

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM	)	Case No..	<u>CCH-MA13-01</u>
INSTREAM FLOW STANDARDS FOR	)		
HONOPOU, HUELO (PUOLUA),	)	HEARINGS OFFICER’S AMENDED	
HANEHOI, WAIKAMOI, ALO,	)	RECOMMENDATION RE INTERIM	
WAHINEPEE, PUOHOKAMOA,	)	RESTORATION OF STREAM FLOW;	
HAIPUAENA, PUNALAU/KOLEA,	)	CERTIFICATE OF SERVICE	
HONOMANU, NUAAILUA, PIINAAU,	)		
PALAUHULU, OHIA (WAIANU),	)		
WAIOKAMILO, KUALANI, WAILUANUI,	)		
WEST WAILUAIKI, EAST WAILUAIKI,	)		
KOPILIULA, PUAKAA, WAIOHUE,	)		
PAAKEA, WAIAAKA, KAPLAULA,	)		
HANAWI, AND MAKAPIPI STREAMS	)		
_____	)		

HEARINGS OFFICER’S AMENDED RECOMMENDATION  
RE INTERIM RESTORATION OF STREAM FLOW

On April 1, 2016 your Hearings Officer recommended the restoration of 18 million gallons per day (mgd) recommended based on the Proposed Decision. The restoration was proposed to take effect immediately. The recommended restoration would be as follows:

Subsequent to the Hearings Officer’s Recommendation, Alexander & Baldwin, Inc. and East Maui Irrigation Co., Ltd. have agreed to permanently abandon all diversions on and restore the following streams: Honopou, Hanehoi (Puolua), Waiokamilo, Kualani, Pi’ina’au, Palauhulu, and Wailuanui (East and West). The restoration amounts for all other streams indicated in the original recommendation will stay the same.

Restoration of the streams will be done in phases in order to comply with anticipated permitting requirements. The attached letter and charts show the proposed phasing plans, by phases and by streams. Exhibit A.

Any objections or exceptions to this recommendation should be filed within ten (10) days of the date of this recommendation.

DATED: Honolulu, Hawaii, MAY 31 2016.

A handwritten signature in cursive script that reads "Lawrence Miike". The signature is written in black ink and is positioned above a horizontal line.

LAWRENCE H. MIKE  
Hearings Officer

**EAST MAUI IRRIGATION COMPANY, LIMITED**  
**P. O. BOX 791628, PAIA, MAUI, HAWAII 96779**

May 12, 2016

Mr. Jeff Pearson, Deputy Director  
Commission on Water Resource Management  
State of Hawaii  
1151 Punchbowl Street  
Honolulu, HI 96813

Re: Diversion Modifications: Honopou, Hanehoi (Puolua), Waiokamilo, Kualani, Pi'ina'au, Palauhulu, and Wailuanui (East and West)

Dear Deputy Director Pearson:

Thank you for meeting with us on May 5 to discuss the complete and permanent restoration of the above-mentioned priority East Maui streams. We appreciate that the CWRM shares our goal of returning water to these streams in the most expeditious and cooperative manner possible.

As discussed in our meeting, our intent is to permanently abandon our diversions on these streams. We acknowledge that the modifications to our diversion structures that will be needed to achieve this goal may require permitting in certain instances. We note that portions of the EMI system are situated in the conservation district and that certain modification work may require permits from the CWRM and approvals and reviews by other state and federal agencies.

Accordingly, please find attached a proposed diversion modification plan, set forth in two formats—organized by stream and organized by phases (two tabs). Generally speaking, our phasing is focused on returning flows to the stream as soon as possible, while complying with all necessary permitting requirements. Please note that the “temporary” fixes described in the table are intended to quickly restore flow to the corresponding streams, since the “permanent” abandonment cannot be done until CWRM issues the appropriate permit. In this vein, as you are aware, the sluice gates on East and West Wailuanui streams have already been removed to restore water to the maximum extent possible, pending the receipt of approvals to complete the abandonment work.

We ask for your review of the attached proposal, and for your guidance as to how to proceed with the permanent restoration of these streams properly, but promptly. We stand ready to implement the plan upon receipt of your approval.

EXHIBIT A

Mr. Jeff Pearson, Deputy Director

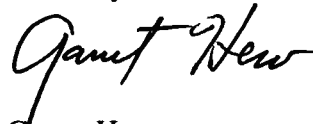
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May 12, 2016

We further understand that you will be meeting with the Native Hawaiian Legal Corporation, the Division of Aquatic Resources and other agencies as you deem appropriate to discuss the proposed plan and receive their input. If you would like us to attend any of those meetings, we would happy to participate.

We look forward to working closely with the CWRM staff in the months to come.

Sincerely,

A handwritten signature in black ink that reads "Garret Hew". The signature is written in a cursive, flowing style.

Garret Hew

President, East Maui Irrigation Company

cc: Suzanne Case—Chair, Board of Land and Natural Resources

### Phase I Projects

Lowrie Honopou	Haiku Puolua	Haiku Hanehoi	Lowrie Hanehoi	Koolau Palauhulu	Timetable to complete Phase I projects
Sealing of stream intake is by closing an existing gate; no work on diversion or in stream required. Haiku Ditch project on this stream must be completed first and may require an abandonment permit before proceeding.	Sealing of stream intake is by bolting small plate over opening into ditch (not in stream).	Sealing of stream intake opening is by bolting plate over intake grate openings in intake grate.	Sealing of stream intake is by bolting plates over intake grate. Need to repair leakage into ditch along edge if grate first. Haiku ditch project work needs to be completed prior to work on this diversion.	Most flow will be restored by removal of sluice gate. Scope of work for full restoration is to be determined. All work is anticipated to be restricted to tunnel.	<b>2 to 3 months after obtaining all required approvals and completing any required consultations</b>

### Phase II Projects

New Hamakua Hanehoi	Koolau West Wailuanui	Koolau East Wailuanui	Timetable to complete Phase II projects
Sealing of stream intake is by bolting plates over intake grate. Haiku and Lowrie ditch project work needs to be completed prior to work on this diversion.	Sealing of stream intake is by bolting plates to seal openings in the diversion structure.	Sealing of stream intake is by bolting plates to seal two small openings in the diversion structure.	<b>1 to 2 months after obtaining all required approvals and completing any required consultations</b>

### Phase III Projects

Wailoa Honopou	New Hamakua Honopou	Haiku Honopou	Wailoa Hanehoi	Koolau Piinaau	Timetable to complete Phase III projects
Sealing of stream intake is by bolting plates over intake grate. Haiku and New Hamakua Ditch projects on this stream must be completed first.	Sealing of stream intake is by bolting plates over intake grate. Haiku Ditch project on this stream must be completed first.	Sealing of stream intake is by bolting plates over intake grate <u>and</u> sealing openings below grate with rocks/concrete. It is believed that covering the grate alone will not prevent flow into the ditch, so rocks and concrete will be needed to block part of the intake.	Intent is to seal 3 ft x 5 ft intake grate by bolting steel plate. Haiku, Lowrie and New Hamakua ditch project needs to be completed prior to work on this diversion.	Seal opening with concrete.	<b>3 to 4 months after obtaining all required approvals and completing any required consultations</b>

### Phase IV Projects

New Hamakua Puolua	New Hamakua Lowrie	Timetable to complete Phase IV projects
Ditch is cut into stream bed, so would need to install a pipe or box culvert with wing walls in the stream bed through which the ditch can pass beneath the stream. Anticipate large diameter pipe to handle up to 100 MGD. Option of passing stream in pipe/culvert over ditch, but this may complicate CWASection 404 exemption. Haiku and Lowrie ditch projects needs to be completed prior to work on this diversion.	Ditch is cut into stream bed, so would need to install a pipe or box culvert with wing walls in the stream bed through which the ditch can pass beneath the stream. Anticipate up to 42-inch diameter pipe to handle 60 MGD. Haiku ditch project needs to be completed prior to work on this diversion.	<b>5 to 6 months after obtaining all required approvals and completing any required consultations</b>

Work can proceed immediately after CWRM gives verbal approval (consultation with the USACE is recommended prior to any work in the stream)

Work can proceed after CWRM gives verbal approval and OCCL approves site plan (consultation with the USACE is recommended prior to any work in the stream)

Work can proceed after CWRM issues diversion abandonment permit and OCCL approves site plan (consultation with USACE is recommended prior to any work in the stream)

Extensive stream work required. Letter to USACE recommended in addition to other approvals.

Stream	Koolau/Wailoa	New Hamakua	Lowrie	Haiku
Honopou	Sealing of stream intake is by bolting plates over intake grate. Haiku and New Hamakua Ditch projects on this stream must be completed first.	Sealing of stream intake is by bolting plates over intake grate. Haiku Ditch project on this stream must be completed first.	Sealing of stream intake is by closing an existing gate; no work on diversion or in stream required. Haiku Ditch project on this stream must be completed first and may require an abandonment permit before proceeding.	Sealing of stream intake is by bolting plates over intake grate <u>and</u> sealing openings below grate with rocks/concrete. It is believed that covering the grate alone will not prevent flow into the ditch, so rocks and concrete will be needed to block part of the intake.
Puolua	N/A	Ditch is cut into stream bed, so would need to install a pipe or box culvert with wing walls in the stream bed through which the ditch can pass beneath the stream. Anticipate large diameter pipe to handle up to 100 MGD. Option of passing stream in pipe/culvert over ditch, but this may complicate CWASection 404 exemption. Haiku and Lowrie ditch projects needs to be completed prior to work on this diversion.	Ditch is cut into stream bed, so would need to install a pipe or box culvert with wing walls in the stream bed through which the ditch can pass beneath the stream. Anticipate up to 42-inch diameter pipe to handle 60 MGD. Haiku ditch project needs to be completed prior to work on this diversion.	Sealing of stream intake is by bolting small plate over opening into ditch (not in stream).
Hanehoi	Intent is to seal 3 ft x 5 ft intake grate by bolting steel plate. Haiku, Lowrie and New Hamakua ditch project needs to be completed prior to work on this diversion.	Sealing of stream intake is by bolting plates over intake grate. Haiku and Lowrie ditch project work needs to be completed prior to work on this diversion.	Sealing of stream intake is by bolting plates over intake grate. Need to repair leakage into ditch along edge if grate first. Haiku ditch project work needs to be completed prior to work on this diversion.	Sealing of stream intake opening is by bolting plate over intake grate openings in intake grate.
Piinaau	Seal opening with concrete.	N/A	N/A	N/A
Palauhulu	Most flow will be restored by removal of sluice gate. Scope of work for full restoration is to be determined. All work is anticipated to be restricted to tunnel.	N/A	N/A	N/A
West Wailuanui	Sealing of stream intake is by bolting plates to seal openings in the diversion structure.	N/A	N/A	N/A
East Wailuanui	Sealing of stream intake is by bolting plates to seal two small openings in the diversion structure.	N/A	N/A	N/A

Work can proceed immediately after CWRM gives verbal approval (consultation with the USACE is recommended prior to any work in the stream)

Work can proceed after CWRM gives verbal approval and OCCL approves site plan (consultation with the USACE is recommended prior to any work in the stream)

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PAAKEA, WAIAAKA, KAPAULA, )  
HANAWI, AND MAKIPIPI STREAMS )  
\_\_\_\_\_)

CERTIFICATE OF SERVICE

On May 31, 2016, a copy of the foregoing document was served on:

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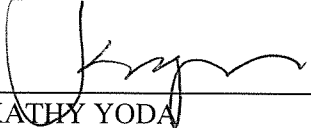
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\_\_\_\_\_  
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