



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
STREAM DIVERSION WORKS
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 Status: New After-The-Fact
 2. Type of Construction: Installation Modification Removal / Abandonment

APPLICANT INFORMATION

3. APPLICANT'S NAME / COMPANY Spirit of Aloha Temple	Applicant's Contact Person Fredrick Swaroop Honig	Applicant's Phone 808.572.2300
Applicant's Mailing Address 800 Haumana Rd, Haiku, HI 96708	Applicant's E-mail Address fredrick@spiritofaloha.org	

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 diversion work.

4. LANDOWNER'S NAME / COMPANY Fredrick R Honig Trust	Landowner's Contact Person Fredrick Swaroop Honig	Landowner's Phone 808.572.2300
Landowner's Mailing Address 800 Haumana Rd, Haiku, HI 96708	Landowner's E-mail Address fredrick@spiritofaloha.org	

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

6. CONTRACTOR'S NAME / COMPANY N/A	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.
 (2) 2-8-004:032-0000

9. Stream / Gulch Name(s) List all affected streams and/or gulches.
 Keali'i Stream

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

GENERAL PROJECT INFORMATION				
10. Diversion No: (if already assigned)		11. Diversion Name: Lo'i Restoration		
12. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).				
Latitude: 20° 56' 08N"		Longitude: 156° 15' 59W"		Elevation: 120 ft. above mean sea level
13. Diversion Structure Type: (Check all that apply)				
<input type="checkbox"/> Unlined channel	<input type="checkbox"/> Hand-built rock	<input type="checkbox"/> Concrete masonry	<input type="checkbox"/> Dam/weir	<input checked="" type="checkbox"/> Pipe
<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic	<input type="checkbox"/> Wood	<input type="checkbox"/> Pump	<input checked="" type="checkbox"/> Direct use
<input type="checkbox"/> Other - Describe:				
STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonments, skip to Legal Requirements section, Item #32.)				
14. Structure Dimensions: (feet)		Width: _____		
Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.		Height: _____		
		Length: Approx 160 feet		
		Diameter: 2 inches		
15. Diversion Location:		<input type="checkbox"/> Left bank (downstream view)		
Provide the general location of the diversion intake structure in relation to the streambank.		<input checked="" type="checkbox"/> Right bank (downstream view)		
		<input type="checkbox"/> Across entire stream channel		
				
16. Intake Dimensions: (feet)		Width: _____ Height: _____ Length: 2 feet Diameter: 2 inches		
17. Average diversion amount: (cubic feet per second)		1 gallon per second. 24 hours = 72,000 gallons per day		
18. Diversion is part of a system of diversions:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. Diverted flow can be controlled:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Control Dimensions: (feet)		Width: _____ Height: _____ Length: _____ Diameter: 2 inch valve		
20. Water will be pumped from the stream:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, identify pump capacity: (gallons per minute)		Daily average pumping time: (hours)		
21. Water will be impounded in the stream channel:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
22. Water diversion capacity will be measured daily:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
23. Water will be returned to the stream:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, average amount of return flow: (cubic feet per second)		Excess overflow from taro (lo'i) field		
24. Water will be stored off-stream:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Describe storage facility:		Storage capacity: (gallons)		
25. State Land Use Classification: (Check all that apply)		<input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Conservation <input type="checkbox"/> Rural <input type="checkbox"/> Urban		
WATER USE INFORMATION				
Check all water use categories below that are intended for the proposed diversion, then describe the proposed use in more detail.				
<input type="checkbox"/> 26. Agriculture 8 lo'i fields				
<input type="checkbox"/> 27. Domestic				
<input type="checkbox"/> 28. Industrial				
<input checked="" type="checkbox"/> 29. Irrigation 8 lo'i fields				
<input type="checkbox"/> 30. Military				
<input type="checkbox"/> 31. Municipal				
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.				
32. Conservation District Use Permit (CDUP): To find out if your stream diversion works 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 diversion works 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.				
<input type="checkbox"/> Stream diversion works is in a Conservation District.				
<input type="checkbox"/> Required. CDUP #: _____ Date CDUP approved: _____				
<input type="checkbox"/> Not Required. Attach documentation from Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources.				
<input type="checkbox"/> I have not checked with the OCCL about whether or not a CDUP is required.				
<input type="checkbox"/> Stream diversion works is <u>not</u> in a Conservation District.				

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

Required. SMAP #: SM52023-000208 Date SMAP approved: 10/23/2023

Not Required. Attach documentation from applicable County agency.

I have not checked with the County about whether or not an SMA Permit is required.

34. **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 SHDP. If the affected parcel(s) has not undergone SHDP 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) 892-8015.

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.

35. **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
36. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
37. State Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certification, Best Management Practices Plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. 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 checked="" type="checkbox"/>
39. Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes; Title 11, Chapter 200, Hawaii Administrative Rules)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Soil and Water Conservation District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. County Certification of "No-Rise"	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. County Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. County Discretionary Permit(s)	<input type="checkbox"/>	<input checked="" 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.

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

The Gardens are a historic Hawaiian Heritage Site recognized by the State Historic Preservation Division (Enclosed is our confirmation letter from SHPD confirming the 4 historic sites present at The Gardens.) This stream diversion is a necessary part of restoring irrigation to these ancient lo'i which are between 700-1000 years old. Also enclosed is our approved Preservation Plan that has been implemented. The only item left to restoring the 'auwai is channeling water from Keali'i Stream for irrigation. Traditionally, the 'auwai was accomplished with a channel and regulated by strategic placing of rocks to divert the stream flow. We are choosing to siphon water from the stream for irrigation of these lo'i. The flow will be controlled with a 2" PVC valve.

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

By creating this irrigation system, the ancient lo'i which are considered to be 700-1000 years old will be restored.

46. 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?

Inform Mahi Pono that Keali'i Stream may not be diverted or used for their commercial purposes.

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.

47. Describe the overall project scope and objectives.

The Gardens are a historic Hawaiian Heritage Site recognized by the State Historic Preservation Division. (Enclosed is our confirmation letter from SHPD confirming the 4 historic sites present at The Gardens.) This stream diversion is a necessary part of restoring irrigation to these ancient lo'i (SIHP 50-50-06-5757) which are between 700-1000 years old. These 8 lo'i cover approximately 1/2 an acre. Our primary crop is taro, but do have some red peppers, pineapples, and edible hibiscus growing as well.

Also enclosed is our approved Preservation Plan that has been implemented. The only item left to restore the 'auwai is siphoning water from Keali'i Stream using a 2 inch PVC pipe for irrigation. Traditionally, the 'auwai was accomplished with a channel and regulated by strategic placing of rocks to divert the stream flow. We are choosing to siphon water from the stream to irrigate these lo'i. The flow will be controlled with a 2" PVC valve. Enclosed is a letter from Krissta Caldwell, our Hawaiian cultural advisor, approving of this proposal for siphoning water from the stream.

In the near future, after our other 2 lo'i fields (SIHP 50-50-06-5759 and SIHP 50-50-06-5760) have been restored, we plan to install 2 additional 2 inch pipes (one for each of these newly restored lo'i, which are approximately 1/4 of an acre each). These fields are smaller than the main field, and we anticipate they will require the same amount of water (combined) as we are seeking for the current project. We are requesting to conserve our Kuleana water rights for these additional lo'i with this application.

48. Describe existing stream channel dimensions and median streamflow conditions at the site of the proposed stream diversion works.

Stream bed from side to side is approximately 15-20 feet wide. The Keali'i Stream is springfed. Its origin is springs located on the makai side of Hana Hwy, in a banana field near the top of Haumana Rd. At least 3 or 4 other springs are located within the stream channel along the 1 mile of its flow. During rainy season in the winter months the stream is usually flowing well, and the median we would estimate to be approximately 600 gallons per minute. In the summer and fall months during drought periods the stream at times dries up. We plan to employ dryland method of growing when the stream flow is limited or stopped. When the stream flow is heavy, we will grow wetland taro. Therefore, our stream use will vary from as little as 500 gallons to as much as 72,000 gallons per day. (As referred to in #47, we are requesting to reserve our water rights for 2 additional lo'i which will be restored in the near future.)

49. Identify and describe the project components outlined below

A. Materials

2 inch PVC pipe & valve with 1/2 inch holes drilled into it.
Intake filter made of 2" PVC pipe.

B. Quantities

Simple system of 1 pipe that is 2" in diameter and approximately 160 feet long.

C. Excavation

Done by hand, trench about 3 inches wide and 3 inches deep.

D. Fill

Earth from digging trench.

E. Disposal

None necessary.

F. Construction methods

Hand shoveling.

G. Temporary facilities

None.

H. Expected period of time required for construction

2 days.

I. Liability during construction

Covered by our property insurance.

50. Describe the project's consistency with county zoning and development plans.
Final step in restoring ancient lo'i fields as per approved SHPD Preservation Plan.

51. Identify potential alternatives (sources of water) to the project and describe the relative costs and benefits of each alternative.
When stream ceases to flow during drought, we can irrigate lo'i with our approved well water. Using water from the stream is more ecological as it requires no electricity, is traditional, and creates no wear or tear on the pump.

SUBMITTALS

Please submit the following plans, maps, or drawings in legible form, preferably on 8.5" by 11" sheets.

52. **Location Map:** Provide a location map of the proposed project relative to major roadways.

53. **Plans / Elevations / Sections:** Provide a plan view of the proposed stream diversion works structure in relation to the stream channel and property boundaries. Elevation and section views of the diversion 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:

- 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.

54. APPLICANT

Print Name: Fredrick Honig	Signature: 	Date: 12/14/23
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55. CONSULTANT

Print Name: N/A	Signature:	Date:
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56. CONTRACTOR

Print Name: N/A	Signature:	Date:
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57. LANDOWNER (If multiple landowners, skip Section 53, then complete and attach Form SCAP-LND with appropriate landowner signatures.)

Print Name: Fredrick R Honig Trust	Signature: 	Date: 12/14/23
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