

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: February 17, 1999
TIME: 9:00 a.m.
PLACE: DLNR Board Room

Chairperson Timothy E. Johns called the meeting of the Commission on Water Resource Management to order at 9:21 a.m.

The following were in attendance:

MEMBERS: Mr. Timothy Johns
Mr. Richard Cox
Mr. David Nobriga
Mr. Herbert Richards, Jr.
Dr. Bruce Anderson

EXECUSED: Mr. Robert Giraldo

STAFF: Mr. Edwin Sakoda
Mr. Roy Hardy
Mr. Eric Hirano
Ms. Lenore Nakama
Mr. David Higa
Mr. Charley Ice
Ms. Faith Ching

COUNSEL: Ms. Dawn Chang
Ms. Linnel Nishioka

OTHERS:

Manabu Tagomori
John Reppun

Tom Nance
Joe Livingood

Charlie Reppun
Trevor Carroll

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were taken in the following order, not in the order posted on the agenda.

1. Minutes of the January 29, 1999 meeting

Commissioner Cox needed clarification on KSBE's submittal. On page 6 of the minutes, after MOTION: (ANDERSON/NOBRIGA), the line should read: To approve all the

recommendations as amended. Delete "by staff". It was clarified that Dr. Anderson's motion included the original staff recommendations 1 and 2 and his amendments for additional information with the understanding that the public hearing may be continued if necessary.

Chairperson Johns stated that the date of meeting was not on the minutes. Also on page 5, the word "Resources" should be between Integrated and Water.

MOTION: (Nobriga/Richards)

To approve the minutes as amended.

UNANIMOUSLY APPROVED AS AMENDED.

2. **Old Business/Announcements** - None

8. **Coral Creek Golf, Inc., AFTER-THE-FACT APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION AND WATER USE PERMIT, Coral Creek Lake No. 1, Well No. 2002-19 (WUP No. 503), Future Backup Irrigation Use**

APPLICATION FOR WELL CONSTRUCTION/PUMP INSTALLATION AND WATER USE PERMIT, Coral Creek Lake No. 10, Well No. 2001-14 (WUP No. 508), Future Backup Irrigation Use

REVOCAION/MODIFICATION OF WATER USE PERMITS, Coral Creek No. 1, Well No. 2002-15 (WUP No. 437), Coral Creek Nos. 2 & 3, Well Nos. 2002-17 & 18 (WUP No. 496), Coral Creek No. 5, Well No. 1902-05 (WUP No. 498), Puuloa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

STAFF RECOMMENDATION:

That staff recommendation was amended by the addition of special condition 11.g:

1. Find Coral Creek Golf, Inc. in violation of §174C-48 Haw. Rev. Stat. for unpermitted water use from Well No. 2002-19.
2. Find Coral Creek Golf, Inc. in violation of §174C-84 Haw. Rev. Stat. for unpermitted pump installation for Well No. 2002-19.
3. Determine an emergency existed; therefore, no fines be imposed for the violations in Recommendations 1 and 2.
4. Revoke WUP No. 498 (for Well No. 1902-05).
5. Require the owner of Well No. 1902-05 to properly abandon and seal the well in accordance with the Hawaii Well Construction and Pump Installation Standards (January, 1997). If the owner wishes to retain the well as an observation hole, then

water levels and chlorides shall be measured monthly and reported to the Commission on a regular monthly basis.

6. Modify WUP No. 496 to exclude Well No. 2002-18.
7. Require the owner of Well No. 2002-18 to properly abandon and seal the well in accordance with the Hawaii Well Construction and Pump Installation Standards (January, 1997). If the owner wishes to retain the well as an observation hole, then water levels and chlorides shall be measured monthly and reported to the Commission on a regular monthly basis.
8. Require Coral Creek to submit after-the-fact applications for all existing lakes within thirty (30) days for administrative approval. Well construction permit applications must be obtained prior to the construction or excavation of any future dug wells/lakes that intercept the ground-water table.
9. Approve an after-the-fact well construction and pump installation permit for Well No. 2002-19, subject to the Standard Well Construction and Pump Installation Permit Conditions shown in Attachments C and D.
10. Approve a well construction and pump installation permit for Well No. 2001-14, subject to the Standard Well Construction and Pump Installation Permit Conditions shown in Attachments C and D.
11. Approve the issuance of an interim water use permit (WUP No. 508) to Coral Creek Golf, Inc. for the reasonable and beneficial use of 690,000 gallons per day of brackish water for golf course irrigation from Coral Creek Well No. 1 (Well No. 2002-15), Coral Creek Lake No. 1 (Well No. 2002-19 and former pending WUP No. 503), Coral Creek Well No. 2 (Well No. 2002-17), and Coral Creek Lake No. 10 (Well No. 2001-14), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
 - a. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
 - b. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
 - c. The applicant shall contact the Environmental Management Division, State Department of Health, at 586-4304, concerning "GUIDELINES APPLICABLE TO GOLF COURSES IN HAWAII" dated August, 1994 (version 5). The applicant shall obtain a written statement from the Department of Health indicating that their concerns have been addressed, and a copy of that statement shall be sent to the Commission.

- d. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride.
- e. The duration of the interim permit shall be:
 - a) to July, 2001, or
 - b) until treated wastewater is available and acceptable for use, or
 - c) until such time that a significant change in permitted, actual, or projected uses or water supply occurs.
- f. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.
- g. If effluent is used for irrigation, the applicant is required to conform with the Department of Health requirements for effluent reuse.
- h. Require adherence to the chloride sampling protocol (Attachment C) and the submittal of weekly chloride data.
- i. Require adherence to the Conservation Conditions (Attachment D).
- j. Revoke WUP Nos. 437 and 496. This water use permit, WUP No. 508, shall supersede WUP Nos. 437 and 496 and subsume pending WUP No. 503.
- k. The Commission shall stay enforcement of the permitted use quantity through the grow-in period (to December 31, 1999).

Chairperson Johns requested that the City brief the Commission on where they are on reuse implementation and to check with the Department of Health staff to see which guidelines we should reference. He asked Ed Sakoda to set up the briefing and include U.S. Filter.

Chairperson Johns stated that this would be a good time to reconvene the Champion's group now that the contract with U.S. Filters has been signed. He asked Ed Sakoda to set it up and let users know so they can also attend.

TESTIMONY BY APPLICANT:

Mr. Joe Livingood of Billy Casper Golf Management stated they are looking into the possibility of using their water feature lakes as a means to dispose of treated effluent so that the caprock can be recharged, thus creating better quality water for other golf courses.

MOTION: (Cox/Richards)

To approve the recommendation as amended.

UNANIMOUSLY APPROVED AS AMENDED.

3. City & County of Honolulu, Department of Public Works, Request for an Extension of Recommendation B.2, After-the-Fact Application for a Stream Channel Alteration Permit (SCAP-OA-225), Excavation of Stream Channel, Manoa Stream, Honolulu, Oahu (TMK 2-9-Various Parcels)

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

That the Commission extend the deadline for recommendation B.2. in Stream Channel Alteration Permit SCAP-OA-225 requiring the Department of Facility Maintenance to develop a plan for the maintenance of Manoa Stream between Kahaloa Drive and Woodlawn Drive. The new deadline shall be extended from January 14, 1999 to June 14, 1999.

TESTIMONY BY APPLICANT:

Mr. Trevor Carroll who is working with the community on the stream maintenance plan stated that the review time for this project was too short. They had no time to review, but when completed, he is hoping that this would become a model for other streams.

MOTION: (Nobriga/Cox)

To approve the recommendation.

UNANIMOUSLY APPROVED.

6. Reppun, Friola, Hoe, et. al., After-the-Fact Application for a Stream Channel Alteration Permit (SCAP-OA-248). Ford Crossing, Waianu Stream, Waiahole, Oahu (TMK 4-8-12:21)

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

The staff recommendation was amended as follows:

That the Commission:

- A. Fine the applicants \$1,000 for violation of the requirement of a stream channel alteration permit pursuant to Hawaii Revised Statutes §174C-71. In lieu of paying the \$1,000 fine, the Commission require the applicants to provide, for a period of one year from the date of this action, 75 hours of assistance to the Natural Resource Conservation Service and the Division of Aquatic Resources in advising and educating farmers regarding permit requirements for projects which affect streams and/or other natural resources. Require the applicant to provide assistance for 1 year. The assistance has to be verified by the Chairperson. If the applicant does not comply, then the fine will apply.

- B. Deny the after-the-fact application for a stream channel alteration permit and order the applicants to remove the ford within 18 months from the date of this Commission action.
- C. Require the applicants to submit a status report to the Commission within ninety (90) days indicating the following:
 - 1. Extent of funding or technical assistance from the Windward Oahu Soil and Water Conservation District.
 - 2. Status of engineering plans and permit applications necessary for the new access road.
 - 3. Cost estimates for the new access road.
 - 4. Construction schedule.
- D. If the applicants cannot comply with the above order “B”, the applicants will be in violation of this order and will be subject to penalties of up to \$1,000 per day as provided in Hawaii Revised Statutes §174C-15(b) starting from August 17, 2000.
- E. The Commission shall submit a letter to Housing and Community Development Corporation of Hawaii indicating the applicants have resolved their stream channel alteration permit violation.

TESTIMONY BY APPLICANT:

Mr. John Reppun admitted that if there was a better route, they would take it. The ford access is the only way to get in and out of their farm and admitted that they did cement the ford. Mr. Reppun also agreed that it should be taken out and will do so if they can have an 18-month period to do so.

MOTION: (Richards/Cox)

To approve the recommendation as amended.

UNANIMOUSLY APPROVED AS AMENDED.

4. Department of Transportation, Application for a Stream Channel Alteration Permit (SCAP-HA-267), Seismic Retrofit Kuwaikahi Highway Bridge, Laupahoe, Hawaii, (TMK: 3-5-04)

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

The staff recommendation was amended as follows:

That the Commission approve a stream channel alteration permit for retrofitting the Highway Bridge at Kuwaikahi Stream (TMK 3-5-04) Laupahoehoe, Hawaii. The permit shall be valid for two years subject to our standard stream channel alteration permit conditions in Exhibit 5 and the following special condition:

- a. In the event that this project affects the bed of Kuwaikahi Stream, the applicant shall prepare and submit a Best Management Practice Plan (BMPP) to the Department of Health and to the Division of Aquatic Resources. The BMPP shall include method specific and site specific measures to minimize water pollution and shall be acceptable to these agencies. Prior to construction activities in the bed of the stream, the applicant shall submit written documentation to the Commission indicating that the BMPP is acceptable to the Department of Health and to the Division of Aquatic Resources.

TESTIMONY BY APPLICANT: None

TESTIMONIES: None

Commissioner Cox made a correction on the first line of the submittal on page 1. Take off "Commission" and replace with "applicant".

MOTION: (Nobriga/Cox)

To approve the recommendation as amended.

UNANIMOUSLY APPROVED AS AMENDED.

5. County of Hawaii, Department of Public Works, Emergency After-the-Fact Application for a Stream Channel Alteration Permit (SCAP-HA-245), Installation of 24-Inch Sewerline Casing, Hilo, Hawaii (TMK:2-2-3:, 2-2-13:3)

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

The staff recommendation was amended as follows:

That the Commission on Water Resource Management:

1. Approve an emergency after-the-fact stream channel alteration permit for installation of a sewerline casing at Waiolama Stream, (TMK 2-2-3:, 2-2-13:3) Hilo, Hawaii, subject to the standard emergency after-the-fact stream channel alteration permit conditions in Exhibit 5).

TESTIMONY BY APPLICANT: None

TESTIMONIES: None

MOTION: (Richards/Nobriga)

To approve the recommendation as amended.

UNANIMOUSLY APPROVED AS AMENDED.

7. K. Thronas and L. Loganbill, APPLICATION FOR WELL PERMITS, Thronas-Loganbill Well (Well No. 1120-19), Well Construction: 4-inch Casing Diameter, 70-ft Deep Well, Pump Installation: 20 GPM for Domestic Use, TMK 4-4-9-012-001, Moloaa, Kauai

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

STAFF RECOMMENDATION:

- A. That the Commission approve the issuance of a well construction permit for Thronas-Loganbill Well (Well No. 1120-19), subject to the standard conditions in Exhibit 3, and the following special conditions:
1. The permittee shall obtain the signature and license number of a C-57 licensed contractor on the permit and submit a copy of the fully executed permit document to the Commission prior to the initiation of any work authorized under this permit. In the alternative, the permittee may submit, within the next six (6) months, documentation from the Department of Commerce and Consumer Affairs, Contractors License Board, that approval of All Phase Construction (license no. BC18029) to do well drilling work has been granted. If this alternative is selected, the permittee must also submit a fully executed permit document to the Commission prior to the initiation of any work authorized under this permit.
 2. This permit is subject to the review comments from the Department of Health.
 3. Standard Condition 2 is modified to exempt the permittee from the requirements for a pump test.
 4. Standard Condition 6.e. is waived.
- B. That the Commission authorize the Chairperson to approve and issue a pump installation permit per Declaratory Rule DEC-ADM98-G5 or when the items required under Standard Condition 6 are received and accepted, subject to the Standard Pump Installation Conditions in Exhibit 4.

TESTIMONY BY APPLICANT: None

TESTIMONIES: None

MOTION: (Nobriga/Richards)
To approve the recommendation.
UNANIMOUSLY APPROVED.

EXECUTIVE SESSION

Chairperson Johns called an Executive Session at 11:04 a.m. to discuss personnel matters. The meeting was resumed at 11:20 am.

9. Other Business:

Mr. Eric Hirano distributed draft testimonies for Chairperson Johns' and Bruce Anderson's confirmation hearings. He also announced that Bruce Anderson's confirmation hearing will be held on February 26, 1999 at 1:30 pm in Room 229, State Capitol.

Adjournment (Richards/Nobriga). Chairperson Johns adjourned the meeting at 11:45 am.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

EDWIN T. SAKODA
Acting Deputy Director