

REVISED 2/1/2019

October 2, 2018

Mr. Jeff Pearson
Deputy Director, Commission on Water Resource Management
Hawaii Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

RECEIVED
RESOURCE MANAGEMENT
RESOURCE MANAGEMENT

Subject: Stream Diversion Works Permit Applications ("Category 4" Diversions)

East Maui Irrigation Company "Taro Stream" Diversion Abandonments

Dear Mr. Pearson:

East Maui Irrigation Company (EMI) has previously submitted to the Commission on Water Resource Management (CWRM) a Stream Diversion Works Permit Application (SDWPA) for the abandonment of seventy of its existing irrigation system stream diversions in furtherance of its commitment to make existing stream flow restorations in several East Maui "taro streams" complete and permanent. Concurrently, EMI has made submittals to other governmental agencies (specifically, the Office of Conservation and Coastal Lands (OCCL), the United States Army Corps of Engineers (USACE), and the County of Maui Department of Planning) to secure approvals for the work to proceed.

Pursuant to guidance provided by your office, EMI is amending its original SDWPA by splitting it into separate, smaller applications in order to facilitate review and approval of the proposed abandonment work. A copy of the third such application, covering abandonment of twenty-nine diversions, is enclosed, along with the required filing fee. In accordance with direction from your staff, the original of this application has been submitted to the Chairperson for her signature as landowner, with a request that she route the application to your office once she has signed it.

Note that no further work on these diversions is proposed prior to abandonment, since they were inactivated more than a decade ago in order to comply with the March 2007 interim order by the Board of Land and Natural Resources requiring restoration of flow in Waiokamilo Stream or, in the case of the Filipino Ditch diversion, can no longer be located and is believed to be no longer functioning as a diversion.

A fourth and final SDWPA covering fifteen "Category 1" diversions will be submitted upon completion of proposed maintenance work on these diversions. This maintenance work is necessary in order to preserve the operability of the associated irrigation ditches without diverting water. Our July 19, 2018 Request for Determination regarding this maintenance work is currently pending with your office.

Environmental Affairs • P.O. Box 266 • Puunene, Hawaii 96784 • Telephone (808) 877-2959 • Fax (808) 871-7663

Thank you for your consideration of these applications, and please feel free to contact me at (808) 877-2959 with any questions.

Sincerely,

Sean M. O'Keefe

Director, Environmental Affairs

Alexander & Baldwin, Inc.

Enclosure

cc: M. Vaught, M. Ching, N. Chun, Y. Izu



October 2, 2018

Ms. Suzanne Case, Chairperson Hawaii Department of Land and Natural Resources Kalanimoku Building 1151 Punchbowl Street Honolulu, HI 96813

Subject: Stream Diversion Works Permit Applications ("Category 4" Diversions)

East Maui Irrigation Company "Taro Stream" Diversion Abandonments

Request for Landowner Signature

Dear Ms. Case:

East Maui Irrigation Company (EMI) has previously submitted to the Commission on Water Resource Management (CWRM) a Stream Diversion Works Permit Application (SDWPA) for the abandonment of seventy of its existing irrigation system stream diversions in furtherance of its commitment to make existing stream flow restorations in several East Maui "taro streams" complete and permanent. Concurrently, EMI has made submittals to other governmental agencies (specifically, the Office of Conservation and Coastal Lands (OCCL), the United States Army Corps of Engineers (USACE), and the County of Maui Department of Planning) to secure approvals for the work to proceed.

Pursuant to guidance provided by CWRM, EMI is amending its original SDWPA by splitting it into separate, smaller applications in order to facilitate review and approval of the proposed abandonment work. The third such application, covering abandonment of twenty-nine diversions, is enclosed, along with the required filing fee. A fourth and final application will be submitted once CWRM provides a requested determination regarding maintenance work on fifteen diversions that are integral to the associated irrigation ditches.

Twenty-eight of the diversions covered by this application have been inactive since they were removed from service in 2007, while one diversion (known as the Filipino Ditch diversion) cannot be located, has not been visited or maintained for many years, and is believed to be no longer functional. As all work necessary to abandon these diversions was completed more than a decade ago, no further work is planned.

All of the diversions covered by this application are located on land owned by the State of Hawaii (Tax Map Key Number (2) 1-1-002:002). Your signature as landowner is therefore necessary in order for CWRM to accept the application for processing. In accordance with instructions we received from CWRM staff, we respectfully request that you sign the application as Landowner in Box 57 and then forward the signed application directly to CWRM for

processing. As you know, your signature on the application does not constitute endorsement or approval of the application.

Thank you for your consideration of these applications, and please feel free to contact me at (808) 877-2959 with any questions.

Sincerely.

Sean M. O'Keefe

Director, Environmental Affairs

Alexander & Baldwin, Inc.

**Enclosures** 

cc: M. Vaught, M. Ching, N. Chun, Y. Izu, J. Pearson



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

#### STREAM DIVERSION WORKS PERMIT APPLICATION

COMMISSION ON WATER RESOURCE MANAGEMENT For Official Use Only: 2019 FEB -7 AM 7: 25

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/cwm.

Legally required and other key correspondence will still be tr	arily via e-mail. ransmitted via postal mail.			
PERMIT TYPE		· · · · · · · · · · · · · · · · · · ·		
1. Permit Status: 🛛 New	☐ After-The-Fact			
2. Type of Construction:   Installation	☐ Modification	□ Removal	/ Abandonment	
APPLICANT INFORMATION		i it in		
3. APPLICANT'S NAME / COMPANY	Applicant's Contact Person		Applicant's Phone	
East Maui Irrigation Company	Mark Vaught		(808) 579-9516	
Applicant's Mailing Address PO Box 791628 Paia, Hawaii 96779	Applicant's E-mail Address mvaught@abhi.com			
Check here if project will impact multiple landowners.  Form LND-APP to identify and verify landowner's approve	. If project impacts multiple land al of proposed stream diversion	lowners, skip <b>it</b> work.	tem 4 below, then co	mplete and attach
4. LANDOWNER'S NAME / COMPANY	Landowner's Contact Person		Landowner's Phone	
State of Hawaii (DLNR)	Suzanne D. Case, Chairp	erson	(808) 587-0404	
Landowner's Mailing Address Kalanimoku Building 1151 Punchbowl Street Honolulu, Hawaii 96813	Landowner's E-mail Address dlnr@hawaii.gov	<b>i</b>		
5. CONSULTANT'S NAME / COMPANY	Consultant's Contact Person		Consultant's Phone	
N/A				
Consultant's Mailing Address  6. CONTRACTOR'S NAME / COMPANY	Consultant's E-mail Address  Contractor's Contact Person		Contractor's Phone	
N/A	}			
Contractor's Mailing Address	Contractor's E-mail Address			
STREAM INFORMATION			Agrania de Caración de Car	
7. Island: (Check only one)	☐ Molokai ☐ t	_anai	Maui	☐ Hawaii
8. Tax Map Key(s) List all affected tax map key parcels. (2) 1-1-002:002				
9. Stream / Gulch Name(s) List all affected streams and/or gui Waiokamilo, Wailuanui	Iches.			
FOR OFFICIAL USE ONLY: SWHU ID:		FILE I	D:	
LAT: GWHU ID:		DOCI	D:	\$
LON: REACH ID:				

GENERAL PROJECT INFORMATION			
, , , , , , , , , , , , , , , , , , , ,		tached	
1 2. Project Site Location(s): Provide site coordinates	of downstream-most point of pr	roject in degrees, minutes, se	conds (NAD83).
Latitude: see attachedo ' " Longit	ude: see attached° '	" Elevation: see a	attached ft. above mean sea level
1 3. Diversion Structure Type: (Check all that apply)			
☐ Unlined channel ☐ Hand-built rock	Concrete masonry	☐ Dam/weir	☐ Pipe
☐ Metal ☐ Plastic	☐ Wood	☐ Pump	☐ Direct use
Other - Describe: multiple; see attached			
STREAM DIVERSION WORKS SPECIFICA	TIONS (For bandonments,	skip to Legal Requir min	s section, It m #32)
14. Structure Dimensions: (feet) Width:			
Provide generalized dimensions for the Height:			
entire project / structure area. If the			
drain ata) provide the pine diameter			
Didirector.			
	(downstream view)		)) '
Provide the general location of the ☐ Right ban diversion intake structure in relation to	k (downstream view)	100	April 1
	tire stream channel		
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 t	ime: (hours)
21. Water will be impounded in the stream channel:	☐ Yes ☐ No		
22. Water diversion capacity will be measured daily			
23. Water will be returned to the stream:	☐ Yes ☐ No		
If yes, average amount of return flow: (cubic leet p	er 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 ☐ 0	Conservation    Rural	☐ Urban
WATER USE INFORMATION			
Check all water use categories below that are intended	for the proposed diversion, thei	n 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 of Visit the Commission's Applications & Forms webpage	btained before the Commission (http://dlnr.hawaii.gov/cwrm/info	n on Water Resource Mana o/forms/) for links to agency v	gement can legally issue a permit. vebsites/contact information.
32. Conservation District Use Permit (CDUP): To fin the Land Use Commission (LUC) website at <a href="http://luc.hi/be-located-in-a-CD">http://luc.hi/be-located-in-a-CD</a> , contact the Department of Land and determine is a CDUP is required.	awaii.gov/maps <b>to view Land U</b>	se District Boundary maps.	If the stream diversion works will
	strict.		
Required. CDUP #:	Date CDUP approved:		
□ Not Required. Attach documentation from Office     □ Not Required. Attach	e of Conservation and Coastal Land	ds (OCCL), Department of Land	and Natural Resources.
☐ I have not checked with the OCCL about whether or not a CDUP is required.			
☐ Stream diversion works is not in a Conservation			

33. Specia	al Management Area Permit (SMAP): To determine if an SMAP is necessary, contact your Cour	nty Planning Departmen	ĸ.
☐ Re	quired. SMAP #: Date SMAP approved:		
⊠ No	t Required. Attach documentation from applicable County agency.		
□ iha	ave 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.			
*Plea	se note: You are strongly advised to contact the SHPD to obtain a pre-review of your project. In	n the event that you do	not get an HP pre-
reviev may l	v and if during the course of either review or the permit itself it is determined that you need SHPD be held in abeyance or denied until issues with HP are resolved.  To contact SHPD, please call (8	0's concurrence, your a <sub>l</sub> 808) 692-8015.	opiication or permit
doc	ave consulted the SHPD regarding potential impacts of stream channel alteration activities on his cumentation from the SHPD.		ned applicable
	ave not consulted with the SHPD regarding potential impacts of stream channel alteration activitie	es on historic sites.	
35. Chapt	er 343, Hawaii Revised Statutes, Hawaii Environmental Policy Act:		
	Environmental Assessment was completed, and		
☐ An	Environmental Impact Statement was required and has been accepted (attach letter of acceptan	ce).	
	olication date in The Environmental Notice:		
☐ AF	inding of No Significant Impact has been determined (attach letter).		
Pul	blication date in The Environmental Notice:		1
,	oject proposes:		
	Use of state or county lands, or use of state or county funds Use within a state conservation district  A wastewater treatme  Waste-to-energy facility		
	Use within a shoreline setback area	,	
	Use within a national or Hawaii registered historic site Use within the Waikiki Special District  Oil refinery Power-generating faci	ility	
	The construction, expansion or modification of helicopter facility  None of the above 11		
OTHER	REGULATORY REQUIREMENTS		
either the a	sed stream channel alteration is subject to the following permits or approvals, indicate by checking proval letter from the appropriate agency or attach a copy of the application form. If the propose	ing the appropriate box sed stream channel alte	below and submit ration is <u>not</u> subject
	ving permits or approvals, indicate by checking the "N/A" (Not Applicable) field.		
to the follow	ving permits or approvals, indicate by checking the "N/A" (Not Applicable) field.	Attache	
36. U.S. A	rmy Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)	Attache	
36. U.S. A 37. State I Best M	rmy Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act) Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certianagement Practices Plan)	Attache	ed <u>N/A</u>
36. U.S. A 37. State I Best M 38. Right- (Chapt	rmy Corps of Engineers (Harbors and Rivers Act, Section 404, Clean Water Act)  Department of Health, Clean Water Branch (Section 401, Clean Water Act, Water Quality Certianagement Practices Plan)  of-Entry or Right-of-Way Permit if the proposed stream channel alteration includes State lands er 171, Hawaii Revised Statutes)	Attache	ed <u>N/A</u> ⊠
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45. Identify the extent to which thos the proposed action.	e resources, including traditional and customary Native Hawaiian rights, will be affected or impaired b
Except as noted in Box 47 below, due to the total and permanent rest	work on these diversions completed in 2007 has already had a positive impact on stream resource coration of flows in affected streams. This in turn has had a positive effect on traditional and including but not limited to kalo cultivation in areas downstream of the diversions.
	de Middledin of the diversions.
, protection reality rius	be taken by the Commission on Water Resource Management in regards to your application to
None known, as the diversions have streams.	e already been completely inactivated and flow has already been completely restored in these
	,

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.  See attached. The project scope is to formally abandon 29 diversions, 28 of which are located on Waiokamilo Stream and one of which is believed located on (West) Wailuanui Stream. All diversions on Waiokamilo Stream were inactivated in 2007 and have been out of service ever since. One diversion on (West) Wailuanui Stream (known as the Filipino Ditch diversion) has not been maintained for many years, cannot be readily located, and is believed to no longer be diverting water.
48. Describe existing stream channel dimensions and median streamflow conditions at the site of the proposed stream diversion works. Not applicable as no stream diversion works are proposed.

49. Identify and describe the project components outlined below
A. Materials
None. No work is proposed.
B. Quantities
None. No work is proposed.
Troile. The work is proposed.
C. Excavation
None. No work is proposed.
D. Fill
None. No work is proposed.
E. Disposal
None. No work is proposed.
F. Construction methods
None. No work is proposed.
A Townson to William
G. Temporary facilities
None. No work is proposed.
H. Expected period of time required for construction
H. Expected period of time required for construction
Not applicable. No work is proposed.
1. Liability during construction
I. Liability during construction
None. No work is proposed.

50. Describe the project's consistency with o	county zoning and development plans.	
Not applicable. No new uses are proposed	l.	
51. Identify potential alternatives (sources of	f water) to the project and describe the relative	costs and benefits of each alternative.
Not applicable. No water is proposed to be		
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CUDARITTALC		
SUBMITTALS  Please submit the following plans, maps, or draw	wings in legible form, preferably on 8.5" by 11" shee	els.
Please submit the following plans, maps, or draw	wings in legible form, preferably on 8.5" by 11" shee	ets.
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## Attachment to Stream Diversion Works Permit Application East Maui Irrigation Company, LLC

Boxes 10 through 13: This application is for abandonment of multiple (29) existing or

formerly existing diversions on multiple streams. See attached

spreadsheet for details relating to individual diversions.

Boxes 14 through 31: Not applicable to abandonments.

Box 32: All diversions covered by this application are or were located within

the Conservation District. Except as noted in Box 47, all work on these diversions was completed in 2007 to comply with the March 2007 interim order by the Board of Land and Natural Resources requiring restoration of flow in Waiokamilo Stream. No further work within the Conservation District is proposed under this application;

therefore, no CDUP is required.

Box 33: None of the diversions covered by this application are or were located

within the SMA, therefore no SMA Permit is required.

Box 34: Some diversions covered by this application may be considered

historic structures because they are more than 50 years old, but none are listed on either the State or National Register of Historic Places. Since no further work on these diversions is proposed under this application, no historic preservation requirements are anticipated.

Boxes 35 and 39: While all existing or formerly existing diversions covered by this

application are located on state land and within the Conservation

District, no continuing use of state land or land within the

Conservation District is proposed.

Boxes 36 through 43: No permits are required because no work is proposed to be conducted

to abandon these diversions.

Box 52: Not applicable, as no new stream diversion works are proposed.

### Stream Flow Restoration in Waiokamilo Stream Summary of Relevant Information

1. Parties involved in the work:

Organization: East Maui Irrigation Company, LLC

Contact: Sean O'Keefe

Address: P.O. Box 266, Puunene, HI 96784

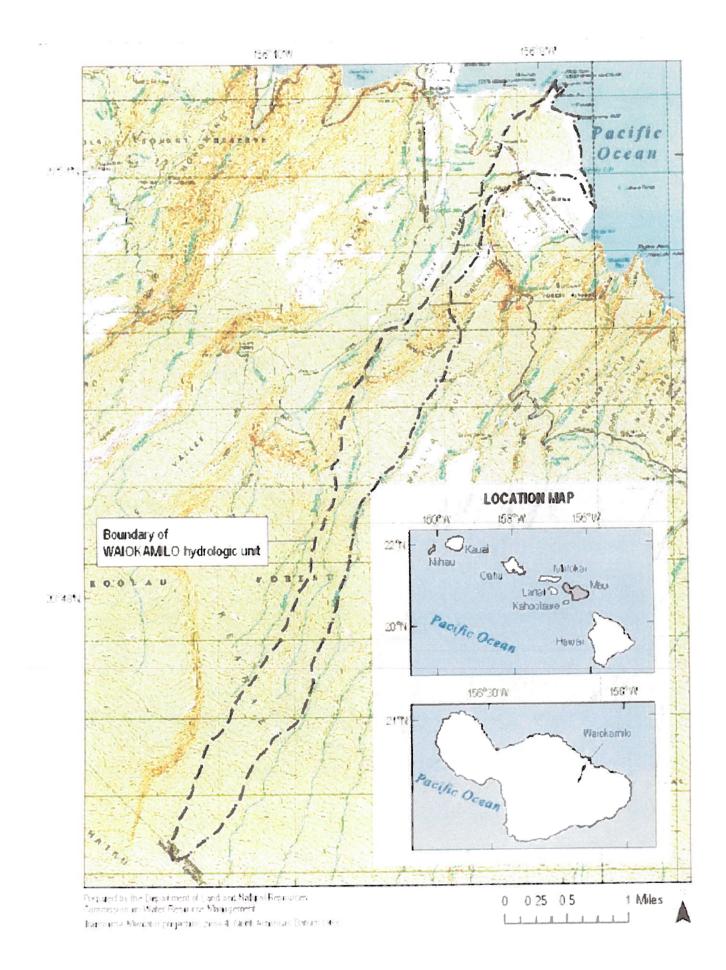
Telephone: (808) 877-2959

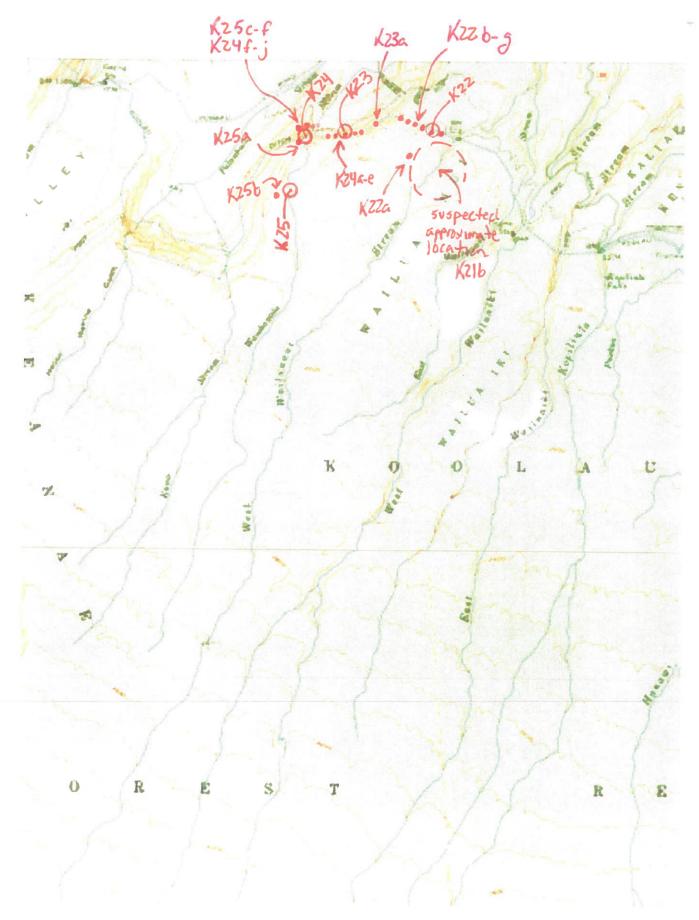
- 2. <u>Project name or title:</u> Stream Flow Restoration at Koolau Ditch on Waiokamilo Stream and West Wailuanui Stream (Filipino Ditch diversion)
- 3. Name of water body: Waiokamilo Stream and tributaries, West Wailuanui Stream
- 4. Project street address: Not applicable
- 5. Location of project: Keanae/Nahiku (Koolau moku), Maui County, Hawaii
- 6. <u>Other location descriptions:</u> See attached spreadsheet for latitude and longitude, elevation, and Tax Map Key Number of each individual diversion.
- 7. Directions to the site: Please contact East Maui Irrigation Company for directions.
- 8. <u>Nature of activity:</u> No work on these diversions is planned. These diversions were inactivated in 2007 (28 diversions) or can no longer be located and are believed to be non-functional (one diversion).
- Project purpose: The purpose of the project is to permanently abandon 29 diversions.
  Flows in Waiokamilo and West Wailuanui Streams at these diversions have been
  completely restored since 2007.
- 10. Reason for discharge of dredged and/or fill material: No discharges.
- 11. Types of material being discharged and the amount in cubic yards: No dicharges.
- 12. Surface areas of wetlands or other areas filled: No fills.
- 13. Attachments:

Spreadsheet – EMI Taro Stream Diversions (Waiokamilo/West Wailuanui Streams) Waiokamilo Hydrologic/Watershed Unit Maps
USGS Nahiku Quadrangle Map, Detail – Waiokamilo Stream Diversions
EMI Registered and Minor Diversions, Waiokamilo Hydrologic Unit
Site Photographs, Waiokamilo Stream Diversions

### Additional Attachments - Description of Work







 ${\bf USGS\ Nahiku\ Quadrangle-Detail\ Showing\ Waiokamilo\ Stream\ Diversions}$ 

156°8W 156°10'W MINOR DIVERSIONS Pacific Ocean 1204.6 20°51'N K22b-g 1203.6 3296 8916 328.6 1238.6 320.6 Toolau D Hauolo Tense Boundary of WAIOKAMILO hydrologic unit 20°48'N LEGEND Irrigation System **Major Diversions** CWRM Registration number preceded by "REG." Minor Diversions EMI Code (begins with a letter) Prepared by the Department of Land and Natural Resources, Commission on Water Resource Management. 0.25 0.5 1 Miles Transverse Mercator projection, zone 4, North American Datum 1983

Figure 13-9. All registered diversions and EMI minor diversions identified in the Waiokamilo hydrologic unit (Source: East Maui Irrigation Company, 1970).

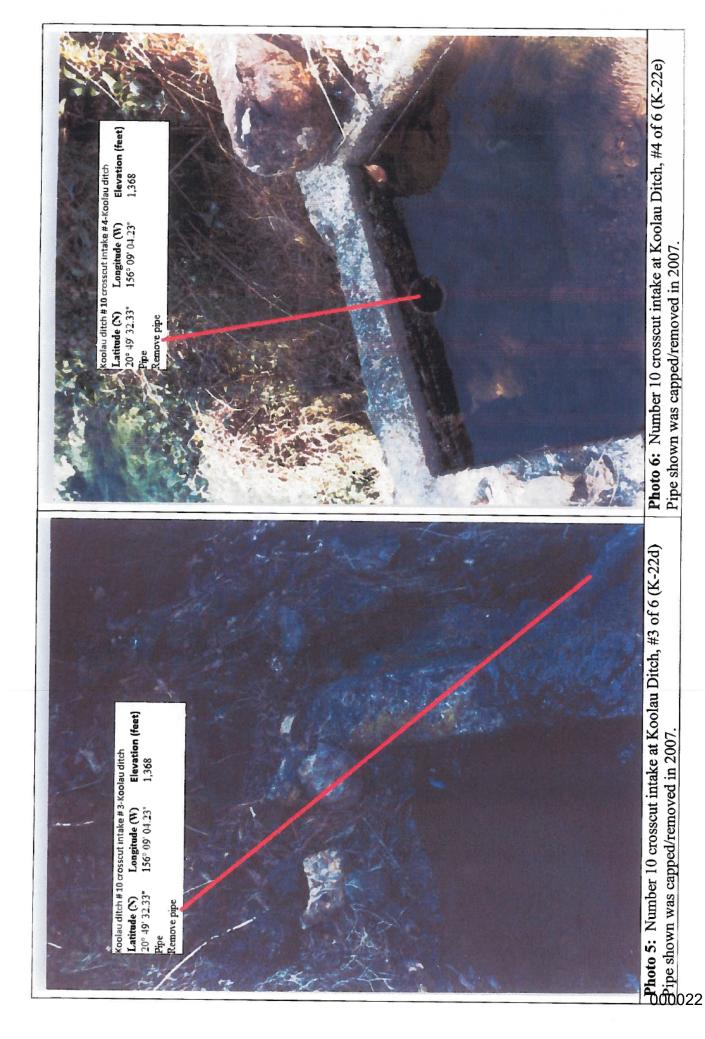
# <u>Photographs - Completed Alterations to Waiokamilo Stream Diversions</u> (Photos 1 through 30)

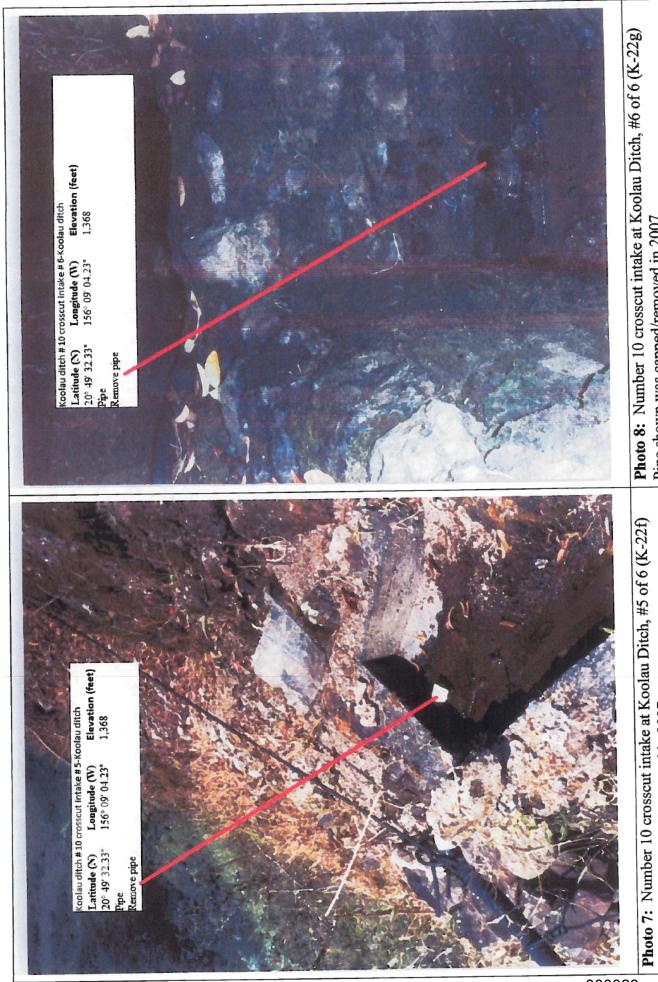


Pipe shown was removed in 2007. Ditch (K-22a)

Hydrologic Unit appears incorrect; rotate counter-clockwise 90 degrees.)







Pipe shown was capped/removed in 2007.

Pipe shown was capped/removed in 2007.

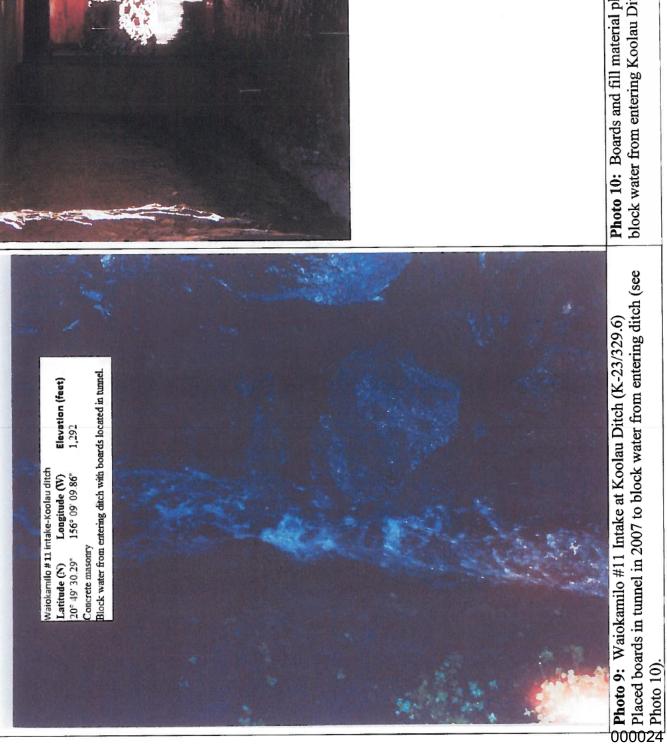
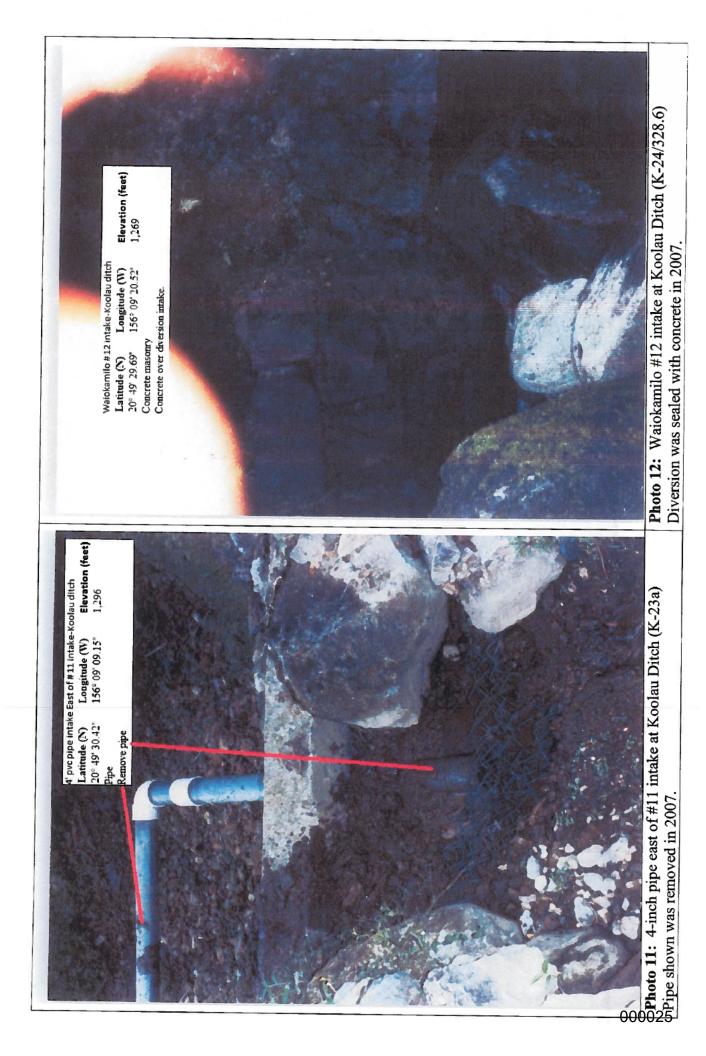


Photo 10: Boards and fill material placed in tunnel at diversion K-23 to block water from entering Koolau Ditch.





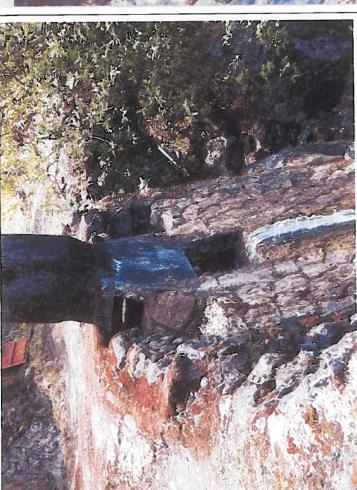
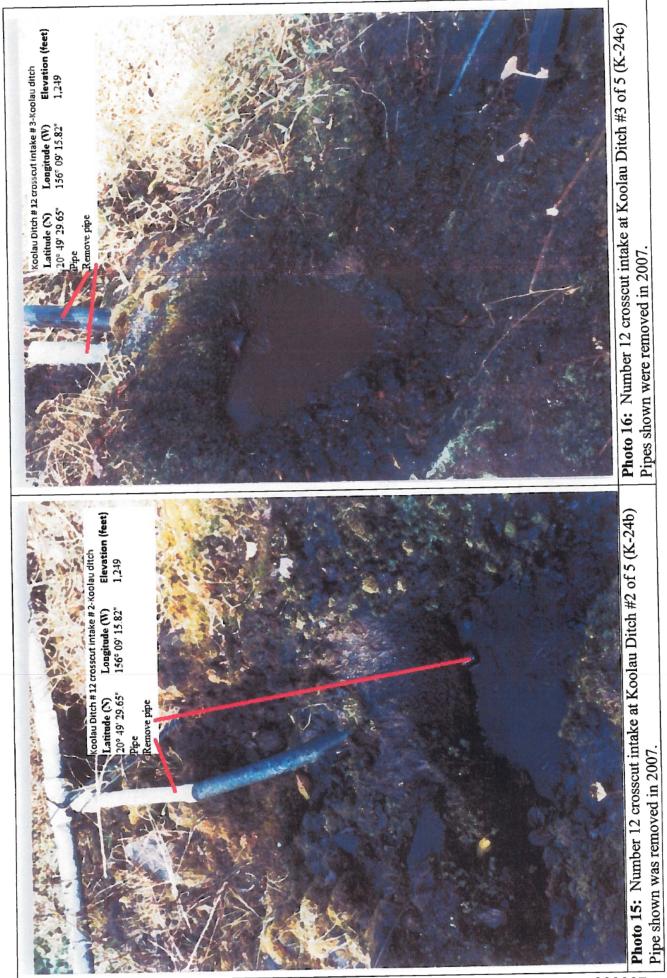


Photo 13: Flow continuing downstream past Waiokamilo #12 intake (K-0 24/328.6) after sealing with concrete.



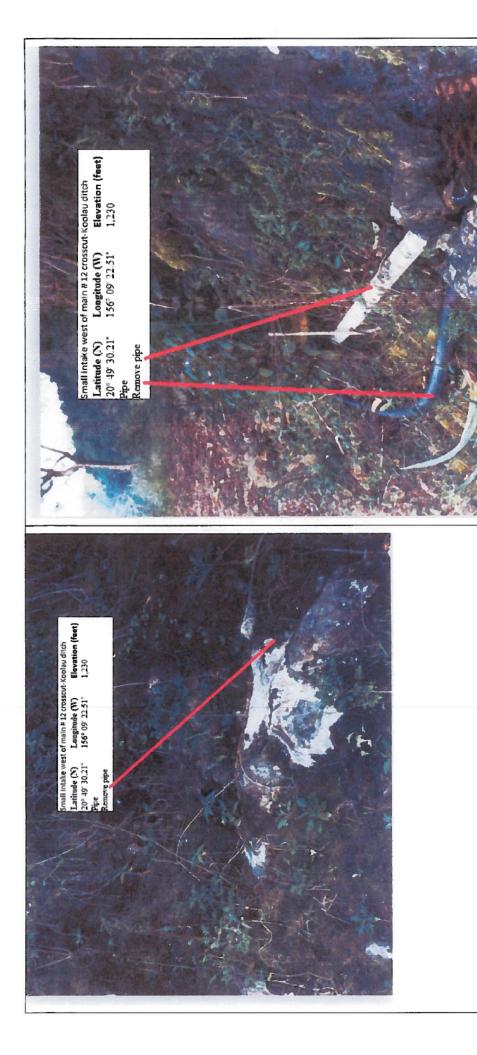




**Photo 20:** Small intake west of number 12 crosscut intake at Koolau Ditch #2 of 6 (K-24g)
Pipe shown was removed in 2007.

Pipes shown were removed in 2007.

Ditch #1 of 6 (K-24f)

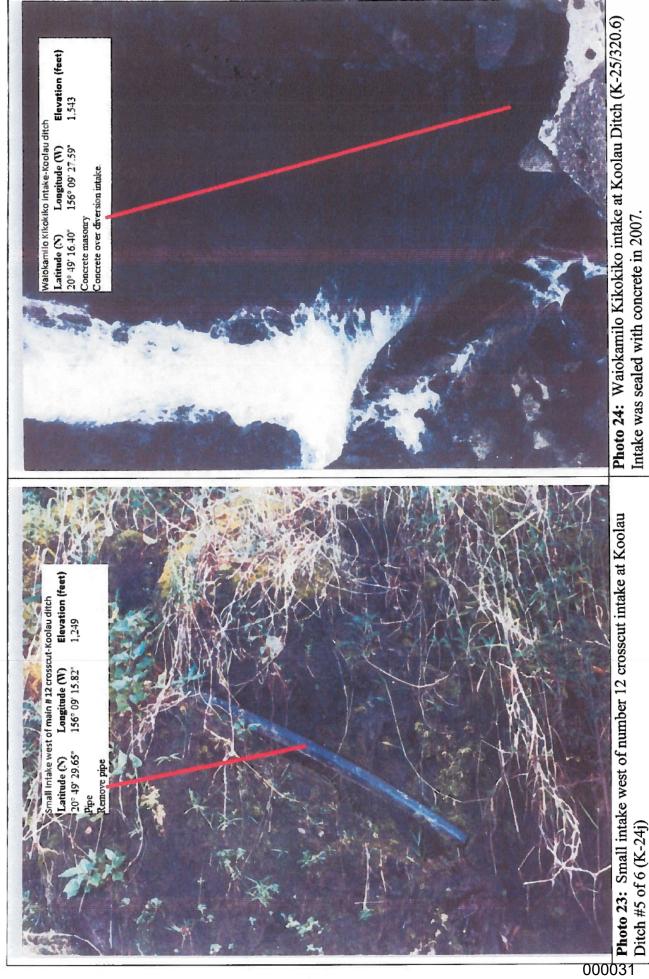


**Photo 22:** Small intake west of number 12 crosscut intake at Koolau Ditch #4 of 6 (K-24i)

Pipes shown were removed in 2007.

Photo 21: Small intake west of number 12 crosscut intake at Koolau Ditch #3 of 6 (K-24h)

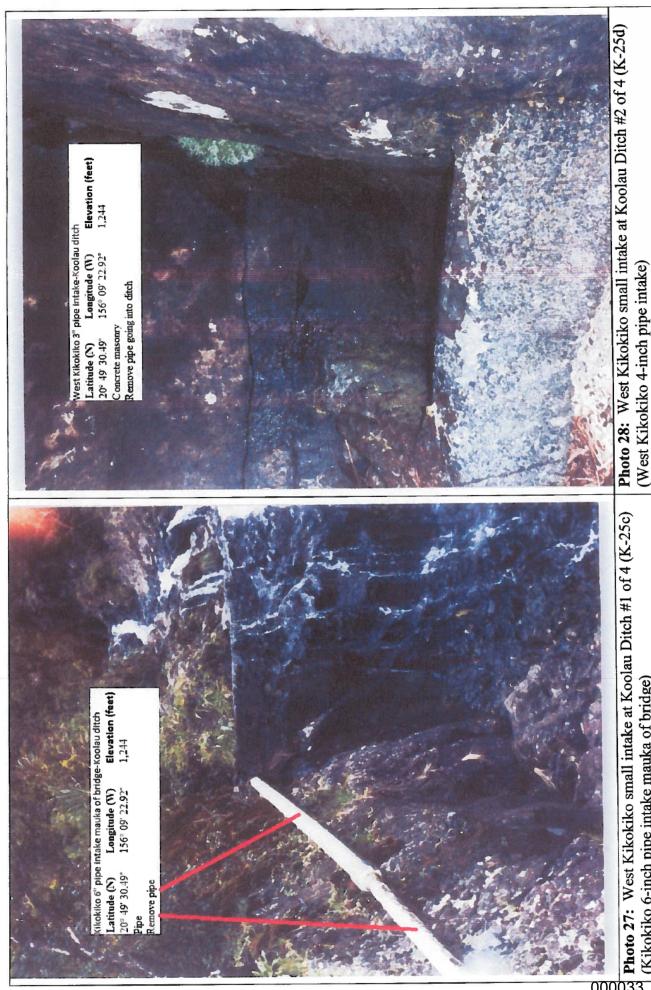
Pipe shown was removed in 2007.



Pipe shown was removed in 2007.



**Photo 26:** Kikokiko small intake at Koolau Ditch (K-25b) Intake was sealed with concrete in 2007.

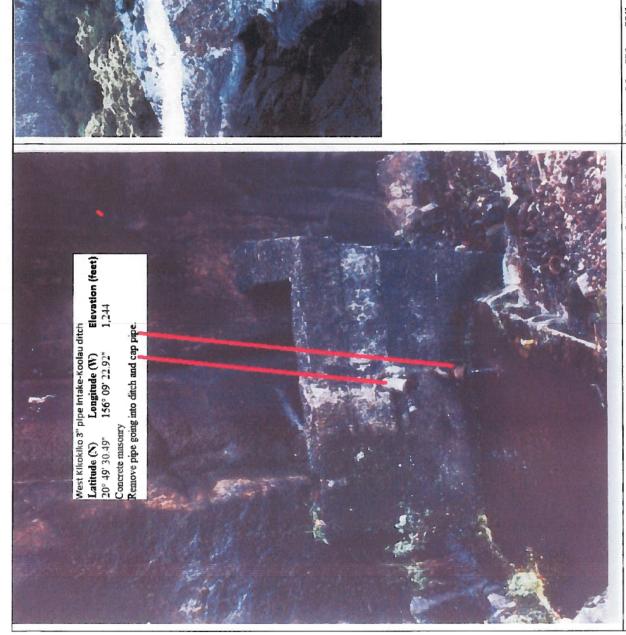


(Kikokiko 6-inch pipe intake mauka of bridge) Pipe shown was removed in 2007.

Hydrologic Unit appears incorrect; rotate clockwise 90 degrees.) (Note: Orientation of photo from 2008 IFSAR for Waiokamilo

Pipe was removed in 2007.

000033



Elevation (feet) 1,244

Longitude (W) 156° 09' 22 92"

Latitude (N) 20° 49' 30. 49"



**Photo 30:** West Kikokiko small intake at Koolau Ditch #4 of 4 (K-25f) (Kikokiko 3-inch PVC pipe intake under bridge)
Pipe was removed in 2007.

	is believed R for seen harged to coolau y 1
	No Photo: Filipino Ditch diversion (K-21b)  The location of the Filipino Ditch diversion is unknown and it is believed no longer functional as a diversion (See September 2008 IFSAR for Wailuanui Hydrologic Unit: "diversion and ditch have not been maintained, are difficult to locate, and are probably no longer transmitting water."). In any case, this diversion formerly discharged to the number 9 diversion (K-21) on West Wailuanui Stream at Koolau Ditch, which intake is itself being sealed as part of the Category 1

