

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 18, 2002
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 9:10 a.m.

The following were in attendance:

MEMBERS: Mr. Gilbert S. Coloma-Agaran, Ms. Meredith Ching, Mr. Clayton Dela Cruz, Mr. Brian Nishida, Mr. Herbert Richards, Jr.

STAFF: Linnel Nishioka, Roy Hardy, Ed Sakoda, Dean Nakano, Glenn Bauer, Kevin Gooding, Lenore Nakama, Ryan Imata, Dean Uyeno, David Higa, Kathy Yoda

COUNSEL: Jean Creadick

OTHERS: Gordon Tribble, Manabu Tagomori, Neil Hannahs, Kapua Sproat, Larry Miike, Karen Piltz, Barry Usagawa, Randall Ishikawa, Rosemary Liu, Ken Fong, Perry White, Jonathan Scheuer, Cheryl Uechi

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties.

1. Minutes of the November 20, 2002 meeting

MOTION: (RICHARDS/DELA CRUZ)
To approve the minutes.
UNANIMOUSLY APPROVED.

2. Old Business/Announcements by Deputy Director Linnel Nishioka

Deputy Director Nishioka thanked Chair Coloma-Agaran for his service to the Board as well as the Commission. This was his last meeting as Chair. There was never a question about his commitment to natural resources. Ms. Nishioka congratulated Chair Coloma-Agaran who will be the next Director of Public Works on Maui County.

Two Commission staff were recognized for receiving their 10-year award certificate and pen. They were Susan Danbara and Kathy Yoda.

Lastly, Deputy Director Nishioka stated that this was also her last meeting. She thanked the Commission and staff for their dedicated commitment and positive difference for Hawaii's water resources.

3. Kamehameha Schools Alternative Settlement Proposal, Complaint C98-08 and Earthjustice Legal Defense Fund, Petition for Declaratory Order on Lalakea Stream, Lalakea Ditch, Kukuihaele, Hawaii (TMK: 4-8-03:06)

PRESENTATION OF SUBMITTAL: Edwin Sakoda

RECOMMENDATIONS:

1. That the Commission approve the Lalakea Alternative Mitigation Project Proposal, and that the Commission authorize the Chairperson, upon staff recommendation, to approve of any study revisions and budget reallocations among study components.
2. That Kamehameha Schools provide the Commission with quarterly written status reports of the progress of the LAMP Proposal, and periodic updates before the Commission at its meetings. The quarterly reports shall be submitted beginning March 2003 and continued quarterly to the completion of the project. The first report before the Commission shall be given in June 2003. Subsequent reports before the Commission shall be scheduled at the June 2003 meeting.

TESTIMONY BY APPLICANT:

Mr. Neil Hannahs of KS commended the Commission staff for their assistance in their alternative mitigation project proposal. The cooperation KS is receiving from staff, Earthjustice (EJ), and from the Waipio Hamakua community is excellent. The long-standing stream issues and ideas were shared with that community. KS will be working with them in determining how the streams are flowing in the valley and identify ways to improve that flow. KS will continue to work with the Waipio Hamakua community and the Commission staff in order to learn better management of water, improve the stream ecology and rebuild the community.

Commissioner Nishida commended KS for a very well thought out proposal. It has a broad vision and seems like it will achieve the Commission's objective. He appreciated the education components that are included in the proposal.

Ms. Kapua Sproat of EJ has no objections to staff's recommendations. EJ is pleased to see community education and involvement. EJ would like to see more efforts be extended to the taro farmers.

MOTION: (DELA CRUZ/NISHIDA)

To approve the submittal.

UNANIMOUSLY APPROVED.

4. Status Report on the Pearl Harbor Milestone Plan for the Ewa-Kunia and Waipahu-Waiawa Aquifer Systems, Pearl Harbor Aquifer Sector, Oahu

PRESENTATION OF SUBMITTAL: Kevin Gooding

Mr. Gooding gave a powerpoint presentation on the Status Report on the Pearl Harbor Milestone Plan for the Ewa-Kunia and Waipahu-Waiawa Aquifer Systems, Pearl Harbor Aquifer Sector, Oahu.

5. Okuno and Associates, Inc. REQUEST FOR VARIANCE OF SURVEY REQUIREMENTS, Okuno 1 & 2 Wells (Well No. 5849-04 & 5751-03), Well Construction: 4-inch Casing Diameter, 20, 25-ft Deep Wells, Pump Installation: 20 gpm for Irrigation use (each), TMK 6-6-2: 028 & 6-9-6: 047, Puako, Hawaii

PRESENTATION OF SUBMITTAL: Ryan Imata

RECOMMENDATIONS:

Staff recommends for both the Okuno Well (5849-04) and the Okuno 2 Well (5751-03), that the Commission require the applicant to provide a benchmark in the concrete base per Section 2.10(a)(4) of the Hawaii Well Construction and Pump Installation Standards, but stay the enforcement of the survey requirement in standard condition 7.b. of the Well Construction Permit until such time as the Commission deems that one is necessary. The well owner is still responsible for collecting and reporting monthly water level measurements.

MOTION: (RICHARDS/DELA CRUZ)

To approve the submittal.

UNANIMOUSLY APPROVED.

6. Pearl City Community Church, ISSUANCE OF A WATER USE PERMIT, Pearl City Community Church (Well No. 2359-10), TMK 9-6-002:015, Existing (Domestic) Use for 0.005 mgd, Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission approve the issuance of Water Use Permit No. 626 to Pearl City Community Church for the reasonable and beneficial use of 0.005 million

gallons per day of potable water for domestic use from the Pearl City Community Church Well (Well No. 2359-10), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. 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.
2. 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.
3. This interim water use permit shall cease to be interim and shall become permanent and subject to §174C-55 HRS upon administrative review of the quantity within 5 years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same. Enforcement of the allocation limit shall be stayed pending staff’s review and issuance of a permanent water use permit.
4. The permittee shall provide the necessary end use information on the 10th parcel to allow regulation of that use under Chapter 174C.

Ms. Nakama amended the submittal on page 2, second paragraph under ANALYSIS/ISSUES, third sentence where it states 9 residences. This was changed to 10 residences based on a request by Ms. Cheryl Uechi, Administrator of Pearl City Community Church before the meeting that future water use for a 10th residence, which may be built, be allocated.

TESTIMONY BY APPLICANT:

In response to Commissioner Richards’ question, Ms. Cheryl Uechi stated that 5 thousand gallons per day is reasonable.

MOTION: (RICHARDS/NISHIDA)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

7. **Application for a Stream Channel Alteration Permit (SCAP-OA-350), Hawaiian Electric Company, Inc., Fuel Pipeline Crossing, Waiawa Stream, Oahu, (1) 9-6-02:021, 33 & 41)**

PRESENTATION OF SUBMITTAL: David Higa

RECOMMENDATIONS:

That the Commission approve a stream channel alteration permit for a fuel pipeline crossing at Waiawa Stream (1) 9-6-02:021, 33 & 41) within the State Energy Corridor. The permit will be valid for two (2) years subject to our standard permit conditions in Exhibit 3.

MOTION: (DELA CRUZ/RICHARDS)

To approve the submittal.

UNANIMOUSLY APPROVED.

This meeting was adjourned at 10:26 am.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

DEAN A. NAKANO
Acting Deputy Director