

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.6654.6) for Excavator Use to Remove Immediate Threats and Safety and Prevent Further Damage to Property Does Not Require a Stream Channel Alteration Permit;
Applicant Ho'oululahui, LLC
Wailuku River, Wailuku, Maui; TMK(s) (2) 3-5-003:018

APPLICANT
Ho'oululahui, LLC
Shauntay Duey
575 A 'Āao Valley Rd.
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 HO‘OULULAHUI, LLC 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 Ho‘oululahui, LLC (Duey) property.

On March 23, 2026, Shauntay Duey, on behalf of Ho‘oululahui, LLC, requested an Emergency Authorization. See Exhibit 1. On March 24, 2026, the Chairperson approved the Emergency Authorization. See Exhibit 2. On May 18, 2026, Ho‘oululahui, LLC 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 1,900 linear feet of river fronting the Ho‘oululahui, LLC property, including loss of land and continued threats due to realignment of

Wailuku River. Ho'oululahui, LLC requested an Emergency Authorization to remove immediate threats such a large boulders, fallen trees, branches, tree trunks, and tree rootballs, and other litter that were washed downstream as a result of the storms. The Wailuku River had also changed its course and began encroaching towards structures on the property. Ho'oululahui, LLC proposed redirecting the river back towards its prior pathway and removing debris to prevent obstruction of streamflow.

Figure 2. View of the Ho'oululahui, LLC property damage and debris piled on the right bank of the stream, looking downstream from the edge of the property.



Figure 3. Upstream view from the edge of the Ho'oululahui, LLC property with debris piled on the opposite, left bank of the river.



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 Shauntay Duey, on behalf of Ho'oululahui, LLC, 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 4. View from right bank of river with rock berm created in the foreground at edge of property to divert streamflow toward the opposite left bank.



Figure 5. View from right bank of river, looking upstream, with rock berm created in the foreground at edge of property to divert streamflow toward the opposite left bank.



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,

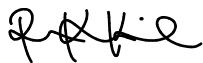


CIARA W.K. KAHAHANE
Deputy Director

Exhibits:

1. Emergency Authorization request, Ho'oululahui, LLC, dated March 23, 2026.
2. Emergency Authorization approval, dated March 24, 2026.
3. Report, pursuant to HAR §13-169-55(d), dated May 18, 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.cwrm@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/cwrm>.

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: Hooululahui, LLC	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): RP2-3-5-003-018-0000-000	
Stream / Gulch Name(s): Iao/ wailuku river	

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.



All above address' are located on the river side of Iao Valley Road.

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.

Land owners are requesting permission from the commission to allow one excavator into the Wailuku River to remove immediate threats such as large boulders, fallen trees/branches/tree trunks/tree rootballs and human litter/garbage which were all caused by the Kona low 1&2 storm.

Due to the debris mentioned prior thus has caused the Wailuku River to change its original course and is now encroaching towards structures on property making conditions unsafe and non livable at this time.

Landowners plan of action is to :

1. Redirect Wailuku River back to its prior pathway
2. Remove debris mentioned to avoid obstruction of the Rivers flow.

Landowners are requesting authorization from commission to begin emergency actions to Hooululahui, LLC TMK:



IMG_1635.jpeg



IMG_1636.jpeg



IMG_1637.jpeg



IMG_1639.jpeg



IMG_1640.jpeg

Shauntay Duey

Mar 24, 2026

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- (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.*

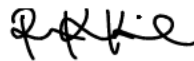
In accordance with §13-169-55(d), HAR, as stated above, please submit a complete Stream Channel Alteration Permit (SCAP) application form within 30 days to the Commission. You may download the SCAP application (Form SCAP-APP) from the Commission website at: <https://dlnr.hawaii.gov/cwrm/info/forms/#surface>

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

B5 - 015

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.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
STREAM CHANNEL ALTERATION
PERMIT APPLICATION

For Official Use Only:

Instructions: Please print in ink or type and send one (1) completed hardcopy and one (1) digital copy of the application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Applications must be accompanied by a non-refundable filing fee of \$25.00 payable to the Department of Land and Natural Resources. The Commission may not accept incomplete applications without the required signatures. For assistance, call the Stream Protection and Management Branch at 587-0234. For further information and updates to this application form, visit <http://dlnr.hawaii.gov/cwrm>.

Check here to allow Commission staff to communicate primarily via e-mail.
 Legally required and other key correspondence will still be transmitted via postal mail.

PERMIT TYPE:

1. Permit Applying For: New After-The-Fact
 2. Type of Construction: Installation Modification Removal

APPLICANT INFORMATION

3. APPLICANT'S NAME / COMPANY: Ho'ouluhau, LLC
 Applicant's Contact Person: Shauntay Dwey
 Applicant's Phone: [Redacted]
 Applicant's Mailing Address: [Redacted]
 Applicant's E-mail Address: [Redacted]

Check here if project will impact multiple landowners. If project impacts multiple landowners, skip item 4 below, then complete and attach Form LND-APP to identify and verify landowner's approval of proposed stream channel alteration work.

4. LANDOWNER'S NAME / COMPANY: Ho'ouluhau, LLC
 Landowner's Contact Person: Keoni Dwey
 Landowner's Phone: [Redacted]
 Landowner's Mailing Address: [Redacted]
 Landowner's E-mail Address: [Redacted]

5. CONSULTANT'S NAME / COMPANY:
 Consultant's Contact Person:
 Consultant's Phone:
 Consultant's Mailing Address:
 Consultant's E-mail Address:

6. CONTRACTOR'S NAME / COMPANY:
 Contractor's Contact Person:
 Contractor's Phone:
 Contractor's Mailing Address:
 Contractor's E-mail Address:

STREAM INFORMATION

7. Island: (Check only one) Kauai Oahu Molokai Lanai Maui Hawaii

8. Tax Map Key(s) List all affected tax map key parcels.
 RP2-3-5-003-018-0000-000

9. Stream / Gulch Name(s) List all affected streams and/or gulches.
 Waiuku River, Iao

FOR OFFICIAL USE ONLY:
 LAT: _____ SWHU ID: _____ FILE ID: _____
 LON: _____ GWHU ID: _____ DOC ID: _____
 REACH ID: _____

GENERAL PROJECT INFORMATION

10. Project Type: Check all that apply.

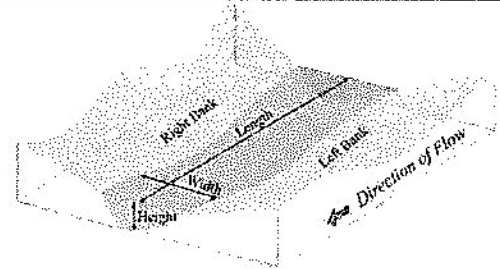
- Bank Stabilization Bridge Channel Alignment Channel Lining Culvert Dam / Dike / Weir
- Desilting Area Drainage Outlet Dredging Ford Crossing Grading Levee / Flood Wall
- Restoration Retaining Wall Retention Basin Stream Gage Sewer Line Water Line
- Other - Describe: _____

11. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).

Latitude: ° ' " Longitude: ° ' " Elevation: ft. above mean sea level

12. Structure Dimensions: (feet)
 Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.

Width: _____
 Height: _____
 Length: _____
 Diameter: _____



13. Structure Location:
 Provide the general location of the stream channel alteration structure in relation to the streambank.

Left bank (downstream view)
 Right bank (downstream view)
 Across entire stream channel

14. State Land Use Classification: (Check all that apply) Agriculture Conservation Rural Urban

LEGAL REQUIREMENTS

If required, the permits or approvals below must be obtained before the Commission on Water Resource Management can legally issue a permit. Visit the Commission's Applications & Forms webpage (<http://dlnr.hawaii.gov/cwrm/info/forms/>) for links to agency websites/contact information.

15. Conservation District Use Permit (CDUP): To find out if your stream channel alteration project is located in a Conservation District (CD), you may visit to the Land Use Commission (LUC) website at <http://luc.hawaii.gov/maps> to view Land Use District Boundary maps. If the stream channel alteration will be located in a CD, contact the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377 to determine if a CDUP is required.

- Stream channel alteration is in a Conservation District.
 - Required. CDUP #: EA 6654-b Date CDUP approved: 03-24-2026
 - Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.
 - I have not checked with the OCCL about whether or not a CDUP is required.
- Stream channel alteration is not in a Conservation District.

16. Special Management Area Permit (SMAP): To determine if an SMAP is necessary, contact your County Planning Department.

- Required. SMAP #: _____ Date SMAP approved: _____
- Not Required. Attach documentation from applicable County agency.
- I have not checked with the County about whether or not an SMA Permit is required.

17. State Historic Preservation Division (SHPD), Department of Land and Natural Resources: If the parcel(s) affected by the stream alteration has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHPD. If the affected parcel(s) has not undergone SHPD review, attach a photograph of the affected area, a schematic diagram (showing the location, access road and infrastructure for the alteration), and a short description of the prior use(s) of the land on which the alteration resides.

*Please note: You are strongly advised to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call (808) 692-8015.

- I have consulted the SHPD regarding potential impacts of stream channel alteration activities on historic sites. I have attached applicable documentation from the SHPD.
- I have not consulted with the SHPD regarding potential impacts of stream channel alteration activities on historic sites.

18. Chapter 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:

- An Environmental Assessment was completed, and
- An Environmental Impact Statement was required and has been accepted (attach letter of acceptance).
 Publication date in The Environmental Notice: _____
- A Finding of No Significant Impact has been determined (attach letter).
 Publication date in The Environmental Notice: _____

This project proposes:

- Use of state or county lands, or use of state or county funds
- Use within a state conservation district
- Use within a shoreline setback area
- Use within a national or Hawaii registered historic site
- Use within the Waikiki Special District
- The construction, expansion or modification of helicopter facility
- A wastewater treatment unit
- Waste-to-energy facility
- Landfill
- Oil refinery
- Power-generating facility
- None of the above 11 items

OTHER REGULATORY REQUIREMENTS

If the proposed stream channel alteration is subject to the following permits or approvals, indicate by checking the appropriate box below and submit either the approval letter from the appropriate agency or attach a copy of the application form. If the proposed stream channel alteration is not subject to the following permits or approvals, indicate by checking the "N/A" (Not Applicable) field.

	Attached	N/A
19. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input type="checkbox"/>
20. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input type="checkbox"/>
21. Right-of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands. (Chapter 171, Hawaii Revised Statutes)	<input type="checkbox"/>	<input type="checkbox"/>
22. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input type="checkbox"/>
23. Soil and Water Conservation District	<input type="checkbox"/>	<input type="checkbox"/>
24. County Certification of "No-Rise"	<input type="checkbox"/>	<input type="checkbox"/>
25. County Grading Permit	<input type="checkbox"/>	<input type="checkbox"/>
26. County Discretionary Permit(s)	<input type="checkbox"/>	<input type="checkbox"/>

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

27. Please provide the identify and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

28. Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

29. What feasible action, if any, could be taken by the Commission on Water Resource Management in regards to your application to reasonably protect Native Hawaiian rights?

PROJECT DESCRIPTION

Please complete the following sections by providing detailed information on the project components identified below. If there is not enough space available, please make a note in the field (e.g., "See attached") and attach all information with this application as requested.

30. Describe the overall project scope and objectives.

Redirected water away from private property and berming of banks to protect lives and further property loss.

Water was directed back towards the stream bed, which was done after river restoration of 2016 flood.

Used natural material from the flood to berm property and redirect water flow.

31. Describe existing stream channel and streamflow conditions at the site of the proposed stream channel alteration.

~~Stream flow~~^{River} is extremely close to structures.

Stream flow and direction of flow is at high risk to cause further property loss.

32. Identify and describe the project components outlined below

A. Materials

B. Quantities

C. Excavation

D. Fill

E. Disposal

F. Construction methods

G. Temporary facilities

H. Expected period of time required for construction

I. Liability during construction

33. Describe the project's consistency with county zoning and development plans.

34. Identify potential alternatives to the project and describe the relative costs and benefits of each alternative.

SUBMITTALS		
<i>Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.</i>		
35. Location Map: Provide a location map of the proposed project relative to major roadways.		
36. Plans / Elevations / Sections: Provide a plan view of the proposed stream channel alteration structure in relation to the stream channel and property boundaries. Elevation and section views of the structure in relation to the stream channel should also be provided if available.		
SIGNATURES		
Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that if the permit requested is granted by the Commission on Water Resource Management (Commission), the permit shall be subject to the following conditions:		
<ol style="list-style-type: none"> 1) The proposed work is to be completed within two (2) years from the date of permit approval. 2) The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion. 3) The permittee shall submit a set of as-built plans and photographs to the Commission upon completion of the project. 4) The 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. 5) 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. 		
37. APPLICANT		
Print Name: <i>Shauntay Dwey</i>	Signature: <i>Shauntay Dwey</i>	Date: <i>04/29/2020</i>
38. CONSULTANT		
Print Name:	Signature:	Date:
39. CONTRACTOR		
Print Name:	Signature:	Date:
40. LANDOWNER (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)		
Print Name: <i>Keoni Dwey</i>	Signature: <i>Keoni Dwey</i>	Date: <i>04/29/2020</i>

CHECKLIST FOR A COMPLETE APPLICATION and ITEM DESCRIPTIONS (ITEMS 1 - 14)

- Fill in the most recent application form (check <http://dlnr.hawaii.gov/cwrm> or call 587-0234 for updates).
- Fill in every line which includes Items 1-40, as indicated (total 8 pages).
- Enclose a check for \$25 payable to the Department of Land and Natural Resources.
- Mark the proposed stream channel alteration location on: the appropriate USGS quad map, TMK map, photo and schematic, and attach to the application.
- Attach Form LND-APP to identify and obtain authorizations for the project if multiple landowners will be impacted.
- Attach a grading plan and cross section profiles showing existing and finish grades, if available.
- Attach documentation from CDUP, SMAP, SHPD when applicable regarding Items 15-17.
- Attach letters from U.S. Army Corps of Engineers, Hawaii Department of Health, Office of Conservation and Coastal Lands, and appropriate county agencies regarding Items 18-26.
- Provide digital copies on CD-ROM or via e-mail, if available.
- Obtain the necessary signatures for the application form.

Send the application and maps, copies, and the filing fee to:

Commission on Water Resource Management

P.O. Box 621

Honolulu, HI 96809

PERMIT TYPE

1. **Permit Status:** Indicate whether this application is for a new stream channel alteration project (including medication or abandonment) or if the project has already been completed and an after-the-fact permit is being applied for.
2. **Type of Construction:** Is the permit application for the installation of a new stream channel alteration, or modification or removal of an existing stream channel structure.

APPLICANT INFORMATION

3. **Applicant's Information:** Fill in the information for the applicant. This should be the entity that will be responsible for the maintenance of the stream channel alteration when the project is completed.
4. **Landowner's Information:** Fill in the information for the landowner of the property where the stream channel alteration will be located.
5. **Consultant's Information:** Fill in the information for the consultant who will assist with plan and design preparation for the subject project.
6. **Contractor's information:** Fill in the information for the contractor who will perform the work on the subject stream channel alteration project.

STREAM INFORMATION

7. **Island:** The island name where the stream channel alteration will be located.
8. **TMK:** Tax Map Key number (generally there is no lot number, but where a parcel is divided into two lots, fill in the lot number)
9. **Stream / Gulch Name:** Name of the stream or gulch where the stream channel alteration will be located.

GENERAL PROJECT INFORMATION

10. **Project Type:** Identify the type of work being performed, and select all that apply to the project.
11. **Project Site Location(s):** Fill in stream channel alteration location coordinates taken from a GPS unit at the project site. Units are Degrees, Minutes and Seconds (seconds should be filled out to at least one decimal place; e.g. 19°59'32.8"N, 155°14'51.5"W). If more than one site, attach separate sheet. Elevations should be provided in feet above mean sea level.
12. **Structure Dimensions:** What are the physical dimensions of the stream channel alteration structure that will be located in or adjacent to the stream channel?
13. **Structure Location:** Will the structure be located on the right or left bank (facing downstream) or across the entire stream channel?
14. **State Land Use Classification:** Identify the current State Land Use Classification.

Please see header descriptions for remaining Sections in completing Items 15 to 40.



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

P.O. BOX 621
HONOLULU, HAWAII 96809

Mar 24, 2026

Ref: EA.6654.6

Ho'oululāhui, LLC
c/o Shauntay Duey



Aloha Ms. Duey:

Response to Request for Emergency Authorization
Excavator Use to Shore Up Property (EA.6654.6)
Ho'oululāhui, LLC
Wailuku River, Wailuku, Maui, Tax Map Key: (2) 3-5-003:018

The Commission on Water Resource Management (Commission) is responding to your March 23, 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 to remove immediate threats and safety and prevent further damage to property. Project locations include 600, 650, 700, and 750 'Āao Valley Road.

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.

Shauntay Duey

Mar 24, 2026

Page 2

- (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.*

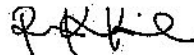
In accordance with §13-169-55(d), HAR, as stated above, please submit a complete Stream Channel Alteration Permit (SCAP) application form within 30 days to the Commission. You may download the SCAP application (Form SCAP-APP) from the Commission website at: <https://dlnr.hawaii.gov/cwrm/info/forms/#surface>

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

B5 - 026

Image 1. Shows river flowing near structures. This is after Kona storm 2026. Image is before excavator work.



Image 2. Continuation looking down river. Image is before excavator work.



Image 3. Excavator work finished. Bottom of image showing rock berm that was made to protect property and structure. Off in the distance parallel to mountain side, rock berm made to reroute river way from property and structures. This is where the county rerouted the river after the 2016 flood.



Image 4. Continuation looking down river after excavator work was finished. Showing rock berm that was made to protect property.



Image 5. Picture taken standing on rock berm that is off in the distance parallel to mountain mentioned from Image 3. Image shows the river flow after excavator work was done. This image is looking up river.



Image 6. Picture taken standing on rock berm that is noted in Image 5. Showing river flow after excavator work. This image is looking down river.



Image 7. This is the second location on our property that was affected by Kona storm 2026. River is flowing next to property after 2026 flood. Flood had washed a structure away during this storm. This image is looking up river before excavator work. Images 7-15 are images from a second location on our property that was affected by 2026 Kona storms.



Image 8. This is a continuation from image seven looking down river, before excavator work. There once was a part time residential structure where the water is now that is shown in the Image.



Image 9. This is a continuation from Image 7 and 8 looking down river before excavator work. Far right of picture near tree line is where river jumped the bank and flowed down our property causing damage to structures and driveway.



Image 10. Excavator work done. Rock berm made to help protect property.



Image 11. Excavator work done. Continuation from Image 10 looking down river.



Image 12. Excavator work done. Continuation from Image 10 and 11 looking down river. Far right of image show rock berm that was made to help protect property.



Image 13. Excavator work done. Rock berm was made to redirect water away from property. This is the same area that was shown in Image 7. Water was redirected back to the path that the county did in 2016 flood.



Image 14. Excavator work done. Image was taken standing on berm that was explained in Image 13. This is showing the flow of water on the other side of berm looking down river. Again this is where the county redirected the river flow after 2016 flood.



Image 15. Excavator work done. Continuation of Image 14. Showing river flow.

