

MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: January 26, 2000  
TIME: 9:00 am  
PLACE: DLNR Board Room  
Kalanimoku Bldg.

Chairperson Timothy E. Johns called the meeting of the Commission on Water Resource Management to order at 9:12 a.m.

The following were in attendance:

**MEMBERS:** Mr. Timothy Johns, Dr. Bruce Anderson, Mr. Brian Nishida, Mr. David Nobriga, Mr. Herbert Richards, Jr.

**STAFF:** Ms. Linnel Nishioka, Mr. Roy Hardy, Mr. Ed Sakoda, Mr. Dean Nakano, Ms. Lenore Nakama, Ms. Ingrid Kunimura, Mr. Dean Uyeno, Mr. Glenn Bauer

**COUNSEL:** Edsel Yamada

**OTHERS:** David Craddick, Martha Black, Richard Cox, George Hiu, Manabu Tagomori, Tom Nance, Karen Piltz, Felix Limtiaco, Barry Usagawa, Mark Morita, Jim Wriston, Dan Lum, Bert Hatton, Richard Frye, Robbie Dingman, Andy Monden

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

**1. Minutes of the December 14, 1999 meeting**

Chairperson Johns made corrections to the minutes. On page 2, Padget to Padgett and on page 4 first sentence, supply to Supply.

MOTION: (Nishida/Richards)  
To approve the minutes as amended.  
UNANIMOUSLY APPROVED AS AMENDED.

**2. Old Business/Announcements**

Deputy Director Nishioka commended Justice Padgett for his work on the December 15, 1999 Waiahole oral arguments at the Supreme Court. She stated that at this point, we are in the waiting stage for the decision.

In the Commission's legislative package, there is one (1) bill that the Commission is supporting and one (1) bill the Commission is sponsoring. The Commission is sponsoring a special fund bill for self sufficiency, greater use of federal funding as a way to grow the budget, and increase revenue. The Commission is supporting a bill to authorize the Land Division in the department to be able to fund Water Commission programs. The Land Division would help obtain a portion of the revenues collected in the sale and lease of their water licenses.

Deputy Director Nishioka stated that she met with the Maui Board of Water Supply and informed them that the Commission is looking closer at pumpage of the Iao Aquifer.

For funding initiatives, the Commission staff is continuing to work with the Division of Aquatic Resources to obtain additional funding to do a \$100,000 study tentatively for the third quarter in this fiscal year.

Deputy Director Nishioka also met with the Congressional Delegation staff to discuss possible federal funding. They also brought in the Corps of Engineers and Natural Resources Conservation Service to assist the Water Commission develop a package in conjunction with the Department to submit to the Congressional Delegation for their consideration in this upcoming session. She is continuing to monitor the Akaka bill and talked to the chief of staff who is hopeful that the bill will pass the Senate in this session. Representative Abercrombe will be introducing a companion bill that will help us in water resource funding.

At the next month's Commission meeting, Jim Parham from Louisiana State University will make a presentation on GIS and stream biota analysis to the Commission.

### **3. Report on the Status of the Statewide Framework for Updating the Hawaii Water Plan**

PRESENTATION OF STATUS REPORT: Mr. Dean Nakano

After his presentation, Mr. Nakano stated that the grammatical revisions and clarifying amendments are currently being made to the working draft of the Hawaii Water Plan Framework incorporating pertinent comments and recommendations. Upon completion of the revisions a final draft will be brought back to the Commission as a submittal item for formal adoption. It is expected that the final version will be ready for Commission consideration at its February or March meeting. Upon adoption by the Commission, the final document will be posted in the Commission's website for public access. Notice of availability will also be included in the monthly bulletin mailing to interested parties.

Commissioner Richards suggested that a glossary be made of acronyms that are being used.

**4. Briefing on the Current Iao Pumpage and Past Commission on Water Resource Management Actions Concerning Designation of the Iao Aquifer as a Ground Water Management Area**

PRESENTATION OF BRIEFING: Mr. Roy Hardy  
See attachment to the Minutes.

David Craddick, Director of the Maui Department of Water Supply gave a recent update stating that the Waikapu Well has been completed. Wailuku Shaft is again being used and North Waihee should be upcoming and pumping about 1-1/2 mgd. On agreement, surface water source can be used during peak rainfall times. He does not expect it will exceed 15 to 30% of the year use, but may get average down .1 or .2 by using the surface water source. Mr. Craddick stated that the average rainfall has been below the mean. The records state that the rainfall has been well below average. The average pumpage this month should drop to 18.4 mgd.

Chairperson Johns asked for the motion for executive session to consult with legal counsel on a legal issue.

MOTION: (Richards/Nobriga)

To go into executive session to consult with legal counsel on a legal issue.

UNANIMOUSLY APPROVED.

Chairperson Johns called the meeting back to order at 10:21 am. At this time Commissioner Anderson was in attendance.

**5. The Estate of James Campbell, REVOCATION/MODIFICATION OF WATER USE PERMITS, EP 3,4 (Well Nos. 2102-02, 04 to 22; WUP No. 122), EP 5,6 (Well Nos. 2202-03 to 14; WUP No. 123), EP 7,8 (Well Nos. 2202-15 to 20; WUP No. 124), EP 10 (Well Nos. 2006-01 to 11; WUP No. 121), Waipahu-Waiawa and Ewa-Kunia Ground Water Management Areas, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Revoke WUP Nos. 122 (for EP 3,4), 123 (for EP 5,6), and 124 (for EP 7,8).
2. Approve the issuance of a permanent water use permit (WUP No. 534) to The Estate of James Campbell for the reasonable and beneficial use of 7.969 mgd of ground water from the Waipahu-Waiawa Aquifer System for agricultural uses at locations shown in Exhibit 2 from EP 3,4 (Well Nos. 2102-02, 04 to 22), EP 5,6 (Well Nos. 2202-03 to 14), and EP 7,8 (Well Nos. 2202-15 to 20), subject to the standard water use permit conditions listed in Attachment A 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. Standard Condition 18 for interim permits shall not apply.
  - d. This water use permit, WUP No. 534, shall supersede WUP Nos. 122 to 124.
  - e. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.
3. Revoke WUP No. 121 (for EP 10).
4. Approve the issuance of a permanent water use permit (WUP No. 535) to The Estate of James Campbell for the reasonable and beneficial use of 0.957 mgd of ground water from the Ewa-Kunia Aquifer System for agricultural uses at locations shown in Exhibit 2 from EP 10 (Well Nos. 2006-01 to 11), 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. Standard Condition 18 for interim permits shall not apply.
  - d. This water use permit, WUP No. 535, shall supersede WUP No. 121.
  - e. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.
5. Reclassify the pending application for EP 7, 8 (WUPA No. 459) as an after-the-fact application for a new water use permit (as opposed to an application to modify WUP No. 124). To avoid fines and enforcement action, the permittee should provide evidence to support an emergency situation that resulted in unpermitted water use.

6. Reclassify the pending application for EP 10 (WUPA No. 493) as an application for a new water use permit (as opposed to an application to modify WUP No. 121).

Commissioner Anderson commented that if we are pursuing a reuse program EPA and others will want assurances that the water in the future will not be used for those types of purposes. The decision to look at only agricultural use or appropriate use should not be combined together. Commissioner Anderson suggested that the Commission staff discuss with staff from the Department of Health and EPA on the reuse issue.

TESTIMONY BY APPLICANT:

Mr. Bert Hatton with the Estate of James Campbell stated that they are in concurrence with staff's recommendations. He also stated that there is approximately 1,000 acres of State land.

MOTION: (Richards/Anderson)

To approve the submittal.

UNANIMOUSLY APPROVED.

6. **Waikele Golf Club, Inc./Oahu Sugar Company, Ltd.,  
REVOCATION/MODIFICATION OF WATER USE PERMIT (WUP No. 436), WP 1  
(Well No. 2301-01 to 10), TMK 9-4-2:8; Modification of Permitted Use for Industrial  
and Golf Course Irrigation Use for 1.151 mgd, Waipahu-Waiawa Ground Water  
Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Revoke WUP No. 436.
2. Approve the issuance of a permanent water use permit (WUP No. 506) to Waikele Golf Club, Inc./Oahu Sugar Company, Ltd. for the reasonable and beneficial use of 950,000 gallons per day of ground water from the Waipahu-Waiawa Aquifer System for irrigation supply for the 139-acre Waikele Golf Course [~~and for industrial uses at Oahu Sugar Mill~~] from WP 1 (Well Nos. 2301-01 to 10), subject to the standard water use permit conditions listed in Attachment A 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. Standard Condition 18 for interim permits shall not apply.
- d. This water use permit, WUP No. 506, shall supersede WUP No. 436.

TESTIMONY BY APPLICANT:

Mr. Jim Wriston of Oahu Sugar Company stated that there are no further uses that Oahu Sugar is using. The water goes directly into the golf course.

In this case the recommendation was modified to delete the phrase in recommendation 2 “and for industrial uses at Oahu Sugar Mill”.

Commissioner Richards stated that the numbers (950,000 gallons per day) is high. Staff confirmed the Commission that the four-year non-use provision under the Code comes up for Commission consideration in July 2000.

Chairperson Johns suggested that the numbers should be looked into at the Commission’s July meeting.

MOTION: (Richards/Nobriga)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

**7. Manoa Village Homeowners Association Application for a Stream Channel Alteration Permit (SCAP 209), Construction of a Gabion Retaining Wall, Manoa Stream, Honolulu, Oahu (TMK 2-9-26:05)**

PRESENTATION OF SUBMITTAL: Mr. Ed Sakoda

RECOMMENDATIONS:

That the Commission on Water Resource Management approve the stream channel alteration permit for the construction of a gabion wall on Manoa Stream (TMK: 2-9-26:05), Honolulu, Oahu. The permit will be subject to the standard conditions for stream channel alteration permits (Exhibit 4) and the following special condition.

“Prior to construction work the applicant shall provide the Commission with written concurrence on the configuration of the gabion wall from the Land Division, Engineering Branch.”

## TESTIMONY BY APPLICANT:

Mr. Richard Frye representing the Manoa Homeowners stated that the City and County of Honolulu has approved the no rise certification. He stated that the permit is accepted with the conditions attached.

MOTION: (Richards/Nishida)

To approve the submittal.

UNANIMOUSLY APPROVED.

**8. Department of Land and Natural Resources, Land Division, Engineering Branch, Application for a Stream Channel Alteration Permit (SCAP-OA-293) for the Dredging of Paukauila Stream, Haleiwa, Oahu (TMK 6-6-14 & 6-6-21)**

PRESENTATION OF SUBMITTAL: Mr. Ed Sakoda

## RECOMMENDATIONS:

That the Commission approve a stream channel alteration permit for the dredging of Paukauila Stream, Haleiwa, Oahu (TMK:6-6-14: and 6-6-21:). The permit shall be valid for two years subject to the standard stream channel alteration permit conditions in Exhibit 4 and the following special conditions:

1. The applicant shall not dispose of the dredged spoils in the Mokuleia Quarry. Prior to dredging, the applicant shall obtain written concurrence from the Department of Health on the appropriate site for the disposal or reuse of the dredged spoils.
2. If the dewatering facility is in the floodway or coastal high hazard area, the applicant shall coordinate with the City and County of Honolulu, Department of Planning and Permitting, to comply with the requirement for a FEMA Certification of No-Rise Determination.

## TESTIMONY BY APPLICANT:

Chairperson Johns stated that a letter received from the Life of the Land is not in support of the stream channel alteration permit. He asked Mr. Monden to contact Life of the Land to clarify their questions.

Mr. Andy Monden, Engineering Branch, gave the background on the project. He stated that the permit is for maintenance dredging of the Paukauila Stream because it is blocked by sediment. Because of limited funds the stream cannot be dredged wider.

Commissioner Anderson stated that the Commission should look into erosion control plans upstream.

MOTION: (Nishida/Richards)  
To approve the submittal.  
UNANIMOUSLY APPROVED.

Chairperson Johns asked for adjournment of the meeting at 11:17 am.

MOTION: (Richards/Nishida)

Respectfully submitted,

FAITH F. CHING  
Secretary

Attachment

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA  
Deputy Director