

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: April 19, 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 9:17 a.m.

The following were in attendance:

MEMBERS: Mr. Timothy Johns, Dr. Bruce Anderson, Mr. Robert Girald, Mr. Herbert Richards, Jr.

STAFF: Ms. Linnel Nishioka, Mr. Roy Hardy, Mr. Ed Sakoda, Mr. Eric Hirano, Mr. Dean Nakano, Mr. Glenn Bauer, Mr. Dean Uyeno, Ms. Lenore Nakama, Mr. David Higa, Ms. Faith Ching

COUNSEL: Edsel Yamada

OTHERS: Tom Nance, Garrick Iwamuro, Rosemary Chiu, Jack Pobuk, Mike Street, Dick Cox, Gary Sloven, Doug Ing, Dennis Tulang, Kay Fukuhara, Ken Windram, Felix Limtiaco, Marjorie Ziegler, Ken Sprague, Barry Fukunaga, Dudley Kubo, Ron Huffman, Tosh Hosoda

1. Minutes of the March 15, 2000 meeting

Commissioner Anderson provided clarification to page 5, third paragraph, second line. The word "options" is with the intent to have a policy on penalties that is flexible and would take into consideration a wide variety of factors. He clarified that the policy that is developed as having flexibility available in consideration of the varying circumstances in which enforcement action is pursued.

MOTION: (Girald/Richards)

To approve the minutes as amended.

UNANIMOUSLY APPROVED AS AMENDED.

2. Old Business/Announcements by Deputy Director Linnel Nishioka

The 2 administration bills which one is the special fund bill has passed through both Houses and passed unamended in the final form. The second one is for the

Water Commission to get a share of the water licenses. That bill has different effective dates. One version has that bill effective July 1, 2000 and the other has it effective as July 1, 3000. Hopefully this bill will go to conference.

The Commission's budget was passed unchanged. We received what we asked for, and nothing was cut.

On the national level, a call was received from Representative Mink's legislative coordinator in Washington, D.C. A formal request was made and hopefully some or all of it went into the House budget for this session. A letter of appreciation was sent to Representative Mink for lobbying.

After this legislative session, a meeting with federal agencies will be scheduled to talk about projects that can be federally funded.

The next commission meeting originally scheduled for May 17 has been rescheduled to May 31 because Chairperson Johns will be in Japan.

A list of administratively approved projects was provided to the Commissioners upon their request.

In recognition and celebration of Earth Day, the Commission is asking recipients of the monthly bulletin whether they would be willing to receive the bulletin electronically. This would contribute in saving the natural resources, paper and other costs that staff would expend.

3. Briefing: Update on the Status of Reuse Water in the Puuloa Aquifer (Ewa Caprock) by U.S. Filter and the City and County of Honolulu.

Mr. Ken Windram, Project Manager, and Mr. Mike Street, Project Manager for the design and construction of the project, presented a Hawaii Water Environment Association videotape that talked about recycling water in Hawaii.

Mr. Mike Street gave an update of the construction stating that they are 70% through the actual facility construction and probably about 95% complete on the distribution system. The pipeline has been installed to Ewa Villages Golf Course and up into West Loch. Two lines have been installed down to Campbell Industrial Park. One more segment is left to run through the AES facility.

The facility which is located at the Honouliuli Wastewater Treatment Plant is expected to be completed around mid July. The start up and shake down will probably go through the month of July. R-1 water is expected to be available by the 8th of August. The R-0 water is expected to be available to the customers in Campbell Industrial Park by the end of August or September 1. A storage tank is under construction for the R-1 water. That is about 75% complete. R-0 water should be available the second week in May. The third tank for the R-1 water

should be completed by the end of August. The tank will be available for storage purposes at the end of August.

Currently, water is being supplied to customers in Campbell Industrial Park which includes Tesoro, Kalaeloa, and AES.

Chairperson asked Mr. Street to provide a map of the distribution system.

Mr. Ken Sprague stated that discussions with the Board of Water Supply about possible future relations with them are an ongoing effort and very positive. They are looking to be a major component in the Ewa area as far as supply of water to that area.

Deputy Director Nishioka confirmed Mr. Sprague's statement. One of the major issues is the cost. Meetings are being held by the Board to discuss the issue of cost to potential users.

Deputy Director Nishioka also mentioned that on April 7 she met with the Ewa Caprock golf course owners and their representatives. They all expressed multiple issues about the possibility about having to use the reuse water.

Ron Huffman of Coral Creek Golf Course prepared a handout briefly describing the expense of irrigation in 1999 at \$.20 per thousand gallons. He stated that the cost of \$1.30 per thousand gallons is too high. The increase would eventually be charged to the customer (approximately \$10 per person). In the competitive analysis, Coral Creek is already above the averages and would be priced out of the market competitively if they are forced to pay any more for the water. Coral Creek is not against using reclaimed water; they just cannot afford it.

Tosh Hosoda of Gentry Homes stated that the Commission should rethink about the customers that are already using nonpotable water and forcing them to use reclaimed water. The waters that are used for irrigation purposes are not as good as the waters that will be used to replace them. There should be a broader based payment. Because of the proximity, some of us will be required to participate. There should be a more equitable way of assessing these charges.

Commissioner Girald stated that in spite of the fact that people are installing wells, etc., this entire process is so important for this island that we cannot allow too many other considerations to cause this to fail. The issues need to be brought out and the users need to meet and make this work. Regardless of the cost, there should be a way to make this plan work. We cannot continue to waste water. We cannot allow this to fall apart. Water is very important for the future generation.

Commissioner Anderson stated that possibly, it might be worthwhile to research other areas where people have gone through this evolution. He asked staff to research the question and propose to the Commission some alternatives for

consideration, how we can move forward with this issue in a fair and equitable manner.

Douglas Ing on behalf of Hawaii Prince Golf Club stated that their cost structure is similar to that of Coral Creek. Hawaii Prince would like to continue to have the ability to use the caprock water because if they don't they wouldn't be able to survive. They could not survive the increased cost structure.

4. Briefing: Update on the Status of the Hiilawe Falls Restoration; Commission Order 99-01 by the Department of Agriculture.

Mr. Paul Matsuo of the Department of Agriculture was accompanied by consultant Chester Koga and Dudley Kubo of Natural Resources Conservation Service. For the record, the latest status report dated April 17 was submitted.

Dudley Kubo stated that as part of the Lower Hamakua Ditch project, Natural Resources Conservation Service and the Mauna Kea Soil and Water Conservation District are working with the different communities in Waipio Valley area to try to address their problem. Restoring some of the flows which go into the ditch system, back into the Waipio Valley stream, will improve habitat for native aquatic resources. He also stated that they have expanded their project to include the Waipio communities. NRCS has been working with the taro farmers, Waipio Valley community association, regulatory and research agencies (i.e. Division of Aquatic Resources, U.S. Fish and Wildlife Service). Some major problems have been flooding, erosion, and undermining trees. Site visits were conducted of these various areas.

The second phase, a more comprehensive stream management plan is being developed.

Mr. Kubo stated that if only the sandbar is managed and work is done on dry land to take off vegetation that is on the sandbars down to the water level, the only permit needed is a stream channel alteration permit. This has been cleared with the Dept. of Health and the Army COE.

NRCS is helping the taro farmers develop a permit. They will be applying for the permit and doing the work. The taro farmers will be submitting a permit to remove 3 gravel bars at the top of the taro growing area. NRCS attended community meetings with Waipio Valley and the Hamakua communities.

Mr. Chester Koga, consultant with RM Towill stated that all environmental developmental permits required have been obtained except the permit for the work of the stream intakes on the mauka portion of the streams. It is slightly inaccessible.

Mr. Matsuo continued on with the procedural requirements. The State Procurement Office informed Mr. Matsuo to look into the possibility of combining the construction and design portion. The Army Corps of Engineers (COE) was contacted and informed Mr. Matsuo that under a federal program they can provide technical assistance to the State. An agreement is now in place. The Dept. of Agriculture is funding the cost of their expertise which is being matched by the Army COE. This will be a joint venture of the Dept. of Agriculture, Department of Land and Natural Resources, Natural Resources Conservation Service, State Procurement Office, Water Resource Associates, and RM Towill. To get this under way, a request for qualification needs to be published in the newspaper. After receiving all proposals, an evaluation process by the agencies stated will be done. The last component will be the selection process.

Mr. Matsuo stated that the taro farmers are concerned with the annual maintenance dredging and asked the Army COE for assistance. The Army COE will do the investigation.

Chairperson Johns encouraged Mr. Matsuo and Mr. Kubo to try to move faster to obtain necessary approvals and give this project the highest priority in order to meet the August 30 deadline.

Commissioner Girald believes that things were done with good intentions because of previous discussions.

Commissioner Richards stated that it is important to make certain that all permits that are needed from the Commission are obtained and/or requested.

Commissioner Anderson suggested that Chairperson Johns write to James Nakatani, Chairman of the Dept. of Agriculture, that every effort be made to expedite this project.

Marjorie Ziegler of Earthjustice asked staff to consider starting the petition process for Waima Stream. It is an abandoned stream and NRCS and DOA are not going to use Waima for rehabilitation. She asked the Commission to notify Chris Rathbun of this new development or delay.

Deputy Director Nishioka answered that all of the status reports have been sent to Mike Cruise of Legal Aid who represents Chris Rathbun in this case. She also stated that if the DOA submits an extension request, the Commission is planning another meeting in July or August in Hamakua.

5. Ms. Anne G. Earhart, Application for a Stream Channel Alteration Permit (SCAP-KA-295), Replacement of Culvert Crossing with a Bridge Crossing, Puukumu Stream, Kalihiwai, Kauai (TMK: 5-2-10:28)

PRESENTATION OF SUBMITTAL: Edwin Sakoda

RECOMMENDATIONS:

That the Commission approve a stream channel alteration permit for the removal of a concrete ford crossing, and the construction of a new vehicular access bridge at Puukumu Stream, Kalihiwai, Kauai (TMK:5-2-10:28), subject to our standard conditions in Exhibit 4 and the following special conditions:

1. Prior to construction activities, the applicant shall prepare a Best Management Practices Plan (BMPP) to minimize water pollution during construction activities. The BMPP shall be acceptable to the Department of Health and the applicant shall provide a copy of the Department of Health's acceptance of the BMPP to the Commission prior to construction work.
2. The applicant shall prepare and submit a drainage analysis acceptable to the County of Kauai, Department of Public Works (DPW). Prior to construction activities the applicant shall provide the Commission with written documentation indicating the drainage analysis is acceptable to the DPW.

MOTION: (GIRALD/RICHARDS)

To approve the submittal.

UNANIMOUSLY APPROVED.

6. County of Hawaii, Department of Public Works, Applications for Stream Channel Alteration Permits (SCAP-HA-299 and SCAP-HA-300), Replacement of Inoino Stream and Kalopa Stream Bridges, Old Mamalahoa Hwy., Inoino and Kalopa Streams, Hamakua, Hawaii, (Inoino TMK 4-6-11:8 and 9; Kalopa TMK 4-4-02:7, 4-4-03:19, 4-4-07:8 and 4-4-09:5)

PRESENTATION OF SUBMITTAL: Edwin Sakoda

RECOMMENDATIONS:

That the Commission:

1. Approve a stream channel alteration permit for the construction of a highway bridge at Inoino Stream, Hamakua, Kawela, Hawaii (TMK:4-6-11: 8 and 9). The permit shall be valid for two years subject to the

standard stream channel alteration permit conditions in Exhibit 8 and the following special condition:

Prior to construction activities, the applicant shall coordinate with the Historic Preservation Division, and prepare a Burial Treatment Plan (BTP), to protect the burial cave complex. The applicant shall obtain a written acceptance of the plan from the Historic Preservation Division and forward a copy of this written acceptance to the Commission.

2. Approve a stream channel alteration permit for the construction of a highway bridge at Kalopa Stream, Hamakua, Hawaii (TMK: 4-4-02:7, 4-4-03:19, 4-4-07:8 and 4-4-09:5). The permit shall be valid for two years subject to standard stream channel alteration permit conditions in Exhibit 8 and the following special condition:

The applicant shall post appropriate detour signs directing the public to Kalopa State Park. The applicant shall coordinate with the Division of State Parks on the appropriate signage.

MOTION: (RICHARDS/GIRALD)
To approve the submittal.
UNANIMOUSLY APPROVED.

Chairperson Johns asked for a motion to adjourn.

MOTION: (RICHARDS/GIRALD)
UNANIMOUSLY AGREED.

This meeting was adjourned at 11:15 a.m.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director