

From: Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>

Subject: Re: [EXTERNAL] We need some direction from you folks as to how to physically file our petition to amend interim in-stream flow standards in East Maui

Date: October 5, 2021 at 9:52 AM

To: David Kimo Frankel <davidkimofrankel@gmail.com>

Cc: Marti Townsend <marti.townsend@sierraclub.org>, DLNR.CW.DLNRWCWRM <dlnr.cwrm@hawaii.gov>, Uyeno, Dean D <dean.d.uyeno@hawaii.gov>

KM

Mahalo for your email and we will include as part of the record.

Ola i ka wai,

M. KALEO MANUEL
Deputy Director
COMMISSION ON WATER RESOURCE MANAGEMENT
STATE OF HAWAII
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Kaleo.L.Manuel@hawaii.gov
<https://dlnr.hawaii.gov/cwrm/>

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From: David Kimo Frankel <davidkimofrankel@gmail.com>

Sent: Tuesday, October 5, 2021 9:11 AM

To: Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>

Cc: Marti Townsend <marti.townsend@sierraclub.org>; DLNR.CW.DLNRWCWRM <dlnr.cwrm@hawaii.gov>; Uyeno, Dean D <dean.d.uyeno@hawaii.gov>

Subject: Re: [EXTERNAL] We need some direction from you folks as to how to physically file our petition to amend interim in-stream flow standards in East Maui

Aloha Kaleo,

In the past, petitioners have routinely waived the requirement that their petitions be acted upon within 180 days. *See e.g.* HRS 174C-71(2)(E) and HAR 13-169-41; *Nā Moku v. Thielen*, No. 28970 (Hawaii 2/19/2008) (Haw. 2008) and *In Re Water Use Permit Applications*, 94 Hawai'i 97, 152, 9 P.3d 409, 464 (2000). The Commission on Water Resource Management took 17 years to resolve the petitions that Nā Moku Aupuni O Ko'olau Hui filed. For the record, the Sierra Club is not waiving that requirement; it expects a decision on its petition to be rendered within 180 days of its filing; and objects to an extension of time.

A decision within 180 days is imperative. These streams have been deprived of all their baseflow for far too long. BLNR has accepted the final environmental impact statement for A&B's proposed lease of state lands to divert water from these streams. Given that BLNR will be deliberating on the issuance of a lease shortly, real interim inflow standards for these streams must be established expeditiously.

We believe that the Commission can grant the petition within 180 days given that Dr. Strauch has already begun visiting these streams and collecting data and that draft IFSARs have been

prepared for these streams. Dr. Parham's study in the A&B's FEIS provides additional data and highlights the devastating impact that these diversions have on these twelve streams.

Please keep us informed as to the status of the petition. Mahalo.

On Sep 29, 2021, at 2:14 PM, Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov> wrote:

Aloha mai,

Please consider this email receipt of your petition. We will try to time stamp it, but need to coordinate with staff that's in the office.

If you have any other questions, please let us know.

Kaleo

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From: Marti Townsend <marti.townsend@sierraclub.org>

Sent: Wednesday, September 29, 2021 1:00:57 PM

To: David Kimo Frankel <davidkimofrankel@gmail.com>

Cc: DLNR.CW.DLNR.CWRM <dlnr.cwrn@hawaii.gov>; Manuel, Kaleo L

<kaleo.l.manuel@hawaii.gov>

Subject: [EXTERNAL] Re: We need some direction from you folks as to how to physically file our petition to amend interim in-stream flow standards in East Maui

🙄 Hey everybody...

So. First I just want to say thank you so much for all that you do to help protect the streams of Hawai'i. I know how hard it is to run an office during COVID, these are seriously challenging times. Please feel free to call me on my cell phone (because our office vm gets checked less often): 808-372-1314, and we can work on the next best steps. We would just like some kind of confirmation of our filing -- like a timestamp that says "received" on it or something like that.

THANK YOU AGAIN -- YOU ARE APPRECIATED!!

Much aloha,
Marti.

Marti Townsend, Director (she/hers)



sierraclubhawaii.org

| 808-538-6616 ext. 4

On Wed, Sep 29, 2021 at 9:19 AM David Kimo Frankel <davidkimofrankel@gmail.com> wrote:

We cannot access your building to file the document. And no one was answering your phones yesterday.

Begin forwarded message:

From: Marti Townsend <marti.townsend@sierraclub.org>

Subject: Filing petition for new interim in-stream flow standards in East Maui

Date: September 28, 2021 at 2:47:06 PM HST

To: "DLNR.CW.DLNR.CWRM" <dlnr.cwrn@hawaii.gov>

Cc: David Kimo Frankel <davidkimofrankel@gmail.com>

Aloha Kathy,

I hope that this email finds you doing well enough considering all that we are going through. I am trying to turn in a petition for new interim instream flow standards for streams in East Maui.

The petition is attached. I'd like to pay the filing fee via credit card, as well if possible.

Please let me know how to proceed.

Thank you,
Marti.

Marti Townsend, Director (she/hers)



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