

Attachment 3

**Stream Channel Alteration Permit (SCAP) Approval
(February 18, 2009, provided for reference –
no longer required per SB 3010)**

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA
DIRECTOR


Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

HWY-DD 2.1426

APR 24 2009

TO: THE HONORABLE LAURA H. THIELEN, CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: BRENNON T. MORIOKA Ph.D., P.E. 
DIRECTOR OF TRANSPORTATION

SUBJECT: KAMEHAMEHA HIGHWAY, KAIPAPA'U STREAM BRIDGE
REPLACEMENT, FEDERAL-AID PROJECT NO. BR-083-1(48),
APPLICATION APPROVAL FOR STREAM CHANNEL ALTERATION
PERMIT (SCAP.2034.3)

Thank you for your approval for SCAP.2034.3 on February 18, 2009 as stated in your letter on February 24, 2009. Attached is your copy of the signed accepted SCAP. 2034.3 permit.

If you have any questions or require additional information regarding this request, please contact Li Nah Okita at 692-7581 or Duane Taniguchi at 692-7582 of our Design Section, Design Branch, Highways Division, and reference HWY-DD 2.1426 as noted above.

Attachment

c: R.M. Towill Corporation (Mr. Walter Chong)

SCAP.2034.3

Stream Channel Alteration Permit

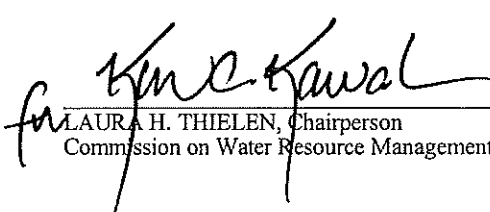
PETITIONER: State Department of Transportation, Highway Division
STREAM: Kaipapau Stream, Hauula, Oahu
TMKs: (1) 5-4-011:004-0001 and 0002, 5-4-011:021, 5-4-018:001, 002 and 003

STREAM CHANNEL ALTERATION PERMIT

The permittee is hereby granted a permit to alter a stream channel, in accordance with the specifications and plans contained in the application, subject to the following conditions and limitations:


1. The permit application and staff submittal approved by the Commission at its meeting on February 18, 2009, shall be incorporated herein by reference.
2. The permittee shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State, and City and County of Honolulu governments.
3. The permittee shall be liable, to the extent allowed by the Federal Tort Claims Act, for claims for personal injuries or property damage resulting from the negligent or wrongful act or omission of any employee of the United States while acting within the scope of his or her employment, arising out of this agreement.
4. The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion. The permittee shall submit a set of as-built plans and photos of the completed work to the Commission upon completion of this project. This 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, unless otherwise specified. The proposed work under this stream channel alteration permit shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Commission upon showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. 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.
5. Before proceeding with any work authorized by the Commission, the permittee shall submit one set of construction plans and specifications to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. *The permittee shall develop site-specific, construction best management practices (BMPs) that are designed, implemented, operated, and maintained by the permittee and its contractor to properly isolate and confine construction activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting state waters. BMPs shall control erosion and dust during construction and schedule construction activities during periods of low stream flow.*
7. *The permittee shall protect and preserve the natural character of the stream bank and stream bed to the greatest extent possible. The permittee shall plant or cover lands denuded of vegetation as quickly as possible to prevent erosion and use native plant species common to riparian environments to improve the habitat quality of the stream environment.*
8. In the event that subsurface cultural remains such as artifacts, burials or deposits of shells or charcoal are encountered during excavation work, the permittee shall stop work in the area of the find and contact the Department's Historic Preservation Division immediately. Work may commence only after written concurrence by the State Historic Preservation Division.

DATE OF APPROVAL: February 18, 2009
EXPIRATION DATE: February 18, 2011


LAURA H. THIELEN, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed. I also understand that non-compliance with any permit condition may be grounds for revocation and fines up to \$5,000 per day starting from the permit date of approval.

ACCEPTED:


GLENN M. YASUI, State Department of Transportation, Highway Division

Date: 3-5-09

Please sign both copies of this permit, return one copy to the Chairperson, and retain the other copy for your records.

LINDA LINGLE
GOVERNOR OF HAWAII



DEPT OF TRANSPORTATION

2009 FEB 27 A 10: 04

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII 96809

February 24, 2009

HW 834
LAURA H. THIELEN
CHAIRPERSON
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CHIYOME L. FUKINO, M.D.
DONNA FAY K. KIYOSAKI, P.E.
LAWRENCE H. MIIKE, M.D., J.D.
KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

Ref.: SCAP.2034.3

TO: Mr. Glenn M. Yasui, Highways Administrator
State Department of Transportation

FROM: *for* Laura H. Thielen, Chairperson
Commission on Water Resource Management

SUBJECT: Application for Stream Channel Alteration Permit (SCAP.2034.3)
DOT Bridge Replacement across Kaipapau Stream, Hauula, Oahu,
TMKs: (1) 5-4-011:004-0001 and 0002, 5-4-011:021, 5-4-018:001, 002 and 003

On February 18, 2009, the Commission on Water Resource Management (Commission) approved your application for a Stream Channel Alteration Permit (SCAP.2034.3) for DOT's bridge replacement across Kaipapau Stream in Hauula, Oahu, at TMKs: (1) 5-4-011:004-0001 and 0002, 5-4-011:021, 5-4-018:001, 002 and 003. The February 18, 2009, staff submittal, Item C-1, is enclosed for your information.

Please review the conditions of the approval for SCAP.2034.3. If they are acceptable to you, please sign both copies of the permit, return one copy to the Commission, and retain a copy for your records. Also enclosed are forms to notify the Commission of the start and completion of construction work. Please complete and submit these forms to our office within seven days of the start and completion of construction activities.

If you have any questions concerning this permit, please contact Robert Chong in the Stream Protection and Management Branch at 587-0266.

Enclosures

REGION BRANCH
HIGHWAYS DIVISION
DEPT. OF TRANSPORTATION

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RECEIVED