



**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**  
 Kauai Island Utility Cooperative  
 Applicant's Contact Person: David Bissell  
 Applicant's Phone: 808-246-4388  
 Applicant's Mailing Address: 4463 Pahee Street, Suite 1, Lihue, HI 96766  
 Applicant's E-mail Address: dbissell@kiuc.coop

**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**  
 Joule Group  
 Consultant's Contact Person: Dawn Huff  
 Consultant's Phone: 360-483-6488  
 Consultant's Mailing Address: 5362 Kumole Street, Kapaa, HI 96746  
 Consultant's E-mail Address: dhuff@joulegroup.com

**6. CONTRACTOR'S NAME / COMPANY**  
 To be Determined  
 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.*  
 (4) 1-4-001: Various

**9. Stream / Gulch Name(s)** *List all affected streams and/or gulches.*  
 Waiakoali Stream, Kauaikinana Stream, and Kōke'e Stream

**FOR OFFICIAL USE ONLY:**  
 SWHU ID: \_\_\_\_\_ FILE ID: \_\_\_\_\_  
 LAT: \_\_\_\_\_ GWHU ID: \_\_\_\_\_ DOC ID: \_\_\_\_\_  
 LON: \_\_\_\_\_ REACH ID: \_\_\_\_\_

**GENERAL PROJECT INFORMATION**

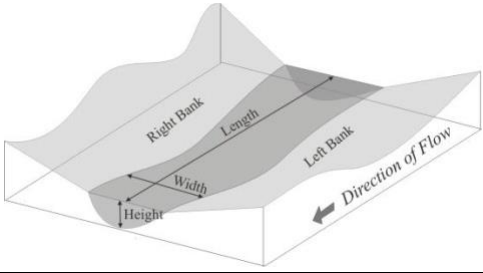
10. Project Type: Check all that apply.

- 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: 22° 06' 54" Longitude: 159° 39' 18" Elevation: Approx. 3,353.60 ft. above mean sea level

12. Structure Dimensions: (feet) Width: See Report. Height: Length: Diameter:



13. Structure Location: 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: Exempt. A Finding of No Significant Impact has been determined (attach letter). Publication date in The Environmental Notice:

This project proposes:

- Use of state or county lands, or use of state or county funds, Use within a state conservation district, Use within a shoreline setback area, Use within a national or Hawaii registered historic site, Use within the Waikiki Special District, The construction, expansion or modification of helicopter facility, A wastewater treatment unit, Waste-to-energy facility, Landfill, Oil refinery, Power-generating facility, 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>
<b>19. U.S. Army Corps of Engineers</b> (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>20. State Department of Health, Clean Water Branch</b> (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>21. Right-of-Entry or Right-of-Way Permit</b> if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>22. Hawaii Environmental Policy Act</b> (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>23. Soil and Water Conservation District</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>24. County Certification of "No-Rise"</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>25. County Grading Permit</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>26. County Discretionary Permit(s)</b>	<input type="checkbox"/>	<input checked="" 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.**

The proposed work is on the existing Kokee Ditch system, which is actively diverting water for irrigation, recreational fishing and other state facility uses. The proposed work is for the purpose of stream restoration consistent with the IIFS for each stream and flow data collection, and will result in less water being diverted into the ditch system and more water being retained in the stream. During our community and stakeholder outreach for this project, we have not identified any native Hawaiians who access this area for traditional and customary practices. Several people mentioned that due to difficulty of accessing the area, it isn't an ideal location for their purposes. Access is by a rough road, accessible by four wheel drive vehicles only, that terminates in a foot path. The footpath is approximately 1/4 mile in distance, steep and lightly maintained. However, it is possible there are native Hawaiians who do access the area for traditional plant gathering, fishing and ceremonial practices. Based on stream surveys conducted in 2018, no native aquatic species were found in Waiakoali, Kauaikinana and Kokee streams downstream of the diversion. Flora and fauna surveys in the area indicated the predominant vegetation coverage is alien forest with some scattered remnant native koa and ohia. The proposed work will result in stream restoration per the IIFS adopted by CWRM as part of the Mediation Agreement for the Waimea Watershed, which was approved by CWRM in April 2017, and flow data collection. If any traditional and customary

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

The proposed work will result in stream restoration per the IIFS adopted by CWRM as part of the Mediation Agreement for the Waimea Watershed, which was approved by CWRM in April 2017, and flow data collection. If any traditional and customary native Hawaiian practices occur in the area, the stream restoration will likely provide for improved aquatic and riparian habitats. The majority of the proposed work will be within the footprint of the existing ditch system and is not expected to negatively impact any traditional and customary Native Hawaiian rights.

**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?**

The proposed work will result in restored stream flows and flow data collection and has the sole purpose of satisfying the requirements of the Mediation Agreement for the Waimea Watershed, which was approved by the Commission in April 2017. DHHL was a party to the mediation and has approved the proposed work.

**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 proposed work is for the sole purpose of meeting the requirements of the Mediation Agreement for the Waimea Watershed that was approved by CWRM in April 2017. A more detailed description of the proposed work at each site is attached and drawings are being submitted with this permit.

The proposed work includes the installation of flow monitoring equipment to measure stream and ditch flows. The goals for the gauging station installations include gaining a better understanding of natural stream flow on the currently ungauged streams, measuring what is diverted into the ditch, and measuring flow in the stream channel below each diversion.

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

See attached sheet.

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

**A. Materials**

Bubbler/pressure transducers ("BPT")  
Staff Gauges  
Electrical enclosures with solar panel and data logger  
Acoustic Doppler flow meter  
Miscellaneous steel brackets and fabrications  
Replacement water control gates and pani boards

**B. Quantities**

Waiakoali: 2 BPT, 1 staff gauge, 1 new ditch gate, 1 flow measurement weir, 1 spillway discharge chute, 1 electrical enclosure

Kauaikinana: 1 BPT, 1 pressure transducer, 2 staff gauges, 1 new spillway insert, modified ditch gate leaf, 1 electrical enclosure

Kokee: 1 BPT; 1 staff gauge; 1 acoustic Doppler, 1 HDPE ditch water flume pipe, and control gate, 1 stoplog slot insert, 1 electrical enclosure

**C. Excavation**

No excavation is required in the stream channels.

**D. Fill**

No fill material is required in the stream channels.

**E. Disposal**

Any materials that require disposal will be taken off site and disposed of in the proper manner in keeping with county and state guidelines.

**F. Construction methods**

The construction is limited in nature and involves small footprints. The work will be performed largely by hand with portable tools. A mini excavator will be used as needed for placement of heavy parts. Existing roads and foot paths will be used to access the work areas with the exception of the work at the Kokee Diversion, which will involve delivery of material via helicopter.

**G. Temporary facilities**

No temporary facilities are required for the project.

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

90 days

**I. Liability during construction**

Liability for this project is minimal. KIUC and KIUC's contractors will all carry the appropriate liability insurance to cover any potential accidents that may occur.

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

The proposed work is located within the Conservation District. According to the Kauai General Plan, the "Open" designation encompasses lands within the State Conservation District, over which the State Board of Land and Natural Resources has jurisdiction. The project is consistent with the land uses in the Conservation District, including P-1 Data Collection (B-1), P-8 Structures and Land Uses, Existing (B-1), and P-9 Structures, Accessory (B-1), as noted by the OCCL in its February 12, 2019 letter.

The proposed work will result in restored stream flows at the Waiakoali, Kauaikinana and Kokee Diversions, which is consistent with the Kauai General Plan's Vision for Kauai 2020. The gage installations will enable measurement of stream flows, diversion volumes and IIFS volumes.

Specifically, the plan envisions that "Kaua'i's groundwaters, rivers and streams are managed to supply water for human consumption and agricultural irrigation, while maintaining surface flows needed to support native aquatic life, taro cultivation and other riparian uses, and recreation." The stream restoration will likely provide for improved aquatic and riparian habitats.

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

While there are multiple ways to collect flow data, there are no potential alternatives for consistent and reliable data collection. Without installation of these additional gauges, only limited intermittent measurement of stream flows and diversion flows will be possible. The current hydrology data on the streams associated with the Kokee Ditch System is limited to data collected by one active USGS gauge on Kawaikoi Stream. The proposed new measurement points will significantly increase the amount of data available to the Water Commission staff, all the mediation parties, and any water users on the Kokee system.

Multiple field inspections and reconnaissance trips were conducted with engineers and hydrologists to assess the best locations and installation set up to achieve the stream flow monitoring goals. Each gauging location was selected with the intention of providing a useful data record for both ditch and stream flows.

**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****Print Name:**

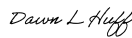
David Bissell, President and CEO KIUC

**Signature:****Date:**

01/27/23

**38. CONSULTANT****Print Name:**

Dawn Huff, Joule Group

**Signature:****Date:**

02/01/23

**39. CONTRACTOR****Print Name:**

TBD

**Signature:****Date:**

**40. LANDOWNER** (If multiple landowners, skip **Section 53**, then complete and attach **Form SCAP-LND** with appropriate landowner signatures.)

**Print Name:****Signature:****Date:**

## **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.**














# FormSCAP-APP Kokee 01 17 2023

Final Audit Report

2023-02-01

Created:	2023-01-18
By:	Chris Yuh (cyuh@kiuc.coop)
Status:	Signed
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Signature Date: 2023-02-01 - 11:52:53 PM GMT - Time Source: server- IP address: 66.91.94.204

 Agreement completed.

2023-02-01 - 11:52:53 PM GMT

