

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

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

June 16, 2026
Honolulu, Hawai'i

Find that Emergency Authorization (EA.6645.6) for Excavator Use to Remove Immediate Threats and Safety and Prevent Further Damage to Property Does Not Require a Stream Channel Alteration Permit;
Applicant Yas and Mina Yamazaki
Wailuku River, Wailuku, Maui; TMK(s) (2) 3-3-018:006

APPLICANT

Yas and Mina Yamazaki
2553 Mokuhau Road
Wailuku HI 96793

LANDOWNER

Same

I. SUMMARY OF REQUEST

Staff requests that the Commission:

Find that the work performed under the Emergency Authorization for excavator use met the requirements of HAR § 13-169-55 because it was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and therefore does not require a Stream Channel Alteration Permit application to be filed.

This finding applies only to the work performed under the Emergency Authorization. Any future non-emergency work within the Wailuku River will require a Stream Channel Alteration Permit to be approved by the Commission before the work begins.

LOCATION: Location Description. See Figure 1.

Figure 1. Location. Project area (red). Wailuku River (blue).



II. BACKGROUND

EMERGENCY AUTHORIZATION RULE AND PROCESS

Hawai'i Administrative Rules (HAR) section 13-169-55 enables emergency work to be performed in stream channels without first obtaining a Stream Channel Alteration Permit.

The work that can be performed under the rule is limited to what is “necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event.” HAR § 13-169-55(a). Work must be “limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.” HAR § 13-169-55(b).

Under HAR § 13-169-55, no later than the first working day after initiation of any emergency work, the person performing the work must notify the department and describe the work being performed so that an emergency authorization may be issued. Within thirty days of notifying the department, the person effecting the emergency work must submit a report describing the nature and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.

Commission staff asks individuals requesting an Emergency Authorization to provide information such as photos, maps, descriptions of the damage, evidence of any work performed if submitting after-the-fact, etc., to enable staff to make a recommendation for approval of an Emergency Authorization by the Chairperson. After the Chairperson signs an Emergency Authorization, Commission staff sends copies of the Emergency Authorization to the U.S. Army Corps of Engineers and the Department of Health's Clean Water Branch.

Because emergency work under HAR § 13-169-55 is intended to address immediate threats to life, health, safety, or property, the emergency authorization process does not include a Ka Pa'akai analysis, prior review by the State Historic Preservation Division or other reviewing agencies, or environmental review under HRS chapter 343.

Following completion of the emergency work, Commission staff requests that individuals who received an Emergency Authorization file a complete Stream Channel Alteration Permit (SCAP) application to serve as the "report describing the nature and extent of the emergency work performed." HAR § 13-169-55(d). Commission staff will then present the report and its finding to the Commission to consider whether the work was in fact "limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property." If the Commission believes that the work performed was beyond the "minimum amount necessary," it may choose to require that a full SCAP application be submitted to conduct a full review of the after-the-fact work and take corrective actions if necessary.

Since June 21, 2006, Commission staff has processed emergency authorization requests under HAR § 13-169-55 according to the process outline above.

STORM IMPACTS TO YAMAZAKI PROPERTY AND PROJECT DESCRIPTION

In March 2026, a series of Kona Low storm events brought prolonged heavy rainfall, flooding, and stream-related damage across the State of Hawai'i, including Maui County. The storms caused widespread impacts, including overflowing streams and damage to public and private property. These storm conditions contributed to high flows and flood-related damage along Wailuku River, including the damage reported by the Applicant on the Yamazaki property.

On March 20, 2026, Yas and Mina Yamazaki requested an Emergency Authorization. See Exhibit 1. On March 23, 2026, the Chairperson approved the Emergency Authorization. See Exhibit 2. On April 2, 2026, Yas and Mina Yamazaki filed a stream channel alteration permit application as the report required under HAR §13-169-55(d). See Exhibit 3.

The flood impacted the approximately 275 linear feet of river fronting the Yamazaki property, including loss of land and continued threats due to realignment of Wailuku River. While their home did not sustain damage, the Yamazakis lost their "river water

pumping station” and their 15,000 gallon water tank was in danger of falling into the river. The water tank is their only source of water and served two other neighboring families who were also impacted by the storms. Concrete stairs to access the pumping station was also washed away in the flood event.

Figure 2. View of damage to the streambank fronting the Yamazaki property on the left bank, looking upstream. Neighboring property’s house (Bashaw) fell into the river during the storms (left, circled in red). Water tank is located at center (circled in red).



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 the 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. Approximately 29 surface water use permits have been granted 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 ₅₀	Q ₅₅	Q ₆₀	Q ₆₅	Q ₇₀	Q ₇₅	Q ₈₀	Q ₈₅	Q ₉₀	Q ₉₅	Q ₉₉
1984-2007 ¹	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 ²	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)

¹Oki et al., 2010 USGS SIR 2010-5011

²Cheng, 2016 USGS SIR 2016-5103

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.

III. FINDINGS AND ANALYSIS

STAFF REVIEW

Section 13-169-55, HAR allows a person to perform emergency work in the stream channel as follows:

§13-169-55 Emergency work. (a) When emergency channel alteration is necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event, a person may proceed to effect the channel alteration without a permit.

(b) In general, protective, health, and sanitation measures shall be limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.

(c) No later than the first working day after initiation of any emergency work, the person effecting the work shall notify the department and describe the nature and circumstances of the remedial work so that the department may issue an emergency authorization.

(d) Within thirty days of his notification to the department, the person effecting the emergency work shall submit to the commission a report describing the nature

and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.

The report, per HAR §13-169-55(d), is seen in Exhibit 3.

Based on the report submitted by Yas and Mina Yamazaki, staff believe that the work performed was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property.

Figure 3. View of Yamazaki property damage on left bank of stream, looking upstream. Rocks were piled up at the base of the denuded streambank.

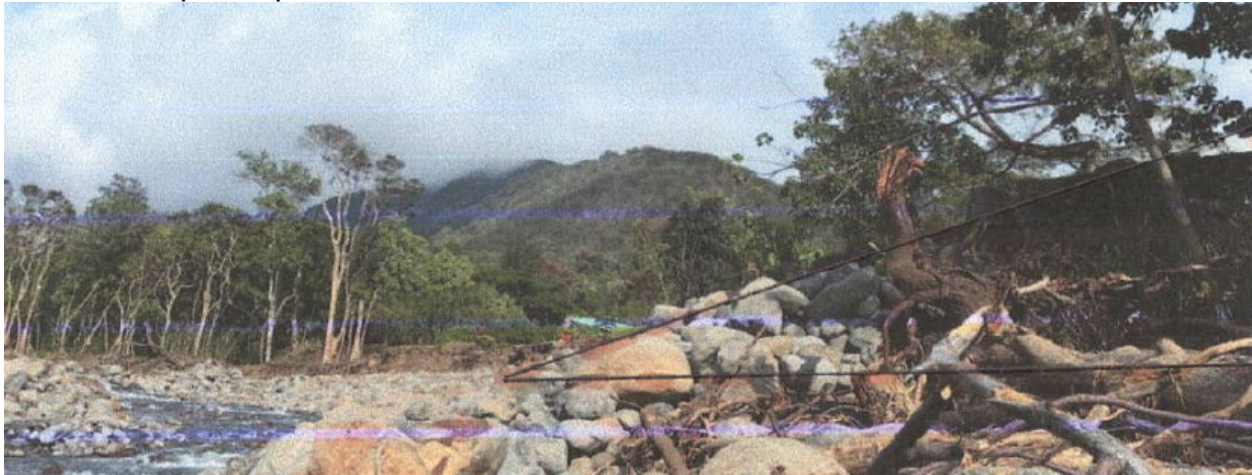


Figure 4. View from top of left streambank. A portion of the concrete stairs that washed away is visible in the bottom right of photo. Rocks were piled against the denuded left bank to reach the top of the remaining stairs.



The work performed included using excavators to move rock debris towards the remaining streambank to protect existing property and realigning the Wailuku River within a single channel towards the middle of the channel widened by the storms. Per the report, the work was limited to repairing damage caused by the storm and restoring the stream channel to its previous condition. No hardening of the stream bank or construction of new structures occurred.

The storm event caused substantial flood-related disturbance to Wailuku River and the surrounding area, including conditions that likely affected instream habitat, stream biota, and the exercise of traditional and customary practices. Based on the information submitted, any additional impacts to traditional and customary practices caused by the emergency work cannot be meaningfully distinguished from the damage caused by the storm.

IV. RECOMMENDATION

Staff recommends that the Commission:

Find that the work performed under the Emergency Authorization for excavator use met the requirements of HAR § 13-169-55 because it was limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and therefore does not require a Stream Channel Alteration Permit application to be filed.

This finding applies only to the work performed under the Emergency Authorization. Any future non-emergency work within the Wailuku River will require a Stream Channel Alteration Permit to be approved by the Commission before the work begins.

Ola i ka wai,



CIARA W.K. KAHAHANE
Deputy Director

Exhibits:

1. Emergency Authorization request, Yas and Mina Yamazaki, dated March 20, 2026.
2. Emergency Authorization approval, dated March 23, 2026.
3. Report, pursuant to HAR §13-169-55(d), dated April 2, 2026.

APPROVED FOR SUBMITTAL:



RYAN K.P. KANAKA'OLE
Acting Chairperson



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

REQUEST FOR EMERGENCY AUTHORIZATION

For Official Use Only:

Instructions: Please print in ink or type and send completed form with any attachments to the Commission on Water Resource Management via mail to P.O. Box 621, Honolulu, Hawaii 96809; or via e-mail to dlnr.cwrmm@hawaii.gov. For assistance, call the Commission on Water Resource Management at (808) 587-0214. For further information and updates to this application form, visit <http://hawaii.gov/dlnr/cwrmm>.

The purpose of this form is to request an emergency authorization for the repair or restoration of structures damaged by a sudden and unforeseen event. Based upon the information provided, the Commission staff shall review the request and forward the request to the Chairperson for approval. Information should be as complete and accurate as possible so that a request may be reviewed in a timely and efficient manner. A person may proceed to effect an emergency channel alteration without a permit, but must submit this request no later than the first working day after initiation of any emergency work, or prior to the work being performed.

Any work undertaken without an Emergency Authorization is performed at your own risk. Violations of the State Water Code, Hawai'i Revised Statutes chapter 174C, may result in a fine of up to \$5,000 per violation.

Within thirty (30) days of filing this request, you must submit to the Commission a stream channel alteration permit application form describing the nature and extent of the emergency work performed. If the Commission determines that the emergency work performed went beyond the "minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property," the Commission may require that corrective actions be taken and fines may be levied.

For more information, refer to § 13-169-55, Hawai'i Administrative Rules (Emergency work).

CONTACT INFORMATION	
Name / Company: Yas and Mina Yamazaki	Phone Number: [REDACTED]
Mailing Address: [REDACTED]	Email Address: [REDACTED]
<input checked="" type="checkbox"/> Check here to allow Commission staff to communicate primarily via email. Legally required and other key correspondence will still be transmitted by postal mail.	
PROJECT INFORMATION	
Island: (Check only one) <input type="checkbox"/> Kauai <input type="checkbox"/> Oahu <input type="checkbox"/> Molokai <input type="checkbox"/> Lanai <input checked="" type="checkbox"/> Maui <input type="checkbox"/> Hawaii	
Tax Map Key(s): RP 2-3-3-018-006-0000-000	
Stream / Gulch Name(s): lao	

Describe the Project Location:

Provide a map, property address, GPS coordinates, and photo(s) of the location identified if possible. Attach additional pages if needed.

Our house sits down stream next to Mr & Mrs Bashaw whose entire house went down into the river. Our house is still standing but we lost our river water pumping station and our 15000 gallon water tank is in danger of falling. Our neighborhood is not serviced by the city so water tanks are the only source of water. Currently our water tank is the only one standing among 3 neighboring families, three families must depend on it.. However our concrete access stairs to the water pumping station is washed away and gone/

Currently we have no means to pump and fill our tank. As long as rain continues, rain water can fill the tank but soon the water will run out.

Describe the Requested Emergency Action:

Provide a detailed description of the emergency actions to be taken. If possible, attach a simple design plan of the project in relation to the stream. The work should be *"the minimum amount necessary to remove immediate threats to health and safety or to prevent further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type."* Attach additional pages if needed.

We need to hire an excavator and operator to remove immediate threats to health and safety or to prevent further damage to property. And emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.

We would like to hire the following service to start the necessary work as soon as possible:

Vision Construction & Building LLC
433 Maalo St. Kahului HI, 96732
(808)359-7779
General Contractor Licence No: AC-39664d

Thank you for your consideration.



our watertank

Neighbors house
Tom & Carrie Bashaw



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

Mar 23, 2026

Ref: EA.6645.6

Yas and Mina Yamazaki

[REDACTED]
[REDACTED]
Via email: [REDACTED]

Aloha Mr. and Ms. Yamazaki:

Response to Request for Emergency Authorization
Excavator Use to Shore Up Property (EA.6645.6)
Yas and Mina Yamazaki
Wailuku River, Wailuku, Maui, Tax Map Key: (2) 3-3-018:006

The Commission on Water Resource Management (Commission) is responding to your March 20, 2026 request for emergency authorization to prevent further damage and erosion to the subject property. The damage occurred as a result of heavy rains in early March 2026. Based on your communications and photos submitted, the Commission hereby issues an emergency authorization to you at the subject location to do the following:

Use of an excavator use to remove immediate threats and safety and prevent further damage to property.

Pursuant to [Hawai'i Administrative Rules, §13-169-55](#), the Commission has provisions allowing a person to perform emergency work in the stream channel as follows:

§13-169-55 Emergency work. (a) When emergency channel alteration is necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event, a person may proceed to effect the channel alteration without a permit.

(b) In general, protective, health, and sanitation measures shall be limited to the minimum amount necessary to remove immediate threats to health and safety or to prevent immediate or further damage to property, and emergency repairs or restoration of structures shall be based on their replacement by a minimum facility of the same general type.

- (c) *No later than the first working day after initiation of any emergency work, the person effecting the work shall notify the department and describe the nature and circumstances of the remedial work so that the department may issue an emergency authorization.*
- (d) *Within thirty days of his notification to the department, the person effecting the emergency work shall submit to the commission a report describing the nature and extent of the emergency work performed, including relevant maps and diagrams showing the location and details of the channel alteration completed.*
- (e) *No fee will be required for the filing of a report for emergency channel alteration work.*

In accordance with §13-169-55(d), HAR, as stated above, please submit a complete Stream Channel Alteration Permit (SCAP) application form within 30 days to the Commission. You may download the SCAP application (Form SCAP-APP) from the Commission website at: <https://dlnr.hawaii.gov/cwrm/info/forms/#surface>

To the extent practicable under emergency conditions, you are encouraged to employ best management practices to avoid or minimize water quality impacts to aquatic resources and other instream uses, including the U.S. Fish and Wildlife Service's Recommended Standard Best Management Practices (attached for reference)."

Please be advised that should the project extend beyond the minimum amount necessary to remove immediate threats to health and safety or prevent immediate or further damage to property, the Commission may require corrective actions or issue fines of up to \$5,000 per violation as provided under Hawaii Revised Statutes, §174C-15. Also, the project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, and floodways. This emergency authorization should not be used for other regulatory jurisdictions or used to imply compliance with other federal, state, or county rules.

If you have any questions, contact Rebecca Alakai at (808) 587-0266, or via email at rebecca.r.alakai@hawaii.gov.

Ola i ka wai,



RYAN K.P. KANAKA'OLE
Acting Chairperson

Enclosure

c.: U.S. Army Corps of Engineers
Department of Health, Clean Water Branch

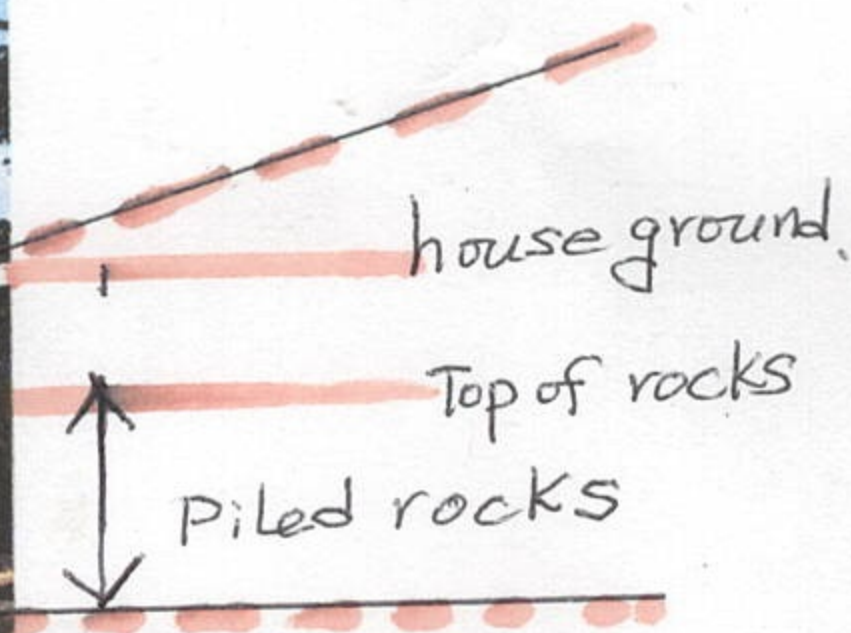
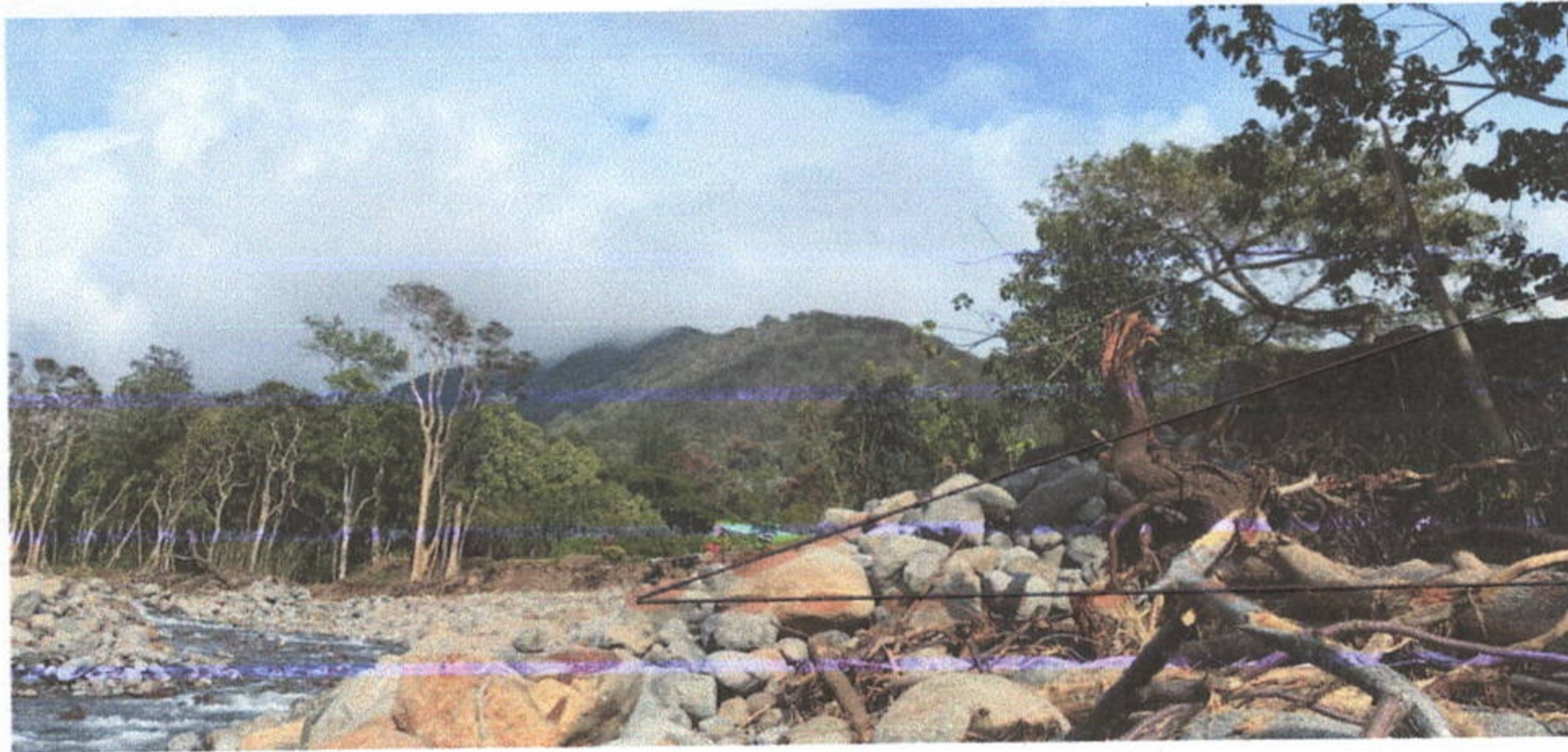
**U.S. Fish and Wildlife Service
Recommended Standard Best Management Practices**

The U.S. Fish and Wildlife Service (USFWS) recommends the following measures to be incorporated into project planning to avoid or minimize impacts to fish and wildlife resources. Best Management Practices (BMPs) include the incorporation of procedures or materials that may be used to reduce either direct or indirect negative impacts to aquatic habitats that result from project construction-related activities. These BMPs are recommended in addition to, and do not over-ride any terms, conditions, or other recommendations prepared by the USFWS, other federal, state or local agencies. If you have questions concerning these BMPs, please contact the USFWS Aquatic Ecosystems Conservation Program at 808-792-9400.

1. Authorized dredging and filling-related activities that may result in the temporary or permanent loss of aquatic habitats should be designed to avoid indirect, negative impacts to aquatic habitats beyond the planned project area.
2. Dredging/filling in the marine environment should be scheduled to avoid coral spawning and recruitment periods, and sea turtle nesting and hatching periods. Because these periods are variable throughout the Pacific islands, we recommend contacting the relevant local, state, or federal fish and wildlife resource agency for site specific guidance.
3. Turbidity and siltation from project-related work should be minimized and contained within the project area by silt containment devices and curtailing work during flooding or adverse tidal and weather conditions. BMPs should be maintained for the life of the construction period until turbidity and siltation within the project area is stabilized. All project construction-related debris and sediment containment devices should be removed and disposed of at an approved site.
4. All project construction-related materials and equipment (dredges, vessels, backhoes, silt curtains, etc.) to be placed in an aquatic environment should be inspected for pollutants including, but not limited to; marine fouling organisms, grease, oil, etc., and cleaned to remove pollutants prior to use. Project related activities should not result in any debris disposal, non-native species introductions, or attraction of non-native pests to the affected or adjacent aquatic or terrestrial habitats. Implementing both a litter-control plan and a Hazard Analysis and Critical Control Point plan (HACCP – see <https://www.fws.gov/policy/A1750fw1.html>) can help to prevent attraction and introduction of non-native species.
5. Project construction-related materials (fill, revetment rock, pipe, etc.) should not be stockpiled in, or in close proximity to aquatic habitats and should be protected from erosion (e.g., with filter fabric, etc.), to prevent materials from being carried into waters by wind, rain, or high surf.
6. Fueling of project-related vehicles and equipment should take place away from the aquatic environment and a contingency plan to control petroleum products accidentally spilled during the project should be developed. The plan should be retained on site with the person responsible for compliance with the plan. Absorbent pads and containment booms should be stored on-site to facilitate the clean-up of accidental petroleum releases.
7. All deliberately exposed soil or under-layer materials used in the project near water should be protected from erosion and stabilized as soon as possible with geotextile, filter fabric or native or non-invasive vegetation matting, hydro-seeding, etc.

A Report for EA. 6645. 6

Side View



Rocks are piled up to gain access to the water level.

Top View



We will have to fill in the gap, but it will be done by dropping rocks from house ground level.

Part of the staircase washed away during the storm. Rocks are piled to reach the staircase.