STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

June 4, 2021

Ref.: PAIFS.1782.6;
PAIFS.1792.6;
CDR.5095.6

Paul Subrata
Maui Land & Pineapple Company, Inc.
200 Village Road
Lahaina, HI 96761

NOTICE OF COMMISSION ACTION
Amend Interim Instream Flow Standards for Honokōhau and Kaluanui Streams
in the Surface Water Hydrologic Unit of Honokōhau (6014) and
Honolua Stream in the Surface Water Hydrologic Unit of Honolua (6013), West Maui

Aloha Mr. Subrata:

This letter serves as your notice of action taken by the Commission on Water Resource Management (Commission) on the subject amendment to the instream flow standards for the surface water hydrologic units of Honolua (6013) and Honokōhau (6014). On May 18, 2021, by unanimous vote, the Commission approved the following actions:

1. RESERVATION OF WATER FOR DHHL
   - Approve a reservation of surface water for the Department of Hawaiian Home Lands based on the updated medium-range demands for the Honokōwai Regional Plan, in the amount of 2.00 mgd from the Honokōhau Stream through the Honokōhau Ditch. The reservation of 2.00 mgd of non-potable water for DHHL will also provide more certainty for Maui Department of Environmental Management (Maui DEM) to invest in the infrastructure needed to blend and distribute R1 with reduced chloride levels that meet non-potable needs in the Lahaina Region.

2. Should blended recycled water become available for offstream uses, the Commission will seek to optimize use of this source to reduce demand for water diverted from streams and the Commission shall review the feasibility of recycled water in any future actions related to adjustments of the interim IFS to this (Honokōhau) stream.

3. INTERIM IFS ON HONOLUA STREAM

   - Staff recommends that natural flow be established for Honolua Stream below the Honokōhau Ditch diversion to maintain the habitat immediately downstream of the diversion.

IMPLEMENTATION

- Diversion 769 was formally abandoned on September 15, 2020, so the interim IFS will take effect immediately.

MONITORING

- Staff shall continue to monitor streamflow by maintaining a stream gaging station on Honolua Stream or coordinating with USGS as needed.

4. INTERIM IFS ON KALUANUI STREAM

- Staff recommends that natural flow be established for Kaluanui Stream below the Honokōhau Ditch diversion.

IMPLEMENTATION

- Diversion 768 was formally abandoned on September 15, 2020, so the interim IFS will take effect immediately.

5. INTERIM IFS ON HONOKŌHAU STREAM

To protect instream uses and non-instream public trust uses, staff recommends that an interim IFS be established in two phases for Honokōhau Stream:

Phase One (pre-DHHL implementation of Regional Plan)
The interim IFS on Honokōhau Stream at McDonald's Dam (at the 340 foot elevation), shall be a flow of 8.6 mgd. The interim IFS represents the restoration of 64% of median base flow (BFQ_{50}) as estimated at USGS 16620000 (7.4 mgd), plus the additional 2.3 mgd of groundwater gains between USGS 16620000 and Aotaki Weir and 1.4 mgd of groundwater gains between Aotaki Weir and McDonald's Dam minus 2.5 mgd for the Maui DWS. The interim IFS is expected to be in excess of the water needs to support the existing needs of loʻi as well as future acreage while protecting aquatic biota, recreation, and domestic uses at all elevations, and ensuring sufficient water to meet traditional and customary practices 100% of the time in Honokōhau Valley. MLP is required to meet the interim IFS 100% of the time. There should also be adequate ditch flow to meet Maui DWS needs of 2.5 mgd at the Māhinahina WTF 100% of the time. It is understood that during extreme drought ($< Q_{90}$; < 11.0 mgd at Aotaki Weir), 100% of the off-stream needs of non-public trust uses may not be met.

Phase Two (upon initial DHHL implementation of Regional Plan)
The interim IFS on Honokōhau Stream at McDonald's Dam (at the 340 foot elevation), shall be a variable interim IFS (See Table 2 below). The interim IFS will be the restoration of 50% of total flow at USGS 16620000 plus 2.4 mgd in groundwater gained between USGS 16620000 and McDonald's Dam. The 2.4 mgd is 50% of the estimated 4.8 mgd in total groundwater gain between USGS 16620000 and McDonald's Dam. The interim IFS is expected to support all instream values and Honokōhau Valley domestic uses while providing for non-instream public trust uses (domestic uses provided by Maui DWS and DHHL). MLP is required to meet the interim IFS 100% of the time. There

should also be adequate ditch flow to meet Maui DWS needs of 2.5 mgd at the Māhinahina WTF 100% of the time. With 2.0 mgd of non-potable agricultural water for DHHL, Maui DEM can blend 2.1 mgd of R1 water from the Lahaina Wastewater Treatment Facility at 50:50 to make available 4.2 mgd of non-potable water to meet the agricultural needs of DHHL and other agricultural uses in the Lahaina Region. It is understood that during extreme drought ($< Q_{90}$; < 11.0 mgd at Aotaki Weir), 100% of the off-stream needs of non-public trust uses may not be met. However, Kapalua Water Company (KWC) has plenty of capacity in its drilled wells to utilize groundwater as a backup supply for its non-potable needs when insufficient water is available in the ditch.

IMPLEMENTATION

- Interim IFS will be implemented within 120 days of Commission action.
- Staff shall seek to enforce the provisions of the State Water Code should any unauthorized, non-registered or non-permitted diversions be discovered in the course of its fieldwork.

MONITORING

- While staff relied on USGS seepage run measurements to evaluate stream gains and losses within Honokōhau, measurements were done during the 1995-1997. Additional measurements will be conducted as part of the Joint Funding Agreement with USGS approved by the Commission March 17, 2020 and as recommended by the USGS.
- Continued funding to support real-time gaging of Honokōhau Stream and ditch system to monitor the availability of water for multiple public trust purposes.

ENFORCEMENT

- Pursuant to HRS § 174C-15, the Commission recommends that a violation of the interim IFS be defined as when the mean daily flow measured or monitored in Honokōhau Stream at McDonald's Dam (at an elevation of 340 feet) does not meet the interim IFS for three or more consecutive days or four days out of seven in any consecutive period. Real-time interim IFS monitoring and mean daily flow calculations will be provided by the Commission through a publicly available cloud-based database. Real-time flow in Honokōhau Ditch at Adit 6 will also be provided by the Commission through this database.

EVALUATION

- Within five years from the date of Commission action, staff shall report to the Commission on the progress of implementing the interim IFS and the impacts of the interim IFS upon instream and non-instream uses.
- Based on existing hydrological data, current uses, proposed interim IFS values, and future public trust uses, estimates of water availability to meet non-instream, non-public trust uses are summarized for various flow values in Table 2.
- Staff shall assess the implementation of these strategies on an as-needed basis, as may be necessary upon consultation with the affected parties.

Table 2. Predicted mean daily flow (mdf) and low-flow duration exceedance values (in million gallons per day, mgd) for flow above Diversion 770 at Aotaki Weir and available water for non-instream uses from Honokōhau Stream in Phase One and Phase Two of the proposed interim IFS values. Note: some discrepancy due to rounding

Phase One	**Water Use**	**mdf**	**Q_{50}**	**Q_{70}**	**Q_{90}**
flow at USGS 1662000	instream	22.6	16.0	12.1	8.7
groundwater gains	instream	3.4	3.4	2.8	2.3
available above DIV 770	instream	26.0	19.4	14.9	11.0
groundwater gains	instream	1.4	1.4	1.4	1.4
interim IFS at McDonald's Dam	instream	**8.6**	**8.6**	**8.6**	**8.6**
amount available off stream	non-instream	18.8	12.2	7.7	3.8
Uses met					
Maui DWS domestic water supply		2.5	2.5	2.5	2.5
DHHL non-potable water demand[1]		0.0	0.0	0.0	0.0
MLP non-instream uses		1.8	1.8	1.8	1.8
system loss:		0.6	0.6	0.6	0.6
total off-stream demand:		4.3	4.3	4.3	4.3
total off-stream demand met:		4.3	4.3	4.3	3.2
unmet demand:		0.0	0.0	0.0	1.1
Phase Two		**mdf**	**Q_{50}**	**Q_{70}**	**Q_{90}**
flow at USGS 1662000	instream	22.6	16.0	12.1	8.7
groundwater gains	instream	3.4	3.4	2.8	2.3
available above DIV 770	instream	26.0	19.4	14.9	11.0
groundwater gains	instream	1.4	1.4	1.4	1.4
interim IFS at McDonald's Dam	instream	**13.7**	**10.4**	**8.5**	**6.8**
amount available off stream	non-instream	16.0	12.0	9.1	6.5
Uses met					
Maui DWS domestic water supply		2.5	2.5	2.5	2.5
DHHL non-potable water demand		2.0	2.0	2.0	2.0
MLP non-instream uses		1.8	1.8	1.8	1.8
system loss:		0.6	0.6	0.6	0.6
total off-stream demand:		6.3	6.3	6.3	6.3
total off-stream demand met:		6.3	6.3	6.3	5.1
unmet demand:		0.0	0.0	0.0	1.3

[1]assumes DDHL demand only during Phase Two

FORMAL COMPLAINT

- The interim IFS proposed will protect instream public trust uses including water in its natural state, domestic uses, and water for traditional and customary practices in the Honokōhau and Honolua hydrologic units while providing for non-instream public trust uses of water. These interim IFS also provide for off-stream uses of water that are reasonable and beneficial uses in the public interest, including making water available for agriculture and providing a source of water to be blended with the available R1 recycled water, therefore helping to protect nearshore coral reef ecosystems.
- The actions proposed in this submittal will improve instream flows, upgrade the infrastructure to improve the management of the irrigation system and provide protections for public trust uses of water.
- Commission actions to address other portions of the complaint related to waste will be addressed by a future Commission action following additional research.

The Commission appreciates your prompt attention to the implementation of diversion modifications to ensure that the Phase One interim IFS on Honokōhau Stream is met. We also encourage Maui Land and Pineapple to continue reaching out to and working with the community, as discussed at the Commission meeting, to provide transparency and build trust moving forward together.

Ola i ka wai,

M. KALEO MANUEL
Deputy Director

c. Lance D. Collins, on behalf of Ka Malu o Kahalwai and West Maui Preservation Association
Anthony Carrasco, Hawai‘i Water Service

STATE OF HAWAIʻI | KA MOKUʻĀINA ʻO HAWAIʻI
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA ʻOIHANA KUMUWAIWAI ʻĀINA
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO
P.O. BOX 621
HONOLULU, HAWAII 96809

October 8, 2025

Ref.: CDR.5095.6

CERTIFIED COPY MAIL IS FORTHCOMING
RETURN RECEIPT REQUESTED

Mr. Race Randle
Maui Land & Pineapple Co.
500 Office Road
Lahaina, HI 96761
Via email: [redacted]

Aloha Mr. Randle:

NOTICE OF ALLEGED VIOLATION
Interim Instream Flow Standard and Failure to Follow Through
With Commission Order from November 20, 2019
Honokōhau Stream, Honokōhau, Maui

Notice is hereby given by the Commission on Water Resource Management (Commission) that Maui Land & Pineapple Co. (MLP) may be in violation of the following:

1. The measurable interim instream flow standard (interim IFS) for Honokōhau Stream, at the MacDonald's Dam near an altitude of 340 feet, established by the Commission on May 18, 2021, in the amount of 13.3 cubic feet per second (8.6 million gallons per day).

2. The Commission's November 20, 2019 order, as amended on October 19, 2021, requiring installation of restrictor plates at Diversion 770 (Aotaki Weir) and installation of a remotely operable valve and associated power source and communications system to return flow from Honokōhau Ditch at Adit 16.

Hawai'i Revised Statutes §174C-71(2) and Hawai'i Administrative Rules §13-169-30(b) direct the Commission to establish instream flow standards on a stream-by-stream basis whenever necessary to protect the public interest in waters of the State. The staff of the Commission monitors and regulates these established instream flow standards to ensure the protection of instream uses and adequate sharing of this limited resource for non-instream purposes.

Under HRS §174C-15, HAR §13-168-3, and the Commission's Administrative and Civil Penalty Guideline (G14-01), any person who violates any provision of this chapter or any rule adopted

pursuant to this chapter, may be subject to a fine imposed by the Commission. Such fine shall not exceed $5,000 per violation. For a continuing offense, each day's continuance is a separate violation.

BACKGROUND

On November 20, 2019, the Commission approved a request from staff to modify the Honokōhau Ditch intake at Diversion 770 (Aotaki Weir) to provide improved control over the quantity of water diverted and monitoring of diverted flow to ensure compliance by:

- Replacing the existing damaged intake with one that can be remotely operated; and
- Providing real-time metering of each distribution point from the Honokōhau Ditch and providing the real-time data to CWRM.

The Commission approved and ordered the implementation of these modifications, which included:

- Within 180 days of Commission action, MLP will submit engineering plans and a stream diversion works permit (SDWP) to upgrade Diversion 770 on Honokōhau Stream to provide for remote operation of the diverted flow.
- Within 120 days of SDWP approval, MLP will commence construction of approved upgrades to Diversion 770.

On May 18, 2021, the Commission approved an amendment to the interim instream flow standard (IFS) of 8.6 mgd (13.3 cfs) on Honokōhau Stream at McDonald's Dam (at an elevation of 340 feet). In doing this, the Commission approved the staff recommendation that a violation of the interim IFS be defined as when the mean daily flow measured or monitored in Honokōhau Stream at MacDonald's Dam (at an elevation of 340 feet) does not meet the interim IFS for *three or more consecutive days* or *four days out of seven in any consecutive period*." (Emphasis added.)

In subsequent discussions between Commission staff, MLP, the system operator, and their consultant, it was deemed impractical to supply the energy and communications necessary to operate the required upgrade to the intake at Aotaki Weir. Adit 16 was identified as a more easily accessible location for the installation and maintenance of complex power and communications systems. Accordingly, on October 19, 2021, the Commission approved an amendment to its November 20, 2019 order to allow certain modifications to be made at Adit 16 rather than Aotaki Weir. The Commission's amended order required MLP to:

a. Install a restrictor plate on the new intake grates [at Aotaki Weir] to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch;

b. Install a restrictor plate on the new intake grates [at Aotaki Weir] to keep the highest flows in Honokōhau Stream from flowing into Honokōhau Ditch; and

c. Install a remotely operable valve and associated power source and communications system to return flow from Honokōhau Ditch back to Honokōhau Stream at Adit 16.

Final engineering plans for this work were to be submitted within 90 days and work was to be completed within six months.

On October 26, 2021, the Commission received a request for determination (*RFD.5797.6*) from MLP to: 1) modify Diversion 770 to install low-flow and high-flow restrictor plates on the intake grating; and 2) install a remotely-operated control gate on Adit 16.

On December 2, 2021, Commission staff responded to the RFD approving the requested modifications to the ditch and intake. Within six months, temporary plywood restrictor plates had been installed on the Honokōhau Ditch intake at Aotaki Weir, but no permanent restrictor plates had been installed, and no work had commenced to improve Adit 16.

In June 14, 2025, Hawai‘i Water Service, on behalf of MLP, installed a remotely operated gate at Adit 15 (also known as “Taro Gate”) to control the return of water back to Honokōhau Stream. This gate returns water to Honokōhau Stream but cannot return the entirety of diverted flow if ditch flow exceeds the threshold flow of the gate when fully open. To operate the gate, the system “wakes up” three times per day during daylight hours and adjusts the return flow by opening or closing the gate. If insufficient energy is available to adjust the gate, or if discharge dynamics are changing rapidly, the system is regularly out of compliance with the interim IFS.

On September 16, 2025, MLP and Hawai‘i Water Service appeared at the Commission’s regular meeting and presented an update on the status of modifications to the system, including the intakes and return gates. The plans presented by MLP and Hawai‘i Water Service appeared to contemplate installation of a remotely operated gate at Diversion 770 (Aotaki Weir) rather than Adit 16.

DETERMINATION OF NON-COMPLIANCE WITH INTERIM INSTREAM FLOW STANDARD

The Commission maintains a real-time continuous record gaging station at MacDonald’s Dam (station 6-149) to monitor the interim IFS. The station measures stage approximately every 30 minutes and transmits the value to a cloud-based database for processing. Streamflow from this station is made available to the public in near real-time and verified by discharge measurements made in the field. Site visit measurements are used to ensure the accuracy of the rating model used to convert stage (water level) into streamflow (discharge). From August 2024 to September 2025, staff made 16 flow measurements in Honokōhau Stream at MacDonald’s Dam (Table 1). On three site visits in the last 14 months, discharge measurements indicated that the interim IFS was not being met while staff were on site: September 9, 2024, July 8, 2025, and July 24, 2025.

Table 1. Measured flow in Honokōhau Stream a MacDonald's Dam, Honokōhau Stream at Aotaki Weir approximately 75 min prior, and streamflow at USGS 16620000 approximately 90 minutes prior.

Date	Time	Honokōhau Streamflow at MacDonald's Dam		Streamflow at USGS 16620000		Honokōhau Streamflow at Aotaki Weir	
		cfs	mgd	cfs	mgd	cfs	mgd
08/02/2024	15:45	14.8	9.57	14.4	9.31	21.5	13.90
09/09/2024	12:11	13.0	8.40	13.9	8.98	20.9	13.51
01/28/2025	10:03	39.2	25.3	31.5	20.4	38.6	24.95
02/06/2025	12:09	13.4	8.66	11.4	7.37	15.6	10.07
04/01/2025	14:31	13.4	8.66	9.33	6.03	13.0	8.38
04/28/2025	16:33	25.2	16.3	18.1	11.7	25.2	16.29
06/23/2025	10:01	74.8	48.3	85.7	55.4	92.8	59.98
07/08/2025	16:16	12.8	8.27	16.8	10.9	23.9	15.45
07/15/2025	14:50	16.5	10.7	16.8	10.9	23.9	15.45
07/24/2025	11:51	12.9	8.34	11.1	7.17	15.0	9.71
08/14/2025	12:00	14.6	9.44	10.7	6.92	14.3	9.25

According to Commission gaging records at station 6-149, from January 1, 2025 to August 14, 2025 (225 days), there were 36 days (16.0%) where the mean daily flow on Honokōhau Stream, measured at MacDonald's Dam, was below the interim IFS (Figure 1). Those dates are identified in Table 2, with the mean daily flow measured at U.S. Geological Survey station 16620000 on Honokōhau Stream and at Aotaki Weir on Honokōhau Stream.

Based on measured streamflow values, there is sufficient water to meet the interim IFS if the USGS 16620000 station reads at least 9.9 cfs (6.4 mgd) and no water is diverted out of Honokōhau Stream due to the groundwater gains in streamflow between USGS 16620000 and Aotaki Weir (Table 3) and the groundwater gains between Aotaki Weir and MacDonald's Dam (Table 4). On the date of each violation, there was sufficient water in Honokōhau Stream above Aotaki Weir to meet the interim IFS (Table 2). Commission staff communicated with the ditch operator on May 28, 2025, July 8, 2025, July 23, 2025, and July 27, 2025 regarding non-compliance with the interim IFS.

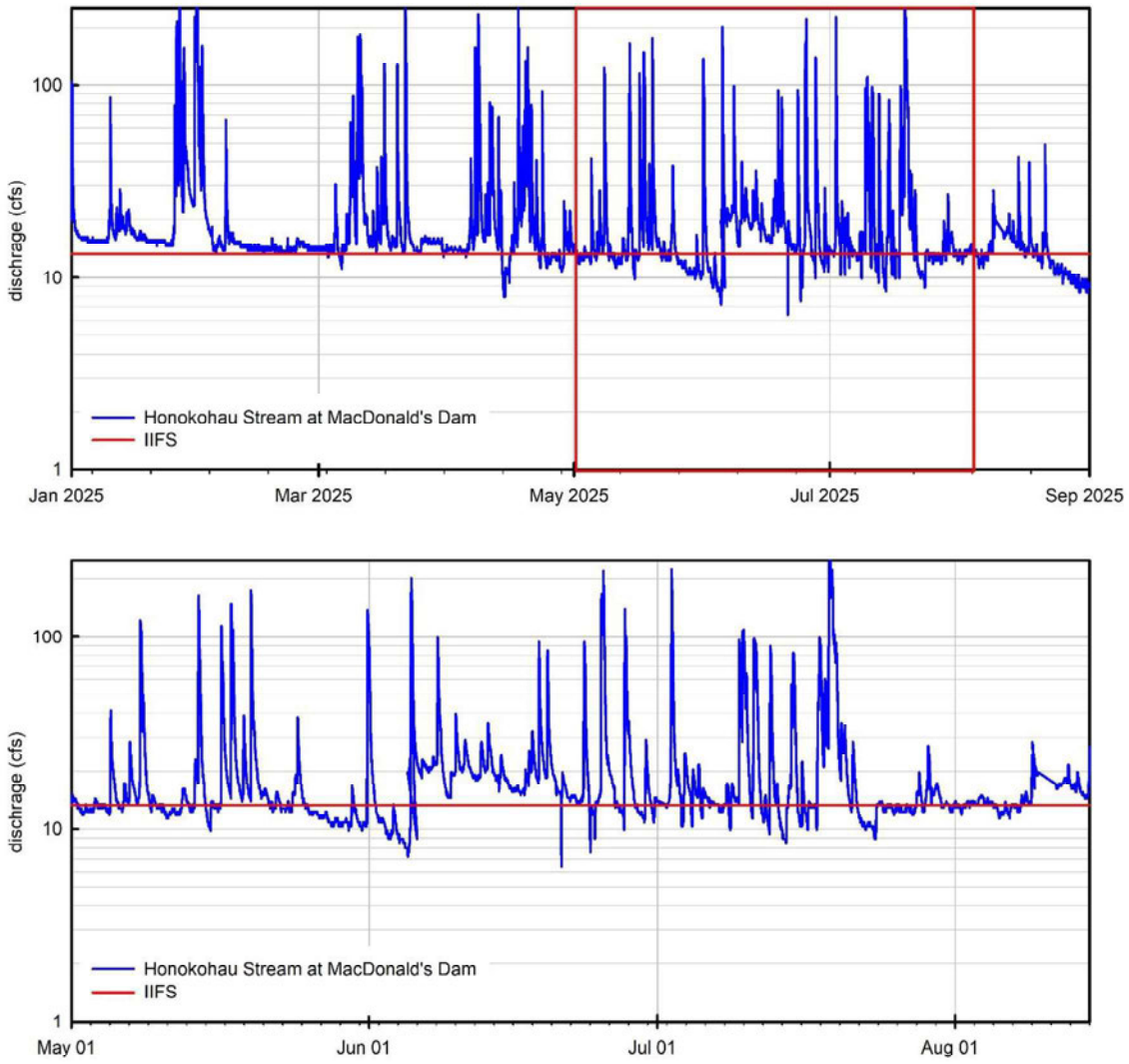

Figure 1. Continuous streamflow record for CWRM 6-149 Honokōhau Stream at MacDonald's Dam (blue) from January 1, 2025 to September 1, 2025 with the interim instream flow standard (red) identified (top graph). Zoomed in portion of top graph (red box) for May 1, 2025 to August 14, 2025 (bottom graph).

Table 2. Dates when mean daily flow at CWRM 6-149 fell below the interim IFS, mean daily flow at USGS 16620000, and mean daily flow at Aotaki Weir. Colored rows indicate when the violation occurred on three consecutive days or four out of seven days.

Date	Mean Daily Flow Honokōhau Stream at MacDonald's Dam		Mean Daily Flow Honokōhau Stream at USGS 16620000		Mean Daily Flow Honokōhau Streamflow at Aotaki Weir	
	cfs	mgd	cfs	mgd	cfs	mgd
03/06/2025	13.1	8.46	9.64	6.23	12.5	8.11
04/14/2025	9.70	6.26	11.6	7.50	16.0	10.31
04/15/2025	11.8	7.60	11.1	7.17	15.0	9.71
04/24/2025	12.3	7.97	12.2	7.88	17.1	11.07
04/25/2025	12.5	8.09	11.2	7.24	15.2	9.83
04/26/2025	12.8	8.28	10.8	6.98	14.5	9.37
04/27/2025	12.3	7.95	10.6	6.85	14.1	9.14
05/02/2025	12.4	8.02	10.6	6.85	14.1	9.14
05/03/2025	13.1	8.47	11.3	7.30	15.4	9.95
05/04/2025	12.9	8.35	11.2	7.24	15.2	9.83
05/10/2025	12.7	8.18	10.8	6.98	14.5	9.37
05/11/2025	12.2	7.88	10.7	6.92	14.3	9.25
05/15/2025	12.1	7.83	11.9	7.69	16.5	10.69
05/23/2025	12.9	8.36	12.1	7.82	16.9	10.94
05/25/2025	13.3	8.57	12	7.76	16.7	10.81
05/26/2025	12.0	7.75	10.9	7.04	14.7	9.48
05/27/2025	11.5	7.41	10.4	6.72	13.8	8.92
05/28/2025	10.8	6.96	10.2	6.59	13.5	8.70
05/29/2025	10.6	6.85	10.3	6.66	13.6	8.81
05/30/2025	12.1	7.84	12.8	8.27	18.4	11.88
06/02/2025	10.5	6.77	11.5	7.43	15.8	10.19
06/03/2025	10.1	6.55	12.4	8.01	17.5	11.33
06/04/2025	8.6	5.57	10.7	6.92	14.3	9.25
06/24/2025	12.7	8.24	11.0	7.11	14.9	9.63
07/07/2025	13.0	8.37	10.8	6.98	14.5	9.37
07/22/2025	10.6	6.86	12.8	8.27	18.4	11.88
07/23/2025	10.7	6.91	11.7	7.56	16.2	10.44
07/24/2025	13.1	8.47	11	7.11	14.9	9.60
07/25/2205	12.8	8.29	10.8	6.98	14.5	9.37
07/26/2025	12.6	8.17	10.7	6.92	14.3	9.25
07/27/2025	12.6	8.14	11	7.11	14.9	9.60
07/31/2025	13.0	8.41	10.8	6.98	14.5	9.37
08/01/2025	13.0	8.39	10.8	6.98	14.5	9.37
08/05/2025	12.4	8.03	10.2	6.59	13.5	8.70
08/06/2025	12.7	8.22	11.1	7.17	15.0	9.71
08/07/2025	13.2	8.51	11	7.11	14.9	9.60

Table 3. Total streamflow in Honokōhau Stream immediately below Aotaki Weir, which is the sum of measured streamflow in Honokōhau Ditch at Adit 6 and measured streamflow immediately below Aotaki Weir, with streamflow at USGS 16620000 approximately 15 minutes prior to measurement for reference.

Date	Streamflow at USGS 16620000		Honokōhau Stream immediately below Aotaki Weir		Honokōhau Ditch at Adit 6		Total Streamflow at Aotaki Weir	
	cfs	mgd	cfs	mgd	cfs	mgd	cfs	mgd
11/02/2021	12.1	7.82	10.7	6.92	7.26	4.69	18.0	11.6
08/25/2022	12.6	8.14	7.5	4.85	9.37	6.06	16.9	10.9
07/10/2023	13.1	8.47	10.3	6.66	8.67	5.60	19.0	12.3
10/10/2023	11.4	7.37	11.3	7.30	4.19	2.71	15.5	10.0
12/04/2023	11.1	7.17	10.8	6.98	5.02	3.24	15.8	10.2
08/13/2024	12.6	8.14	10.3	6.66	8.98	5.80	19.3	12.5
02/26/2025	11.7	7.56	11.0	7.11	4.61	2.98	15.6	10.1
07/10/2025	35.8	23.1	29.8	19.3	9.67	6.25	39.5	25.5

Table 4. Total streamflow in Honokōhau Stream at MacDonald's Dam, which is the sum of measured streamflow in Honokōhau Ditch at Honolua and measured streamflow at MacDonald's Dam, with streamflow at USGS 16620000 approximately 90 minutes prior to measurement for reference.

Date	Time	Honokōhau Stream at MacDonald's Dam		Honokōhau Ditch at Honolua		Total Streamflow at MacDonald's Dam		Streamflow at USGS 16620000	
		cfs	mgd	cfs	mgd	cfs	mgd	cfs	mgd
11/08/2023	15:45	10.3	6.66	4.12	2.66	14.42	9.32	12.2	7.88
02/06/2025	11:28	13.4	8.66	3.72	2.40	17.12	11.06	11.7	7.56
04/01/2025	15:30	13.4	8.66	1.24	0.80	14.64	9.46	9.0	5.82
07/08/2025	16:16	12.8	8.27	5.19	3.35	17.99	11.62	13.1	8.47
07/24/2025	14:00	12.9	8.34	0.78	0.50	13.68	8.84	11.1	7.17
08/14/2025	12:00	14.6	9.44	0.064	0.04	14.67	9.48	10.7	6.92
09/15/2025	10:30	13.5	8.72	0.10	0.06	13.6	8.79	10.0	6.65

Regarding the first alleged violation, we expect MLP to take immediate steps to ensure compliance with the interim IFS on Honokōhau Stream.

Regarding the second alleged violation, MLP remains out of compliance with both the Commission's November 20, 2019 order and its October 19, 2021 amendment. The 2019 order required MLP to install a remotely operated control gate at Diversion 770 (Aotaki Weir). The 2021 amended order instead required installation of a remotely operated valve at Adit 16.

To date, MLP has not completed the modifications required under either order. While MLP and Hawai'i Water Service have begun work consistent with the 2019 directive—specifically, to install a remotely operated gate at Aotaki Weir—no such work has been completed at Adit 16 as required by the Commission's 2021 amended order.

If MLP intends to implement upgrades at Aotaki Weir rather than Adit 16, that approach must be confirmed by Commission action to ensure it satisfies the intent of the 2021 order. In the meantime, staff expects MLP to submit its final engineering plans, construction schedules, and supporting materials for review as soon as possible.

We welcome MLP to provide a response within thirty (30) days of the date of this letter, as we intend to schedule this case before the Commission for final disposition. You will be notified at that time concerning the meeting time and place.

We appreciate your attention to this matter. If you have any questions, please contact Dr. Ayron Strauch of the Commission staff at (808) 587-[redacted], or via email at [redacted].

Ola i ka wai,

CIARA W.K. KAHAHANE
Deputy Director

cades · schutte
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November 10, 2025

VIA E-MAIL

Ciara Kahahane
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street, Suite 227
Honolulu, Hawai'i 96813

Re: CDR.5095.6

Dear Deputy Director Kahahane:

On behalf of Maui Land & Pineapple Company, Inc. ("**MLP**"), I write in response to the Notice of Alleged Violation (the "**NOAV**") of the interim instream flow standard for Honokohau Stream (the "**IIFS**") and regarding certain improvements required under the Commission on Water Resource Management's ("**CWRM**") order of November 20, 2019 (the "**Original Order**"), as amended on October 19, 2021 (the "**Amended Order**"). We appreciate the opportunity to respond to the NOAV and look forward to working with CWRM.

The NOAV alleges that MLP violated the IIFS on 28 days between January 1 and August 14, 2025. As explained below, because the USGS station readings were higher than the minimal read of 9.9 cfs on each of the 28 days of alleged violation and Taro Gate was fully open to return all water to Honokohau Stream on 26 of the 28 days of alleged violation, MLP believes it did not violate the IIFS.

The NOAV also alleges that MLP is out of compliance with the Original Order and the Amended Order because MLP did not install permanent low and high flow restrictor plates at Diversion 770 or a remotely operable valve and associated power source and communications system at Adit 16. These alternative improvements were intended to ensure compliance with the IIFS by leaving more water in the Stream or returning more water to the Stream. The low restrictor plate was installed in 2024. MLP acknowledges that the other two improvements have not been completed. However, in June and October 2025, in coordination with CWRM staff, MLP installed upgrades to the system that will provide more complete and responsible management of the system than the improvements required in the Orders. Accordingly, MLP will request that the Commission amend the Amended Order by formally accepting the upgrades as the required improvements.

EXHIBIT 5

Alleged Non-Compliance with the IIFS. Pursuant to the Amended Order, "a violation of the interim IIFS [is] defined as when the mean daily flow measured or monitored in Honokohau Stream at MacDonald's Dam (at an elevation of 340 feet) does not meet the interim IFS for **three or more consecutive days or four days out of seven in any consecutive period**." NOAV at 2 (citing the Amended Order) (emphasis in original). As the NOAV explains, the IIFS will be met when (1) "the USGS 16620000 station [(located mauka of Diversion 770)] reads at least 9.9 cfs (6.4 mgd)" and (2) "no water is diverted out of Honokohau Stream[.]" NOAV at 4. Under this standard, MLP believes that it complied with the IIFS.

According to the NOAV, on each of the 28 days of alleged violation, the USGS station read at least 10.2 cfs, which means some amount of water could have been diverted from Honokohau Stream and not returned at Taro Gate without violating the IIFS. NOAV at 6, Table 2. Nevertheless, MLP's system operator confirmed that Taro Gate was fully open to return all water to the Stream on 26 of the 28 days of alleged violation. On the two remaining days (July 22 and 23), Taro Gate had malfunctioned and, as a result, stopped in a partial open position. The Taro Gate was promptly repaired. Because the USGS station readings were higher than the minimal reading of 9.9 cfs on each of the 28 days of alleged violation and Taro Gate was fully open to return all water to Honokohau Stream on 26 of the 28 days of alleged violation, MLP believes that it complied with the IIFS.

To the extent that the NOAV relies on identified MacDonald's Dam streamflow in Table 2 of the NOAV, MLP respectfully requests an opportunity to discuss the data with CWRM. There appear to be multiple data sets on streamflow. For example, the NOAV explains:

> The Commission maintains a real-time continuous record gaging station at MacDonald's Dam (station 6-149) to monitor the [I]IFS. The station measures stage approximately every 30 minutes and transmits the value to a cloud-based database for processing. Streamflow from this station is made available to the public in near real-time and verified by discharge measurements made in the field.

NOAV at 3.

MLP understands that the near real-time streamflow data from station 6-149 is "verified by discharge measurements made in the field" and published (usually) monthly at CWRM's Data Portal site (the "**Verified Data**"). NOAV at 3. At various times, the near real-time streamflow data is also recalibrated on CWRM's addVantage site (the "**Recalibrated Data**"). It appears that the flows at MacDonald's Dam that are identified in Table 2 of the NOAV use the Recalibrated Data.

Although the Recalibrated Data shows stream flows lower than the IIFS (13.3 cfs) on each of the 28 days, it does not appear that MLP violated the IIFS.

First, as explained above, the reading at the USGS station was at least 10.2 cfs on each of the 28 days identified in the NOAV and the Taro Gate was fully open on 26 of those 28 days. While a malfunction caused the Taro Gate to be only partially open on two days, at no point were there three consecutive days of diversion past Taro Gate. Thus, even if the Recalibrated Data is the correct measure for purposes of determining whether there was enough streamflow to divert water on a particular day, an operator could only violate the IIFS if it actually diverted water when there was insufficient streamflow on three consecutive days or for any four days over a consecutive seven-day period. Since flows were shown to be adequate at the USGS station on each of the 28 days identified in the NOAV and MLP returned all water on 26 of those 28 days, MLP could not have violated the IIFS even though the Recalibrated Data from the gaging station at MacDonald's Dam showed streamflow below the IIFS.

Second, the Verified Data for the 28 days identified in the NOAV shows that MLP did not violate the IIFS. The table to the right reports the Verified Data taken from CWRM's Data Portal site, which identifies flows in amounts above the IIFS (13.3 cfs) on 26 of the 28 days of alleged violation. At no point were there three consecutive days or any four days over a consecutive seven-day period where streamflow fell below the IIFS (13.3 cfs).

Date	Flow @ USGS station per NOAV (cfs)	Flow @ MacDonalds per CWRM Data Portal (cfs)
4/24/2025	12.2	26.4
4/25/2025	11.2	26.7
4/26/2025	10.8	27.3
4/27/2025	10.6	26.4
5/2/2025	10.6	20.9
5/3/2025	11.3	22.1
5/4/2025	11.2	21.9
5/23/2025	12.1	22.2
5/25/2025	12.0	22.5
5/26/2025	10.9	20.7
5/27/2025	10.4	20.2
5/28/2025	10.2	19.4
5/29/2025	10.3	19.2
5/30/2025	12.8	21.1
6/2/2025	11.5	19.1
6/3/2025	12.4	18.8
6/4/2025	10.7	16.8
7/22/2025	12.8	11.6
7/23/2025	11.7	11.8
7/24/2025	11.0	14.9
7/25/2025	10.8	15.1
7/26/2025	10.7	15.0
7/27/2025	11.0	14.9
7/31/2025	10.8	15.4
8/1/2025	10.8	15.4
8/5/2025	10.2	14.8
8/6/2025	11.1	15.2
8/7/2025	11.0	15.7

To ensure compliance going forward and avoid any misunderstanding, we request the opportunity to discuss the various data sets, and to understand how the Verified Data and Recalibrated Data is calculated and how MLP can comply in real time with

measurements that are not determined until they have been recalibrated.[1]

MLP closes this section by noting that it will install additional gaging stations in the Stream and at various distributions points in the Ditch System. The equipment for the distribution points has been delivered. The stations will be installed within six months. MLP will coordinate with CWRM staff on the best locations for the gaging stations and will share all data with CWRM staff and the public.

Improvements. The Original Order directed MLP to install a remotely operated gate at Diversion 770 to control the intake of water into the Ditch. Based on the advice of Akinaka & Associates Ltd., MLP understood that it was impractical to supply the energy and communications necessary to operate the upgrade to the intake at the Diversion. Instead, Akinaka identified Adit 16 as a better location for the installation of complex power and communications systems.

Relying on this guidance, the Commission's Amended Order allowed the installation of a remotely operated valve and associated power source and communications system at Adit 16 to return water to the Stream in lieu of the remotely operated intake control gate at Diversion 770. To address the Original Order's intent to control the intake of water into the Ditch so that more water remains in the Stream, the Commission relied on the advice of Akinaka and directed MLP to install low flow and high flow restrictor plates on the bar screens at Diversion 770.

After receiving Commission approval for the work, MLP installed low and high flow temporary restrictor plates on the bar screens at Diversion 770 in April 2022. However, over time, it became apparent that this design allowed water to enter the Ditch at levels that could exceed the ability to capture and return the water to the Stream at Adit 16 during low streamflow. Among other things, Adit 16 has a relatively small diameter return flow pipe. Adit 16 also suffered from power and communications challenges, similar to CWRM's real-time ditch flow sensor communication system at Adit 6, which went offline in 2022 and was abandoned.

In 2024, MLP installed an improved low flow restrictor plate at Diversion 770 at the location of the flow control gates, in addition to the restrictor plates installed on the bar screen. The installation of the improved low flow restrictor plate met the intent of the Amended Order and ensured that more water remained in the Stream during low flow conditions and reduced the amount of water to be returned to the Stream.

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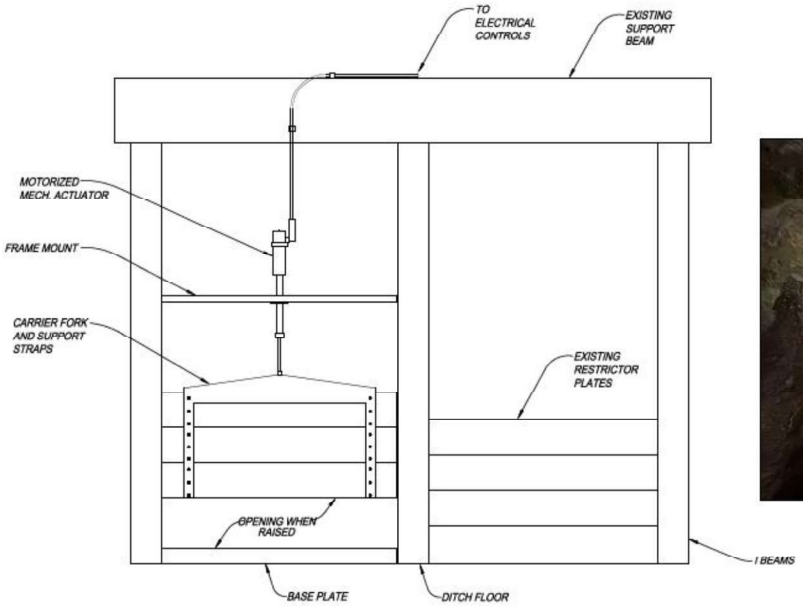
[1] Table 2 of the NOAV also identifies streamflow at Diversion 770. It is unclear how the flow at Diversion 770 is calculated.

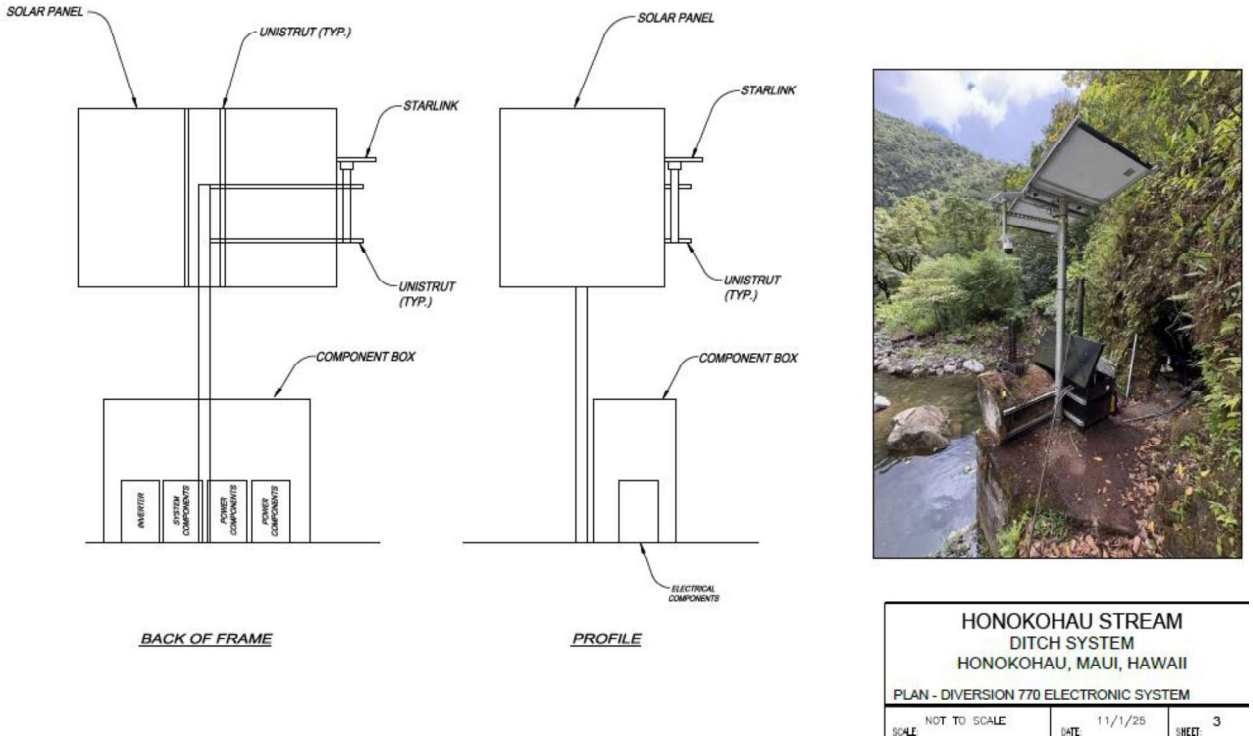
With the assistance of a new consultant and technological advancements, remote operation of the control of water into the Ditch at Diversion 770 (the Original Order) and the return of water via the Taro Gate (instead of Adit 16 under the Amended Order) became possible.

Although no longer required by the Amended Order, in October 2025, and in coordination with CWRM staff, the remotely operated gate at Diversion 770 was installed.[2] The gate controls the quantity of water that enters the Ditch,[3] thereby significantly reducing the volume of water entering the Ditch during low flows and keeping more water flowing the full length of the Stream. MLP believes that remote operation and monitoring will allow faster response times and more nuanced adjustments in response to low streamflow to maintain the IIFS.

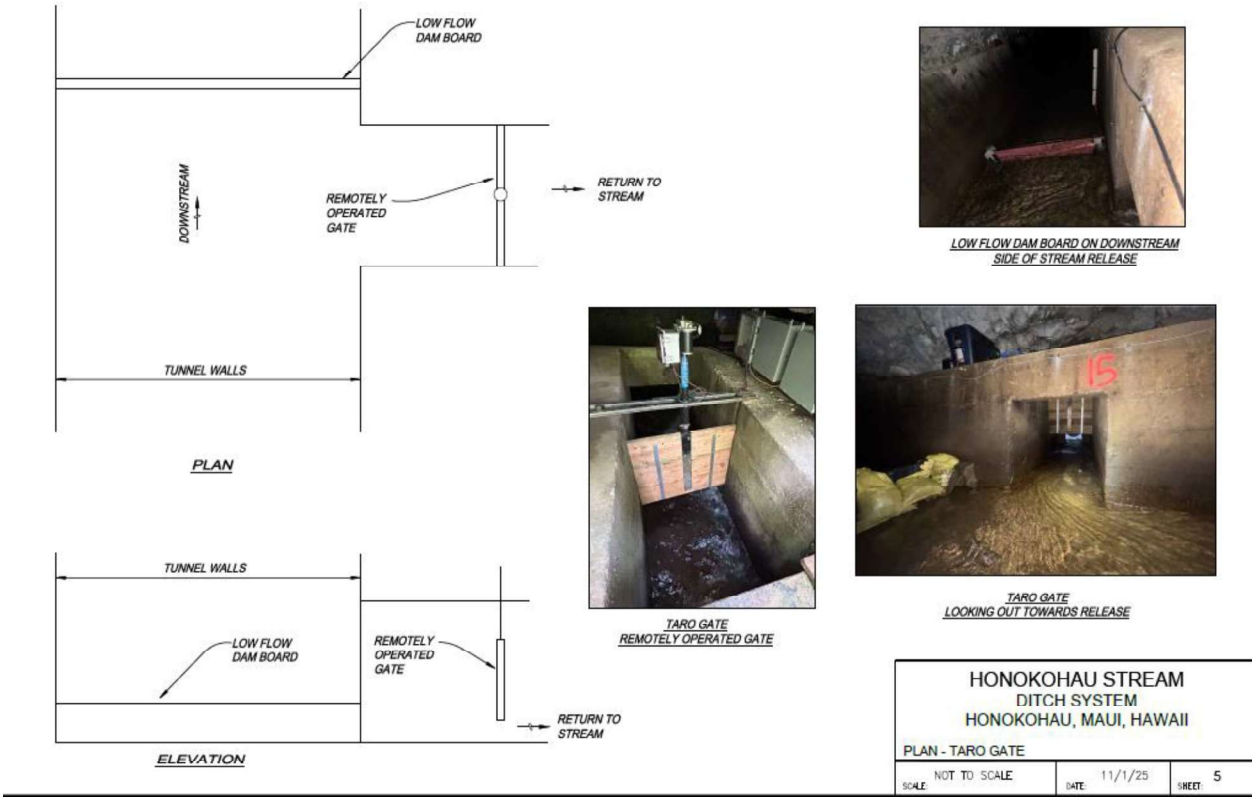


[2] On July 11, 2025, MLP met with CWRM staff to discuss the remotely operated gate at Diversion 770. The same day, MLP received confirmation from staff to proceed with the installation. The final engineering plans, equipment specs and construction schedule for Diversion 770 was submitted to CWRM staff on October 31, 2025.

[3] As designed, the remotely operated gate at Diversion 770 eliminates the need for low and high flow restrictor plates to meet the IIFS. MLP intends, however, to keep the restrictor plates to further assist with reducing debris in the Ditch.



In April 2025, an internal dam downstream of Taro Gate was installed in the Ditch to minimize flow of water past the gate and aid in the ability to return water to the stream. In June 2025, in coordination with CWRM staff, the remotely operated Taro Gate was installed. In October 2025, the power storage at Taro Gate was upgraded to move toward 24/7 operation. As discussed above, the Gate controls the return of water to the Stream based on streamflow. In this way, Taro Gate acts as a backup control to the automated gate at Diversion 770 by ensuring that water that may have entered the Ditch is returned to the Stream if flows are low.



MLP believes the result of these improvements is a superior system. The intent of the Orders was to restrict water from entering the Ditch (Original Order) or return water to the Stream (Amended Order). The improvements under the Orders were not intended to allow more water to be diverted during low flow periods. The improvements under the Amended Order, as recommended by Akinaka, would have made it both harder to meet the IIFS (small diameter return flow at Adit 16) and harder to capture water during intermittent high flows (fixed barriers at Diversion 770). The completed upgrades accomplish remote operation to keep water in and return water to the Stream and remote operation to capture higher flows of water. MLP will respectfully request that the Commission amend the Amended Order by accepting the foregoing upgrades that satisfy the Orders.

MLP is committed to responsible stewardship of this valuable resource. To this end, MLP will continue to work with CWRM staff and the community, including sharing data and reviewing operational concepts, to protect the resource for the benefit of the community.

Thank you for the opportunity to respond. Please call me at (808) 521-9220 if I can provide additional information.

Very truly yours,

Calvert G. Chipchase
for
CADES SCHUTTE
A Limited Liability Law Partnership

cc: client

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A LIMITED LIABILITY LAW PARTNERSHIP

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November 24, 2025

VIA E-MAIL

Ciara Kahahane
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street, Suite 227
Honolulu, Hawai'i 96813

Re: CDR.5095.6

Dear Deputy Director Kahahane:

On behalf of Maui Land & Pineapple Company, Inc. ("**MLP**"), I submit this supplemental response to the Notice of Alleged Violation (the "**NOAV**") of the interim instream flow standard for Honokohau Stream at the MacDonald's Dam in the amount of 13.3 cfs (8.6 mgd) (the "**IIFS**"). We appreciate the opportunity to supplement our response to the NOAV and look forward to continuing to work with the Commission on Water Resource Management ("**CWRM**").

The NOAV alleges that MLP violated the IIFS on 28 days between January 1 and August 14, 2025. We understand and accept that the measurements to determine whether the IIFS was met are based on the near real-time streamflow data from station 6-149 that is recalibrated on CWRM's addVantage site (the "**Recalibrated Data**") and not on the "**Verified Data**" that is "verified by discharge measurements made in the field" and published (usually) monthly at CWRM's Data Portal site. While we accept that the near real-time data provides the relevant measurements to determine whether the IIFS was met, we ask that the resolution of the NOAV consider that the Verified Data for the 28 days identified in the NOAV shows that MLP did not violate the IIFS. *See* MLP's Response dated November 10, 2025 at 3 (Table showing that under Verified Data, MLP did not violate the IIFS).

Using the Recalibrated Data, MLP does not believe that it violated the IIFS on 8 of the 28 days of alleged violation. As explained below, on these 8 days, the USGS station readings were above 10.2 cfs (higher than the minimum read of 9.9 cfs), Taro Gate was fully open to return all water to Honokohau Stream and, most importantly, none of the offstream users of the Ditch System received water from Honokohau Stream.

EXHIBIT 6

Operations During the Alleged Non-Compliance Period. To meet the IIFS, Hawaii Water Service ("**HWS**"), MLP's system operator, monitors stream flows and keeps the Taro Gate open by default to return water to the Stream. When the Gate is closed and stream flows at MacDonald's Dam drop to 16.0 cfs, the Taro Gate is opened. Based on MLP's system operator's substantial experience with the system and Honokohau Stream flows, opening the Gate when flows at MacDonald's Dam drop to 16.0 cfs should ensure that the IIFS is met. As explained in our letter dated November 10, Taro Gate was fully open on 26 of the 28 days of alleged violation, which allowed a full return at Taro Gate. On 2 of the 28 days, Taro Gate was partially open due to a malfunction.

Alleged Non-Compliance with the IIFS. Pursuant to the Amended Order, "a violation of the interim IIFS [is] defined as when the mean daily flow measured or monitored in Honokohau Stream at MacDonald's Dam (at an elevation of 340 feet) does not meet the interim IFS for **three or more consecutive days or four days out of seven in any consecutive period**." NOAV at 2 (citing the Amended Order) (emphasis in original). Under this standard, an operator violates the IIFS only if it actually diverts water when there is insufficient streamflow on three consecutive days or for any four days over a consecutive seven-day period.

On 8 of the 28 days, none of the offstream users of the Ditch System received water from Honokohau Stream, even inadvertently. Intakes 1 and 2, which deliver water from Honokohau Stream via the Ditch System to HWS and the Kapalua Golf Courses were closed, and the County and MLP's farm tenants did not receive water from Honokohau Stream via the Ditch System. *See* enclosed Spreadsheet (8 days highlighted in green).

For these reasons, MLP respectfully submits that it did not violate the IIFS on those 8 of 28 days of alleged violation, specifically April 26, May 3, May 25, May 27, May 28, May 29, June 4 and August 6. With those days removed from consideration, a violation of the IIFS occurred only on 20 of the 28 days in the NOAV. Following the rule that a violation only occurs when the mean daily flow measured or monitored in Honokohau Stream at MacDonald's Dam does not meet the IIFS for three or more consecutive days or four days out of seven in any consecutive period, MLP believes that the IIFS was not violated on April 24, 25, 27; May 2, 4, 23, 26, 30; and June 2, 3. This leaves 10 days of violation of the IIFS, specifically July 22, 23, 24, 25, 26, 27, 31 and August 1, 5, 7.

MLP is committed to responsible stewardship of this valuable resource. MLP believes that the completed improvements made to the Ditch, including but not limited to the remote operation of the control of water into the Ditch at Diversion 770 and the return of water via the Taro Gate, and the installation of additional gaging

stations in the Stream and at various distribution points in the Ditch System will ensure compliance going forward. MLP will continue to work with CWRM staff and the community, including sharing data and reviewing operational concepts, to protect the resource for the benefit of the community.

Thank you for the opportunity to respond. Please call me at (808) 521-9220 if I can provide additional information.

Very truly yours,

Calvert G. Chipchase
for
CADES SCHUTTE
A Limited Liability Law Partnership

enclosure: spreadsheet
cc: client

	Stream Monitoring Data							IIFS Measures								Offstream Use								
	USGS Streamflow DATA		CWRM IIFS Data (IIFS = 8.6 mgd or 13.3 cfs)					Diversion Restriction Measures		Stream Return Measures						Kapalua Use			Kapalua Well Supplement		Agricultural Use	COM DWS Use	
Date	Mean Daily Flow @ USGS Station (cfs)	Mean Daily Flow @ USGS Station **(mgd)**	Real-Time (unverified "recalibrated") Mean Daily Flow @ MacDonald's Dam per CWRM (cfs)	Real-Time (unverified "recalibrated") Mean Daily Flow @ MacDonald's Dam per CWRM **(mgd)**	Actual (verified) Mean Daily Flow @ MacDonald's Dam per corrected CWRM Data (cfs)	Actual (verified) Mean Daily Flow @ MacDonald's Dam per corrected CWRM Data **(mgd)**	Real-time flow in Honokōhau Ditch at Adit 6 per CWRM data (cfs)	Low and High Flow Restrictor Plates Installed at D770 debris grate (Apr. 2022)	Low Flow Restrictor Plate Installed at D770 tunnel (June 2024)	Stream Return Flow Sensors Installed at Adit 15, "Taro Gate" (Jan. 2025)	Low Flow Restrictor Dam Boards Installed at Adit 15 "Taro Gate" (April 2025)	Remotely Operable Gate Installed at Adit 15 "Taro Gate" (June 2025)	Stream Return function of Adit 15 "Taro Gate"	Stream Return Flow at Adit 15 "Taro Gate" to Stream (cfs)	Stream Return Flow at Adit 15 "Taro Gate" to Stream **(mgd)**	HWS Water Conservation Tier Level (Tier 4 = no irrigation allowed)	Intake 2 to Plantation Reservoir	Intake 1 to Village Reservoir	Kapalua Wells 1/2 Groundwater Interconnect Run? (Yes/No)	Kapalua Wells 1/2 Groundwater Interconnect pumpage estimate **(mgd)**	Ditch Water Received by MLP Farm Tenants **(mgd)**	Ditch water recieved by COM DWS **(mgd)**	Notes
4/24/2025	12.2	7.9	12.3	8.0	26.4	17.0	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.3	2.8	Tier 4	Closed	Closed	No	0.0	0.0	1.5	Taro Gate open and flow in ditch released to stream
4/25/2025	11.2	7.2	12.5	8.1	26.7	17.2	n/a	Yes	Yes	Yes	Yes	No	Partial Return	2.2	1.4	Tier 4	Closed	Closed	No	0.0	0.0	0.8	
4/26/2025	10.8	7.0	12.8	8.3	27.3	17.7	n/a	Yes	Yes	Yes	Yes	No	Full Return	6.2	4.0	Tier 3	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
4/27/2025	10.6	6.9	12.3	8.0	26.4	17.1	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.5	2.9	Tier 4	Closed	Open	Yes	0.7	0.0	0.4	Taro Gate open and flow in ditch released to stream
5/2/2025	10.6	6.9	12.4	8.0	20.9	13.5	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.2	2.7	Tier 4	Open	Closed	Yes	1.6	0.0	0.1	Taro Gate open and flow in ditch released to stream
5/3/2025	11.3	7.3	13.1	8.5	22.1	14.3	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.4	2.8	Tier 3	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/4/2025	11.2	7.2	12.9	8.4	21.9	14.2	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.3	2.8	Tier 4	Closed	Open	Yes	1.5	0.0	0.1	Taro Gate open and flow in ditch released to stream
5/23/2025	12.1	7.8	12.9	8.4	22.2	14.4	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.5	2.9	Tier 4	Closed	Open	Yes	1.6	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/25/2025	12.0	7.8	13.3	8.3	22.5	14.5	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.9	3.2	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/26/2025	10.9	7.0	12.0	7.8	20.7	13.4	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.6	3.0	Tier 4	Open	Open	Yes	1.8	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/27/2025	10.4	6.7	11.5	7.4	20.2	13.0	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.5	2.9	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/28/2025	10.2	6.6	10.8	7.0	19.4	12.5	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.4	2.8	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/29/2025	10.3	6.7	10.6	6.9	19.2	12.4	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.4	2.8	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
5/30/2025	12.8	8.3	12.1	7.8	21.1	13.6	n/a	Yes	Yes	Yes	Yes	No	Full Return	4.6	3.0	Tier 4	Closed	Open	Yes	1.8	0.0	0.0	Taro Gate open and flow in ditch released to stream
6/2/2025	11.5	7.4	10.5	6.8	19.1	12.4	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.4	2.8	Tier 4	Open	Closed	Yes	1.7	0.0	0.0	Taro Gate open and flow in ditch released to stream
6/3/2025	12.4	8.0	10.1	6.6	18.8	12.1	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.4	2.8	Tier 4	Closed	Open	Yes	1.7	0.0	0.0	Taro Gate open and flow in ditch released to stream
6/4/2025	10.7	6.9	8.6	5.6	16.8	10.9	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.3	2.8	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
7/22/2025	12.8	8.3	10.6	6.9	11.6	7.5	n/a	Yes	Yes	Yes	Yes	Yes	Partial Return	1.3	0.8	Tier 3	Closed	Closed	No	0.0	0.0	1.7	Adit 16 "Taro Gate" errored in partial open position
7/23/2025	11.7	7.6	10.7	6.9	11.8	7.6	n/a	Yes	Yes	Yes	Yes	Yes	Partial Return	2.3	1.5	Tier 3	Closed	Closed	No	0.0	0.0	0.8	HWS deployed to Adit 16 and repaired "Taro Gate"
7/24/2025	11.0	7.1	13.1	8.5	14.9	9.6	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.6	3.0	Tier 4	Closed	Closed	No	0.0	0.0	0.2	Taro Gate open and flow in ditch released to stream/CWRM Field Visi
7/25/2025	10.8	7.0	12.8	8.3	15.1	9.8	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.6	3.0	Tier 4	Closed	Closed	No	0.0	0.0	0.2	Taro Gate open and flow in ditch released to stream
7/26/2025	10.7	6.9	12.6	8.2	15.0	9.7	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.6	3.0	Tier 4	Closed	Open	Yes	1.7	0.0	0.2	Taro Gate open and flow in ditch released to stream
7/27/2025	11.0	7.1	12.6	8.1	14.9	9.6	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.6	3.0	Tier 4	Closed	Open	Yes	1.7	0.0	0.2	Taro Gate open and flow in ditch released to stream
7/31/2025	10.8	7.0	13.0	8.4	15.4	10.0	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.9	3.2	Tier 4	Closed	Open	Yes	1.6	0.0	0.0	Taro Gate open and flow in ditch released to stream
8/1/2025	10.8	7.0	13.0	8.4	15.4	10.0	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.9	3.2	Tier 4	Closed	Open	Yes	1.7	0.0	0.0	Taro Gate open and flow in ditch released to stream
8/5/2025	10.2	6.6	12.4	8.0	14.8	9.6	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.8	3.1	Tier 4	Closed	Open	Yes	1.7	0.0	0.0	Taro Gate open and flow in ditch released to stream
8/6/2025	11.1	7.2	12.7	8.2	15.2	9.8	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.8	3.1	Tier 4	Closed	Closed	No	0.0	0.0	0.0	Taro Gate open and flow in ditch released to stream
8/7/2025	11.0	7.1	13.2	8.5	15.7	10.2	n/a	Yes	Yes	Yes	Yes	Yes	Full Return	4.9	3.2	Tier 4	Closed	Open	Yes	1.5	0.0	0.0	Taro Gate open and flow in ditch released to stream
	Total	**281.7**			**Total**	**417.5**								**Total**	**88.8**				**Totals**	**24.0**	**0.0**	**13.0**	

Tier 3 = 60% reduction of normal non-potable water use

Tier 4 = Restriction of all non-potable irrigation use

Based on daily records by HWS

HWS Meter Records

Days where none of offstream users received water from Ditch (Intakes 1 and 2 closed, no water received by COM and MLP Farm Tenants)

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

October 19, 2021

Ref.: CDR.5095.6; PAIFS.1792.6

Paul Subrata
Maui Land & Pineapple Company, Inc.
200 Village Road
Lahaina, HI 96761

Aloha Mr. Subrata:

NOTICE OF COMMISSION ACTION
Approve Amendment to Commission Order to Maui Land & Pineapple
For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1)
Originally Approved on November 20, 2019 in Order to Meet the Instream Flow Standard for
Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014), Honokōhau, Maui

This letter serves as your notice of action taken by the Commission on Water Resource Management (Commission) on the subject amendment to the Commission Order originally approved on November 20, 2019. On October 19, 2021, by a vote of 6-to-1, the Commission approved the following actions:

1) Approve the modification to the original order from November 20, 2019 to now require the following related to Aotaki Weir and Adit 16:

   a. MLP will install a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch.

   b. MLP will install a restrictor plate on the new intake grates to keep the high flows in Honokōhau Stream from flowing into Honokōhau Ditch.

   c. MLP will install a remotely-operable valve and associated power source and communications system to return flow from Honokōhau Ditch back to Honokōhau Stream at Adit 16.

2) Within 30 days, MLP, coordinated by Hawaii Water Service, will install high and low plywood restrictor plates to serve as temporary mitigation measures to keep lowest and high flows in Honokōhau Stream until permanent restrictor plates can be installed; as well as to inform optimal placement of the permanent restrictor plates.

3) All other orders from November 20, 2019 not explicitly modified by recommendation 1 above remain in full effect.

4) Within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 6 months.

The Commission appreciates your prompt attention to the implementation of modifications to Diversion 770 on Honokōhau Stream to ensure that the interim IFS on Honokōhau Stream is met. We encourage Maui Land and Pineapple to continue engaging with the community to provide transparency and build trust moving forward together.

Ola i ka wai,

M. KALEO MANUEL
Deputy Director

c. Gilbert Keith-Agaran, Takitani Agaran Jorgensen & Wildman, LLLP
Ken Kawahara, Akinaka & Associates, Ltd.
Lance D. Collins, on behalf of Ka Malu o Kahalawai and West Maui Preservation Association
Anthony Carrasco, Hawaii Water Service
Karyn Kanekoa, Pūnana Leo o Lahaina