



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA  
**COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO**  
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STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

May 19, 2026  
Honolulu, Hawai'i

Approval of Stream Channel Alteration Permit (SCAP.6484.6) Application  
And Special Conditions;  
Applicant County of Maui, Department of Public Works;  
'Īao Stream Bridge No. 59 Rehabilitation,  
Wailuku River, Wailuku Surface Water Management Area, Maui,  
Tax Map Key: (2) 3-5-003:999

APPLICANT

County of Maui, Department of Public Works  
200 S. High St. #8  
Wailuku, HI 96793

LANDOWNER

Same

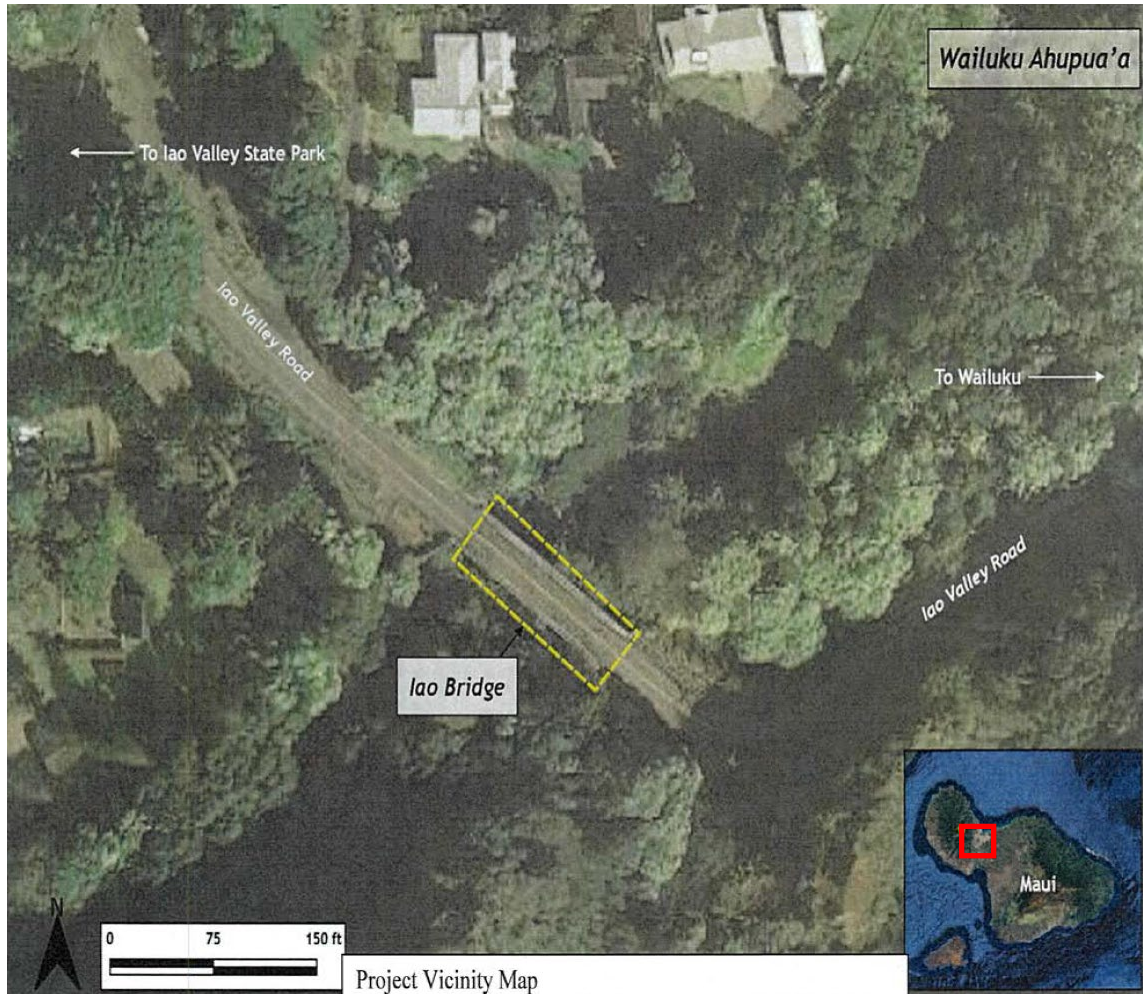
I. SUMMARY OF REQUEST

Staff requests that the Commission:

1. Approve Stream Channel Alteration Permit (SCAP.6484.6) by the County of Maui, Department of Public Works (DPW) to rehabilitate the 'Īao Stream Bridge No. 59, located on the Wailuku River.

Location: Wailuku River, Wailuku, Maui. See Figure 1.

Figure 1: Location of the 'Īao Stream Bridge No. 59 on the 'Īao Valley Road as it crosses the Wailuku River.



## II. BACKGROUND

On October 22, 2025, the DPW filed a complete stream channel alteration permit (SCAP) application that is available online at [https://files.hawaii.gov/dlnr/cwrm/swreview/SCAP\\_6484\\_6.pdf](https://files.hawaii.gov/dlnr/cwrm/swreview/SCAP_6484_6.pdf).

### **STREAM DESCRIPTION**

Wailuku River occurs within the Wailuku surface water hydrologic unit (6024). Both the National Hydrography Dataset and the Division of Aquatic Resources classify Wailuku River as perennial. The total drainage area is 10.9 square miles with a maximum basin elevation of 5,785 feet. The longest flow path is approximately 8.81 miles and the mean annual precipitation is 120.2 inches. There are approximately 29 surface water use permits serviced on the Wailuku River.

The low-flow characteristics in Wailuku River at U.S. Geological Survey (USGS) stream-gaging station 16604500, near an altitude of 780 feet and above all diversions, is presented below for varying periods of record (See Table 1).

Table 1. Low-flow characteristics in cubic feet per second (million gallons per day) in Wailuku River at USGS 16604500 at 780ft for varying periods of record.

Period of Record	Q <sub>50</sub>	Q <sub>55</sub>	Q <sub>60</sub>	Q <sub>65</sub>	Q <sub>70</sub>	Q <sub>75</sub>	Q <sub>80</sub>	Q <sub>85</sub>	Q <sub>90</sub>	Q <sub>95</sub>	Q <sub>99</sub>
1984-2007 <sup>1</sup>	39 (25)	35 (23)	32 (21)	30 (19)	27 (17)	25 (16)	23 (15)	21 (14)	19 (12)	17 (11)	13 (8.4)
1984-2013 <sup>2</sup>	36 (23)	33 (21)	30 (19)	28 (18)	26 (17)	24 (16)	22 (14)	20 (13)	18 (12)	16 (10)	
2004-2023	34 (22)	31 (20)	28 (18)	26 (17)	24 (15)	22 (14)	20 (13)	19 (12)	17 (11)	15 (10)	12 (7.7)

The main diversion on Wailuku River is the ‘Īao-Waikapū / ‘Īao-Māniana Ditches near an altitude of about 780 feet. The Wailuku River Flood Control Project starts about 2.5 miles above the mouth of Wailuku River and consists of a debris basin, a concrete channel that runs from the debris basin to just downstream of North Market Street, a 20-foot vertical drop, a broadened but unlined channel running to Waiehu Beach Road, and concrete wing walls running about one-half of the distance from the Waiehu Beach Road to the mouth of the river.

## PROJECT DESCRIPTION

The proposed project involves rehabilitating the ‘Īao Stream Bridge No. 59, constructed in 1955, and will include replacing the parapet rails, end stanchions, and guardrail, and repairing minor concrete spalls and scour. All work in the stream will be performed according to best management practices (BMPs) to protect the surrounding environment from project activity. The rail replacement will require the addition of new concrete pier support at abutments and each pier, and the following activities:

1. Construct new concrete supports and deck slab/sidewalk and railing.
2. Complete structural repairs and rehabilitation work on bridge bearings and creep blocks.
3. Install temporary stream diversion and construct in-stream scour repairs.
4. De-mobilization: remove all materials and equipment from the work area.

All work in the stream will be performed according to best management practices (BMPs) to protect the surrounding environment for project activities.

Figure 2 shows the area of stream channel alteration located under the bridge and within the ‘Īao Valley Road right-of-way. Location shown in red. Figure 2a is a photo of the boulder field located upstream of and near the work area; Figure 2b is a photo of repairs to be made on a bridge pier abrasion; Figure 2c is a photo of spalling on an abutment; Figure 2d is a photo of an eroded portion of a concrete rubble masonry wall.

Figure 2: Project area. The area of the stream channel alteration is shown in red.



Figure 2a: A photo of the boulder field near the bridge looking upstream.



Figure 2b: A photo of abrasion on a pier to be repaired.



Figure 2c: A photo of spalling on the abutment to be repaired.

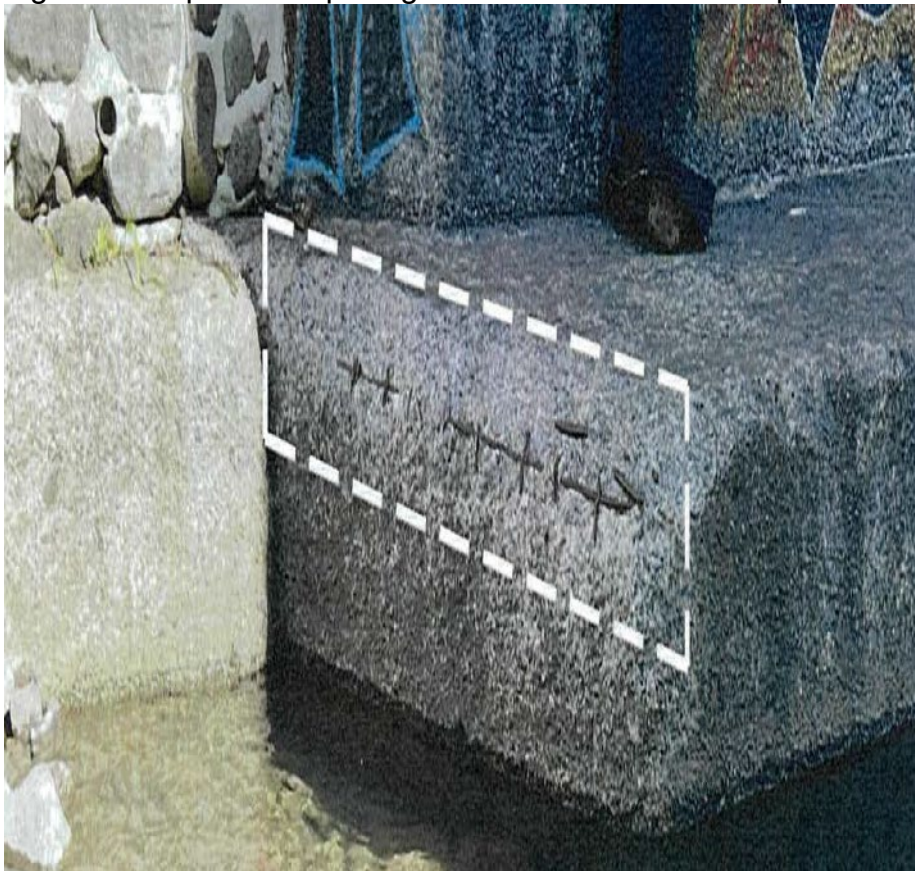
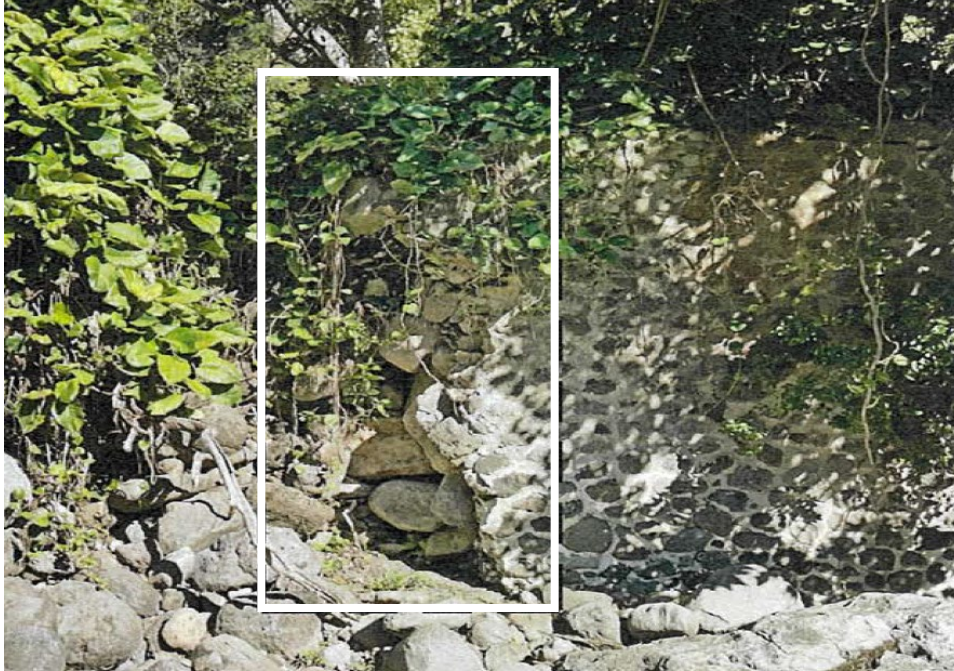


Figure 2d: A photo of an eroded portion of the masonry wall to be repaired.



The work plan in the stream includes a temporary diversion around the abutments and piers. Grout bags will keep the work area dry while allowing continuous streamflow. See Figure 3. The grout bags will be approximately 3 to 4 ft. in length and width, and 1 ft. thick. The bags will be installed in phases, with Phase 1 involving the installation of grout bags on the left bank (north side of Wailuku River) and streamflows directed toward the right bank (south side). Following the removal of grout bags from Phase 1, Phase 2 will involve the installation of grout bags around the two bridge piers in the middle of the stream and streamflow directed toward the left bank. Figures 3a and 3b. The complete grout bag installations may be viewed online at [https://files.hawaii.gov/dlnr/cwrmswreview/SCAP\\_6484\\_6.pdf](https://files.hawaii.gov/dlnr/cwrmswreview/SCAP_6484_6.pdf).

Ensuring continuous streamflow through the project site will allow for stream biota to transit through the area. The grout bag installation is expected to have a total length, upstream to downstream, of approximately 28 ft. The Commission staff does not anticipate any adverse impacts to stream biota due to the short length and continuity of streamflow through the proposed project area.

Figure 3a. Plan view diagram for the Phase 1 temporary diversion of streamflow using grout bags on the left bank (north side) and directing streamflow towards the middle of the river channel and right bank.

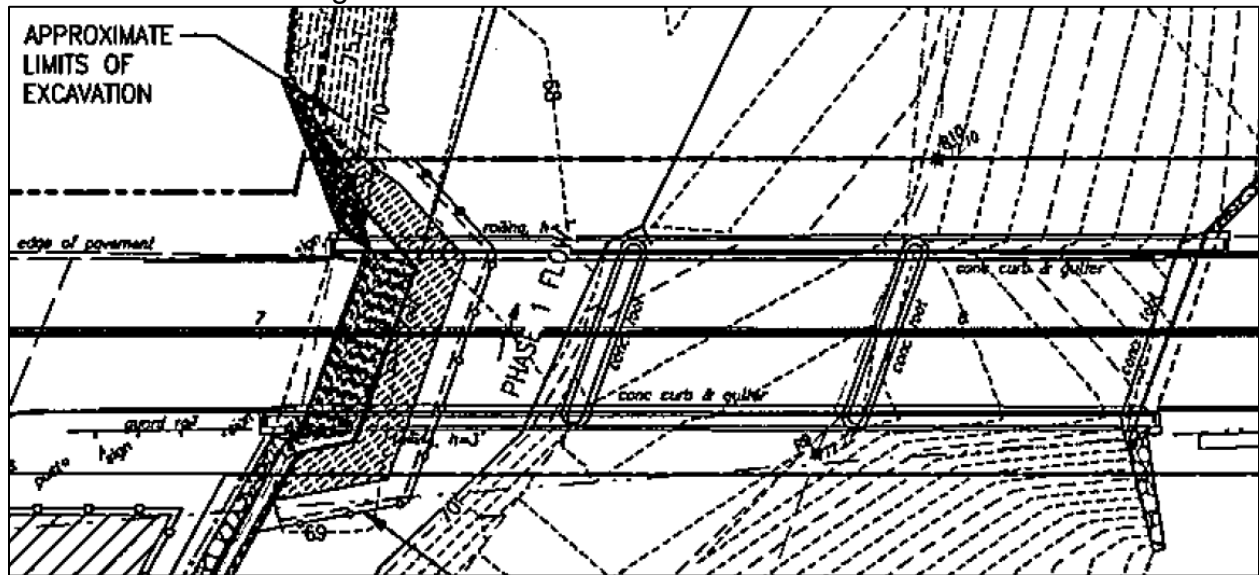
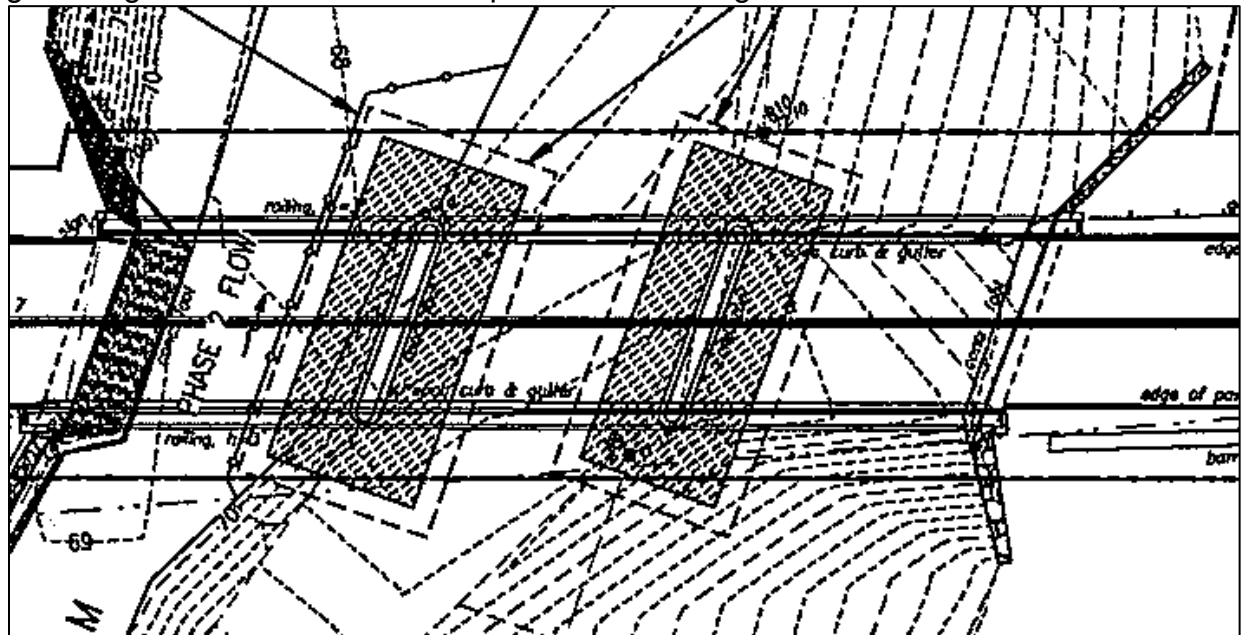


Figure 3b. Plan view diagram for the Phase 2 temporary diversion of streamflow using grout bags around the middle two piers and directing streamflow towards the left bank.



### III. FINDINGS AND ANALYSIS

#### **STAFF REVIEW**

Criteria for ruling on a SCAP application are found at Hawaii Administrative Rules § 13-169-52. Under HAR §13-169-52(b), “Based upon the findings of fact concerning an application for a stream channel alteration permit, the Commission shall either approve in whole, approve in part, approve with modifications, or reject the application for a permit.” Subsection (c) states review and general considerations:

- (1) Channel alterations that would adversely affect the quantity and quality of the stream water or the stream ecology should be minimized or not be allowed.

CWRM Staff Response: Upon approval of the construction plans as proposed, the quantity and quality of stream water should not be adversely affected due to the short length of impacted stream channel (installation of grout bags) and continuity of streamflow through the project area.

- (2) Where instream flow standards or interim instream flow standards have been established pursuant to subchapters 3 and 4, no permit shall be granted for any channel alteration which diminishes the quantity or quality of stream water below the minimum established to support identified instream uses, as expressed in the standards.

CWRM Staff Response: HRS §174C-71 requires the Commission to protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses. The current interim instream flow standard for the Wailuku River was set in the Commission’s Decision and Order in CCH-MA15-01 (D&O) that may be viewed online at: <https://files.hawaii.gov/dlnr/cwr/cch/cchma1501/CCHMA1501-20210630-D&O.pdf>. The identified instream uses include agriculture, fish habitat and streamflow contribution to the nearshore waters, among others. The project provides for continuous streamflow through the project area in phases and will not remove any water from the stream channel, thus the project is not anticipated to impact the established interim instream flow standard. Commission staff agrees that streamflow connectivity must be maintained at the project site, with no more than 50-percent of the streamflow being diverted around the project area to enable fish passage and that work is conducted during low-rainfall periods. Figures 3a and 3b shows the stream diversion plan and believes this has been met.

- (3) The proposed channel alteration should not interfere substantially and materially with existing instream or non-instream uses or with channel alterations previously permitted.

CWRM Staff Response: The proposed work plan is limited to the project area and should not interfere with instream or non-instream uses, including existing diversions. The project BMPs are feasible actions that will be employed during the project period to ensure water and stream resources mauka and makai of the project area are not impacted to the detriment of traditional and customary practices of Native Hawaiians. No adverse impacts are anticipated.

See also Legal Authorities Exhibit 9.

## **TRADITIONAL AND CUSTOMARY PRACTICES**

- 1) The identity and scope of cultural, historical, or natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

The Applicant stated, "The project area includes approximately 535 lineal feet of the 'Īao Valley Road right of way and an ancillary construction staging area located approximately 230 lineal feet to the northwest of the bridge. The total area of potential effect (APE) is 0.5 acres. One historic property was identified within the APE - the 'Īao Stream Bridge (No. 59) (State of Hawai'i Department of Transportation Bridge Number 009003201)."

CWRM Staff Response: No comments were received by DLNR Aha Moku. Comments were received by OHA and are addressed in the Agency Review Comments section below. However, the exercise of traditional and customary practices are known to exist in the area as presented in the Nā Wai 'Ehā contested case hearing CCH-MA15-01. The project proposes to maintain continuous streamflow through the project site for an estimated length of approximately 28 ft, thus no impacts are anticipated to traditional and customary native Hawaiian rights which may be exercised in the area.

- 2) The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action.

The Applicant stated, "Ground disturbance for the project will be minimal, consisting of the clearing of stream-deposited material around the abutments in order to complete in-stream scour protection. Roadway paving will also include shallow ground disturbance within existing asphalt and roadway base course material. The replacement design utilizes a Texas Department of Transportation Crash Tested Type C402 Railing consisting of a concrete base with horizontal metal rails to be installed at the outboard sides of new bridge sidewalks. The rail ends abut new 3'-6" high concrete end stanchions with radiused top comers. The overall dimensions of the bridge, length, and elevation, as well as the abutments and piers, will remain unaltered. The travelway width and lane width will remain the same, however the bridge will be approximately 2'-10" wider to accommodate a 3'-0" service walkway on each side of the bridge. The scour repair at the bridge footings and the girder repair by welded additional members

at the underside of the bridge will not be visible to the traveling public and will have minimal effect on the historic integrity of the bridge. The removal and replacement of the bridge's original railings and end stanchions, and the installation of new concrete supports at the abutments and each pier, are determined to have an effect to the historic property. Due to replacement of the rails and end piers, the Effect Determination is "Effect, with Proposed Mitigation Commitments" (HAR §13-275-7). The Department of Public works intends to consult with SHPD to resolve the project's effect determination through development of a Memorandum of Agreement."

CWRM Staff Response: The project proposes to maintain continuous streamflow through the project site for an estimated length of approximately 28 ft, thus no impacts are anticipated to stream biota that may transit through the project site and staff anticipates minimal impacts, if any, to traditional and customary practices that may be exercised in the area.

- 3) What feasible action, if any, could be taken by the Commission in regards to this application to reasonably protect native Hawaiian rights.

The Applicant stated, "Since no historic properties or landmarks are in the project area, and no traditional or customary Native Hawaiian rights are currently practiced in the project area, no feasible action is recommended at this time."

CWRM Staff Response: The phased diversion of water around the left bank (north side) and bridge piers, along with prescribed BMPs, are feasible actions that will be employed during the project period to ensure continuous streamflow through the project site and providing for the transit of stream biota through the area. The applicant submitted a Best Management Practices Plan (Attachment 3) along with their SCAP application which can be viewed online at: [https://files.hawaii.gov/dlnr/cwrmswreview/SCAP\\_6484\\_6.pdf](https://files.hawaii.gov/dlnr/cwrmswreview/SCAP_6484_6.pdf).

## **AGENCY REVIEW COMMENTS**

*County of Maui, Planning Department:*

No comments received.

*Department of Hawaiian Home Lands (DHHL):*

DHHL has land holdings in proximity to the applicant's proposed project in Wailuku. This includes DHHL's Wai'ehu Kou and Paukūkalo homesteads, in addition to approximately 763 planned future lots. The Department requests that prior to taking action on the SCAP, that the Commission on Water Resource Management (CWRM) ensure that there was sufficient consideration and analysis conducted by CWRM staff and/or the applicant to ensure that the proposed action will not create unintentional adverse impacts on DHHL lands. This project is immediately makai of Kepaniwai Park where the Battle of Kepaniwai, a significant historical event, took place in 1790. Today,

the area is well known for the many Native Hawaiian traditional and customary practices that take place along the 'Iao Stream. Although the State Historic Preservation Division found only the bridge itself to be of historic significance, this bridge was built in the 1950s, before regulations and guidelines were as thorough as they are today. Therefore, there is a high potential for 'iwi in this area. Additionally, there are many lo'i downstream of this project and as previously mentioned, many Native Hawaiian traditional and customary practices utilize this stream and could be impacted by stream bed disturbance. The application currently states, "Since no historic properties or landmarks are in the project area, and no traditional or customary Native Hawaiian rights are currently practiced in the project area, no feasible action is recommended at this time." The application's proposed best management practices also do not mention mitigation measures for stream life specifically, which is very robust in the 'Iao Stream. The Department requests that Native Hawaiian groups and organizations in the area be consulted with, including by not limited to Hui o Nā Wai 'Ehā. Insufficient water may impact traditional and customary practices, a protected Public Trust use of water that may be exercised by DHHL beneficiaries and other Native Hawaiians. See Exhibit 1.

CWRM staff response: Of the existing DHHL homesteads, Wai'ehu Kou is located 3.4 miles (straight-line) to the northeast of the project site and is approximately 1.4 miles away from Wailuku River (straight-line from Wai'ehu Kou to the nearest point on Wailuku River). The Paukūkalo homesteads are located 3.0 miles downstream of the project site and is situated on the northern side of Wailuku with a high ridge (Haleki'i-Pihana Heiau State Monument is located atop the ridge) separating the homesteads from the stream channel. Staff believes that the "763 planned future lots: refers to the current DHHL projects including Pu'uhona Homestead (161 lots; 0.6 miles from the Wailuku River), Wailuku Homestead (204 lots; 1.1 miles away from Wailuku River), and Wai'ehu Mauka (398 residential lots; 55 subsistence agriculture lots; 1.2 miles away from Wailuku River). Commission staff do not anticipate any direct or indirect impacts to DHHL homestead lands due to the considerable distance from DHHL lands and limited scope of the proposed project.

The proposed work plan is limited to the project area and allows for the continuous flow of water in the stream. Therefore, the action should not interfere with instream or non-instream uses, including existing diversions and water use permits. The project BMPs are feasible actions that will be employed during the project period to ensure water and stream resources mauka and makai of the project area are not impacted to the detriment of traditional and customary practices of Native Hawaiians. No adverse impacts are anticipated. The request for community consultation is added as a special condition by reference.

*Department of Health (DOH), Clean Water Branch:*

The DOH standard comments can be reviewed on the DOH website at:  
<https://health.hawaii.gov/cwb/files/2018/05/Memo-CWB-Standard-Comments.pdf>.

CWRM staff response: The lead agency for the protection of water quality is the Department of Health, Clean Water Branch, which administers the Federal Clean Water Act (33 U.S.C. §1251 et seq.) and the State Water Pollution Act (HRS Ch. 342D; HAR chapter 11-54 Water Quality Standards; and HAR chapter 11-55 Water Pollution Control). HAR §11-54-1 through §11-54-8 defines Best Management Practices and water quality criteria applicable to inland and nearshore waters and are based on the Federal Clean Water Act. HAR chapter 11-55 Appendix C defines discharges of storm water associated with construction activity. HRS §174C-66 states that the DOH oversees the State's water quality control program.

*Department of Land and Natural Resources (DLNR), Aha Moku:*

No comments received.

*DLNR, Aquatic Resources:*

No comments received.

*DLNR, Engineering:*

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards. The owner of the project property and/or their representative is responsible for researching the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center ([msc.fema.gov](http://msc.fema.gov)). Our Flood Hazard Assessment Tool (FHAT) ([fbat.hawaii.gov](http://fbat.hawaii.gov)) could also be used to research flood hazard information. See Exhibit 2.

CWRM staff response: The project site is in Zone X, or areas of minimal flood hazard that is determined to be outside the Special Flood Hazard Area and higher than the elevation of the 0.2 percent annual chance (or 500 year) flood.

*DLNR, Forestry and Wildlife (DOFAW):*

The State listed 'ōpe'ape'a or Hawaiian hoary bat (*Lasiurus semotus*) could potentially occur at or in the vicinity of the project and may roost in nearby trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided in any construction as bats can become ensnared and killed by such fencing material during flight. Artificial lighting can adversely impact seabirds which may pass through the area at night by causing them to become

disoriented. This disorientation can result in seabird collision with manmade structures or the grounding of birds. For nighttime work that might be required, DOFAW recommends all lights used be fully shielded to minimize the attraction of seabirds. Nighttime work which requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15, when young seabirds make their maiden voyage to sea. If nighttime construction is required during the seabird fledging season, we recommend a qualified biologist be present at the project site to monitor and assess the risk of seabird attraction and or grounding due to lighting. If seabirds are seen circling the area, lights should be turned off. If a downed seabird is detected, please follow DOFAW's recommended response protocol by visiting <https://dlnr.hawaii.gov/wildlife/seabird-fallout-season/>. Permanent lighting also poses a risk of seabird attraction, and as such should be minimized or eliminated to protect seabird flyways and preserve the night sky. For illustrations and guidance related to seabird-friendly light styles that also protect seabirds and the dark starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>. The endemic pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*) could potentially nest in the project area. Pueo nest on the ground and active nests have been found year-round. Before any potentially disturbing activity like clearing vegetation, especially ground-based disturbance, DOFAW recommends a qualified biologist conduct surveys during crepuscular hours. Observation surveys should be done at those times from vantage points where they can see the whole project area for 2-3 nights before construction is to start. If any breeding displays are observed, it is likely there could be a nest. If pueo nests are detected in the area, a buffer zone should be established in which no activity occurs within a minimum buffer distance of 100 meters until the nesting cycle is complete and the chicks are capable of flight. **Maui Branch DOFAW staff should be notified at (808) 984-8100** of any nests or adult displayed breeding behavior.

State-listed waterbirds such as ae'ō or Hawaiian stilt (*Himantopus mexicanus knudseni*), 'alae ke'oke'ō or Hawaiian coot (*Fulica alai*), and nēnē or Hawaiian goose (*Branta sandvicensis*), could potentially occur at or in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any of these species are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Maui Branch DOFAW Office at the number noted above, and establish a buffer zone around the nest. DOFAW is concerned about the impacts of nonnative predators such as cats, rodents, and mongoose, on native and endangered waterbirds, seabirds, and forest birds. Take action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles. As predation is instinctive and even well-fed cats will hunt and kill wildlife, DOFAW recommends no feeding of feral cats should occur on the premises. DOFAW recommends that a botanical survey be conducted by a qualified botanist in all proposed affected areas prior to commencing work to determine if any rare or endangered plants are present in the project area. We recommend that the survey consists of a complete species list and is conducted during the wettest time of year

when plants are more likely to be visible, especially in drier areas. If any listed species are found, please notify the State-wide DOFAW office at (808) 587-0166. For information on avoidance and minimization measures for plants, please refer to the following link: <https://www.fws.gov/media/plant-avoidance-and-minimization-measures-may-2023> DOFAW recommends using native plant species for landscaping that are appropriate for the area; i.e., plants for which climate conditions are suitable for them to thrive, plants that historically occurred there, etc. Please do not plant invasive species. DOFAW also recommends referring to [www.plantpono.org](http://www.plantpono.org) for guidance on the selection and evaluation of landscaping plants and to determine the potential invasiveness of plants proposed for use in the project. Avoid importing soil or other plant material from off-island. Soil and plant material may contain fungi (e.g., rapid 'ōhi'a death) and other pathogens which could harm our native species and ecosystems. We recommend consulting the Hawai'i Interagency Biosecurity Plan at <http://dlnr.hawaii.gov/hisc/plans/hibp/> in the planning, design, and construction of the project. DOFAW recommends minimizing the movement of plant or soil material between worksites. Soil and plant material may contain detrimental fungal pathogens (e.g., Rapid 'Ōhi'a Death), vertebrate and invertebrate pests (e.g., Coqui Frogs, Little Fire Ants, etc.), or invasive plant parts (e.g., Miconia, Mullein, etc.) that could harm our native species and ecosystems. We recommend consulting the **Maui Invasive Species Committee (MISC) at (808) 573-6472** to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. To prevent the spread of rapid 'ōhi'a death (ROD), DOFAW requests that removal, pruning/trimming, and potentially injury to 'ōhi'a trees be avoided as much as possible. Wounds serve as entry points for ROD fungus and increase the odds that the tree will be infected and die. Also, clean gear/tools, clothes, footwear, and vehicles before and after use. Make sure to remove all loose soil from the aforementioned items, spray gear/tools with 70% rubbing alcohol, and wash clothes with hot water and soap. Wash tires and undercarriages of all vehicles/machinery with a high-pressure water source. If 'ōhi'a trees must be removed or pruned/trimmed, please conduct these activities on a still day to minimize blown sawdust and use a sharp saw to create chips rather than dust. Seal all wounds to these trees with a stump seal product (e.g. Spectricide, etc.). For more information, please consult <https://cms.ctahr.hawaii.edu/rod>. The invasive coconut rhinoceros beetle (*Oryctes rhinoceros*) or CRB is widespread on the island of O'ahu. CRB have been detected on other islands with moderate infestation on Kaua'i, one incipient site on Hawai'i Island, and only one positive site on Maui in 2023. Hawai'i Department of Agriculture interim rule 24-1 restricts the movement of CRB-host material from the island of O'ahu, which is defined as the Quarantine Area. Regulated material (host material or host plants) is considered a risk for potential CRB infestation. Host material for the beetle specifically includes 1) entire dead trees; 2) mulch, compost, trimmings, fruit and vegetative scraps, and 3) decaying stumps. CRB host plants include the live palm plants in the following genera: *Washingtonia*, *Livistona*, and *Pritchardia* (all commonly known as fan palms), *Cocos* (coconut palms), *Phoenix* (date palms), and *Roystonea* (royal palms). When such material or these specific plants are moved there is a risk of spreading CRB because they may contain CRB in any life stage. Inspection

and/or treatment approved by HDOA is mandatory before inter-island transport. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-speciesprofiles/coconut-rhinoceros-beetle/>. We recommend that Best Management Practices are employed during and after construction to contain any soils and sediment with the purpose of preventing damage to near-shore waters and marine ecosystems. Due to the arid climate, high fine fuel load (grasses) surrounding the worksite, and risks of wildfire to listed species and native habitats, we recommend coordinating with the Hawai'i Wildfire Management Organization at (808)-850-0900 or [admin@hawaiiwildfire.org](mailto:admin@hawaiiwildfire.org), on how wildfire prevention can be addressed in the project area. When engaging in activities that have a high risk of starting a wildfire—like wielding in/near tall grass, it is recommended that you: 1) wet down the area before starting your task, 2) continuously wet down the area as needed, 3) have a fire extinguisher on hand, and 4) in the event that your vision is impaired, (i.e. welding goggles) have a spotter to watch for fire ignitions. Additionally, do not park any vehicles in or near tall grass as heat from the engine/exhaust may ignite dry vegetation. We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. See Exhibit 3.

CWRM staff response: Added as a special condition by reference.

*DLNR, Historic Preservation (SHPD):*

On December 30, 2025, SHPD Project No. 2024PR00504, SHPD did not concur with the Commission's project effect determination of "No historic properties affected" for the project, but previously concurred with DPW's "Effect, with proposed mitigation commitments." SHPD accepted the draft archaeological monitoring plan (AMP), requesting minor revisions to the final version of the plan, and is continuing to consult with DPW regarding the development of a Memorandum of Agreement to address the adverse effect. See Exhibit 4.

CWRM Staff Response: Staff believes that SHPD review is satisfied.

*DLNR, Land Division:*

No comments received.

*DLNR, State Parks:*

'Iao Valley Road serves as the main entrance to 'Iao Valley State Monument, which receives thousands of visitors annually. As such, the Department of Land and Natural Resources (DLNR) Division of State Parks (DSP) is supportive of any project that would seek to maintain safe access to our park through this thoroughfare. Core to our mission is the preservation of natural and cultural resources. Although the applicant

documented that they have not yet received a response from the State Historic Preservation Division (SHPD), we are supportive of their expressed intention to seek out a memorandum of agreement with the SHPD regarding this historic property, and we are supportive of Historic American Engineering Records (HABS) documentation prior to its alteration. We are not supportive of the removal of the time-stamped end stanchions of the bridge. It is our view that preserving these architectural elements where they are is necessary to the historic integrity of the bridge. We have reviewed the applicants inventory of threatened and endangered species, of which none were observed. DSP supports and reiterates the need for adherence to the best management practices that the applicant outlined to reduce impacts to native flora and fauna (Exhibit B). Access to 'Iao Valley State Monument now requires advanced reservations by out of state visitors. Because of this, DSP would like to request notice 45 days before any construction work that shall affect traffic patterns. Increased delays and/or road closures may affect the plans of our park visitors. DSP will need to disseminate this information, and/or temporarily modify our permit issuance process. See Exhibit 5.

CWRM staff response: Added as a special condition by reference.

*Office of Hawaiian Affairs (OHA):*

*Ka Pa'akai* Analysis. OHA is concerned that the application's *Ka Pa'akai* analysis (KPA) section focuses almost exclusively on archaeological resources and historic sites. This limited scope does not fully meet the obligations established under *Ka Pa'akai o Ka 'Aina v. Land Use Commission*, 94 Haw. 31 (2000) and Articles IX and XII of the Hawai'i Constitution, which require agencies to ensure that traditional and customary Native Hawaiian rights are identified, protected, and where feasible, preserved. The current KPA discussion is confined to archaeological findings and does not identify or evaluate ongoing traditional and customary practices—such as kalo cultivation, gathering, or water uses—that are directly dependent on 'Iao Stream (Wailuku River) and its tributaries. Because 'Iao is one of the waters of Nā Wai 'Ehā, this omission is significant. The stream has long supported lo'i kalo cultivation, a constitutionally protected customary practice also tied to appurtenant water rights and the physical and spiritual well-being of the stream. A 2016 Surface Water Use Permit Application (SWUPA) submitted by John and Rose Marie Duey for TMK (2) 3-5-003:018—where a portion of the project is proposed—includes testimony documenting both historic and continuing lo'i kalo cultivation supported by ancient terracing, springs, and an 'auwai system. This record demonstrates that the broader project area continues to sustain traditional agricultural and cultural practices. Accordingly, OHA recommends that the KPA section be revised to integrate these findings and to identify associated practitioners and appurtenant users who may be affected by temporary stream diversions or construction activities. OHA recommends that the applicant expand the KPA section to properly identify, assess, and incorporate measures to reasonably protect traditional and cultural practices. Historic Resources. OHA notes that the Department of Public Works (DPW) has offered the following mitigation measures regarding historic properties: 1) developing a Memorandum of Agreement (MOA) with

the State Historic Preservation Division (SHPD) for the historic Iao Bridge; and 2) implementing archaeological monitoring during project-related ground disturbance. OHA strongly supports these mitigation commitments and respectfully requests copies of any SHPD correspondence and the draft or executed MOA once available. Mahalo for the opportunity to review and provide comments. We appreciate your continued attention to the protection of Hawai'i's cultural and historic resources. See Exhibit 6.

CWRM staff response: The proposed project is located within the County of Maui's Iao Valley Road right-of-way. The purpose of the project is to rehabilitate the bridge for transportation safety, access, and provide in-stream scour repairs. The bridge is a historic structure, hence the focus of archaeological resources and historic sites in the application. The traditional and customary Native Hawaiian rights exercised in the area are identified and discussed within the Commission's Decision and Order in CCH-MA15-01 (D&O), Surface Water Use Permit Applications, Integration of Appurtenant Rights and Amendments to the Interim Instream Flow Standards, Nā Wai 'Ehā Surface Water Management Areas of Waihe'e, Waiehu, Wailuku River (previously known as Iao Stream) and Waikapū Streams, Maui. The D&O may be viewed online at: <https://files.hawaii.gov/dlnr/cwr/cch/cchma1501/CCHMA1501-20210630-D&O.pdf>.

Commission staff believes that the phased diversion of water around the left bank (north side) and bridge piers, along with prescribed BMPs, are feasible actions that will be employed during the project period to ensure continuous streamflow through the project site, provide for the transit of stream biota through the area, and will have minimal impact, if any, on traditional and customary practices exercised in the area. The applicant submitted a Best Management Practices Plan (Attachment 3) along with their SCAP application which can be viewed online at: [https://files.hawaii.gov/dlnr/cwr/swreview/SCAP\\_6484\\_6.pdf](https://files.hawaii.gov/dlnr/cwr/swreview/SCAP_6484_6.pdf). OHA's request for copies of any SHPD correspondence and the draft or executed MOA when available will be added as a special condition by reference.

*US Army Corps of Engineers:*

No comments received.

*US Fish and Wildlife Service (FWS):*

No comments received.

**PUBLIC COMMENTS:**

No comments received.

**HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT (EA) COMPLIANCE**

Under Hawaii Revised Statutes (HRS) §343-5(a), an EA shall be required for actions, as summarized in part below, that propose:

- (1) use of state land or county lands, or the use of state or county funds;
- (2) use within any land classified as a conservation district;
- (3) use within a shoreline area;
- (4) use within any historic site as designated in the National Register or Hawaii Register;
- (5) use within the Waikiki area of O‘ahu;
- (6) any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation;
- (7) any reclassification of any land classified as a conservation district;
- (8) construction of new or the expansion or modification of existing helicopter facilities within the State, that may affect: (A) any land classified as a conservation district; (B) a shoreline area; or (C) any historic site as designated in the National Register or Hawaii Register;
- (9) any (A) wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent; (B) Waste-to-energy facility; (C) Landfill; (D) Oil refinery; or (E) Power-generating facility.

CWRM Staff Response: The project triggers the requirement to complete an EA because it proposes the use of state or county lands or the use of state or county funds. On July 12, 2025, the County of Maui considered the direct, cumulative, and potential impacts and declared the actions stated above will have minimal or no significant impact on the environment and exempted it from the preparation of an EA in accordance with HAR chapter 11-200.1 and per its Comprehensive Exemption List for the County of Maui reviewed and concurred upon by the Environmental Council on January 10, 2007. See Exhibit 7. Agency exemption lists are online at: <https://planning.hawaii.gov/erp/agency-exemption-list/>.

## **CONSISTENCY WITH THE HAWAI‘I WATER PLAN**

The Water Resource Protection Plan (WRPP), updated in 2019, provides an outline for the conservation, augmentation, and protection of statewide ground and surface water resources, watersheds, and natural stream environments. The legal framework of the State Water Code for the issuance of Stream Channel Alteration Permits, as outlined in this submittal, is covered in more detail and context in the WRPP, Appendix I.

IV. RECOMMENDATION

Staff recommends that the Commission:

1. Approve Stream Channel Alteration Permit (SCAP.6484.6) Application that proposes to rehabilitate the Wailuku River (formerly the 'Āo Stream) Bridge No. 59, including replacing parapet rails and end stanchions, replacing guardrail, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier subject to the standard conditions in Exhibit 8 and the special conditions below.
  - a. In conformance with the Department of Hawaiian Home Lands' (DHHL) recommendations, incorporated by reference as Exhibit 1, the permittee shall consult with Native Hawaiian groups and organizations, including, but not limited to, Hui o Nā Wai 'Ehā.
  - b. In conformance with the Division of Forestry and Wildlife recommendations, incorporated by reference as Exhibit 3, native birds and bats may traverse thru the area or nest. Artificial lighting can adversely impact birds. The permittee shall follow DOFAW's recommendations regarding surveys, best management practices, the use of native plants for landscaping, and preventing the spread of invasive species.
  - c. In conformance with the Division of State Parks' (DSP) recommendations, incorporated by reference as Exhibit 5, if the State Historic Preservation Division concurs with its removal, the permittee shall work with DSP regarding (1) the removal of the time-stamped end stanchions of the bridge (DSP supports the preservation of architectural elements which adds to the historic integrity of the bridge); and (2) notice DSP 45 days before any construction work that shall affect traffic patterns. Increased delays and/or road closures may affect the plans of park visitors. The DSP will need to disseminate this information, and/or temporarily modify its permit issuance process.
  - d. In conformance with the Office of Hawaiian Affairs' (OHA) recommendations, incorporated by reference as Exhibit 7, the permittee shall provide OHA a copy of any SHPD correspondence and the draft or executed MOA once available.

Ola i ka wai,



CIARA W.K. KAHANE  
Deputy Director

Exhibits:

1. Department of Hawaiian Home Lands, letter dated November 19, 2025.
2. DLNR, Engineering, letter dated November 21, 2025.

3. DLNR, Division of Forestry and Wildlife, letter dated January 16, 2026.
4. DLNR, Historic Preservation, letter dated December 30, 2025.
5. DLNR, State Parks, letter dated October 27, 2025.
6. Office of Hawaiian Affairs, email dated November 6, 2025.
7. County of Maui, Department of Public Works, dated July 12, 2025.
8. Standard Stream Channel Alteration Permit Conditions.
9. Legal Authorities.

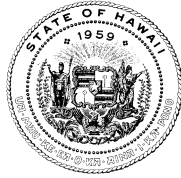
APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to be 'Dawn N.S. Chang', written over a horizontal line.

DAWN N.S. CHANG  
Chairperson

JOSH GREEN, M.D.  
GOVERNOR  
STATE OF HAWAII  
*Ka Kia'āina o ka Moku'āina 'o  
Hawaii'i*

SYLVIA J. LUKE  
LT. GOVERNOR  
STATE OF HAWAII  
*Ka Hope Kia'āina o ka Moku'āina  
'o Hawaii'i*



KALI WATSON  
CHAIRPERSON, HHC  
*Ka Lana Ho'okele*

KATIE L. LAMBERT  
DEPUTY TO THE CHAIR  
*Ka Hope Lana Ho'okele*

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**  
*Ka 'Oihana 'Āina Ho'opulapula Hawaii'i*

P. O. BOX 1879  
HONOLULU, HAWAII 96805

November 19, 2025

MEMORANDUM

TO: Dawn Chang, Chairperson  
Commission on Water Resource Management

FROM: Kali Watson, Chairperson  
Hawaiian Homes Commission Katie Lambert for  
Katie Lambert for (Nov 21, 2025 16:27:16 HST)

SUBJECT: Stream Channel Alteration Permit Application  
'Īao Stream Bridge No. 59 Rehabilitation,  
'Īao Stream, Wailuku, Maui Tax Map Key: (2) 3-5-003:999

Mahalo for sending the above referenced Stream Channel Alteration Permit Application (SCAP) to the Department of Hawaiian Home Lands (DHHL) for review and comments. We appreciate the opportunity to review the application and offer the following background and comments.

Comments for the Applicant and Commission

DHHL has land holdings in proximity to the applicant's proposed project in Wailuku. This includes DHHL's Wai'ehu Kou and Paukūkalo homesteads, in addition to approximately 763 planned future lots. The Department requests that prior to taking action on the SCAP, that the Commission on Water Resource Management (CWRM) ensure that there was sufficient consideration and analysis conducted by CWRM staff and/or the applicant to ensure that the proposed action will not create unintentional adverse impacts on DHHL lands.

This project is immediately makai of Kepaniwai Park where the Battle of Kepaniwai, a significant historical event, took place in 1790. Today, the area is well known for the many Native Hawaiian traditional and customary practices that take place along the 'Īao Stream. Although the State Historic Preservation Division found only the bridge itself to be of historic significance, this bridge was built in the 1950s, before regulations and guidelines were as thorough as they are today. Therefore, there is a high potential for 'iwi in this area. Additionally, there are many lo'i downstream of this project and as previously mentioned, many Native Hawaiian traditional and customary practices utilize this stream and could be impacted by stream bed disturbance. The application currently states, "Since no historic properties or landmarks are in the project area, and no traditional or customary Native Hawaiian rights are currently practiced in the project area, no feasible action is recommended at this time." The application's

proposed best management practices also do not mention mitigation measures for stream life specifically, which is very robust in the 'Iao Stream. The Department requests that Native Hawaiian groups and organizations in the area be consulted with, including by not limited to Hui o Nā Wai 'Ehā. Insufficient water may impact traditional and customary practices, a protected Public Trust use of water that may be exercised by DHHL beneficiaries and other Native Hawaiians.

Mahalo for the opportunity to comment. If you have any questions or require additional information, please contact Cherie Ka'anana, Water Program Specialist, by email at: [cherie-noelle.k.kaanana@hawaii.gov](mailto:cherie-noelle.k.kaanana@hawaii.gov).




STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'ŌIHANA KUMUWAIWAI 'ĀINA  
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO  
P.O. BOX 621  
HONOLULU, HAWAII 96809

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR

Oct 22, 2025

Ref: SCAP.6484.6

FROM: ~~TO:~~ Aha Moku  
Aquatic Resources  
Engineering Division  
Forestry and Wildlife  
State Parks


TO: ~~FROM:~~ Ciara W.K. Kahahane, Deputy Director   
Commission on Water Resource Management

SUBJECT: Request for Comments, Stream Channel Alteration Permit (SCAP.6484.6)  
Application, County of Maui, Dept. of Public Works, 'Īao Stream Bridge No. 59  
Rehabilitation, Wailuku River, 'Īao Surface Water Management Area, Maui  
Tax Map Key(s): (2) 3-5-003:999

We would appreciate your review and comment on the subject permit application within 30 days from the date of this memo. The project proposes to rehabilitate the 'Īao Stream Bridge (No. 59), including replacing parapet rails and end stanchions, replacing guardrail, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier. The application is available on our website at <https://dlnr.hawaii.gov/cwrm/surfacewater/review/>. If you have any questions, contact Rebecca Alakai at rebecca.r.alakai@hawaii.gov or call (808) 587-0266.

Response:

- We have no objections
- Not subject to our regulatory authority and permit
- Comments attached
- Additional information requested
- Extended review period requested
- EA / EIS is required

Contact Person:   
Dina U. Lau, Acting Chief Engineer Date: Nov 21, 2025

**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**CWRM/Ciara W.K. Kahahane**

**Ref: Request for Comments, Stream Channel Alteration Permit (SCAP.6484.6)  
Application, County of Maui, Dept. of Public Works, 'Īao Stream Bridge No.  
59 Rehabilitation, Wailuku River, 'Īao Surface Water Management Area,  
Maui**

**Location: Wailuku River**

**TMK(s): (2) 3-5-003:999**

**Applicant: County of Maui, Department of Public Works**

**COMMENTS**

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible for researching the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center ([msc.fema.gov](http://msc.fema.gov)). Our Flood Hazard Assessment Tool (FHAT) ([fhat.hawaii.gov](http://fhat.hawaii.gov)) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7139.
- Kauai: County of Kauai, Department of Public Works (808) 241-4849.

Signed:   
DINA U. LAU, ACTING CHIEF ENGINEER

Date: Nov 21, 2025




STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'ŌIHANA KUMUWAIWAI 'ĀINA  
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO  
P.O. BOX 621  
HONOLULU, HAWAII 96809

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR

Oct 22, 2025

Ref: SCAP.6484.6


FROM: Aha Moku  
Aquatic Resources  
Engineering Division  
Forestry and Wildlife  
State Parks

TO: Ciara W.K. Kahahane, Deputy Director   
Commission on Water Resource Management

SUBJECT: Request for Comments, Stream Channel Alteration Permit (SCAP.6484.6)  
Application, County of Maui, Dept. of Public Works, 'Īao Stream Bridge No. 59  
Rehabilitation, Wailuku River, 'Īao Surface Water Management Area, Maui  
Tax Map Key(s): (2) 3-5-003:999

We would appreciate your review and comment on the subject permit application within 30 days from the date of this memo. The project proposes to rehabilitate the 'Īao Stream Bridge (No. 59), including replacing parapet rails and end stanchions, replacing guardrail, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier. The application is available on our website at <https://dlnr.hawaii.gov/cwrm/surfacewater/review/>. If you have any questions, contact Rebecca Alakai at rebecca.r.alakai@hawaii.gov or call (808) 587-0266.

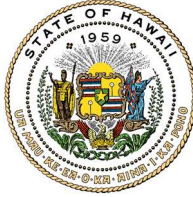
Response:

- We have no objections
- Not subject to our regulatory authority and permit
- Comments attached 
- Additional information requested
- Extended review period requested
- EA / EIS is required

Contact Person: David G. Smith, Administrator Date: 01/16/2026

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

January 16 ,2026

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT


CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Log no. 5205  
SCAP.6484.6

**MEMORANDUM**

**TO:** CIARA W.K. KAHAHANE, Deputy Director  
Commission on Water Resource Management

**FROM:** DAVID G. SMITH, Administrator   
Division of Forestry and Wildlife

**SUBJECT:** Consultation Request for Draft EA for Fuel Storage Tank  
Improvements for the Wahiawā Wastewater Treatment Plant;  
Wahiawā, O'ahu; TMK: (1) 7-3-007:002

The Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW) has received your early consultation request regarding the County of Maui, Department of Public Works' proposed project to rehabilitate the 'Īao Stream Bridge (No. 59), including replacing parapet rails and end stanchions, replacing guardrail, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier. The proposed project site is within a State Land Use Conservation District.

DOFAW provides the following comments regarding the potential for the proposed work to affect listed species in the vicinity of the project area.

The State listed 'ōpe'ape'a or Hawaiian hoary bat (*Lasiurus semotus*) could potentially occur at or in the vicinity of the project and may roost in nearby trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided in any construction as bats can become ensnared and killed by such fencing material during flight.

Artificial lighting can adversely impact seabirds which may pass through the area at night by causing them to become disoriented. This disorientation can result in seabird collision with manmade structures or the grounding of birds. For nighttime work that might be required, DOFAW recommends all lights used be fully shielded to minimize the attraction of seabirds. Nighttime work which requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15, when young seabirds make their maiden voyage to sea. If nighttime construction is required during the seabird fledging season, we recommend a qualified biologist be present at the project site to monitor and assess the risk of seabird attraction and or grounding due to lighting. If seabirds are seen circling the area, lights should be turned off. If a downed seabird is detected, please follow DOFAW's recommended response protocol by visiting <https://dlnr.hawaii.gov/wildlife/seabird-fallout-season/>.

Permanent lighting also poses a risk of seabird attraction, and as such should be minimized or eliminated to protect seabird flyways and preserve the night sky. For illustrations and guidance related to seabird-friendly light styles that also protect seabirds and the dark starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The endemic pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*) could potentially nest in the project area. Pueo nest on the ground and active nests have been found year-round. Before any potentially disturbing activity like clearing vegetation, especially ground-based disturbance, DOFAW recommends a qualified biologist conduct surveys during crepuscular hours. Observation surveys should be done at those times from vantage points where they can see the whole project area for 2-3 nights before construction is to start. If any breeding displays are observed, it is likely there could be a nest. If pueo nests are detected in the area, a buffer zone should be established in which no activity occurs within a minimum buffer distance of 100 meters until the nesting cycle is complete and the chicks are capable of flight. **Maui Branch DOFAW staff should be notified at (808) 984-8100** of any nests or adult displayed breeding behavior.

State-listed waterbirds such as ae'ō or Hawaiian stilt (*Himantopus mexicanus knudseni*), 'alae ke'oke'ō or Hawaiian coot (*Fulica alai*), and nēnē or Hawaiian goose (*Branta sandvicensis*), could potentially occur at or in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any of these species are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Maui Branch DOFAW Office at the number noted above, and establish a buffer zone around the nest.

DOFAW is concerned about the impacts of nonnative predators such as cats, rodents, and mongoose, on native and endangered waterbirds, seabirds, and forest birds. Take action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles. As predation is instinctive and even well-fed cats will hunt and kill wildlife, DOFAW recommends no feeding of feral cats should occur on the premises.

DOFAW recommends that a botanical survey be conducted by a qualified botanist in all proposed affected areas prior to commencing work to determine if any rare or endangered plants are present in the project area. We recommend that the survey consists of a complete species list and is conducted during the wettest time of year when plants are more likely to be visible, especially in drier areas. If any listed species are found, please notify the State-wide DOFAW office at (808) 587-0166. For information on avoidance and minimization measures for plants, please refer to the following link: <https://www.fws.gov/media/plant-avoidance-and-minimization-measures-may-2023>

DOFAW recommends using native plant species for landscaping that are appropriate for the area; i.e., plants for which climate conditions are suitable for them to thrive, plants that historically occurred there, etc. Please do not plant invasive species. DOFAW also recommends referring to [www.plantpono.org](http://www.plantpono.org) for guidance on the selection and evaluation of landscaping plants and to determine the potential invasiveness of plants proposed for use in the project.

Avoid importing soil or other plant material from off-island. Soil and plant material may contain fungi (e.g., rapid 'ōhi'a death) and other pathogens which could harm our native species and ecosystems. We recommend consulting the Hawai'i Interagency Biosecurity Plan at <http://dlnr.hawaii.gov/hisc/plans/hibp/> in the planning, design, and construction of the project.

DOFAW recommends minimizing the movement of plant or soil material between worksites. Soil and plant material may contain detrimental fungal pathogens (e.g., Rapid 'Ōhi'a Death), vertebrate and invertebrate pests (e.g., Coqui Frogs, Little Fire Ants, etc.), or invasive plant parts (e.g., Miconia, Mullein, etc.) that could harm our native species and ecosystems. We recommend consulting the **Maui Invasive Species Committee (MISC) at (808) 573-6472** to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

To prevent the spread of rapid 'ōhi'a death (ROD), DOFAW requests that removal, pruning/trimming, and potentially injury to 'ōhi'a trees be avoided as much as possible. Wounds serve as entry points for ROD fungus and increase the odds that the tree will be infected and die. Also, clean gear/tools, clothes, footwear, and vehicles before and after use. Make sure to removal all loose soil from the aforementioned items, spray gear/tools with 70% rubbing alcohol, and wash clothes with hot water and soap. Wash tires and undercarriages of all vehicles/machinery with a high-pressure water source. If 'ōhi'a trees must be removed or pruned/trimmed, please conduct these activities on a still day to minimize blown sawdust and use a sharp saw to create chips rather than dust. Seal all wounds to these trees with a stump seal product (e.g. Spectricide, etc.). For more information, please consult <https://cms.ctahr.hawaii.edu/rod>.

The invasive coconut rhinoceros beetle (*Oryctes rhinoceros*) or CRB is widespread on the island of O'ahu. CRB have been detected on other islands with moderate infestation

on Kaua'i, one incipient site on Hawai'i Island, and only one positive site on Maui in 2023. Hawai'i Department of Agriculture interim rule 24-1 restricts the movement of CRB-host material from the island of O'ahu, which is defined as the Quarantine Area. Regulated material (host material or host plants) is considered a risk for potential CRB infestation. Host material for the beetle specifically includes 1) entire dead trees; 2) mulch, compost, trimmings, fruit and vegetative scraps, and 3) decaying stumps. CRB host plants include the live palm plants in the following genera: *Washingtonia*, *Livistona*, and *Pritchardia* (all commonly known as fan palms), *Cocos* (coconut palms), *Phoenix* (date palms), and *Roystonea* (royal palms). When such material or these specific plants are moved there is a risk of spreading CRB because they may contain CRB in any life stage. Inspection and/or treatment approved by HDOA is mandatory before inter-island transport. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/coconut-rhinoceros-beetle/>.

We recommend that Best Management Practices are employed during and after construction to contain any soils and sediment with the purpose of preventing damage to near-shore waters and marine ecosystems.

Due to the arid climate, high fine fuel load (grasses) surrounding the worksite, and risks of wildfire to listed species and native habitats, we recommend coordinating with the Hawai'i Wildfire Management Organization at (808)-850-0900 or [admin@hawaiiwildfire.org](mailto:admin@hawaiiwildfire.org), on how wildfire prevention can be addressed in the project area. When engaging in activities that have a high risk of starting a wildfire—like wielding in/near tall grass, it is recommended that you: 1) wet down the area before starting your task, 2) continuously wet down the area as needed, 3) have a fire extinguisher on hand, and 4) in the event that your vision is impaired, (i.e. welding goggles) have a spotter to watch for fire ignitions. Additionally, do not park any vehicles in or near tall grass as heat from the engine/exhaust may ignite dry vegetation.

We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Kelli Yamaguchi, Protected Species Habitat Conservation Planning Associate via email at [kelli.yamaguchi.researcher@hawaii.gov](mailto:kelli.yamaguchi.researcher@hawaii.gov).

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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MANAGEMENT  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

December 30, 2025

Rodrigo "Chico" R. Rabara  
Engineering Division Chief  
County of Maui, Department of Public Works  
200 South High Street, Room No. 410  
Wailuku, Hawai'i 96793  
Email: dpw.engineering@co.maui.hi.us

IN REPLY REFER TO:  
Project No. 2024PR00504  
Doc. No. 2512AM10  
Archaeology, Architecture

Ciara W.K. Kahahane  
Deputy Director  
State of Hawai'i  
Commission on Water Resource Management (CWRM)  
P.O. Box 621  
Honolulu, Hawai'i 96809  
c/o Dean Uyeno  
Email: dean.d.uyeno@hawaii.gov

Dear Rodrigo "Chico" R. Rabara and Ciara W.K. Kahahane:

**SUBJECT: Hawaii Revised Statutes (HRS) §6E-8 and §6E-42 Historic Preservation Review and National Historic Preservation Act (NHPA) Section 106 Consultation County of Maui, Department of Public Works, 'Āao Bridge Repairs Project DPW Job No. 22-49 and Federal-Aid Project No. BR-3200(001) CWRM Stream Channel Alteration Permit Application (SCAP.6484.6) US Department of the Army (DA) File No. POH-2024-00151 Archaeological Monitoring Plan Wailuku Ahupua'a, Pū'ali Komohana District, Island of Maui TMK: (2) 3-5-003:001 por., 005 por., 018 por., and 999 (Iao Valley Road Right-of-Way [ROW])**

This letter provides the State Historic Preservation Division's (SHPD's) review of the State of Hawai'i, Commission on Water Resource Management's (CWRM's) initiation of the HRS §6E-42 historic preservation review process and request for concurrence with an effect determination of "No historic properties affected" for the 'Āao Bridge Repairs Project received by on October 24, 2024 (HICRIS Submission No. 2024PR00504.006). SHPD previously reviewed the project in support of the HRS §6E-8 historic preservation review process and concurred with an effect determination of "Effect, with proposed mitigation commitments" with mitigation in the form of architectural (HAER) documentation of the 'Āao Stream Bridge and archaeological monitoring during project-related ground disturbing work (Project No. 2024PR00504, Doc. No. 2509AM06). SHPD received a draft archaeological monitoring plan (AMP) titled *Archaeological Monitoring Plan for the 'Āao Bridge Repairs Project, Wailuku Ahupua'a, Pū'ali Komohana District, Maui Island, TMKs: (2) 3-3-003:005 por., (2) 3-5-003:001 por. and 018 por., and 'Āao Valley Road Right-of-Way* (Ueki et al., December 2025) on December 17, 2025 (HICRIS Submission No. 2024PR00504.007).

This project is being proposed by DPW in cooperation with the State of Hawai'i, Department of Transportation (HDOT) with federal funding from the United States Department of Transportation, Federal Highway Administration (FHWA), and will require a federal permit from the U.S. Army Corps of Engineers (Corps). The State Historic

Preservation Officer (SHPO) previously concurred with FWHA’s determination of *adverse effect* for the ‘Īao Bridge Repairs Project on September 16, 2025 (Project No. 2024PR00504, Doc. No. 2509AM06). The Corps remains individually responsible for their compliance pursuant to 36 CFR §800.2.

The federal Area of Potential Effect (APE) and the HRS Chapter 6E project area are synonymous, totaling . The project scope of work includes repairs to the ‘Īao Stream Bridge (No. 59) within a 0.50-acre APE/project area which includes a portion of the ‘Īao Valley Road ROW where it crosses the ‘Īao Stream Channel. The proposed repair work includes the replacement of the parapet rails and end stanchions, repairs to minor concrete spalls, roadway paving, and scour repair. The rail replacement requires the addition of concrete pier supports at the abutments and each pier. The proposed ground disturbing work associated with the project will include the clearing of stream deposited material around the abutments to install in-stream scour protection. Grout bag scour protection would be installed within voids up to 3 feet deep around the piers and abutments. Roadway paving would also include shallow excavation measuring 6 to 8 inches deep within existing asphalt and roadway base course material. Structural excavations will vary from 3 to 6 feet deep for the construction of the new bridge railing transition section foundations.

The AMP (Ueki et al., December 2025) includes summaries of historic land use practices and previous archaeological investigations that have occurred in the vicinity of the APE/project area. The plan also includes a list of archaeological monitoring provisions to be implemented during all ground disturbing work associated with the project.

**SHPD requests the following revisions be included in the Final AMP:**

1. Background Research. Where available, add the registered map numbers for the historic map figures shown.
2. Pg. 36, Previous Archaeological Research. Please add a summary of the inadvertent discovery of human skeletal remains made by Xamanek Researches LLC on TMK: (2) 3-3-003:001 and the associated burial site component of an archaeological data recovery plan (Fredericksen, September 2024) and AMR if available. The project documents are housed under HICRIS Project No. 2020PR34558. Request access to these documents by contacting the SHPD librarian.
3. Pg. 36, ¶2. Please fix the formatting error in this paragraph.
4. Pg. 42, Monitoring Provision 1. Add a statement indicating that human skeletal remains were previously identified within fill material associated within utility lines in this area with reference to the Xamanek Researches LLC find.
5. Pg. 42, Stipulation 2. There appears to be a spacing typo here. Fix if possible.
6. Pg. 43, Stipulation 3. Revise to state, If human skeletal remains are identified during the project, the archaeological monitor will halt work in the immediate area of the find. DPW and their archaeological firm will immediately notify the SHPD, medical examiner or coroner, and the County of Maui Police Department. Work shall not continue in the area of the find until SHPD has agreed in writing that the processes outlined in HAR §13-300-40 and HRS §6E-43.6 have been completed, as appropriate.
7. Pg. 43, Stipulation 5. Please revise this sentence to read as follows “It is the responsibility of the County of Maui, DPW, the construction firm, and archaeological firm to ensure that no ground disturbing work is conducted without an archaeological monitor present.”
8. Please add a sentence to this stipulation indicating that if new members of the construction team join the project after the preconstruction briefing has occurred, they will not be allowed to participate in ground disturbing work until they receive the briefing from the archaeological monitor. It is the responsibility of the County of Maui DPW, the construction firm, and the archaeological monitor to ensure all team members conducting ground disturbing work have been properly briefed prior to working on this project.
9. Add a copy of this letter to the final version of the AMP as an appendix.

The AMP meets the minimum requirements of HAR §13-279-4. **It is accepted.** SHPD requests the minor revisions outlined above be made in the final version of the plan. When completed, please send one hard copy of the AMP, clearly marked FINAL, along with a copy of this letter and a text-searchable PDF version of the AMP to the Kapolei SHPD office, attention SHPD Library, and a second copy of the AMP and SHPD’s review letter to the Maui SHPD office, attention April Greenberg. Additionally, submit a text-searchable PDF copy of the final AMP by responding to our request under HICRIS Project No. 2024PR00504 and email a digital copy of the final plan to [shpd.archaeology.library@hawaii.gov](mailto:shpd.archaeology.library@hawaii.gov).

SHPD does not concur with CWRM’s determination of “No historic properties affected.” SHPD has previously concurred with DPW’s HRS §6E-8 determination of “**Effect, with proposed mitigation commitments**” with

mitigation in the form of architectural (HAER) documentation of the ‘Īao Stream Bridge and archaeological monitoring during project-related ground disturbing work.

**SHPD hereby notifies** DPW and CWRM that the AMP has been reviewed and accepted. SHPD looks forward to receiving the HAER report for review and acceptance. Please submit the Final AMP and the HAER documentation by responding to our requests under HICRIS Project No. 2024PR00504.

As indicated above, the **SHPO concurred** with the FHWA’s effect determination of *adverse effect* pursuant to 36 CFR 800.5(a) in a letter dated September 16, 2025 (Doc. No. 2509AM06). FHWA proposes mitigation for the *adverse effect* to the ‘Īao Bridge in the form of HAER documentation. DPW also proposed HAER documentation (see above) as a mitigation commitment under HRS Chapter 6E, and the SHPD concurred.

**The SHPD looks forward to** continued consultation regarding the development of a Memorandum of Agreement to address the adverse effect.

The Maui DPW, the Corps, the HDOT, and the FHWA are the offices of record for this undertaking. Please maintain a copy of this correspondence as part of your administrative record for this undertaking.

Please contact Mary Kodama, Architecture Branch Chief, at [Mary.Kodama@hawaii.gov](mailto:Mary.Kodama@hawaii.gov), for any matters regarding architectural resources and contact Susan A. Lebo, Archaeology Branch Chief, at [Susan.A.Lebo@hawaii.gov](mailto:Susan.A.Lebo@hawaii.gov), for any matters regarding archaeological resources or this letter.

Aloha,



Jessica L. Puff, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Ty Takeno, [ty.takeno@co.maui.hi.us](mailto:ty.takeno@co.maui.hi.us)  
Meesa Otani, [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov)  
Vera Koskelo, [cepoh-ro@usace.army.mil](mailto:cepoh-ro@usace.army.mil)  
David Rojek, [david.j.rojek@usace.army.mil](mailto:david.j.rojek@usace.army.mil)  
Lindsey Hisamoto, [lindsey.a.hisamoto@hawaii.gov](mailto:lindsey.a.hisamoto@hawaii.gov)  
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Barbara Shideler, [bss@masonarch.com](mailto:bss@masonarch.com)  
Dee Ruzicka, [dr@masonarch.com](mailto:dr@masonarch.com)



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA  
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO  
P.O. BOX 621  
HONOLULU, HAWAII 96809

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR

Oct 22, 2025

Ref: SCAP.6484.6

TO: Aha Moku  
Aquatic Resources  
Engineering Division  
Forestry and Wildlife  
State Parks *C*

FROM: Ciara W.K. Kahahane, Deputy Director *Ciara Kahahane*  
Commission on Water Resource Management

SUBJECT: Request for Comments, Stream Channel Alteration Permit (SCAP.6484.6)  
Application, County of Maui, Dept. of Public Works, 'Īao Stream Bridge No. 59  
Rehabilitation, Wailuku River, 'Īao Surface Water Management Area, Maui  
Tax Map Key(s): (2) 3-5-003:999

We would appreciate your review and comment on the subject permit application within 30 days from the date of this memo. The project proposes to rehabilitate the 'Īao Stream Bridge (No. 59), including replacing parapet rails and end stanchions, replacing guardrail, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier. The application is available on our website at <https://dlnr.hawaii.gov/cwrmsurfacewater/review/>. If you have any questions, contact Rebecca Alakai at [rebecca.r.alakai@hawaii.gov](mailto:rebecca.r.alakai@hawaii.gov) or call (808) 587-0266.

Response:

- |   |   |
|---|---|
| <input type="checkbox"/> We have no objections                              | <input type="checkbox"/> Additional information requested |
| <input type="checkbox"/> Not subject to our regulatory authority and permit | <input type="checkbox"/> Extended review period requested |
| <input checked="" type="checkbox"/> Comments attached                       | <input type="checkbox"/> EA / EIS is required             |

Contact Person: Carl Sholin, State Parks Division Planner VDate: 10/27/2025

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

Oct 27, 2025

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Ciara W.K. Kahahane,  
Commission on Water Resource Management

FROM: Curt Cottrell  
Administrator, Division of State Parks

SUBJECT: Comments on the Stream Channel Alteration Permit (SCAP.6484.6)  
Application, County of Maui Department of Public Works. 'Iao Stream Bridge No.  
59 Rehabilitation, Wailuku River, 'Iao Surface Water Management Area, Maui Tax  
Map Key(s): (2) 3-5-003:999.

Aloha,

Thank you for the opportunity to provide comment on the Stream Channel Alteration Permit (SCAP.6484.6). 'Iao Valley Road serves as the main entrance to 'Iao Valley State Monument, which receives thousands of visitors annually. As such, the Department of Land and Natural Resources (DLNR) Division of State Parks (DSP) is supportive of any project that would seek to maintain safe access to our park through this thoroughfare.

Core to our mission is the preservation of natural and cultural resources. Although the applicant documented that they have not yet received a response from the State Historic Preservation Division (SHPD), we are supportive of their expressed intention to seek out a memorandum of agreement with the SHPD regarding this historic property, and we are supportive of Historic American Engineering Records (HABS) documentation prior to its alteration. We are not supportive of the removal of the time-stamped end stanchions of the bridge. It is our view that preserving these architectural elements where they are is necessary to the historic integrity of the bridge.

We have reviewed the applicants inventory of threatened and endangered species, of which none were observed. DSP supports and reiterates the need for adherence to the best

management practices that the applicant outlined to reduce impacts to native flora and fauna (Exhibit B).

Access to 'Iao Valley State Monument now requires advanced reservations by out of state visitors. Because of this, DSP would like to request notice 45 days before any construction work that shall affect traffic patterns. Increased delays and/or road closures may affect the plans of our park visitors. DSP will need to disseminate this information, and/or temporarily modify our permit issuance process.

Should you have any questions regarding this correspondence, contact Carl Sholin of our office at (808) 636-8430 or at [carl.e.sholin@hawaii.gov](mailto:carl.e.sholin@hawaii.gov).

Mahalo nui,



Curt Cottrell, State Parks Administrator

CC  
Mike Kahula – DSP Maui District Superintendent

**From:** [Leialoha Makuanani](#)  
**To:** [DLNR.CW.DLNR.CWRM](#); [Alakai, Rebecca R](#)  
**Cc:** [Kamakana Ferreira](#)  
**Subject:** [EXTERNAL] OHA Comments Re: SCAP.6484.6, Iao Stream Bridge No. 59 Rehabilitation, Wailuku  
**Date:** Thursday, November 6, 2025 7:23:03 AM  
**Attachments:** [image001.png](#)

---

Aloha e Chairperson Chang and Deputy Director Kahahane,

The Office of Hawaiian Affairs (OHA) is in receipt of your letter dated October 22, 2025 requesting comments for the Stream Channel Alteration Permit Application (SCAP.6484.6), County of Maui, Dept. of Public Works, ‘Īao Stream Bridge No. 59 Rehabilitation, Wailuku River, ‘Īao Surface Water Management Area, Maui [TMK (2) 3-5-003:999].

The project proposes to rehabilitate the ‘Īao Stream Bridge, including replacing parapet rails and end stanchions, guardrail, repairing minor concrete spalls and scour. OHA provides the following comments.

### *Ka Pa‘akai* Analysis

OHA is concerned that the application’s *Ka Pa‘akai* analysis (KPA) section focuses almost exclusively on archaeological resources and historic sites. This limited scope does not fully meet the obligations established under *Ka Pa‘akai o Ka ‘Aina v. Land Use Commission*, 94 Haw. 31 (2000) and Articles IX and XII of the Hawai‘i State Constitution, which require agencies to ensure that traditional and customary Native Hawaiian rights are identified, protected, and where feasible, preserved.

The current KPA discussion is confined to archaeological findings and does not identify or evaluate ongoing traditional and customary practices—such as kalo cultivation, gathering, or water uses—that are directly dependent on ‘Īao Stream (Wailuku River) and its tributaries. Because ‘Īao is one of the waters of Nā Wai ‘Ehā, this omission is significant. The stream has long supported lo‘i kalo cultivation, a constitutionally protected customary practice also tied to appurtenant water rights and the physical and spiritual well-being of the stream.

A [2016 Surface Water Use Permit Application \(SWUPA\) submitted by John and Rose Marie Duey for TMK \(2\) 3-5-003:018](#)—where a portion of the project is proposed—includes testimony documenting both historic and continuing lo‘i kalo cultivation supported by ancient terracing, springs, and an ‘auwai system. This record demonstrates that the broader project area continues to sustain traditional agricultural and cultural practices. Accordingly, OHA recommends that the KPA section be revised to integrate these findings and to identify associated practitioners and appurtenant users who may be affected by temporary stream diversions or construction activities.

OHA recommends that the applicant expand the KPA section to properly identify, assess, and incorporate measures to reasonably protect traditional and cultural practices.

### Historic Resources

OHA notes that the Department of Public Works (DPW) has offered the following mitigation measures regarding historic properties: 1) developing a Memorandum of Agreement (MOA) with the State Historic Preservation Division (SHPD) for the historic Iao Bridge; and 2) implementing archaeological monitoring during project-related ground disturbance. OHA strongly supports these mitigation commitments and respectfully requests copies of any SHPD correspondence and the draft or executed MOA once available.

Mahalo for the opportunity to review and provide comments. We appreciate your continued

attention to the protection of Hawai‘i’s cultural and historic resources. Please feel free to contact me should you have any questions.

Me ka ha‘aha‘a,

**A. Leialoha Mākuanani, J.D.** (she/her/‘o ia)

‘Aho Pueo Kia‘i Kānāwai / Compliance Advocate

Office of Hawaiian Affairs

560 N. Nimitz Hwy, Honolulu, HI 96817

Ph: 808- [REDACTED] | Em: [REDACTED]



[www.oha.org](http://www.oha.org)

RICHARD T. BISSEN, JR.  
Mayor

JOSIAH K. NISHITA  
Managing Director

JORDAN MOLINA  
Director

PAUL M. BARANY, P.E.  
Deputy Director

WADE SHIMABUKURO, P.E.  
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.  
Engineering Division

MICHAEL KINORES  
Highways Division

Telephone: (808) 270-7745  
Fax: (808) 270-6267



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII 96793

**DECLARATION OF EXEMPTION  
FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT**

July 12, 2025

**TO:** Department of Public Works Public Files for Chapter 343 HRS Exemption Determinations

**FROM:** Jordan Molina, Director of Public Works *JM*

**PROJECT:** IAO BRIDGE REPAIRS, FAP NO. BR-3200(001)

**AGENCY OR APPLICANT ACTION**

- This exempted action is an agency action as defined by Section 343-5(b), HRS, and Section 11-200.1-8, HAR,
- This exempted action is an applicant action as defined by Section 343-5(e), HRS, and Section 11-200.1-9, HAR

**EXEMPTION TYPE:**

The exemption declaration for the action described below is based on the Exemption List for the County of Maui, reviewed, and concurred to by the Environmental Council on January 10, 2007.

- Exemption Class 1.
- Item Number 2b.
- Applicable language from the exemption list:
  - Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change beyond that previously existing.
  - Structures

**DESCRIPTION OF ACTION**

Proposing Agency, Division or Applicant: County of Maui Department of Public Works

Project Name & Address/Location: Iao Bridge Repairs, District of Wailuku, Island of Maui (20.882973°N, 156.533937°W)

Anticipated Start Date: 2/1/2027

Anticipated End Date: 11/30/2027

Island and District: Maui

Wailuku

Tax Map Key(s) and other geolocation means: Tax Map Keys: (2) 3-5-003:001, (2) 3-5-003:019, (2) 3-5-003:018

All Necessary Permits and Approvals: United States Army Corps of Engineers Section 404 Nationwide Permit, State of Hawaii Department of Health Section 401 Blanket Water Quality Certification, Stream Channel Alteration Permit.

**NARRATIVE**

Describe the action and why it qualifies for the exemption: The County of Maui, Department of Public Works (DPW) is pursuing the implementation of structural repairs for scour damaged elements of Iao Bridge in Wailuku, Maui. Repairs have been designed as a Federal-aid project with No. BR-3200(001). Bridge repairs consist of structural repairs to the bridge's superstructure, scour protection, roadway paving, utilities, signing, and striping.

**RECEIVING ENVIRONMENT**

Describe the site, including any impacts on the receiving environment: Iao Bridge is a 3-span bridge located along Iao Valley Road in Wailuku, Maui. The bridge consists of an asphalt concrete deck, steel superstructure, and concrete superstructure. The bridge abutments and pier walls are supported by shallow footing foundations in Iao Stream. The proposed project involves rehabilitating the Iao Stream Bridge (No. 59), constructed in 1955, including replacing parapet rails and end stanchions, repairing minor concrete spalls, and repairing scour. The rail replacement will require the addition of new concrete pier support at abutments and each pier. Potential impacts to the receiving environment will be mitigated by the best management practices proposed in the roadway erosion control plan, which includes filter socks, temporary inlet protection, and hanging debris catchment netting surround the perimeter of the work area. Work will be conducted in two phases, each with a stream diversion plan to mitigate impacts.

**ENVIRONMENTAL ANALYSIS**

We have considered the potential effects of the proposed project and all related activities to the environmental resources checked below:

- |   |                                     |
|---|-------------------------------------|
|   | Not Applicable                      |
| <input checked="" type="checkbox"/> Land Use and Zoning Conformance                               | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)                      | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)                  | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Air Quality Pollutant Emissions                               | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Noise Emissions   | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management                 | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Social  | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Economic  | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Health and Safety   | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Recreation  | <input type="checkbox"/>            |
| <input type="checkbox"/> Public Beach Access  | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Historic, Cultural and Archaeological Resources and Practices | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Visual/Aesthetic  | <input type="checkbox"/>            |
| <input type="checkbox"/> Environmental Justice  | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species                   | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Surface and Ground Water Resources                            | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Wetlands  | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Floodplains   | <input type="checkbox"/>            |

- Riparian/Coastal Resources   
 Other
- Sea Level Rise Exposure Area

Summary of impact analysis: Repair to the bridge will require some grubbing of vegetation to access the work area. Rare, Threatened, and/or Endangered Species of birds have the potential to exist within the impact area. Materials and equipment traversing the area may increase the erosion of soils. During work, the stream would be diverted around the active work area in two phases. Local stream flow rates under the bridge past the diversion will increase and may cause erosion of the adjacent stream bank. During construction, traffic control plans will be implemented in phases to manage traffic during one-lane road closures. Hanging debris catchment netting and scaffolding will also be implemented as BMPs during construction to prevent falling debris from entering the stream. Upon completion, new traffic signage will be installed. Cumulatively, birds and native vegetation may be disrupted until vegetation becomes reestablished in the project area.

**MITIGATION**

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion: Best management practices (BMPs) include the use of filter socks, temporary inlet protection, hanging debris catchment netting and scaffolding, sand bags, impermeable liners, silt fences to contain any erosion caused within the staging area and access path to prevent it from entering the stream. Traffic control plans would be implemented during any temporary lane closures to guide traffic around the work area and maintain transportation services.

**CONSULTATION**

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date): In accordance with State of Hawaii guidelines for preparing environmental review documents under Hawaii Revised Statutes Chapter 343, the County of Maui Department of Public Works, Engineering Division consulted with agencies having jurisdiction and expertise for the subject project on December 11, 2024. Agencies that were consulted are listed in Table 1.

Table 1. Agencies and parties consulted for Structural Countermeasures for Scour Critical Bridges Project No. Br-1500(120), Maui Tier 1

Affiliation	Name & Title	Consultation Date
Department of Business, Economic Development & Tourism (DBEDT)	James Tokioka, Director	12/11/2024
County of Maui Planning Department	Kate Blystone, Director	12/11/2024
Department of Land and Natural Resources (DLNR)	Dawn Chang, Chairperson	12/11/2024

**EXEMPTION DECLARATION**

The primary, secondary, and cumulative impacts of the action described above have been considered pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR. The County of Maui, Department of Public Works declares that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

This document is on file in our Department and is available for public review.

*Josida Malin*  
\_\_\_\_\_  
Signature of Director

**JUL 15 2025**  
\_\_\_\_\_  
Date

JM/CSS (ED25-00445)

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**Attachments**

Figure 1: Vicinity Map

Figure 2: Site Map

Documentation of Consultation

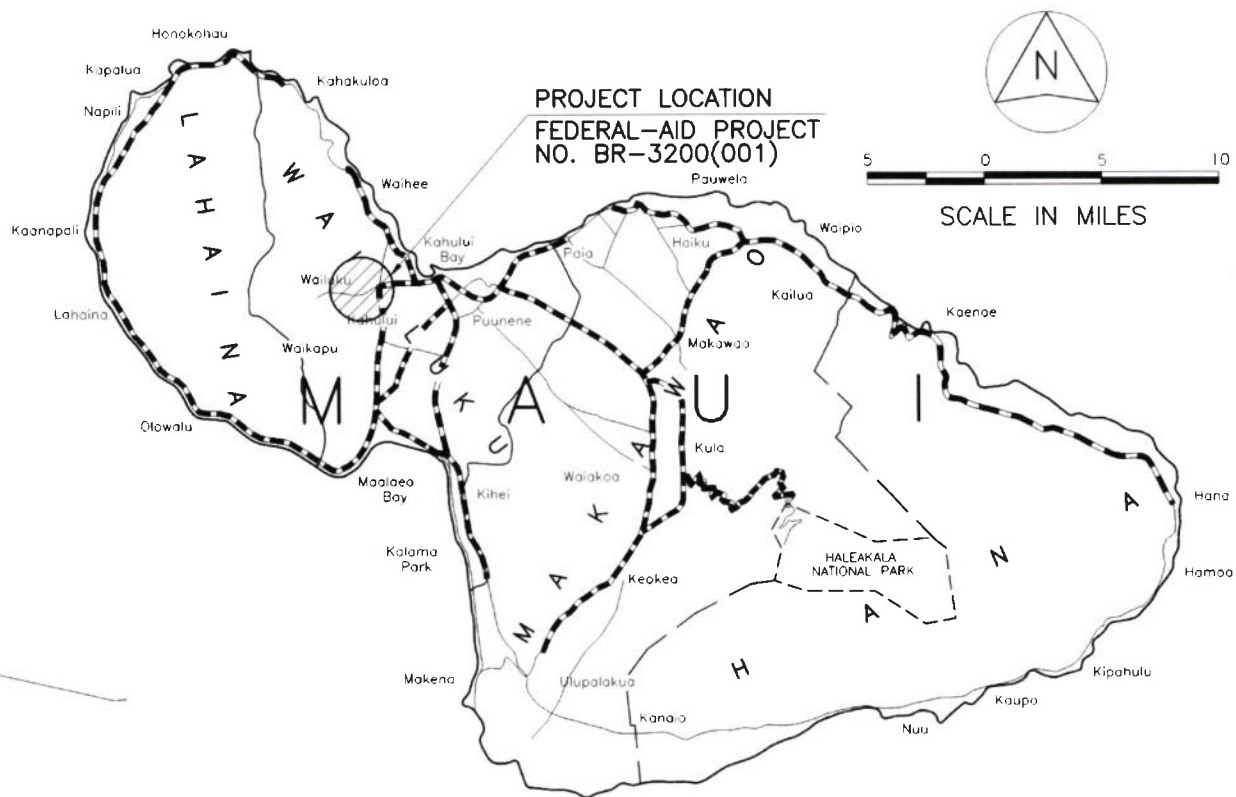


Figure 1: Vicinity Map of Iao Bridge on Maui Island

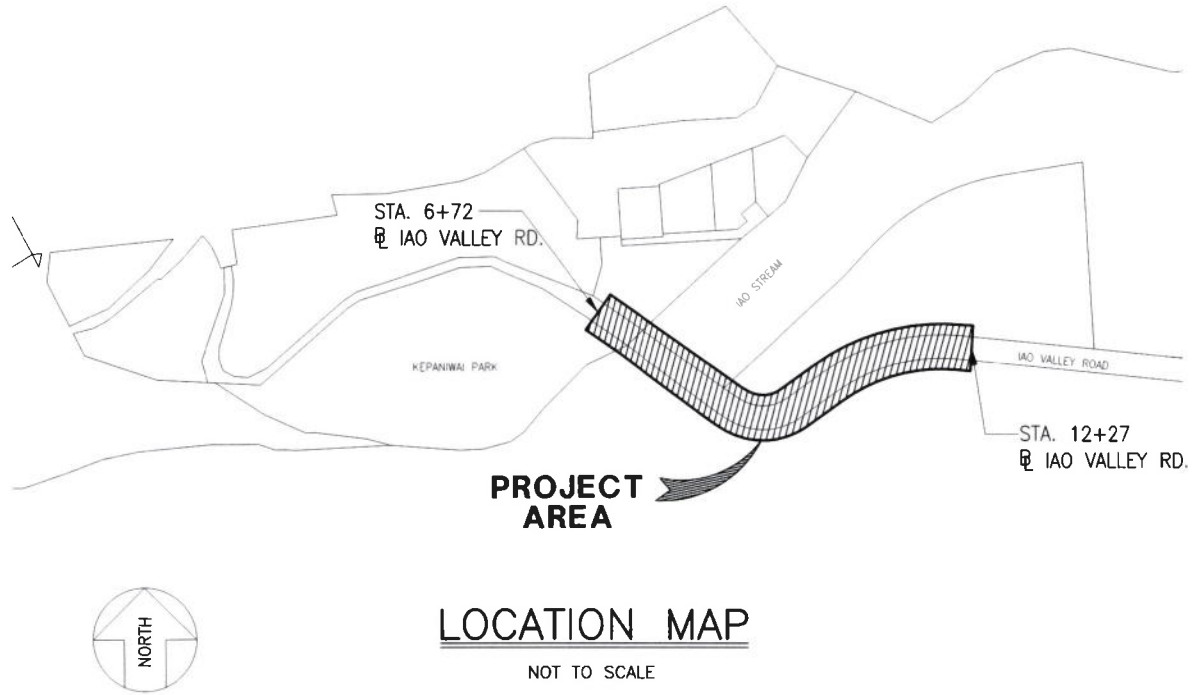


Figure 2: Site map of the area of potential effect, Iao Bridge, Iao Valley Road

STREAM CHANNEL ALTERATION PERMIT STANDARD CONDITIONS  
(Revised December 15, 2020)

1. The permit application and staff submittal approved by the Commission at its meeting on the above date shall be incorporated herein by reference.
2. The project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, endangered species, and floodways. The permittee shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and county governments, including, but not limited to, instream flow standards.
3. The permittee, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the permittee or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.
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 in pdf format 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 in PDF format to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. The permittee shall implement site-specific, construction Best Management Practices in consultation with the DOH Clean Water Branch and other agencies as applicable, that are designed, implemented, operated, and maintained by the permittee and its contractor to properly isolate and confine activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting State waters per HRS Ch. 342D Water Pollution; HAR §11-54-1 through §11-54-8 Water Quality Standards; and HAR §11-55 Water Pollution Control, Appendix C.
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.

## LEGAL AUTHORITIES

HRS §174C-71 Protection of instream uses. The commission shall establish and administer a statewide instream use protection program. In carrying out this part, the commission shall cooperate with the United States government or any of its agencies, other state agencies, and the county governments and any of their agencies. In the performance of its duties the commission shall:

- (2) Establish interim instream flow standards;
  - (D) In considering a petition to adopt an interim instream flow standard, the commission shall weigh the importance of the present or potential instream values with the importance of the present or potential uses of water for non-instream purposes, including the economic impact of restricting such uses;
- (3) Protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses;
  - (A) The commission shall require persons to obtain a permit from the commission prior to undertaking a stream channel alteration; provided that routine streambed and drainageway maintenance activities and maintenance of existing facilities are exempt from obtaining a permit;
  - (C) The commission shall establish guidelines for processing and considering applications for stream channel alterations consistent with section 174C-93;

HAR §13-169-2 Definitions.

“Channel alteration” means to obstruct, diminish, destroy, modify, or relocate a stream channel; to change the direction of flow of water in a stream channel; to place any material or structures in a stream channel; or to remove any material or structures from a stream channel.

“Stream channel” means a natural or artificial watercourse with a definite bed and banks which periodically or continuously contains flowing water.

HAR §13-169-50 Permit required. (a) Stream channels shall be protected from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses. No stream channel shall be altered until an application for a permit to undertake the work has been filed and a permit is issued by the commission; provided that routine streambed and drainageway maintenance activities and maintenance of existing facilities are exempt from obtaining a permit.

HAR §13-169-52 Criteria for ruling on application. (a) The commission shall act upon an application within ninety calendar days after acceptance of the application.

(b) Based upon the findings of fact concerning an application for a stream channel alteration permit, the commission shall either approve in whole, approve in part, approve with modifications, or reject the application for a permit.

(c) In reviewing an application for a permit, the commission shall cooperate with persons having direct interest in the channel alteration and be guided by the following general considerations:

- (1) Channel alterations that would adversely affect the quantity and quality of the stream water or the stream ecology should be minimized or not be allowed.
- (2) Where instream flow standards or interim instream flow standards have been established pursuant to subchapters 3 and 4, no permit shall be granted for any channel alteration which diminishes the quantity or quality of stream water below the minimum established to support identified instream uses, as expressed in the standards.
- (3) The proposed channel alteration should not interfere substantially and materially with existing instream or non-instream uses or with channel alterations previously permitted.

(c) Notwithstanding subparagraph (b) above, the commission may approve a permit pursuant to subparagraph (a) above in those situations where it is clear that the best interest of the public will be served, as determined by the commission.

HAR §13-169-53 Term of permit. (a) Every permit approved and issued by the commission shall be for a specified period, not to exceed two years, unless otherwise specified in the permit.