

**EAST MAUI IRRIGATION COMPANY, LLC**  
P.O. BOX 791628, PAIA, MAUI, HAWAII 96779-1628

June 20, 2019

TRANSMITTED VIA EMAIL

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

Dear Mr. Manuel:

In compliance with the East Maui Interim Instream Flow Standard Decision and Order (IIFS D&O) issued by the Commission on Water Resource Management (CWRM) on June 20, 2018, East Maui Irrigation Company (EMI) hereby submits a one-year status update on the implementation of the IIFS, as required on page 270 of the IIFS D&O.

Section p. reads:

*p. EMI shall report on:*

- 1. Modifications to diversions to meet the amended IIFS*
- 2. Water deliveries at Honopou Stream and Maliko Gulch, and any changes EMI ascribes to the amended IIFS*
- 3. Changes in stream diversion and ditch settings as HC&S's irrigation requirements increase.*

Please find below the requested information:

**1. Modifications to Diversions:**

**Taro Stream Modifications:** The IIFS D&O embodied the commitment made to fully and permanently restore the "taro streams" identified by the Native Hawaiian Legal Corporation. Flows in the taro streams have been restored to the maximum extent achievable through operational modifications to the diversions (i.e. opening, closing or removing of gates). The remaining restoration required that various permitting procedures be pursued, due to the need for structural modifications to the stream diversions. Permanent abandonment of the

taro stream diversions also requires a Stream Diversion Works Permit Application (SDWPA) be approved by the CWRM.

In total, 70 diversions must be modified to achieve full and permanent restoration of the taro streams. In consultation with CWRM staff, the permit applications for the 70 diversions were divided into 4 categories, depending on their permitting needs. Here is the status, by category:

Category 1: Of the 15 Category 1 diversions, modifications to 6 have been completed; three are in-progress, expected to be completed by July 3; and two more are to be completed by late July. The remaining 4 are anticipated to be completed by September of this year. All target dates assume favorable weather and stream flow conditions.

Category 2: There are 15 diversions in this category, those that require more significant construction work. Stream Diversion Work Permits (SDWPs) were issued in March 2019. These permits require that construction plans and specifications be submitted to CWRM, and that site-specific Best Management Practices also be developed in conjunction with the Department of Health prior to initiating the modification work. These plans are under development and are expected to be completed by the end of July.

Category 3: There are 11 diversions in this category, and the SWDPA to undertake the modification work has been submitted to CWRM and is scheduled to be taken up by the Commission for consideration at its August 1 meeting.

Category 4: These are the diversions on Waiokamilo stream, except for one believed to be on West Wailuanui Stream. There are 29 registered diversions, but one cannot be found and is believed to be non-functional. Modification work on the 28 remaining diversions has been completed and a SDWPA is currently pending to permanently abandon all 29 diversions.

In summary, of the 70 diversions, modification work has been completed on 35 diversions; 9 more are expected to be completed by September; 11 more are anticipated to receive permitting approval to proceed by August; and the remaining 15 diversions have received required regulatory approvals, with the work plans required by the SDWP currently under development.

**Non-taro Stream Modifications:** Regarding the remaining streams covered by the IIFS D&O, we have met with CWRM staff, and a Draft Work Plan outlining measures to restore flow in compliance with the IIFS D&O has been submitted to the CWRM for review. Once we receive CWRM's concurrence with the Plan, preparation of the submittals to obtain regulatory approvals, where required, will begin. As with the taro streams, pending completion of the work requiring regulatory approvals, flow is being restored to meet the IIFS requirements to the maximum extent possible through operational modifications to the diversions (i.e. opening, closing or removing the gates).

## 2. Water deliveries at Honopou Stream and Maliko Gulch:

The following table shows EMI water deliveries to Honopou Stream and Maliko Gulch, from June 2018 through May 2019. No changes are due to the amended IIFS as water needs

have been relatively low this past year as diversified agriculture activity remained low. Note that these are monthly average figures, in million gallons per day (mgd).

YEAR	MONTH	TOTAL @	TOTAL @
		<u>HONOPOU</u> (mgd)	<u>MALIKO</u> (mgd)
2018	May	32.78	31.71
2018	June	33.75	30.21
2018	July	39.97	31.41
2018	August	27.07	34.07
2018	September	20.83	33.70
2018	October	25.34	30.79
2018	November	15.59	29.53
2018	December	21.10	26.72
2019	January	17.03	26.53
2019	February	25.05	28.58
2019	March	30.56	26.83
2019	April	30.22	26.24

In certain months that the Honopou reading is higher than the Maliko, this is due to water being dispersed to several reservoirs to the east of Maliko for water storage purposes.

**3. Changes to System as Irrigation Requirements Increase:**

In December 2018, MP West, LLC, MP Central A, LLC, MP Central B, LLC, MP CPR, LLC, MP East A, LLC, MP East B, LLC, and MP EMI LLC (collectively "**Mahi Pono**") purchased lands including the Central Maui agricultural lands irrigated by the EMI Ditch System from Alexander & Baldwin. For purposes of this status report, Mahi Pono will replace HC&S.

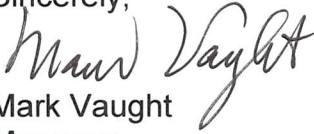
As Mahi Pono's irrigation requirements increase, the following protocol will be pursued by EMI to increase deliveries to Mahi Pono, while always maintaining compliance with the CWRM's 2018 IIFS D&O:

EMI will activate diversions, on an intake-by-intake basis, to meet increased irrigation needs, selecting streams on a rotating basis from different geographic sectors of the EMI system so as to keep the entire system operative and maintained as best as possible. This process will be closely monitored, with constant updates from farm personnel regarding field preparation and planting schedules, to ensure that diversions are increased to match needs as closely as possible. At all times, compliance with the 2018 IIFS D&O will be maintained.



Please feel free to contact me if you have any questions. My direct number is (808) 579-9516.

Sincerely,

A handwritten signature in black ink that reads "Mark Vaught". The signature is written in a cursive, flowing style.

Mark Vaught  
Manager  
East Maui Irrigation Company