



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

For Official Use Only:
 DIVISION OF WATER RESOURCE MANAGEMENT
 2022 NOV -4 AM 11:24

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**
 Molokai Properties, Limited
 Applicant's Mailing Address
 PO Box 259, Maunaloa, HI 96770

Applicant's Contact Person
 Todd Svetin

Applicant's E-mail Address
 [REDACTED]

Applicant's Phone
 [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 diversion work.

4. **LANDOWNER'S NAME / COMPANY**
 Molokai Properties, Limited
 Landowner's Mailing Address
 PO Box 259, Maunaloa, HI 96770

Landowner's Contact Person
 Todd Svetin

Landowner's E-mail Address
 [REDACTED]

Landowner's Phone
 [REDACTED]

5. **CONSULTANT'S NAME / COMPANY**
 ITC Water Management, Inc.
 Consultant's Mailing Address
 PO Box 458, Haleiwa, HI, 96712

Consultant's Contact Person
 Harold Edwards

Consultant's E-mail Address
 [REDACTED]

Consultant's Phone
 [REDACTED]

6. **CONTRACTOR'S NAME / COMPANY**
 ITC Water Management, Inc.
 Contractor's Mailing Address
 PO Box 458, Haleiwa, HI, 96712

Contractor's Contact Person
 Harold Edwards

Contractor's E-mail Address
 [REDACTED]

Contractor's Phone
 [REDACTED]

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.
 540030260000

9. **Stream / Gulch Name(s)** List all affected streams and/or gulches.
 East Kawela Tributary

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

GENERAL PROJECT INFORMATION

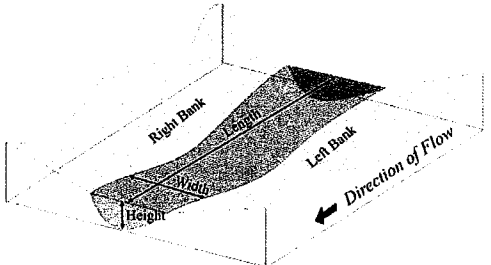
10. Diversion No: (if already assigned) **866** 11. Diversion Name: **East Kawela Tributary**

12. Project Site Location(s): Provide site coordinates of downstream-most point of project in degrees, minutes, seconds (NAD83).
 Latitude: **21° 6' 38.2" N** Longitude: **156° 54' 13.8" W** Elevation: **3,695 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 checked="" type="checkbox"/> Concrete masonry	<input type="checkbox"/> Dam/weir	<input type="checkbox"/> Pipe
<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic	<input type="checkbox"/> Wood	<input type="checkbox"/> Pump	<input type="checkbox"/> Direct use
<input type="checkbox"/> Other - Describe:				

STREAM DIVERSION WORKS SPECIFICATIONS (For Abandonments, skip to Legal Requirements section, Item #32.)

<p>14. Structure Dimensions: (feet)</p> <p>Provide generalized dimensions for the entire project / structure area. If the project includes a pipe (e.g., culvert, drain, etc.), provide the pipe diameter.</p> <p>Width: _____</p> <p>Height: _____</p> <p>Length: _____</p> <p>Diameter: _____</p>	
<p>15. Diversion Location:</p> <p>Provide the general location of the diversion intake structure in relation to the streambank.</p> <p><input type="checkbox"/> Left bank (downstream view)</p> <p><input type="checkbox"/> Right bank (downstream view)</p> <p><input type="checkbox"/> Across entire stream channel</p>	

16. Intake Dimensions: (feet) Width: _____ Height: _____ Length: _____ Diameter: _____

17. Average diversion amount: (cubic feet per second)

18. Diversion is part of a system of diversions: Yes No

19. Diverted flow can be controlled: Yes No

Control Dimensions: (feet) Width: _____ Height: _____ Length: _____ Diameter: _____

20. Water will be pumped from the stream: Yes No

If yes, identify pump capacity: (gallons per minute) **Daily average pumping time: (hours)**

21. Water will be impounded in the stream channel: Yes No

22. Water diversion capacity will be measured daily: Yes No

23. Water will be returned to the stream: Yes No

If yes, average amount of return flow: (cubic feet per second)

24. Water will be stored off-stream: Yes No **Storage capacity: (gallons)**

Describe storage facility:

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

26. Agriculture

27. Domestic

28. Industrial

29. Irrigation

30. Military

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.

Stream diversion works is in a Conservation District.

Required. CDUP #: _____ Date CDUP approved: _____

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. Hand Tools Only

Stream diversion works is not in a Conservation District.

33. 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. (Not in SMA zone)
- 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) 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.

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:

- | | |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds | <input type="checkbox"/> A wastewater treatment unit |
| <input type="checkbox"/> Use within a state conservation district | <input type="checkbox"/> Waste-to-energy facility |
| <input type="checkbox"/> Use within a shoreline setback area | <input type="checkbox"/> Landfill |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site | <input type="checkbox"/> Oil refinery |
| <input type="checkbox"/> Use within the Waikiki Special District | <input type="checkbox"/> Power-generating facility |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input checked="" type="checkbox"/> 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.

	<u>Attached</u>	<u>N/A</u>
36. U.S. Army Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	<input type="checkbox"/>	<input checked="" 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.

N/A

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

N/A

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?

N/A

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 project involves removing all of the existing piping within the stream bed and broken concrete (if any) within the immediate area of the diversion dam, using hand tools only.

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

CWR Staff has this information on file.

49. Identify and describe the project components outlined below

A. Materials

Remove any existing piping within the stream bed using hand tools only.

B. Quantities

None

C. Excavation

None

D. Fill

None

E. Disposal

Onsite storage.

F. Construction methods

Manual labor, hand tools only.

G. Temporary facilities

None

H. Expected period of time required for construction

Several man hours on a good weather day.

I. Liability during construction

No unique risks noted.

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

N/A

51. Identify potential alternatives (sources of water) to the project and describe the relative costs and benefits of each alternative.

N/A

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: Todd Svetin, General Mgr.	Signature: 	Date: 10-25-2022
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55. CONSULTANT

Print Name: Harold Edwards, Pres.	Signature: 	Date: 10-25-22
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56. CONTRACTOR

Print Name: Harold Edwards, Pres.	Signature: 	Date: 10-25-22
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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: Todd Svetin, General Mgr.	Signature: 	Date: 10-25-2022
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CHECKLIST FOR A COMPLETE APPLICATION and ITEM DESCRIPTIONS (ITEMS 1 - 31)

- 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 1-57, as indicated (total 7 pages).
- Enclose a check for \$25 payable to the Department of Land and Natural Resources.
- Mark the proposed diversion 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 32-34.
- 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 35-43.
- 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 diversion works 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 diversion works or modification / abandonment of an existing diversion works.

APPLICANT INFORMATION

3. **Applicant's Information:** Fill in the information for the applicant. This should be the entity that will be responsible for operation and maintenance of the stream diversion works and for reporting water use when the project is completed.
4. **Landowner's Information:** Fill in the information for the landowner of the property where the diversion intake 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 diversion works.

STREAM INFORMATION

7. **Island:** The island name where the stream diversion 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 diversion will be located.

GENERAL PROJECT INFORMATION

10. **Diversion Number:** If you already have a state diversion number assigned, please fill it out here. Otherwise, leave it blank and a diversion number will be assigned by CWRM.
11. **Diversion Name:** Give the diversion a short concise name that will differentiate it from other diversions.
12. **Project Site Location(s):** Fill in diversion 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.
13. **Diversion Structure Type:** What materials will the diversion works structure consist of and how will it divert water from the stream.

DIVERSION SPECIFICATIONS *(For Abandonment applications, skip this section and proceed to the Legal Requirements section, Item #32.)*

14. **Structure Dimensions:** What are the physical dimensions of the stream diversion works structure that will be located in the stream channel?
15. **Diversion Location:** Will the diversion intake be located on the right or left bank (facing downstream) or across the entire stream channel?
16. **Intake Dimensions:** What are the physical dimensions for the stream diversion intake (gate, pipe, etc.)?
17. **Average Diversion Amount:** The average amount of water that the diversion is calculated / estimated to divert from the stream.
18. **Diversion is part of a system of diversions:** Is the diversion part of a larger system including multiple stream diversions?
19. **Diverted flow can be controlled:** Will a control structure be located on the intake that can be used to regulate the diversion (gate, valve, etc.)?
20. **Water will be pumped from the stream:** Will a pump be used to remove water from the stream, and if so, what is the pumpage rate?
21. **Water diversion will be impounded in the stream channel:** Will the diversion structure on the stream channel require impoundment?
22. **Water diversion capacity will be measured daily:** Will a meter or other measurement device be installed and recorded on a daily basis?
23. **Water will be returned to the stream:** Will a portion of the diverted water be returned to the stream, and if so, how much?
24. **Water will be stored off-stream:** Will the diverted water be stored in an off-stream facility (reservoir, basin, tank, etc.)? Describe.
25. **State Land Use Classification:** Identify the current State Land Use Classification.

WATER USE INFORMATION

26. **Agriculture:** Water used for aquaculture, crop irrigation and processing, livestock, ornamental and nursery plants, and taro.
27. **Domestic:** Water used for single- and multi-family households, non-municipal commercial businesses, hospitals, churches, hotels, and schools.
28. **Industrial:** Water used for fire protection, mining, dust control, geothermal, power development, and hydroelectric power.
29. **Irrigation:** Water used for golf courses, hotels, landscape and water features, parks, schools, and habitat maintenance.
30. **Military:** Water is used by the military for military-operated water supply systems.
31. **Municipal:** Water is State, county, or private agency-operated to service multiple uses.

Please see header descriptions for remaining Sections in completing Items 32 to 57.

NOTE: Please be aware that some information on this form asks for information in cubic feet per second (CFS). Conversion factors for other commonly used water flow rates are as follows:

1.0 million gallons per day (MGD) equals 1.547 cubic feet per second (CFS)

1.0 gallon per minute (GPM) equals 0.002228 cubic feet per second (CFS)