



Testimony to
Commission on Water Resource Management

May 18, 2026

9 AM

Room 132

Offering COMMENTS on Agenda Item C-1: MAHI PONO – BRIEFING ON STATUS OF EAST MAUI DIVERSION MODIFICATIONS ORDERED BY THE COMMISSION IN CONTESTED CASE HEARING CCH-MA13-01, ENCOMPASSING 27 SURFACE WATER HYDROLOGIC UNITS FROM HONOPOU TO MAKAPIPI, AND ON NOVEMBER 15, 2022, ENCOMPASSING 11 SURFACE WATER HYDROLOGIC UNITS IN THE HUELO-REGION FROM HO'OLAWA TO KŌLEA

Aloha Chair Chang and members of the Water Commission,

On November 15, 2022, this Commission wisely voted to amend the instream flow standards for several streams in the Huelo region in East Maui. In doing so, the Commission required East Maui Irrigation (EMI) to submit a reasonable timeline to implement the modifications (within 60 days for seven priority modifications; and 120 days for other modifications.).¹ According to a spreadsheet EMI recently submitted to BLNR, much of the work has not yet begun.

Please ask EMI – and your staff – the following questions so that you and the public can understand what has been going on.

Has EMI submitted the required reasonable timeline to implement the stream modifications for Huelo? If so, when did it submit it? Have you seen it? Please ask your staff what kind of follow up it has done on this issue.

EMI waited an entire year before applying for permits from the U.S. Army Corps of Engineers (USACE) needed to implement the Commission's order. Why? And why did EMI resubmit its application to the USACE on 11/14/2025? Why are there three dates? 11/28/23, 1/20/25, and 11/14/2025? Can EMI share the correspondence between EMI and USACE?

Can EMI provide photos of the modifications that have been completed this past quarter?

What is the status of the modifications to NH-12 and NH-13 on Nailiilihaele? Apparently, no permit approvals are pending, and the last approvals were given in October. Over six months later, it appears that no work has been done. When will these modifications be completed?

¹ <https://files.hawaii.gov/dlnr/cwrm/submittal/2022/sb20221115B5.pdf> at 110-111.



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Why were approvals for the modifications to Hanehoi and Honopou only submitted on November 14, 2025?

Are most of the modifications on Kapaula, Kopiliula, Makapipi, Pa'akea, Puohokamoia and Waikamoi complete? It says pending weather and permits, but no approvals are pending. That makes no sense.

Mahalo nui for your attention to this matter.