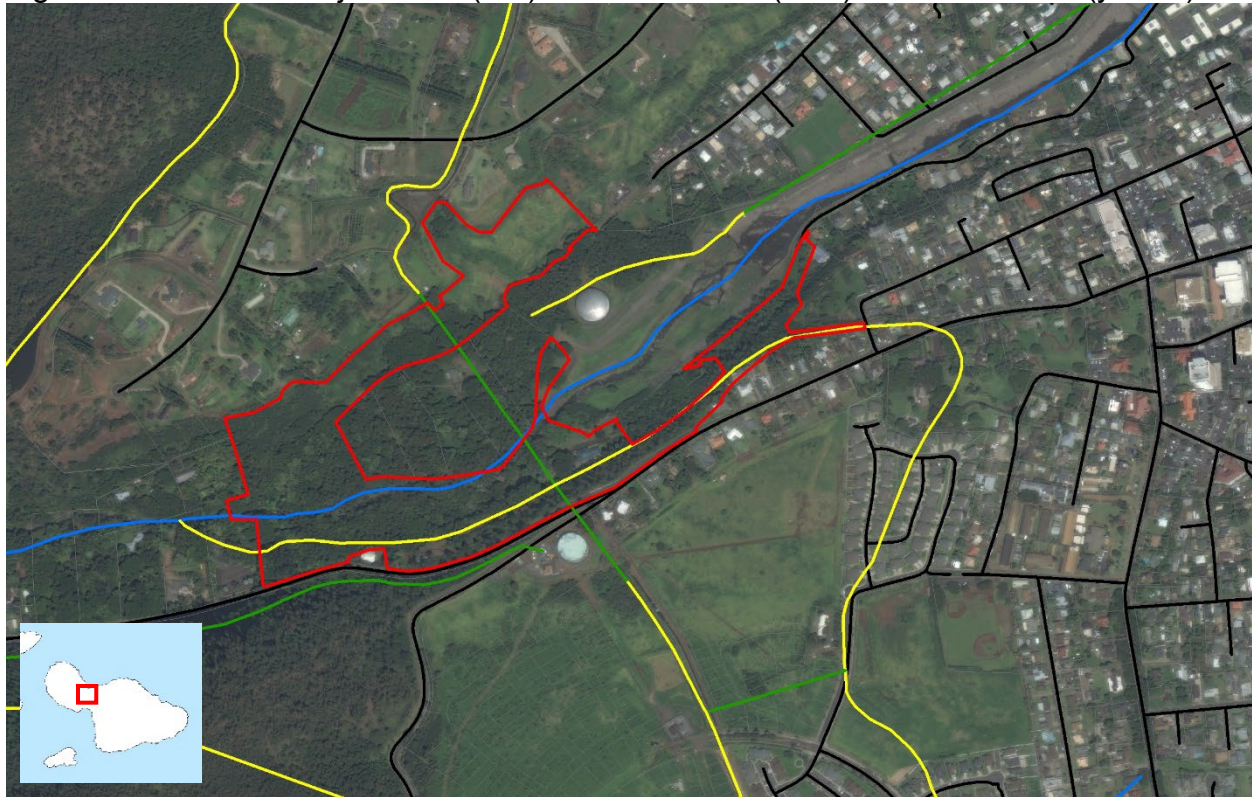
Staff requests that the Commission:

Find that the work performed under the Emergency Authorization for excavator use met the requirements of HAR § 13-169-55 because it was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and therefore does not require a Stream Channel Alteration Permit application to be filed.

This finding applies only to the work performed under the Emergency Authorization. Any future non-emergency work within the Wailuku River will require a Stream Channel Alteration Permit to be approved by the Commission before the work begins.

LOCATION: Location Description. See Figure 1.

Figure 1. Location. Project area (red). Wailuku River (blue). Waihe'e Ditch (yellow).



## II. BACKGROUND

### **EMERGENCY AUTHORIZATION RULE AND PROCESS**

Hawai'i Administrative Rules (HAR) section 13-169-55 enables emergency work to be performed in stream channels without first obtaining a Stream Channel Alteration Permit.

The work that can be performed under the rule is limited to what is “necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event.” HAR § 13-169-55(a). Work must be “limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.” HAR § 13-169-55(b).

Under HAR § 13-169-55, no later than the first working day after initiation of any emergency work, the person performing the work must notify the department and describe the work being performed so that an emergency authorization may be issued. Within thirty days of notifying the department, the person effecting the emergency work must submit a report describing the nature and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.

Commission staff asks individuals requesting an Emergency Authorization to provide information such as photos, maps, descriptions of the damage, evidence of any work performed if submitting after-the-fact, etc., to enable staff to make a recommendation for approval of an Emergency Authorization by the Chairperson. After the Chairperson signs an Emergency Authorization, Commission staff sends copies of the Emergency Authorization to the U.S. Army Corps of Engineers and the Department of Health's Clean Water Branch.

Because emergency work under HAR § 13-169-55 is intended to address immediate threats to life, health, safety, or property, the emergency authorization process does not include a Ka Pa'akai analysis, prior review by the State Historic Preservation Division or other reviewing agencies, or environmental review under HRS chapter 343.

Following completion of the emergency work, Commission staff requests that individuals who received an Emergency Authorization file a complete Stream Channel Alteration Permit (SCAP) application to serve as the "report describing the nature and extent of the emergency work performed." HAR § 13-169-55(d). Commission staff will then present the report and its finding to the Commission to consider whether the work was in fact "limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property." If the Commission believes that the work performed was beyond the "minimum amount necessary," it may choose to require that a full SCAP application be submitted to conduct a full review of the after-the-fact work and take corrective actions if necessary.

Since June 21, 2006, Commission staff has processed emergency authorization requests under HAR § 13-169-55 according to the process outline above.

## **STORM IMPACTS TO HORCAJO PROPERTY AND PROJECT DESCRIPTION**

In March 2026, a series of Kona Low storm events brought prolonged heavy rainfall, flooding, and stream-related damage across the State of Hawai'i, including Maui County. The storms caused widespread impacts, including overflowing streams and damage to public and private property. These storm conditions contributed to high flows and flood-related damage along Wailuku River, including the damage reported by the Applicant on the Horcajo property.

On March 20, 2026, Robert Horcajo requested an Emergency Authorization. See Exhibit 1. On March 23, 2026, the Chairperson approved the Emergency Authorization. See Exhibit 2. On April 23, 2026, Horcajo emailed the report required under HAR §13-169-55(d). See Exhibit 3.

The flood impacted the entire 2,500 linear feet of river fronting the Horcajo property. The damage to the north side was loss of land. Besides the loss of land, the damage to the south side included the loss of farm crops, planting areas, farming supplies, lumber material for milling, and loss of building material located adjacent to a wash/pack facility.

The wash/pack facility was then in the current path of the river. A second farm dwelling unit was also in the current path of the river. Emergency actions were taken to protect the wash/pack facility and other farm assets, by redirecting the river flow towards the location where it existed prior to the storm. Emergency action will still need to be taken to protect the second farm dwelling. See Exhibit 1 (request for emergency authorization) and Exhibit 2 (response to request for emergency authorization).

Figure 2. View of Horcajo property damage on right bank of stream, looking downstream, from upper edge of property.



Figure 3. View of Horcajo property damage on right bank of stream, looking downstream, at lower edge of property.



### STREAM DESCRIPTION

Wailuku River occurs within the Wailuku surface water hydrologic unit (6024). Both the National Hydrography Dataset and the Division of Aquatic Resources classify the Wailuku River as perennial. The total drainage area is 10.9 square miles with a maximum basin elevation of 5,785 feet. The longest flow path is approximately 8.81 miles and the mean annual precipitation is 120.2 inches. Approximately 29 surface water use permits have been granted on the Wailuku River.

The low-flow characteristics in Wailuku River at U.S. Geological Survey (USGS) stream-gaging station 16604500, near an altitude of 780 feet and above all diversions, is presented below for varying periods of record (See Table 1).

Table 1. Low-flow characteristics in cubic feet per second (million gallons per day) in Wailuku River at USGS 16604500 at 780ft for varying periods of record.

Period of Record	Q <sub>50</sub>	Q <sub>55</sub>	Q <sub>60</sub>	Q <sub>65</sub>	Q <sub>70</sub>	Q <sub>75</sub>	Q <sub>80</sub>	Q <sub>85</sub>	Q <sub>90</sub>	Q <sub>95</sub>	Q <sub>99</sub>
1984-2007 <sup>1</sup>	39 (25)	35 (23)	32 (21)	30 (19)	27 (17)	25 (16)	23 (15)	21 (14)	19 (12)	17 (11)	13 (8.4)
1984-2013 <sup>2</sup>	36 (23)	33 (21)	30 (19)	28 (18)	26 (17)	24 (16)	22 (14)	20 (13)	18 (12)	16 (10)	
2004-2023	34 (22)	31 (20)	28 (18)	26 (17)	24 (15)	22 (14)	20 (13)	19 (12)	17 (11)	15 (10)	12 (7.7)

<sup>1</sup>Oki et al., 2010 USGS SIR 2010-5011

<sup>2</sup>Cheng, 2016 USGS SIR 2016-5103

The main diversion on Wailuku River is the ‘Āao-Waikapū / ‘Āao-Māniana Ditches near an altitude of about 780 feet). The Wailuku River Flood Control Project starts about 2.5 miles above the mouth of Wailuku River and consists of a debris basin, a concrete channel that runs from the debris basin to just downstream of North Market Street, a 20-foot vertical drop, a broadened but unlined channel running to Waiehu Beach Road, and concrete wing walls running about one-half of the distance from the Waiehu Beach Road to the mouth of the river.

### III. FINDINGS AND ANALYSIS

#### STAFF REVIEW

Section 13-169-55, HAR allows a person to perform emergency work in the stream channel as follows:

§13-169-55 Emergency work. (a) When emergency channel alteration is necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event, a person may proceed to effect the channel alteration without a permit.

- (b) In general, protective, health, and sanitation measures shall be limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.
- (c) No later than the first working day after initiation of any emergency work, the person effecting the work shall notify the department and describe the nature and circumstances of the remedial work so that the department may issue an emergency authorization.
- (d) Within thirty days of his notification to the department, the person effecting the emergency work shall submit to the commission a report describing the nature and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.

The report, per HAR §13-169-55(d), is seen in Exhibit 3.

Based on the report submitted by Robert Horcajo, staff believe that the work performed was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property.

Figure 4. View of Horcajo property damage on right bank of stream, looking upstream, towards upper edge of property.

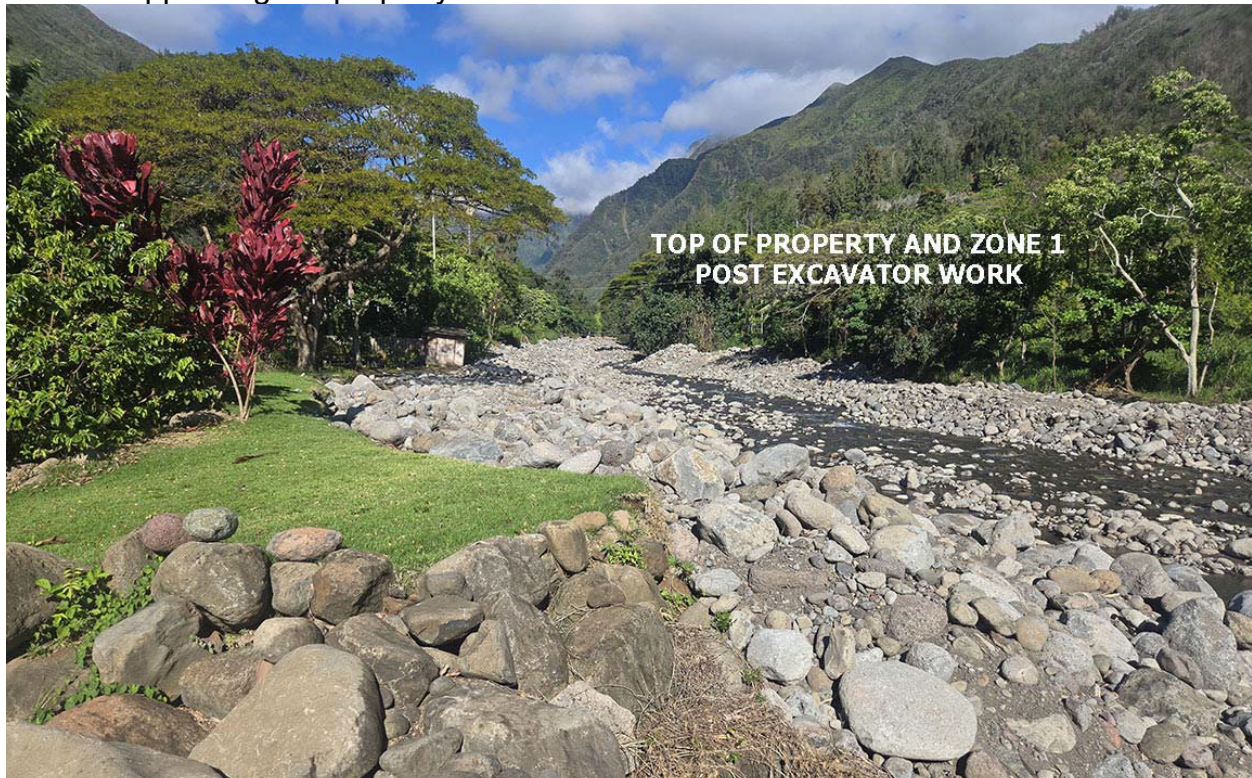


Figure 5. View of Horcajo property damage on right bank of stream, looking upstream, at lower edge of property.



The work performed included using excavators to move rock debris towards the remaining streambank to protect existing property and realigning the Wailuku River within a single channel towards the middle of the channel widened by the storms. Per the report, the work was limited to repairing damage caused by the storm and restoring the stream channel to its previous condition. No hardening of the stream bank or construction of new structures occurred.

The storm event caused substantial flood-related disturbance to Wailuku River and the surrounding area, including conditions that likely affected instream habitat, stream biota, and the exercise of traditional and customary practices. Based on the information submitted, any additional impacts to traditional and customary practices caused by the emergency work cannot be meaningfully distinguished from the damage caused by the storm.

#### IV. RECOMMENDATION

Staff recommends that the Commission:

Find that the work performed under the Emergency Authorization for excavator use met the requirements of HAR § 13-169-55 because it was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and therefore does not require a Stream Channel Alteration Permit application to be filed.

This finding applies only to the work performed under the Emergency Authorization. Any future non-emergency work within the Wailuku River will require a Stream Channel Alteration Permit to be approved by the Commission before the work begins.

Ola i ka wai,



CIARA W.K. KAHANE  
Deputy Director

Exhibits:

1. Emergency Authorization request, Robert Horcajo, dated March 20, 2026.
2. Emergency Authorization approval, dated March 23, 2026.
3. Report, pursuant to HAR §13-169-55(d), with photos, dated April 23, 2026.

APPROVED FOR SUBMITTAL:



RYAN K.P. KANAKA'OLE  
Acting Chairperson



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
REQUEST FOR EMERGENCY AUTHORIZATION**

**For Official Use Only:**

**Instructions:** Please print in ink or type and send completed form with any attachments to the Commission on Water Resource Management via mail to P.O. Box 621, Honolulu, Hawaii 96809; or via e-mail to [dlnr.cwrm@hawaii.gov](mailto:dlnr.cwrm@hawaii.gov). For assistance, call the Commission on Water Resource Management at (808) 587-0214. For further information and updates to this application form, visit <http://hawaii.gov/dlnr/cwrm>.

The purpose of this form is to request an emergency authorization for the repair or restoration of structures damaged by a sudden and unforeseen event. Based upon the information provided, the Commission staff shall review the request and forward the request to the Chairperson for approval. Information should be as complete and accurate as possible so that a request may be reviewed in a timely and efficient manner. A person may proceed to effect an emergency channel alteration without a permit, but must submit this request no later than the first working day after initiation of any emergency work, or prior to the work being performed.

**Any work undertaken without an Emergency Authorization is performed at your own risk. Violations of the State Water Code, Hawai'i Revised Statutes chapter 174C, may result in a fine of up to \$5,000 per violation.**

Within thirty (30) days of filing this request, you must submit to the Commission a stream channel alteration permit application form describing the nature and extent of the emergency work performed. If the Commission determines that the emergency work performed went beyond the "minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property," the Commission may require that corrective actions be taken and fines may be levied.

For more information, refer to § 13-169-55, Hawai'i Administrative Rules (Emergency work).

CONTACT INFORMATION	
<b>Name / Company:</b> Robert L Horcajo	<b>Phone Number:</b> [REDACTED]
<b>Mailing Address:</b> [REDACTED]	<b>Email Address:</b> [REDACTED]
<input checked="" type="checkbox"/> Check here to allow Commission staff to communicate primarily via email. Legally required and other key correspondence will still be transmitted by postal mail.	
PROJECT INFORMATION	
<b>Island:</b> <i>(Check only one)</i> <input type="checkbox"/> Kauai <input type="checkbox"/> Oahu <input type="checkbox"/> Molokai <input type="checkbox"/> Lanai <input checked="" type="checkbox"/> Maui <input type="checkbox"/> Hawaii	
<b>Tax Map Key(s):</b> (2) 3-3-018:002	
<b>Stream / Gulch Name(s):</b> Wailuku River	

**Describe the Project Location:**

Provide a map, property address, GPS coordinates, and photo(s) of the location identified if possible. Attach additional pages if needed.

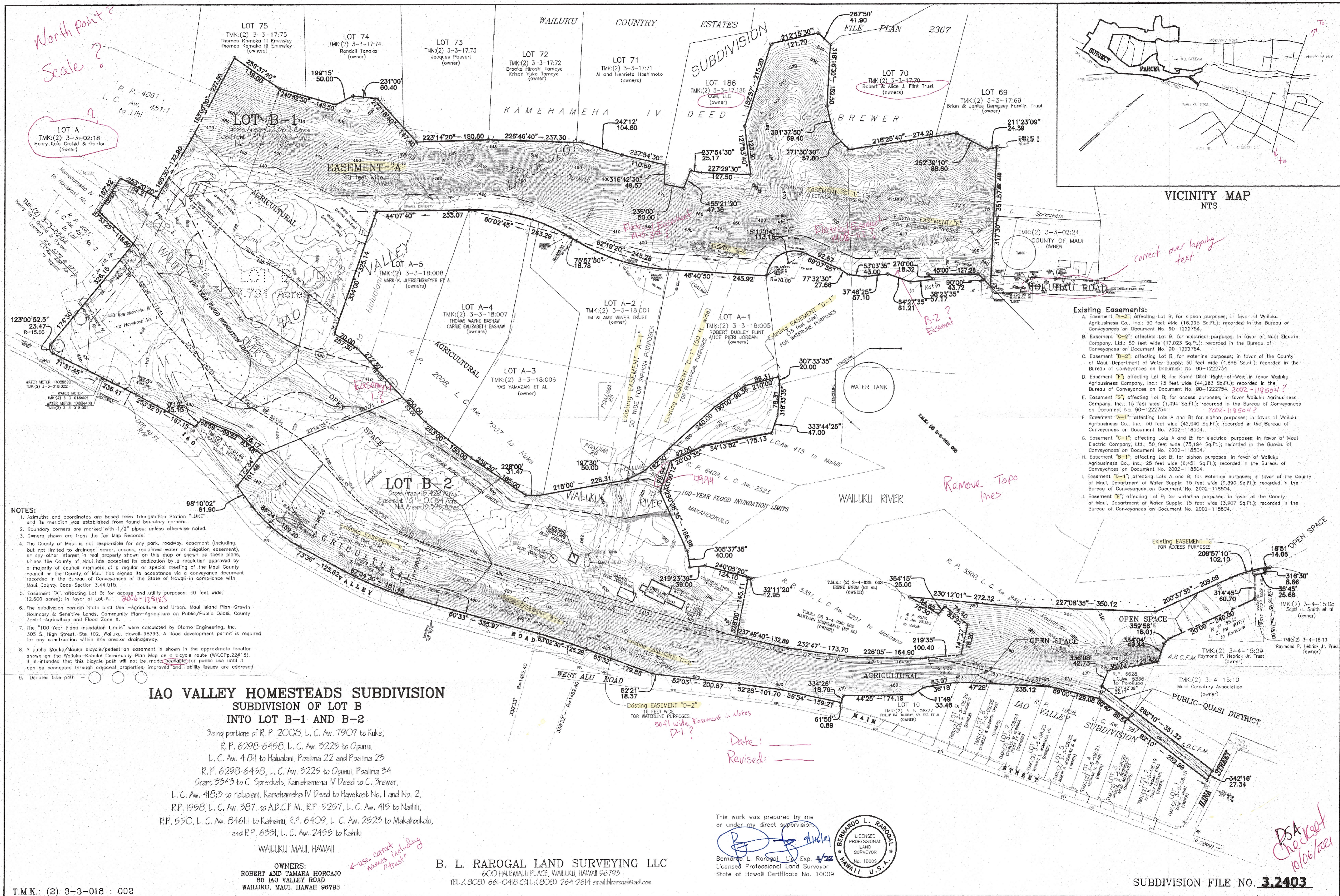
I've attached a subdivision plat with topographic lines. Our 37 acres is basically ridgeline to ridgeline (lao Valley Rd to ridgeline of Wailuku Country Estates), with Wailuku River running in an east to west direction in the middle of the property. The eastern end of the property is adjacent to the top of the lao Flood Control Project. Our river frontage down to the lao Flood Control Project is approximately 2,500 l.f.

**Describe the Requested Emergency Action:**

Provide a detailed description of the emergency actions to be taken. If possible, attach a simple design plan of the project in relation to the stream. The work should be "*the minimum amount necessary to remove immediate threats to health and safety or to prevent further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.*" Attach additional pages if needed.

The flood impacted the entire 2,500 l.f. river frontage. The damage to the north side was lost of land. Besides the loss of land, the damage to the south side included the loss of farm crops, planting areas, farming supplies, lumber material for milling, and loss of building material located adjacent to a Wash/Pack Facility.

The Wash/Pack Facility is now in the current path of the river. A 2nd farm dwelling unit is also in the current path of the river. Emergency actions was taken was to protect the Wash/Pack Facility and farm assets, by redirecting the river flow towards the location where it existed prior to the storm. Emergency action will still need to be taken to protect the 2nd farm dwelling. The work done so far was bare minimum, so further work is anticipated given the anticipated volume of water expected in the immediate future.



- Existing Easements:**
- A. Easement "A-2"; affecting Lot B; for siphon purposes; in favor of Wailuku Agribusiness Co., Inc.; 50 feet wide (16,295 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 90-1222754.
  - B. Easement "C-2"; affecting Lot B; for electrical purposes; in favor of Maui Electric Company, Ltd.; 50 feet wide (17,023 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 90-1222754.
  - C. Easement "D-2"; affecting Lot B; for waterline purposes; in favor of the County of Maui, Department of Water Supply; 50 feet wide (4,898 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 90-1222754.
  - D. Easement "F"; affecting Lot B; for Kama Ditch Right-of-Way; in favor of Wailuku Agribusiness Company, Inc.; 15 feet wide (44,283 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 90-1222754.
  - E. Easement "G"; affecting Lot B; for access purposes; in favor of Wailuku Agribusiness Company, Inc.; 15 feet wide (1,494 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 90-1222754.
  - F. Easement "A-1"; affecting Lots A and B; for siphon purposes; in favor of Wailuku Agribusiness Co., Inc.; 50 feet wide (42,940 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 2002-118504.
  - G. Easement "C-1"; affecting Lots A and B; for electrical purposes; in favor of Maui Electric Company, Ltd.; 50 feet wide (75,194 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 2002-118504.
  - H. Easement "B-1"; affecting Lot B; for siphon purposes; in favor of Wailuku Agribusiness Co., Inc.; 25 feet wide (6,451 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 2002-118504.
  - I. Easement "D-1"; affecting Lots A and B; for waterline purposes; in favor of the County of Maui, Department of Water Supply; 15 feet wide (9,350 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 2002-118504.
  - J. Easement "E"; affecting Lot B; for waterline purposes; in favor of the County of Maui, Department of Water Supply; 15 feet wide (3,907 Sq.Ft.); recorded in the Bureau of Conveyances on Document No. 2002-118504.

- NOTES:**
1. Azimuths and coordinates are based from Triangulation Station "LUKE" and its meridian was established from found boundary corners.
  2. Boundary corners are marked with 1/2" pipes, unless otherwise noted.
  3. Owners shown are from the Tax Map Records.
  4. The County of Maui is not responsible for any park, roadway, easement (including, but not limited to drainage, sewer, access, reclaimed water or irrigation easements), or any other interest in real property shown on this map or shown on these plans, unless the County of Maui has accepted its dedication by a resolution approved by a majority of council members at a regular or special meeting of the Maui County Council or the County of Maui has signed its acceptance via a conveyance document recorded in the Bureau of Conveyances of the State of Hawaii in compliance with Maui County Code Section 3.44.015.
  5. Easement "A", affecting Lot B; for access and utility purposes; 40 feet wide; (2,600 acres); in favor of Lot A. *2006-123183*
  6. The subdivision contains State land Use - Agriculture and Urban, Maui Island Plan-Growth Boundary & Sensitive Lands, Community Plan-Agriculture on Public/Public Quasi, County Zoning-Agriculture and Flood Zone X.
  7. The "100 Year Flood Inundation Limits" were calculated by Otomo Engineering, Inc. 305 S. High Street, Ste 102, Wailuku, Hawaii 96793. A flood development permit is required for any construction within this area or drainage way.
  8. A public Mauka/Mauka bicycle/pedestrian easement is shown in the approximate location shown on the Wailuku-Kahului Community Plan Map as a bicycle route (WK.CP.22#15). It is intended that this bicycle path will not be made available for public use until it can be connected through adjacent properties, improved and liability issues are addressed.
  9. Denotes bike path - ○ ○ ○ ○ ○

**IAO VALLEY HOMESTEADS SUBDIVISION  
SUBDIVISION OF LOT B  
INTO LOT B-1 AND B-2**

Being portions of R. P. 2008, L. C. Aw. 7907 to Kuke,  
R. P. 6298-6458, L. C. Aw. 3225 to Opunui,  
L. C. Aw. 418:1 to Halualani, Poalima 22 and Poalima 23  
R. P. 6298-6458, L. C. Aw. 3225 to Opunui, Poalima 34  
Grant 3343 to C. Spreckels, Kamehameha IV Deed to C. Brewer,  
L. C. Aw. 418:3 to Halualani, Kamehameha IV Deed to Havekost No. 1 and No. 2,  
R.P. 1958, L. C. Aw. 387, to A.B.C.F.M., R.P. 5257, L. C. Aw. 415 to Nailili,  
R.P. 550, L. C. Aw. 846:1 to Kahuku, R.P. 6409, L. C. Aw. 2523 to Makahookolo,  
and R.P. 6351, L. C. Aw. 2455 to Kahiki

WAILUKU, MAUI, HAWAII  
OWNERS:  
ROBERT AND TAMARA HORCAJO  
80 IAO VALLEY ROAD  
WAILUKU, MAUI, HAWAII 96793

**B. L. RAROGAL LAND SURVEYING LLC**  
600 HALEMALU PLACE, WAILUKU, HAWAII 96793  
TEL: (808) 661-0418 CELL: (808) 264-2614 email: blr@rarogal.com

This work was prepared by me or under my direct supervision.  
*[Signature]*  
Bernardo L. Rarogal, Lic. Exp. 4/22  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 10009



SUBDIVISION FILE NO. **3.2403**

T.M.K.: (2) 3-3-018 : 002



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA  
**COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

Mar 23, 2026

Ref: EA.6647.6

Robert L. Horcajo

[REDACTED]  
Via email: [REDACTED]

Aloha Mr. Horcajo:

Response to Request for Emergency Authorization  
Excavator Use to Shore Up Property (EA.6647.6)  
Robert L. Horcajo

Wailuku River, Wailuku, Maui, Tax Map Key: (2) 3-3-018:002

The Commission on Water Resource Management (Commission) is responding to your March 20, 2026 request for emergency authorization to prevent further damage and erosion to the subject property. The damage occurred as a result of heavy rains in early March 2026. Based on your communications and photos submitted, the Commission hereby issues an emergency authorization to you at the subject location to do the following:

Use of an excavator use to remove immediate threats and safety and prevent further damage to property.

Pursuant to [Hawai'i Administrative Rules, §13-169-55](#), the Commission has provisions allowing a person to perform emergency work in the stream channel as follows:

*§13-169-55 Emergency work. (a) When emergency channel alteration is necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event, a person may proceed to effect the channel alteration without a permit.*

*(b) In general, protective, health, and sanitation measures shall be limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.*

Exhibit 2

B3 - 012

Robert L. Horcajo

Mar 23, 2026

Page 2

*(c) No later than the first working day after initiation of any emergency work, the person effecting the work shall notify the department and describe the nature and circumstances of the remedial work so that the department may issue an emergency authorization.*

*(d) Within thirty days of his notification to the department, the person effecting the emergency work shall submit to the commission a report describing the nature and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.*

*(e) No fee will be required for the filing of a report for emergency channel alteration work.*

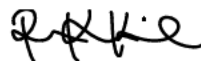
In accordance with §13-169-55(d), HAR, as stated above, please submit a complete Stream Channel Alteration Permit (SCAP) application form within 30 days to the Commission. You may download the SCAP application (Form SCAP-APP) from the Commission website at: <https://dlnr.hawaii.gov/cwrm/info/forms/#surface>

To the extent practicable under emergency conditions, you are encouraged to employ best management practices to avoid or minimize water quality impacts to aquatic resources and other instream uses, including the U.S. Fish and Wildlife Service's Recommended Standard Best Management Practices (attached for reference)."

Please be advised that should the project extend beyond the minimum amount necessary to remove immediate threats to health and safety or prevent immediate or further damage to property, the Commission may require corrective actions or issue fines of up to \$5,000 per violation as provided under Hawaii Revised Statutes, §174C-15. Also, the project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, and floodways. This emergency authorization should not be used for other regulatory jurisdictions or used to imply compliance with other federal, state, or county rules.

If you have any questions, contact Rebecca Alakai at (808) 587-0266, or via email at [rebecca.r.alakai@hawaii.gov](mailto:rebecca.r.alakai@hawaii.gov).

Ola i ka wai,



RYAN K.P. KANAKA'OLE  
Acting Chairperson

Enclosure

c.: U.S. Army Corps of Engineers  
Department of Health, Clean Water Branch

Exhibit 2

B3 - 013

**U.S. Fish and Wildlife Service  
Recommended Standard Best Management Practices**

The U.S. Fish and Wildlife Service (USFWS) recommends the following measures to be incorporated into project planning to avoid or minimize impacts to fish and wildlife resources. Best Management Practices (BMPs) include the incorporation of procedures or materials that may be used to reduce either direct or indirect negative impacts to aquatic habitats that result from project construction-related activities. These BMPs are recommended in addition to, and do not over-ride any terms, conditions, or other recommendations prepared by the USFWS, other federal, state or local agencies. If you have questions concerning these BMPs, please contact the USFWS Aquatic Ecosystems Conservation Program at 808-792-9400.

1. Authorized dredging and filling-related activities that may result in the temporary or permanent loss of aquatic habitats should be designed to avoid indirect, negative impacts to aquatic habitats beyond the planned project area.
2. Dredging/filling in the marine environment should be scheduled to avoid coral spawning and recruitment periods, and sea turtle nesting and hatching periods. Because these periods are variable throughout the Pacific islands, we recommend contacting the relevant local, state, or federal fish and wildlife resource agency for site specific guidance.
3. Turbidity and siltation from project-related work should be minimized and contained within the project area by silt containment devices and curtailing work during flooding or adverse tidal and weather conditions. BMPs should be maintained for the life of the construction period until turbidity and siltation within the project area is stabilized. All project construction-related debris and sediment containment devices should be removed and disposed of at an approved site.
4. All project construction-related materials and equipment (dredges, vessels, backhoes, silt curtains, etc.) to be placed in an aquatic environment should be inspected for pollutants including, but not limited to; marine fouling organisms, grease, oil, etc., and cleaned to remove pollutants prior to use. Project related activities should not result in any debris disposal, non-native species introductions, or attraction of non-native pests to the affected or adjacent aquatic or terrestrial habitats. Implementing both a litter-control plan and a Hazard Analysis and Critical Control Point plan (HACCP – see <https://www.fws.gov/policy/A1750fw1.html>) can help to prevent attraction and introduction of non-native species.
5. Project construction-related materials (fill, revetment rock, pipe, etc.) should not be stockpiled in, or in close proximity to aquatic habitats and should be protected from erosion (e.g., with filter fabric, etc.), to prevent materials from being carried into waters by wind, rain, or high surf.
6. Fueling of project-related vehicles and equipment should take place away from the aquatic environment and a contingency plan to control petroleum products accidentally spilled during the project should be developed. The plan should be retained on site with the person responsible for compliance with the plan. Absorbent pads and containment booms should be stored on-site to facilitate the clean-up of accidental petroleum releases.
7. All deliberately exposed soil or under-layer materials used in the project near water should be protected from erosion and stabilized as soon as possible with geotextile, filter fabric or native or non-invasive vegetation matting, hydro-seeding, etc.

**From:** [Robert L. Horcajo](#)  
**To:** [Uyeno, Dean D](#); [Alakai, Rebecca R](#)  
**Cc:** [Kainoa Horcajo](#)  
**Subject:** [EXTERNAL] RE: Work in Wailuku River Channel  
**Date:** Thursday, April 23, 2026 11:02:12 AM  
**Attachments:** [SCAP-APP-HORCAJO-EXE.pdf](#)  
[aerial\\_zone\\_2-3.png](#)  
[aerial-main house area.png](#)  
[bench.png](#)  
[top of property.png](#)  
[zone 2 looking mauka.png](#)  
[ZONE 2 MAKAI VIEW POST EXCAVATOR WORK 2-23-2026.pdf](#)

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Aloha Dean and Rebecca,

My apologies for the delay in submitting the attached SCAP-APP. I have also attached some before-and-after pictures of our project area.

Please let me know if I need to provide any clarification on what I have submitted or if you need any additional documentation.

Mahalo nui for your support and guidance. Bob

*Robert Leialoha Horcajo*  
*80 Iao Valley Rd, Wailuku, HI 96793*





**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
**STREAM CHANNEL ALTERATION**  
**PERMIT APPLICATION**

For Official Use Only:

**Instructions:** Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of \$25.00 payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at 587-0234. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

Check here to allow Commission staff to communicate primarily via e-mail.  
 Legally required and other key correspondence will still be transmitted via postal mail.

**PERMIT TYPE:**

1. Permit Applying For:  New  After-The-Fact  
 2. Type of Construction:  Installation  Modification  Removal

**APPLICANT INFORMATION**

3. APPLICANT'S NAME / COMPANY Robert and Tamara Horcajo	Applicant's Contact Person Robert Horcajo	Applicant's Phone [REDACTED]
Applicant's Mailing Address 80 Iao Valley Rd, Wailuku, HI 96793	Applicant's E-mail Address [REDACTED]	

Check here if project will impact multiple landowners. If project impacts multiple landowners, skip **Item 4** below, then complete and attach Form LND-APP to identify and verify landowner's approval of proposed stream channel alteration work.

4. LANDOWNER'S NAME / COMPANY	Landowner's Contact Person	Landowner's Phone
Landowner's Mailing Address	Landowner's E-mail Address	

5. CONSULTANT'S NAME / COMPANY	Consultant's Contact Person	Consultant's Phone
Consultant's Mailing Address	Consultant's E-mail Address	

6. CONTRACTOR'S NAME / COMPANY	Contractor's Contact Person	Contractor's Phone
Contractor's Mailing Address	Contractor's E-mail Address	

**STREAM INFORMATION**

7. Island: (Check only one)  Kauai  Oahu  Molokai  Lanai  Maui  Hawaii

8. Tax Map Key(s) List all affected tax map key parcels.  
(2) 3-3-018:002

9. Stream / Gulch Name(s) List all affected streams and/or gulches.  
Wailuku River

<b>FOR OFFICIAL USE ONLY:</b>	SWHU ID: _____	FILE ID: _____
LAT: _____	GWHU ID: _____	DOC ID: _____
LON: _____	REACH ID: _____	

**GENERAL PROJECT INFORMATION**

**10. Project Type:** Check all that apply.

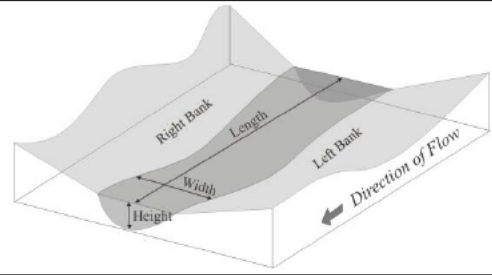
- Bank Stabilization     Bridge     Channel Alignment     Channel Lining     Culvert     Dam / Dike / Weir  
 Desilting Area     Drainage Outlet     Dredging     Ford Crossing     Grading     Levee / Flood Wall  
 Restoration     Retaining Wall     Retention Basin     Stream Gage     Sewer Line     Water Line  
 Other - Describe: \_\_\_\_\_

**11. Project Site Location(s):** Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).

Latitude:    °    '    "    Longitude:    °    '    "    Elevation:    430+ ft. above mean sea level

**12. Structure Dimensions:** (feet)  
 Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

Width: \_\_\_\_\_  
 Height: \_\_\_\_\_  
 Length: \_\_\_\_\_  
 Diameter: \_\_\_\_\_



**13. Structure Location:**

Provide the general location of the stream channel alteration structure in relation to the streambank.

Left bank (downstream view)  
 Right bank (downstream view)  
 Across entire stream channel

**14. State Land Use Classification:** (Check all that apply)     Agriculture     Conservation     Rural     Urban

**LEGAL REQUIREMENTS**

If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (<http://dlnr.hawaii.gov/cwrm/info/forms/>) for links to agency websites/contact information.

**15. Conservation District Use Permit (CDUP):** To find out if your stream channel alteration project is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at <http://luc.hawaii.gov/maps> to view Land Use District Boundary maps. If the stream channel alteration will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.

- Stream channel alteration is in a Conservation District.  
      Required.    CDUP #: \_\_\_\_\_    Date CDUP approved: \_\_\_\_\_  
      Not Required.    Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.  
      I have not checked with the OCCL about whether or not a CDUP is required.  
 Stream channel alteration is not in a Conservation District.

**16. Special Management Area Permit (SMAP):** To determine if an SMAP is necessary, contact your County Planning Department.

- Required.    SMAP #: \_\_\_\_\_    Date SMAP approved: \_\_\_\_\_  
 Not Required.    Attach documentation from applicable County agency.  
 I have not checked with the County about whether or not an SMA Permit is required.

**17. State Historic Preservation Division (SHPD), Department of Land and Natural Resources:** If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHPD. If the affected parcel(s) has not undergone SHPD review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

*\*Please note: You are **strongly advised** to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.*

- I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.  
 I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.

**18. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:**

- An Environmental Assessment was completed, and  
 An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).  
     Publication date in The Environmental Notice: \_\_\_\_\_  
 A Finding of No Significant Impact has been determined (attach letter).  
     Publication date in The Environmental Notice: \_\_\_\_\_

This project proposes:

- |   |  |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds      | <input type="checkbox"/> A wastewater treatment unit |
| <input type="checkbox"/> Use within a state conservation district                           | <input type="checkbox"/> Waste-to-energy facility    |
| <input type="checkbox"/> Use within a shoreline setback area                                | <input type="checkbox"/> Landfill                    |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site           | <input type="checkbox"/> Oil refinery                |
| <input type="checkbox"/> Use within the Waikiki Special District                            | <input type="checkbox"/> Power-generating facility   |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input type="checkbox"/> None of the above 11 items  |

**OTHER REGULATORY REQUIREMENTS**

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	<u>Attached</u>	<u>N/A</u>
19. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input type="checkbox"/>
20. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input type="checkbox"/>
21. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input type="checkbox"/>
22. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input type="checkbox"/>
23. Soil and Water Conservation District	<input type="checkbox"/>	<input type="checkbox"/>
24. County Certification of "No-Rise"	<input type="checkbox"/>	<input type="checkbox"/>
25. County Grading Permit	<input type="checkbox"/>	<input type="checkbox"/>
26. County Discretionary Permit(s)	<input type="checkbox"/>	<input type="checkbox"/>

**CULTURAL IMPACTS**

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

27. Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

no applicable resources were deemed to be present in the project area

28. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

n/a

29. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?

n/a

## PROJECT DESCRIPTION

Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

### 30. Describe the overall project scope and objectives.

The two recent Kona Low storms that started on March 10, 2026 caused widespread damage to our 37 acres, and the loss of 3+ acres of land. As Wailuku River bisects our property, we had damages on our southern and northern river banks. Through the effects of large boulders and fallen trees diverting the water's path, and then bouncing from bank to bank, every owner with river frontage like ours, experienced damage, including the loss of a home to one of our neighbors.

With the approval of an Emergency Permit request (EA 6647.6), we were intending to divert the water path back to the middle of the existing watercourse, similar to what existed before the Kona Low storms. This work would also protect the areas that were breached. We were cognizant of the effects to our downstream neighbors, with whatever work we performed. In fact, we coordinated with our upstream neighbors (Gomes, Higa and Wong) and our downstream neighbors (Bashaw, Yamasaki, Juergensmeyer) before we started. The two excavators we rented were used to shore up several of their properties.

While we moved the stream channel to the middle with the initial work, much of the rock debris is just in piles along the river's edge that should be placed more as a bank, to mitigate damages from the next major rain event. Also, any work to our Zone 3 farm area and our house area, cannot be performed until the future of the damaged Waihee Siphon is determined.

Once we confirm the opportunity to get another excavator, we hope to submit and receive approval of another Emergency Permit Request, to complete our intended mitigating river work.

### 31. Describe existing stream channel and streamflow conditions at the site of the proposed stream channel alteration.

The several "post excavator work" pictures attached note the river flows generally in the middle, where mitigating work was performed. There are still some debris areas that need to be moved to widen and straighten the stream channel. We also intend to widen the natural watercourse that existed prior to the pre-Kona Low storms, which should also provide a wider stream channel.

**32. Identify and describe the project components outlined below**

**A. Materials**

n/a

**B. Quantities**

n/a

**C. Excavation**

Use of a CAT 336, CAT 325 and a CAT 310 excavators

**D. Fill**

n/a

**E. Disposal**

We have not disposed of trees pulled from the river yet.

**F. Construction methods**

n/a

**G. Temporary facilities**

n/a

**H. Expected period of time required for construction**

past work: 1 week utilized; future: 2 weeks

**I. Liability during construction**

n/a

**33. Describe the project's consistency with county zoning and development plans.**

under State emergency permit

**34. Identify potential alternatives to the project and describe the relative costs and benefits of each alternative.**

n/a

**SUBMITTALS**

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

**35. Location Map:** Provide a location map of the proposed project relative to major roadways.

**36. Plans / Elevations / Sections:** Provide a plan view of the proposed stream channel alteration structure in relation to the stream channel and property boundaries. Elevation and section views of the structure in relation to the stream channel should also be provided if available.

**SIGNATURES**

Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:

- 1) The proposed work is to be completed within two (2) years from the date of permit approval.
- 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion.
- 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project.
- 4) The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months.
- 5) If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

**37. APPLICANT**

<b>Print Name:</b> Robert L. Horcajo	<b>Signature:</b> <small>DocuSigned by:</small> robert horcajo	<b>Date:</b> 4/23/2026
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**38. CONSULTANT**

<b>Print Name:</b>	<b>Signature:</b>	<b>Date:</b>
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**39. CONTRACTOR**

<b>Print Name:</b>	<b>Signature:</b>	<b>Date:</b>
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**40. LANDOWNER** (If multiple landowners, skip **Section 53**, then complete and attach **Form SCAP-LND** with appropriate landowner signatures.)

<b>Print Name:</b> Robert L Horcajo	<b>Signature:</b> <small>DocuSigned by:</small> robert horcajo	<b>Date:</b> 4/23/2026
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## **CHECKLIST FOR A COMPLETE APPLICATION and ITEM DESCRIPTIONS (ITEMS 1 - 14)**

- Fill in the most recent application form (check <http://dlnr.hawaii.gov/cwrm> or call 587-0234 for updates).
- Fill in every line which includes Items 1-40, as indicated (total 8 pages).
- Enclose a check for \$25 payable to the Department of Land and Natural Resources.
- Mark the proposed stream channel alteration location on: the appropriate USGS quad map, TMK map, photo and schematic, and attach to the application.
- Attach Form LND-APP to identify and obtain authorizations for the project if multiple landowners will be impacted.
- Attach a grading plan and cross section profiles showing existing and finish grades, if available.
- Attach documentation from CDUP, SMAP, SHPD when applicable regarding Items 15-17.
- Attach letters from U.S. Army Corps of Engineers, Hawaii Department of Health, Office of Conservation and Coastal Lands, and appropriate county agencies regarding Items 18-26.
- Provide digital copies on CD-ROM or via e-mail, if available.
- Obtain the necessary signatures for the application form.

Send the application and maps, copies, and the filing fee to:

*Commission on Water Resource Management*  
*P.O. Box 621*  
*Honolulu, HI 96809*

### **PERMIT TYPE**

1. **Permit Status:** Indicate whether this application is for a new stream channel alteration project (including medication or abandonment) or if the project has already been completed and an after-the-fact permit is being applied for.
2. **Type of Construction:** Is the permit application for the installation of a new stream channel alteration, or modification or removal of an existing stream channel structure.

### **APPLICANT INFORMATION**

3. **Applicant's Information:** Fill in the information for the applicant. This should be the entity that will be responsible for the maintenance of the stream channel alteration when the project is completed.
4. **Landowner's Information:** Fill in the information for the landowner of the property where the stream channel alteration will be located.
5. **Consultant's Information:** Fill in the information for the consultant who will assist with plan and design preparation for the subject project.
6. **Contractor's information:** Fill in the information for the contractor who will perform the work on the subject stream channel alteration project.

### **STREAM INFORMATION**

7. **Island:** The island name where the stream channel alteration will be located.
8. **TMK:** Tax Map Key number (generally there is no lot number, but where a parcel is divided into two lots, fill in the lot number)
9. **Stream / Gulch Name:** Name of the stream or gulch where the stream channel alteration will be located.

### **GENERAL PROJECT INFORMATION**

10. **Project Type:** Identify the type of work being performed, and select all that apply to the project.
11. **Project Site Location(s):** Fill in stream channel alteration location coordinates taken from a GPS unit at the project site. Units are Degrees, Minutes and Seconds (seconds should be filled out to at least one decimal place; e.g. 19°59'32.8"N, 155°14'51.5"W). If more than one site, attach separate sheet. Elevations should be provided in feet above mean sea level.
12. **Structure Dimensions:** What are the physical dimensions of the stream channel alteration structure that will be located in or adjacent to the stream channel?
13. **Structure Location:** Will the structure be located on the right or left bank (facing downstream) or across the entire stream channel?
14. **State Land Use Classification:** Identify the current State Land Use Classification.

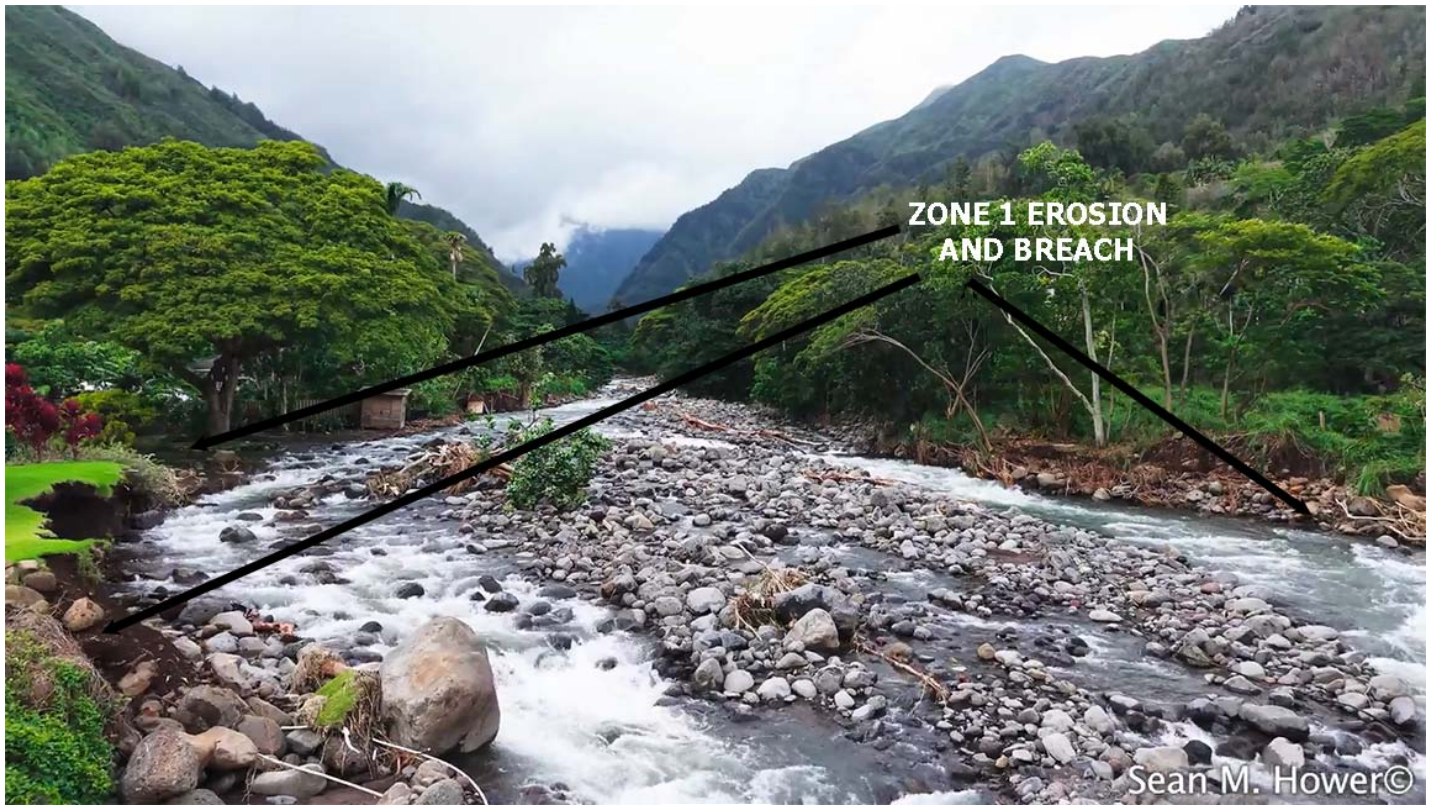
**Please see header descriptions for remaining Sections in completing Items 15 to 40.**



*aerial zone 2-3.png*



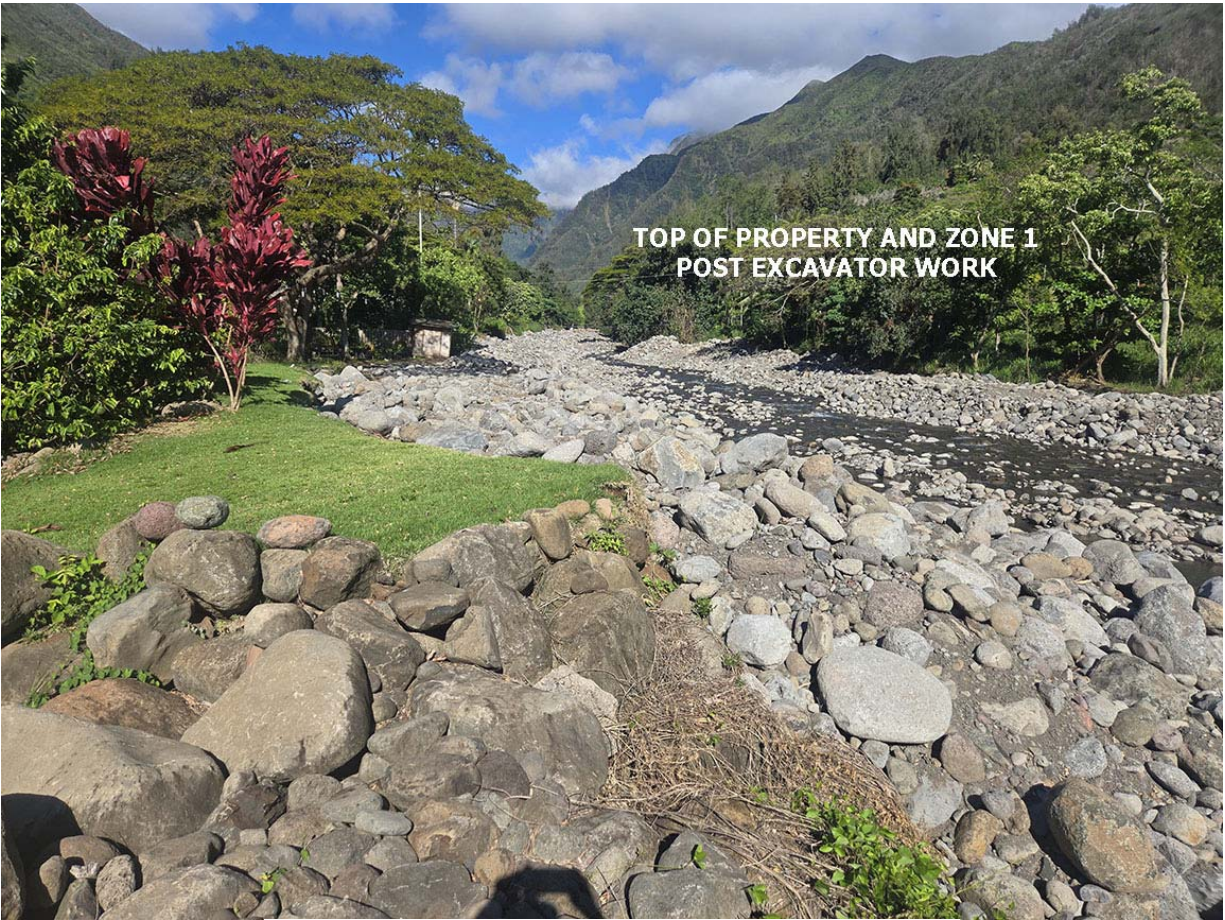
*aerial-main house area.png*



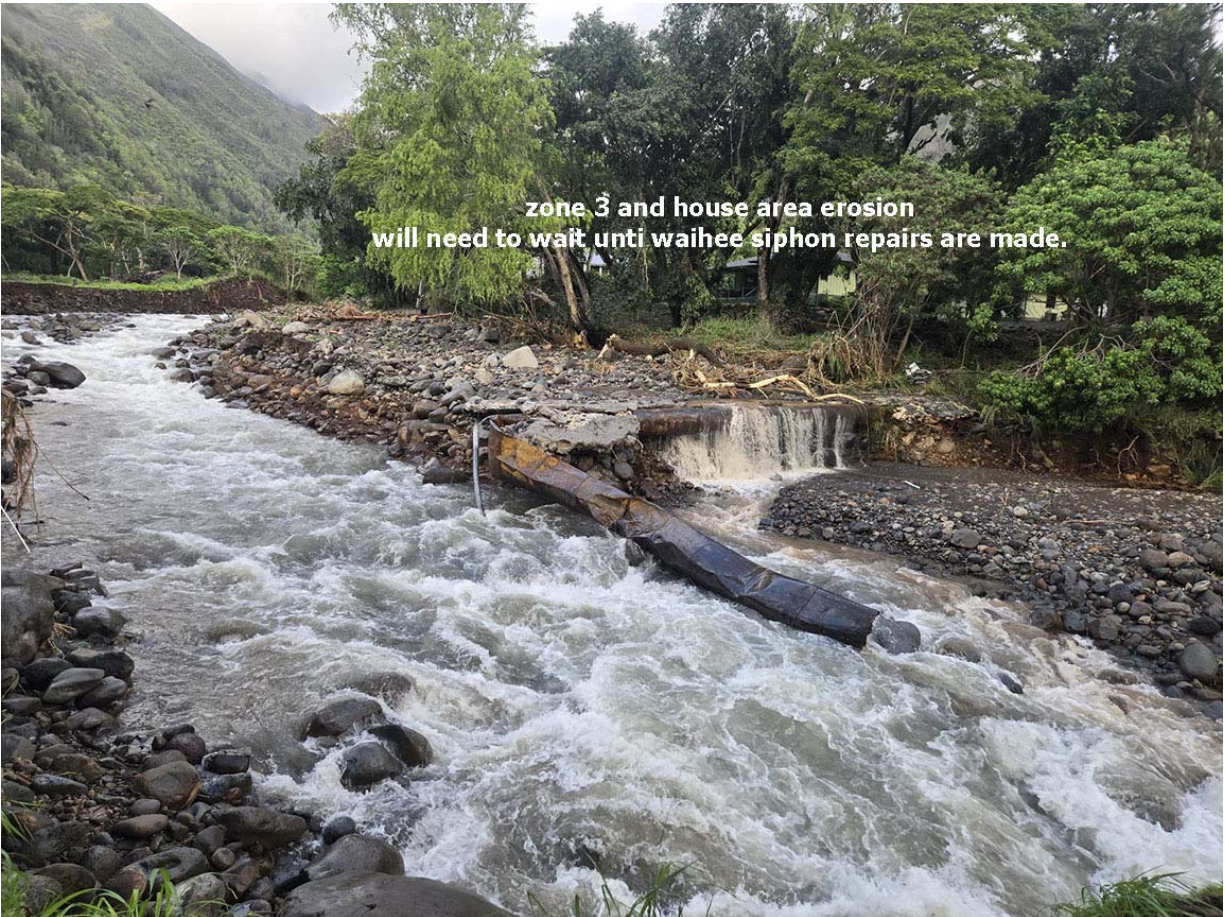
*bench.png*



*top of property.png*



*TOP OF PROPERTY-ZONE 1 POST EXCAVATOR WORK 2-23-2026.jpg*



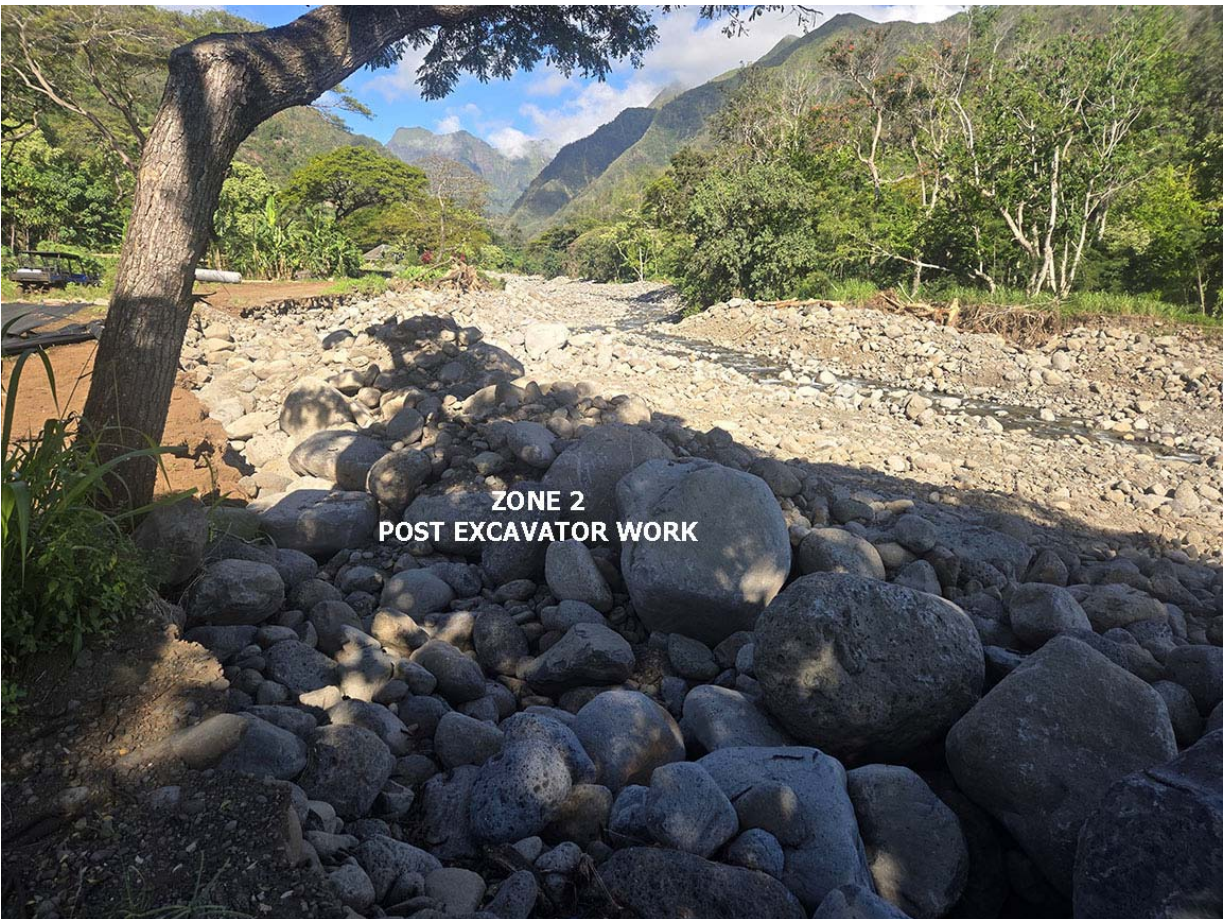
*waihee siphon-post kona lows.jpg*



**ZONE 2 EROSION  
AND ROADWAY LOSS**

Sean M. Hower©

*zone 2 looking mauka.png*



**ZONE 2  
POST EXCAVATOR WORK**

*ZONE 2-POST EXCAVATOR WORK, 4-23-2026.jpg*

**BASHAWS**

**YAMASAKI**

**ZONE 2  
POST EXCAVATOR WORK**