

ATTACHMENT B

SCAP DETERMINATION

LINDA LINGLE
GOVERNOR OF HAWAII



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

P.O. BOX 821
HONOLULU, HAWAII 96809

October 26, 2009

Ref.: RFD.2507.3

Mr. Richard Dahilig, P.E., Project Manager
PB Americas, Inc.
1001 Bishop Street, Suite 2400
Honolulu, HI 96813

Dear Mr. Dahilig:

Request for Determination
Proposed Aiea Stream Erosion Control at the H-1 Freeway
Aiea, Oahu, TMKs: (1) 9-9-042:027 and 059

This letter is in response to your October 20, 2009, letter to the Commission on Water Resource Management (Commission) requesting a determination for the proposed Aiea Stream Erosion Control Project at the H-1 freeway in Aiea, Oahu at TMKs: (1) 9-9-042:027 and 059.

The Commission's Stream Protection and Management Branch has the responsibility to protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses in the State of Hawaii under the authorization of the State Water Code (Code), Chapter 174C, Hawaii Revised Statutes, and Chapter 13-169, Hawaii Administrative Rules (Protection of Instream Uses of Water).

Pursuant to the Code, §174C-71(3)(A), the Commission "shall require persons to obtain a permit from the Commission prior to undertaking a stream channel alteration." The term "stream channel" is defined in the Code, §174C-3, as a "watercourse with a definite bed and banks which periodically or continuously contains flowing water." Furthermore, the Code defines "stream" as any "natural watercourse in which water usually flows in a defined bed or channel."

Based on the information that you provided, the Commission will not require a Stream Channel Alteration Permit (SCAP) to be submitted for the proposed Aiea Stream Erosion Control Project because Aiea Stream is considered an intermittent stream where aquatic resources have not been identified.

Please be advised that the project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, and floodways. This letter should not be used for other regulatory jurisdictions or used to imply compliance with other federal, state, or county rules. Should you have any questions, please contact Robert Chong of the Stream Protection and Management Branch at 587-0266, or robert.k.chong@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken C. Kawahara".

KEN C. KAWAHARA, P.E.
Deputy Director