

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: WEDNESDAY, JUNE 16, 2004
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

CALL TO ORDER

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:04 a.m.

ROLL CALL

The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Clayton Dela Cruz
Dr. Chiyome Fukino

Mr. James Frazier
Ms. Stephanie Whalen

STAFF

Deputy Director Yvonne Izu, Roy Hardy, Ed Sakoda, Faith Ching, Kevin Gooding, Charley Ice, Lenore Nakama and Dean Nakano

COUNSEL

Jay Paige, Esq.

OTHERS

Koa Kaulukukui, Kat Brady, Dr. Jonathan Scheuer, Kapua Sproat, Neal Fukumoto, Melvyn Ho, Mel Lima, Manabu Tagomori, Kyun Kim, Rachael Oshiro, Lance Foster, Ben Ishii, Jason Yazawa and Barry Usagawa

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

APPROVAL OF MINUTES

Deputy Director Izu indicated that the dates in the header of the minutes were incorrect and should have read May 19, 2004 instead of June 16, 2004.

MOTION: (Whalen/Frazier)

To approve as amended, the minutes of the May 19, 2004 meeting as circulated.

SUBMITTALS

A-1. Coral Creek Golf Course, REQUEST FOR A VARIANCE FROM THE 1,000 MG/L CHLORIDE LIMIT, Well Nos. 2001-13 & 2002-15,17,19, TMKs 9-1-69:7,10 & 9-1-61:54, WUP Nos. 577 to 579, Puuloa Ground Water Management Area

Deputy Director Izu stated that staff will be providing the Commissioners with a briefing on the history of the Ewa caprock and reuse issues prior to presentation of the submittal.

Kevin Gooding passed out documents to the Commissioners and also provided a map of the Ewa Caprock Aquifer. Mr. Gooding pointed out on the map that the formation of the caprock varies in size from 1000 feet thick and narrows down to nothing. He also pointed out the principal water-producing areas on the map. Mr. Gooding indicated that there are two general formations, the upper limestone and the lower limestone. He indicated that the lower limestone is salty. The upper limestone is brackish, is exploited for water use, and is also recharged by fresh water from either irrigation return, leakage from the basalt or from rainfall. Mr. Gooding indicated that it does not rain much (maximum 20-inches) over the caprock. Mr. Gooding also gave a brief history of the chlorides and indicated that all the issues regarding the caprock related to the chloride content of the ground water. He went on to discuss the chloride history starting from the 1930's when the plantations began producing water from the caprock. Additionally, imported irrigation water from old plantation basal wells was also being applied. Because the applied basal irrigation water was salty, the return irrigation water was salty, and the general water quality of the caprock was fairly brackish. He continued by indicating that around 1950, they sealed the old wells and brought on newer wells. Mr. Gooding indicated that in a thirty-year period, chloride levels were relatively low because return water was fresher. In November 1994, the plantation shut down, which stopped the pumping of the EP sources and the chlorides continued on up.

Mr. Gooding pointed out on the map a well that was recently installed near the Hawaii Prince source (EP-22) and also indicated that the well has been producing 1400 to 1800 parts per million (ppm) chloride. Mr. Gooding indicated that there are several Gentry wells that are located in sweet zones (chlorides are relatively

low, 500 to 700 ppm chloride). They are located in the vicinity of Coral Creek Golf Course. Mr. Gooding indicated that the Hawaii Prince source has generally been over 1,000 ppm whereas Gentry wells have been well below 1,000 ppm. Since the plantation closed, there has been almost no basal water irrigation return, significant land use changes and a change from sugarcane to weeds. Although water use has decreased since the plantation time, chlorides have been steadily increasing at many wells. Mr. Gooding indicated that the Gentry wells have been stable and some of the Coral Creek Golf Course wells are chloride-sensitive. Mr. Gooding said that before Coral Creek Golf Course had access to R-1 water, they pumped up to 1,500,000 gallons per day out of their caprock wells. In October 2001, they almost stopped pumping, when they began to receive R-1 water. The chloride content of Coral Creek's well water has been as high as 4,000 ppm, and in more recent history, around 1,000 ppm when they are almost not pumping at all. Mr. Gooding continued by saying that the caprock was heterogeneous and that it changes a lot. Over a very short area, wells can have a much different chloride content.

Lenore Nakama continued by summarizing the history of reclaimed water and water issues surrounding the Ewa Caprock Aquifer. The following topics were covered:

- 1984 Ewa Water Master Plan
- Development of dual water systems
- 2020 potable and non-potable water demands forecasts
- Demonstration Recharge Trench
- 309 Consent Decree
- CWRM Reclaimed Water Policy
- CWRM Re-evaluation of the Ewa Caprock sustainable yield
- Puuloa Caprock Users Group
- CWRM Interim Management Plan Adoption
- Reclaimed Water Champions Group
- BWS Purchase of Honouliuli Wastewater Reclamation Facility

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATION:

Based on the foregoing, staff recommends that the Commission deny Coral Creek Golf Course's request for a variance from the 1,000 mg/L chloride cap.

DISCUSSION:

Commissioner Frazier asked the staff if the water features on the golf course were recycling the same water or if pumped water is going into the feature then percolating through. Mr. Gooding replied that some of the features are intersecting ground water and that there are signs that they may be plugged up by

clay and they are not very efficient, but that they are at the ground water level. Ms. Nakama continued by stating that some of the water features are actually areas of recharge, where pumped water from a drilled well circulates down through a series percolation ponds. Therefore some of the sources are discharge points and some of them are functioning as recharge points.

Commissioner Whalen asked if the lined reservoirs were being used for storage for irrigation and if the other ones were aesthetic. Staff indicated that there is only one lined reservoir and that it is being used for storage. Commission Whalen asked if connecting to the aquifer means the salty aquifer and not the deep aquifer. Staff indicated that they were referring to the brackish aquifer in the upper limestone formation.

Commissioner Whalen asked if the request was for interim permits to use the wells and if there is a lot of use of the wells. Ms. Nakama indicated that the permits allow the use to continue until the Commissioners are scheduled to revisit the interim permits in July 2006 or when one of the other two triggers are met. At this time, all the interim permittees are allowed to pump their wells within their allocations, provided they do not exceed the chloride cap. Coral Creek Golf Course sources are extremely chloride-sensitive and they would like to exceed the chloride cap.

Commissioner Frazier asked if Coral Creek Golf Course is using the most efficient turf and plants. Ms. Nakama indicated that they understand that Coral Creek Golf Course is using the most salt-tolerant turf.

Commissioner Whalen asked if the rest of the landscaping on the golf course ground was also salt-tolerant, if Coral Creek Golf Course was getting enough R-1 water, and if there is a limit from Honolulu Board of Water Supply (BWS) as to the amount of R-1 water that is available to them. Ms. Nakama indicated that a representative from Coral Creek Golf Course and BWS was available for questions.

Commissioner Whalen asked if Coral Creek Golf Course is using drought-tolerant plant species in their non-turf areas. Mr. Kyun Kim, representing Coral Creek Golf Course, indicated that the grass that they are planting could sustain chloride levels greater than 4,000 ppm. Also the kiawe trees and other plantings can also sustain high chloride levels. Mr. Kyun also stated that approximately 70 to 80 percent of the non-turf areas are in drought-tolerant plants. Commissioner Whalen asked Mr. Kyun if Coral Creek Golf Course had enough R-1 water for irrigation and Mr. Kyun replied that they do.

Chairperson Young asked Mr. Kyun if he had any other questions in the event the Commission may not support their request. Mr. Kyun replied he had no other questions.

Mr. Barry Usagawa representing the BWS testified that they support the staff's recommendation to deny the variance and also clarified that BWS and Coral Creek are currently in discussions to address the long-term affordability of R-1 water. Mr. Usagawa said that, under the current contract, R-1 water rates are scheduled to ratchet up to market rates on July 1, 2006; therefore, they are in discussions at this point. BWS is well aware of the issues of economic affordability. Mr. Usagawa also clarified that the non-residential water rate schedule, which shows an increase to \$2.24 effective July 1, 2004, will remain at \$1.98 per the Board's decision in their May 2004 Board meeting.

Commissioner Whalen asked Mr. Usagawa if BWS is looking at land uses when negotiating water rates and if negotiations were being done on an individual case-by-case basis. Mr. Usagawa indicated that it is the intent of BWS to provide recycled water for agricultural lands. Mr. Usagawa said that it is a question of ability and rate for agricultural lands, as he understands that agricultural water users are not able to pay higher rates. Mr. Usagawa said that it is an individual negotiation process at this time and that BWS does not have set recycled water rates for different types of uses. Mr. Usagawa indicated that BWS is currently undergoing a rate study, but at this point, it is individually negotiated. If BWS can come to terms with all users, Mr. Usagawa indicated that they have enough recycled water to sell.

Commissioner Frazier asked about the experience of the recharge trench in the caprock. Ms. Nakama indicated that there hasn't been any experience because it was targeted to be a pilot demonstration project and has not been utilized as yet.

MOTION: (Dela Cruz/Whalen)
To approve as presented by staff
UNANIMOUSLY APPROVED

**B-1. Application for a Stream Channel Alteration Permit (SCAP-HA-368),
County of Hawaii, Department of Public Works, Kawaihina Street Bridge
Replacement, Waiakea Stream, South Hilo, Hawaii (TMK (3) 2-4-03: 022,
2-4-63: 120 & 121; 2-4-70:042)**

PRESENTATION OF SUBMITTAL: Ed Sakoda

RECOMMENDATION:

That the Commission approve a stream channel alteration permit for a bridge replacement, lining, and channelizing of Waiakea Stream at Kawaihina Street, Hilo, Hawaii (TMK (3) 2-4-003: 022; 2-4-063: 120 & 121; 2-4-070:042). The stream channel alteration permit shall be valid for two years subject the Commission's standard conditions in Exhibit 6, and the following special condition:

“The transition area between the bed of the lined channel and the bed of the natural channel shall be at the same invert elevation to provide for the migration of aquatic life.”

DISCUSSION:

Commissioner Frazier indicated that he understands that the stream has been altered many times before. Mr. Sakoda said that he believes it has been but the low flow part of the channel is fairly new.

MOTION: (Dela Cruz/Frazier)

To approve as presented by staff

UNANIMOUSLY APPROVED

C-1. Honolulu International Country Club, Mel’s Water Works, APPARENT VIOLATIONS OF A PUMP INSTALLATION PERMIT, Honolulu International Country Club (Well No. 2154-01), TMK 1-1-75:87 Moanalua Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

RECOMMENDATION:

Staff recommends that the Commission:

1. Find Honolulu International Country Club in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.
2. Impose a fine of \$1000 on Honolulu International Country Club, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 1.
3. Issue a warning to Honolulu International Country Club that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to \$1000 per day.
4. Suspend any current, pending or future applications by Honolulu International Country Club until the fine is paid.
5. Find Honolulu International Country Club in violation of HAR §13-168-7 and Standard Condition 3 of the Pump Installation Permit for Well No. 2154-01 for failure to submit timely water use reports in the Moanalua Ground-Water Management Area.
6. Impose no fines for the violation in Recommendation 5.

7. Find Mel's Water Works in violation of HRS §174C-85 and Standard Condition 5 of the Pump Installation Permit for Well No. 2154-01 for failure to submit a timely Well Completion Report – Part II in the Moanalua Ground-Water Management Area.
8. Impose a fine of \$750 on Mel's Water Works, as summarized in Exhibit 6, payable within thirty (30) days for the violation in Recommendation 7.
9. Issue a warning to Mel's Water Works that any future violations of Chapter 174C shall be considered repeat violations, subject to fines of up to \$1000 per day.
10. Suspend any current, pending or future applications by Mel's Water Works until the fine is paid.

DISCUSSION:

Chairperson Young wanted to clarify that staff's recommendations regarding the fines were for one-time fines and not daily fines, and that future violations may be subject to daily fines of up to \$1,000 per day. Staff affirmed that that is the recommendation.

Commissioner Frazier indicated that he did not agree that Honolulu International Country Club (HICC) should be relieved of a fine for noncompliance with water use reporting. Commissioner Frazier felt that because there appeared to be a considerable amount of work done by the staff, he did not agree that there should be an exemption from fines, and he also mentioned that the report showed the water use was in a particularly water-sensitive area.

Commissioner Whalen asked the staff if the permit states that there is a reporting requirement. Ms. Nakama responded that the permit does state a reporting requirement. Commissioner Whalen asked staff for the date on which the report was turned in. Ms. Nakama said that staff notified HICC of their need to report water use on May 20, 2004 and also sent a letter on the same day. HICC submitted the information on May 26, 2004. Commissioner Whalen asked if staff had previously informed HICC of the reporting requirement. Ms. Nakama indicated that, due to the limited staff resources, staff had not, and that is a reason that staff is not recommending a fine for non-reporting. Commissioner Whalen noted that HICC was able to provide an estimate of their water use and asked whether HICC kept reports. Ms. Nakama stated that HICC informed staff that it has new employees, and they did not know they were supposed to report water use to the Commission. Therefore, at that time of staff's request, the meter had turned over a couple times. HICC looked at the prior time the meter had been read and compared that to the current metering reading, and that is how HICC came up with an estimate. Ms. Nakama indicated that HICC did not appear to have a back record or a current practice of writing water use information down.

Commissioner Whalen asked HICC if they had read the permit to see what the requirements were. Mr. Melvyn Ho from the HICC testified that he joined HICC about 3 years ago and that there was a management change at that time. Mr. Ho indicated that he passed on staff's request for a Well Completion Report (WCR) but failed to follow through.

Commissioner Whalen relayed to Mr. Ho that environmental issues are very important, and since water is such an important aspect, she stated that these permits needed to be taken more seriously by management. She asked Mr. Ho if HICC has put anything in place so that reporting requirements will be met in the future and what HICC has done to change their operations so something like this doesn't happen again. Mr. Ho said that he has had some staffing problems and currently feels he does have someone in place to manage the paperwork and the water resources. Mr. Ho said that he is now very aware of the permit process, and as the administrative person, he will be managing it more closely, rather than relying on another staff member.

Mr. Mel Lima from Mel's Water Works testified that he was only hired to install the water pump and that he did not sell the pump or the meter to HICC. Mr. Lima said that he signed the permit because he was the licensed contractor, but that all HICC needed to do was complete the WCR by filling in the data and sending it in to the Commission since he had already signed form. Mr. Lima said that when he received a call from Ms. Nakama, he did the best that he could. He said he went to the job site, took pictures, and then emailed Ms. Nakama. Mr. Lima stated that he would have attended the last Commission meeting but was informed by staff that the item would be withdrawn. Mr. Lima continued by saying that he just installed the pump, had no idea that they were in violation, and that the follow-up should have been done by HICC.

Mr. Lima said that the last time he came before the Commission was for a violation of the permit for BWS' Waipahu Wells and that, at that time, BWS took full responsibility. Mr. Lima indicated that he is here to protect his interest and to also show that he did everything in his power to correct the issues.

Commissioner Whalen asked Mr. Lima if he is aware of the contractor's legal requirements based on his experience with the BWS violation. Mr. Lima said that he was aware of it, but time had passed and he thought all the paperwork was completed. Mr. Lima said that he should have followed up since he did not get a copy of the report. Mr. Lima said that he did not receive any warning so he didn't follow up and then forgot about it. He said that knowing it was a simple task to correct it, he would have corrected it. Mr. Lima said that he did not know this became an issue.

Commissioner Frazier asked Mr. Lima what primary business he is in. Mr. Lima replied that he is in the pump installation business. Mr. Lima stated that their company gave up drilling in 1999. Commissioner Frazier asked Mr. Lima if the

rules have changed much since he's been in the pump installation business. Mr. Lima indicated that it hasn't. Commissioner Frazier asked if Mr. Lima was aware of the rules from the BWS violation experience. Mr. Lima said that he is.

Commissioner Frazier indicated that he was not satisfied with the staff recommendation. He felt that there should be a single fine for failure to submit timely water use reports, and did not agree that any mitigation component should apply. Commissioner Frazier moved to amend Recommendation 6 by adding an additional \$500.00 fine to be included to the \$1,000.00 fine against the permittee (in Recommendation 2).

AMENDED RECOMMENDATION:

To amend Recommendation 6 by imposing a \$500.00 fine for the violation described in Recommendation 5.

MOTION: (Frazier/Whalen)

To approve as amended

UNANIMOUSLY APPROVED AS AMENDED

D-1. Waiawa Development LLC / Kamehameha Schools, APPLICATION FOR WATER USE PERMITS, Gentry Waiawa Wells 1 & 2 (Well Nos. 2658-07 & 08), TMK 9-6-05:3, WUP Nos. 692 & 693, New (Golf Course Irrigation) Use for 0.600 mgd Per Well (Total 1.2 mgd), Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Deputy Director Izu

DISCUSSION:

Dr. Jonathan Scheuer from the Office of Hawaiian Affairs (OHA) provided written testimony and requested that the Commission reject the application due to its incompleteness. Dr. Scheuer said if that is not possible, he requests that a public hearing be scheduled, but only after the applicant has made additional information available to the Commission, OHA, and any other interested parties, and after sufficient time has passed such that all interested parties are able to evaluate the application in light of the new information, such as an integrated water use plan.

Dr. Scheuer noted that Deputy Director Izu mentioned that the applicant's representative has expressed an interest in meeting with OHA and that OHA is interested in meeting with the applicant to discuss these matters. However, OHA feels any additional information should become public record and not just delivered from the applicant to OHA.

Chairperson Young mentioned Dr. Scheuer's suggestion that funding for the Water Plan update be derived from a proportional fee assessed to applicants as they come in, and asked how a proportional fee would be assessed without knowing how many applicants there will eventually be. Dr. Scheuer said that the counties already fund improvements that need to be done in an area by assessing fees to applicants, and counties don't know in advance how many applicants there will be. County applicants pay a fee that will go towards the construction of a park, school, or some project that has a nexus between the proposed use and the application. Chairperson Young asked Dr. Scheuer if the Commission has the right to do this. Dr. Scheuer said he believes that under the Commission rules, the Commission has the right to assess fees to fund the Commission's mandate to protect watersheds and water resources.

Ms. Kapua Sproat, attorney for Earthjustice, said that Kamehameha Schools, not OHA or the public, bears the burden of establishing that the water use permit application satisfies all the requirements of the law and urged the Commission to deem the application incomplete and either return it for revision or rule that a public hearing be held. However, Ms. Sproat also requested that any hearing be delayed until Kamehameha Schools provides all the necessary information. Ms. Sproat continued by saying that, in the event the application is incomplete, the Commission has the time to seek additional information from Kamehameha Schools, so the burden is not on the Commission or the public.

Ms. Sproat asked that the Commission avoid the same mistake made in the water permit application by Kamehameha Schools in January 1999, when the Commission accepted the water use permit, but when parties objected, the Commission ruled that a public hearing be held and empowered the Chairperson to seek additional information from Kamehameha Schools. The Chairperson sent a letter to Kamehameha Schools detailing all the required information and asked that their response be turned in 7 days prior to the public hearing, which was then scheduled. However, Kamehameha Schools turned in an insufficient response that did not adequately address all the issues. When the public hearing was held, it was very well attended, but a large portion of the testimony was that there was insufficient information to support the proposed permit. Ms. Sproat encourages the Commission to empower the Deputy Director, staff and AG to obtain enough information before the public hearing is noticed.

NON-ACTION ITEM

D-2. Hawaiian Commercial and Sugar Company, APPLICATION FOR A WATER USE PERMIT, Iao Tunnel (Well No. 5330-02), TMK 3-4-34:34, WUP No. 691, Existing (Agricultural) Use for 100,000 mgd, Iao Ground Water Management Area, Maui

PRESENTATION OF SUBMITTAL: Charley Ice

DISCUSSION:

Mr. Ice indicated that this is a non-action item, and it is an application for existing use in the designated aquifer on Maui and would normally ask the Commission for an action, but have received two objections; therefore, staff will be scheduling a public hearing on Maui to give an opportunity to the applicant to state the reasons why they believe its reasonable and beneficial use.

Dr. Jonathan Scheuer provided written testimony and indicated that they felt the application is grossly incomplete; therefore, it puts the burden of proof on the Commission and the public rather than on the applicant. Mr. Scheuer requests that the application be rejected or schedule a public hearing after adequate information has been gathered from the applicant. Mr. Scheuer repeated that the Hawaii Water Plan needs to be updated, and start with the water management plan, where known conflicts exist.

Commissioner Whalen stated to Mr. Scheuer that he keeps bringing up the need to update the Hawaii Water Plan and mentioned that she knows that the agriculture community is seeking to update their Water Plan and says she doesn't recall seeing OHA's support at the Legislature this year seeking funding. Commissioner Whalen indicated that these reports require funding, and if there were support at the legislature to get the funding, it would help to get these reports completed. She continued by saying if the private sector were to fund these reports and if the reports were not liked by everyone, then it would be tainted because they were paid by private funds. Dr. Scheuer said that he would pass along this information to OHA and said that one of the strategic plans of OHA is to support the Hawaii Water Plan; therefore, following their strategic plans, it would make sense to support these things. He says that he understands that if reports are privately paid for and contracted by private sector entities, they could come under criticism. What he was contemplating was more monies collected by the Water Commission while the Commission completes the report, and the applicants would pay but the actual disbursement and contract is handled by the Water Commission. Chairperson Young said that one of the component parts of the Water Plan is through each of the individual county water department and not just at the Legislature. Commissioner Frazier said that the Water Plan does not have to wait for the next Legislature, and that it could start immediately with the Counties. Commissioner Whalen clarified herself by saying that everyone cannot just complain about the Water Plan and that everyone needs to all get actively involved to get these plans done for the State.

Ms. Kapua Sproat from Earthjustice requested the Commission deny Hawaii Commercial and Sugar Company's (HC&SC) application or order HC&SC to immediately provide additional information, and at the latest, Earthjustice asked that it be provided within 4 weeks of their objection which would be July 2, 2004. Since a public hearing will be held, Earthjustice is asking that information be available as soon as possible. Ms. Sproat asked that the Commission to consider

holding the public hearing in Maui, as they expect other water use applications will be turned in.

NON-ACTION ITEM

D-3. Update on Consideration of Designation of the Waihee Aquifer System as a Water Management Area

PRESENTATION OF SUBMITTAL: Charley Ice

DISCUSSION:

Mr. Charley Ice indicated that last month staff received a new application for the Waihe'e well drilling and in the course of the discussion, staff recommended that it be brought back to the Commission in June to revisit the issue of the designation and also provide an update. Mr. Ice continued by providing the Commission with an update.

Commissioner Frazier wanted a clarification as to the Kupaa Well and asked Mr. Ice if it is to come on line. Mr. Ice said that the well is to come on line. Commissioner Frazier wanted to know what the delay was. Mr. Ice indicated that he wasn't sure and that Mr. Tengan may be able to answer this question. Commissioner Frazier said that he understands that Kupaa spreads the pumpage further away from the area where it's now concentrated. Mr. Ice said that this is correct.

Chairperson Young noted that there were a number of written testimonies received.

Ms. Kapua Sproat from Earthjustice said that she comes before the Commission for the sixth time asking the Commission to designate the aquifer as a ground water management area. Ms. Sproat briefed the Commission on her written testimony and urged the Commission, that if they do not decide to vote today, that they reschedule this for a hearing at the next meeting. Commissioner Whalen asked Ms. Sproat if she was active with the Legislature this past session during the budget hearing when positions were being cut within the Water Commission. Commissioner Whalen indicated that the more designation that is done by the staff, that more resources are required and rather than voicing her concerns at these meetings and asked if Ms. Sproat is actively and politically trying to help with the resources of the Water Commission. Ms. Sproat said that they are limited to the number of bills they can testify on at the Legislature and did not testify on these types of bills. Ms. Sproat said through the Stream Protection and Management (SPAM) working group, one of the things that she is trying to urge the Commission and staff to look at in wells and stream protection is to partner with community working groups to get funding through grants and other sources of money and not just through the Legislature. Ms. Sproat said that they have

offered to work with staff on several occasions on this and is still interested in pursuing the idea.

Ms. Kat Brady from Life of the Land provided written testimony and said that this is their third plea to ask for the designation of the Waihe'e Aquifer. Ms. Brady said that it is concerning to her that a hydrologist can say that it can be pumped more than 4 mgd and yet permits are still being granted. She stated the big red flag is the Koolau Cattle permit because that is someone coming in for agriculture water and saying, yes it's for ag water and if questioned as to why they would need that much water, then they could come back to say that they are trying to do an affordable agricultural housing development. Ms. Brady urged the Commission to designate the Waihe'e Aquifer and also stated that we all need to cherish the water.

Commissioner Whalen added a comment for the record that the Ag people in the Kunia area are doing productive agriculture and will put very good use to that land and they would like very much to stay there forever.

NON-ACTION ITEM

A. NEXT COMMISSION MEETINGS (TENTATIVE)

- 1. July 28, 2004**
- 2. August 18, 2004**

B. ADJOURNMENT

Meeting was adjourned at 11:08 am.

Respectfully submitted,

Karen Stahl
Secretary

Approved as submitted:

YVONNE Y. IZU
Deputy Director-Water