

Libby Leonard 2 - Fw: Media Query - looping back -- FW: [EXTERNAL] Re: Thank you for your query

To: GovOffice.UIPA <GovOffice.UIPA@hawaii.gov>

1 attachments (174 KB)

Re ending (underlined subheading) Hookipa Ranch Diver ion Tran fer (part 1) signed (1) (2) pdf

Erika Engle (she/her) | Press Secretary
[Office of the Governor | Ke Ke'ena O Ke Kia'aina](#)
State of Hawai'i

From: Engle, Erika

Sent: Wednesday, March 29, 2023 8 17 AM

To: McClellan, Makana [REDACTED]; Noguchi, Mia M [REDACTED]

Subject: Media Query looping back FW [EXTERNAL] Re Thank you for your query

Good morning!

Libby Leonard, Big Island freelance journalist, looping back. Original query 3/16. She pinged back today.

The document (attached) dates back to Dec. 20, 2021 – Gov. Ige's time. It was signed by Kaleo Manuel – so I think we can refer her to DLNR to get the status update she seeks. She's asking (prematurely, to my mind), whether the state will proceed to eminent domain action if the landowner denies access. Not for nothin' – she's a Penn State grad

Original

Aloha Governor Green, I'm a journalist living in Kapa'au. I saw the news about the Kohala Ditch. I'm wondering how you plan to navigate getting the water through private land ownership. Below is a document that I obtained from CWRM that finalized after the ditch allegedly got knocked out by a rockslide that conveys Surety transferred the nine stream diversions to Ho'okipa Ranch owner Peter Evanovich, as well as the cancellation and extinguishment of easements. The document is attached. If the landowner denies access, will the state declare eminent domain? Mahalo for fielding the questions. Libby Leonard

Erika recommendation

I think that we would have to curate the answer carefully with the relevant state/county departments, through Gov's transparency lens

It would be premature to answer the question as to whether the state would employ eminent domain, should the landowner deny access.

Please let me know if you'd like for me to contact Libby Leonard.

You said: Please contact to gather preliminary information. Appreciate you!

Erika: looked her up; she's a freelance journalist.

From her website: Her work can be seen in National Geographic, SF Gate, The Guardian, Yes! Magazine, Civil Eats, Modern Farmer, EcoWatch and forthcoming from other
She is a member of Society of Environmental Journalists and Pen America.

EDUCATION

- BA in English, Penn State
- MFA in Playwriting, Columbia University

Libby's email reply 3/16: I write for national news and locally. I've been doing ongoing reporting for our local paper in Kohala about the ditch (deadline early next month), but have also been building a much bigger piece that I want to pitch to do with one of my national editors.

Anyway, take the time you need to take, but sooner would be better if you can swing it

Erika Engle (she/her) | Press Secretary
[Office of the Governor | Ke Ke'ena O Ke Kia'aina](#)
State of Hawai'i

From: Libby Leonard <lleonard12180@gmail.com>

Sent: Wednesday, March 29, 2023 6 35 AM

To: Engle, Erika [REDACTED]

Cc: McClellan, Makana [REDACTED]; Noguchi, Mia M [REDACTED]

Subject: [EXTERNAL] Re: Thank you for your query

Aloha, Erika,

I'm circling back about this.

Best,
Libby Leonard

On Thursday, March 16, 2023, Libby Leonard lleonard12180@gmail.com wrote

Aloha Erika!

Thank you for getting back to me so quickly. See if that works below. If not, I will copy and paste. I write for national news and locally. I've been doing ongoing reporting for our local paper in Kohala about the ditch (deadline early next month), but have also been building a much bigger piece that I want to pitch to do with one of my national editors.

Anyway, take the time you need to take, but sooner would be better if you can swing it.

Appreciate it!

Mahalo,
Libby

On Thu, Mar 16, 2023 at 6:57 PM Engle, Erika <[REDACTED]> wrote:

Aloha Libby,

Governor Green's Constituent Services Team forwarded us your query, given that you identified yourself as a journalist.

We were unable to access the document you linked/uploaded to the form – can you please re-send it to us, so we can work on your query?

Can you also tell us, please, for which publication you write? What is your deadline?

Thank you,

Erika

Aloha Governor Green, I'm a journalist living in Kapa'au. I saw the news about the Kohala Ditch. I'm wondering how you plan to navigate getting the water through private land ownership. Below is a document that I obtained from CWRM that finalized after the ditch allegedly got knocked out by a rockslide that conveys Surety transferred the nine stream diversions to Ho'okipa Ranch owner Peter Evanovich, as well as the cancellation and extinguishment of easements. The document is attached. If the landowner denies access, will the state declare eminent domain? Mahalo for fielding the questions. Libby Leonard

Erika Engle (she/her) | Press Secretary

[Office of the Governor | Ke Ke'ena O Ke Kia'aina](#)

State of Hawai'i

Mobile: [REDACTED] | Office: [REDACTED]

Email [REDACTED]

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

December 20, 2021

*Ref: REG.88.8, REG.89.8, REG.92.8
REG.93.8, REG.96.8, REG.99.8
REG.100.8, REG.101.8, REG.102.8*

Mr. Peter Evanovich, Owner
Ho'okipa Ranch, LLC
P.O. Box 6179
Kamuela, HI 96743

Aloha Mr. Evanovich:

Transfer of Ownership of Nine (9) Stream Diversion Works
Diversion Nos. 88, 89, 92, 93, 96, 99, 100, 101, and 102 to Ho'okipa Ranch, LLC,
TMKs (3) 5-2-004:005, (3) 5-2-005:001, (3) 5-2-005:014, (3) 5-2-005:026, and (3) 5-3-002:001

The Commission on Water Resource Management (Commission) is in receipt of your email, dated August 11, 2021, notifying us of your ownership of the subject parcels and request to change the ownership of the following diversions from the original registrant, Chalon International of Hawaii, Inc. (Registration ID: CHALON INT)

The Commission has on record the following nine (9) stream diversion works, including the Commission's Diversion ID, Diversion name, Stream source, Kohala Ditch ID, and associated TMK parcel number.

CWRM Div ID	Diversion Name	Stream Source	Kohala Ditch Intake ID	TMK
88	Intake #7 on Waipuhi Stream	Waipuhi Gulch	7	(3) 5-2-005:014
89	Intake #4 on Waikama Stream	'Āwini Puali Gulch	4	(3) 5-2-005:014
92	Intake #11 on Halawa Stream	Hālawa Gulch	11	(3) 5-3-002:001
93	Intake #6 on Waikane Stream	Waikani Gulch	6	(3) 5-2-005:001
96	Intake #9 on Puwaiole	Puwaiole Gulch	9	(3) 5-2-004:005
99	Intake #5 on Niuli'i	Niuli'i Gulch	5	(3) 5-2-005:026
100	Intake #8 on Waipunalau	Waipunalau Gulch	8	(3) 5-2-005:014
101	Intake # 10 on Walaohia	Walaohia Gulch	10	(3) 5-2-004:005
102	Intake #3 on Waikama	Waikama Gulch	3	(3) 5-2-005:014

The Commission has confirmed ownership of the subject TMK parcels by Ho'okipa Ranch, LLC. Your request to transfer ownership is hereby approved for the subject diversions.

Peter Evanovich, Owner

December 20, 2021

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Monthly Surface Water Use Reporting

Pursuant to Hawaii Administrative Rules (HAR), Section 13-168-7(b), “The owner or operator of any well or stream diversion works or battery of such water sources shall file a report of total water usage on a regular monthly (calendar or work schedule) basis to the commission on forms provided by the commission on or before the end of the month following the month for which water usage is to be reported. The reports may include other use-related information such as type of use, salinity, and water level, as may be deemed appropriate and reasonable by the commission.”

Monthly Surface Water Use Report Forms, in PDF or DOCX formats, may be downloaded from the Commission website at <https://dlnr.hawaii.gov/cwrw/info/forms/#surface>. You may also submit monthly surface water use reports online. To setup an account and for assistance with access, please contact Malie Beach-Smith, of the Stream Protection and Management Branch, at (808) 587-0240. Learn more at <https://dlnr.hawaii.gov/cwrw/info/waterusereport/>.

Current Status and Stream Diversion Modifications

According to our records and based on prior communications with Mr. Bill Shontell of Surety Kohala Corporation, which previously managed Kohala Ditch, it is our understanding that these diversions are currently inactive. However, there may continue to be incidental diversion of water from these intakes to Kohala Ditch. Please provide an update on the current status of these diversions and any current or future plans for their continued use.

Should you intend to modify any of the stream diversions, please be aware that pursuant to HAR Section 13-168-32, “No person shall construct or alter a stream diversion works, other than in the course of normal maintenance, without first obtaining a stream diversion permit from the commission. The commission may impose such reasonable conditions as are necessary to assure that the construction or alteration of such stream diversion works will not be inconsistent with the general plan and land use policies of the state and the affected county.”

The Commission’s associated HAR Chapters may be viewed and downloaded from the Commission website at: <https://dlnr.hawaii.gov/cwrw/aboutus/regulations/>.

If you have any questions, please contact Rebecca Alakai at (808) 587-0266, or rebecca.r.alakai@hawaii.gov.

Ola i ka wai,



M. KALEO MANUEL
Deputy Director