

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE:
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Gilbert S. Coloma-Agaran called the meeting of the Commission on Water Resource Management to order at _____ a.m.

The following were in attendance:

MEMBERS: Mr. Gilbert S. Coloma-Agaran, Dr. Bruce Anderson, Mr. Robert Giraldo, Mr. Brian Nishida, Mr. David Nobriga, Mr. Herbert Richards, Jr.

STAFF: Linnel Nishioka, Roy Hardy, Ed Sakoda, Eric Hirano, Dean Nakano

EXCUSED:

COUNSEL:

OTHERS:

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 November 14, 2001 meeting

MOTION: (_____/_____)

To approve the minutes.

To approve the minutes as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

2. Old Business/Announcements by Deputy Director Linnel Nishioka

3. Duesenburg Investment Company, AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT, Amfac Center Salt (Well Nos. 1851-68,69,76), TMK 2-1-13:06, Existing (Cooling Water) Use for 4.032 mgd, Nuuanu (Caprock) Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Find the applicant in violation of pumping Well Nos. 1851-68,69,76 without a water use permit in a water management area.
2. Assess no fines for the violation in Recommendation 1.
3. Approve the issuance of Water Use Permit No. 603 to Duesenburg Investment Company for the reasonable and beneficial use of 4.032 million gallons per day of salt water for cooling water use from the Amfac Center Salt Wells (Well Nos. 1851-68,69,76), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
 - a. 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.
 - b. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.
 - c. Standard Condition 16 is waived for salt water wells.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____ / _____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

4. Kenneth Simon, APPLICATIONS FOR WATER USE PERMITS, Pearl City Wells (Well Nos. 2358-35,44,46), TMK 9-6-3:8, WUP No. 573, Existing (Agriculture) Use for 0.156 mgd, Pearl City Well (Well No. 2358-36), TMK 9-6-3:8, WUP No. 574, Existing (Domestic) Use for 0.007 mgd, Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

Staff recommends that the Commission approve:

1. The issuance of Water Use Permit No. 573 to Kenneth Simon for the reasonable and beneficial use of 0.040 million gallons per day of non-potable water for agricultural use from the Pearl City Wells (Well Nos. 2358-35&44), 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, 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.
2. The issuance of Water Use Permit No. 574 to Kenneth Simon for the reasonable and beneficial use of 0.004 million gallons per day of potable water for multi-domestic use from the Pearl City Well (Well No. 2358-36), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
 - a. 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.
 - b. The Department of Health, Safe Drinking Water Branch, recommends that the well be routinely tested for microbiological and chemical parameters.
3. Deny without prejudice the use of Well No. 2358-46. If Well No. 2358-46 is found, the applicant shall contact the Commission immediately to update the Commission of the status and condition of the well.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____ / _____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

5. Request for Deferral to February 2002 at Honokaa, Hawaii for Department of Agriculture's Request for Extension of Time on the Commission's Restoration Order for the Diversion (SCAP-HA-116) on Hakalaoa Stream, Honokaa, Hawaii

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

Staff recommends that the Commission defer the Department of Agriculture's request for extension of time to remove the diversion above Hakalaoa Falls to February 2002 at Honokaa, Hawaii.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____/_____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

6. Honolulu Board of Water Supply/Okada Trucking Co., Ltd., After-the-Fact Application for a Stream Channel Alteration Permit (SCAP-HA-327), Two 36-inch Culverts for Temporary Access Road, Moole and Makuku Streams, Nuuanu, Oahu (TMK:1-9-07:002)

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

1. Find Okada Trucking Company in violation of Hawaii Revised Statutes 174C-71 for installation of two temporary culverts at Moole and Makuku Streams, Nuuanu, Oahu, without the necessary stream channel alteration permits.
2. Fine Okada Trucking Company a total of \$500 (\$250 per site), to be paid within 30 days, and send Okada Trucking Company a written warning that future violations of the Commission's rules and conditions may be considered to be repeat violations subject to fines up to \$1000 per day per violation.
3. Approve an after-the-fact stream channel alteration permit for the installation and removal of two temporary culverts at Makuku and Moole Streams (TMK:1-9-07:002), Nuuanu, Oahu. The permit shall be subject to the Commission's standard condition regarding after-the-fact stream channel alteration permits in Exhibit 5, and will be valid for one year subject to the following special condition:

“Within one year of the date this Commission action, the Board of Water Supply shall provide the Commission with a written statement from the Land Division indicating the pipeline has the appropriate easement.”
4. Future applications from an applicant who has not paid fines or met alternative settlements or for a project with outstanding violations may be considered incomplete until sanctions are fulfilled and/or violations are corrected.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____ / _____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

7. City and County of Honolulu, Department of Design and Construction, Application for a Stream Channel Alteration Permit (SCAP-OA-328), Installation of Concrete Channel Lining, East Tributary of Kawa Stream, Koolaupoko, Oahu (TMK: 4-5-89:23)

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

That the Commission approve a stream channel alteration permit for the installation of approximately 850 linear feet of concrete channel lining at Kawa Stream, Kaneohe, Oahu (TMK:4-5-89:23). The term of the stream channel alteration permit will be for two years subject to the standard stream channel alteration permit conditions in Exhibit 5.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____ / _____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

8. Department of Transportation Application for a Stream Channel Alteration Permit (SCAP-OA-329), Channel Lining, Alenaio Stream (TMK: 2-3-19 var, 2-3-36) and Waipahoe Stream (TMK: 2-5-11:16), South Hilo, Hawaii

PRESENTATION OF SUBMITTAL:

RECOMMENDATIONS:

That the Commission approve a stream channel alteration permit (SCAP-HA-329) to the County of Hawaii to repair and construct channel linings at Alenaio and Waipahoe Streams, Hilo, Hawaii (TMK 2-5-11, 2-3-19 and 2-3-36). The permit shall be valid for two (2) years subject to our Standard Stream Channel Alteration Permit Conditions in Exhibit 6.

TESTIMONY BY APPLICANT:

TESTIMONIES:

MOTION: (_____ / _____)

To approve the submittal.

To approve the submittal as amended.

UNANIMOUSLY APPROVED.

UNANIMOUSLY APPROVED AS AMENDED.

Minutes

December 19, 2001

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director