

From: [Hau, Skippy](#)
To: [Alakai, Rebecca R](#); [Neilson, Brian J](#)
Cc: [Okano, Ryan LY \(ryan.ly.okano@hawaii.gov\)](#)
Subject: RE: Request for HRS 343 concurrence Cat1 diversions EMI
Date: Monday, January 6, 2020 8:32:00 AM

Rebecca,

Exempting them from permits will not exempt environmental impacts on the migration of native stream animals.

My comments on walls and dams built in streams will continue as constrictions in the natural stream channels.

It will reduce upstream migration and success of stable upstream populations.

Skippy

From: Alakai, Rebecca R <Rebecca.R.Alakai@hawaii.gov>
Sent: Monday, January 6, 2020 8:01 AM
To: Hau, Skippy <skippy.hau@hawaii.gov>
Subject: Request for HRS 343 concurrence Cat1 diversions EMI

The SDWP application proposes to abandon in-place the subject 15 diversions on the Honopou, Hanehoi (Puolua), Pi'ina'au (Palauhulu), and Wailuanui Streams, East Maui, in compliance with the interim instream flow standards (IIFS) established in the Commission on Water Resource Management's contested case hearing CCH-MA13-01 Decision and Order dated June 20, 2018. Category 1 diversions are defined by the applicant as work is exempt from permitting as maintenance/repair of existing diversion structures. This is based on past determinations made for similar work (applies to diversion structures that are integral to an irrigation ditch that will continue to function as part of the EMI system).

http://files.hawaii.gov/dlnr/cwrm/swreview/SDWP_5083_6.pdf

The Board of Land and Natural Resources has jurisdiction on land owned by the State through its Revocable Permits. The Commission has jurisdiction for actions taken in the stream channel only.

Based on the project description, we believe that pursuant to the exempt classes of action established in §11-200-8, HAR, the proposed project may be considered an exempt action under the following:

The proposed actions are exempt from an EA in accordance with Hawaii Administrative Rule §11-200.1-15(c)(6) which provides for "Demolition of structures, except those structures that

are listed on the national register or Hawaii Register of Historic Places”; and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, Exemption Class 8(2) that states “Demolition and removal of existing structures, facilities, utilities, and other improvements on state lands, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, 16 U.S.C §§470 et. seq., as amended, or Haw. Rev. Stat. Chapter 6E.”

We would like to request your assistance in providing concurrence with our HRS 343 Exemption determination. Please respond to this e-mail by no later than **14 days from the date of this email** letting me know whether you concur with this exemption or not. Thanks.