

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

DATE: December 16, 2005  
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 9:10 a.m.

**ROLL CALL**

The following were in attendance:

**MEMBERS**

Mr. Peter Young	Dr. Lawrence Miike
Ms. Meredith Ching	Ms. Stephanie Whalen
Mr. Neal Fujiwara	

Excused: Dr. Chiyome Fukino, Mr. James Frazier

**STAFF**

Dean Nakano, David Higa, Mitchell Ohye, Roy Hardy, Ed Sakoda, Lenore Nakama, Dean Uyeno

**COUNSEL**

Mr. Randy Ishikawa, Esq.

**OTHERS**

Kapua Sproat, Kepa Maly, Barry Usagawa, George Kuo, Dr. Jim Anthony, Guy Nakamoto, Bruce Tsuchida, Catherine Pizarro, Judith Pettibone, Jeff Overton, Dr. Dan Polhemus

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

{Note: language for deletion is bracketed, new/added is underlined}

**APPROVAL OF MINUTES**

1. November 16, 2005

MOTION: (Ching/Whalen)

To approve the minutes

UNANIMOUSLY APPROVED

**B. ANNOUNCEMENTS**

Ms. Kapua Sproat, attorney representing Earthjustice, submitted a formal withdrawal of the Maui Meadows Homeowners Association's and Hui o Na Wai Eha's request for a Contested Case Hearing (MA CCH MA 05-1) regarding the County of Maui, Department of Water Supply (MDWS) water use permit applications for the basal portion of the Iao Aquifer. Two letters, one from Earthjustice and the second from the Office of Hawaiian Affairs were provided by Ms. Sproat outlining their withdrawal and listing of each well.

In summary, an agreement in principle was formed and Mayor Alan Arakawa and his administration have committed to funding and implementing appropriate conservation measures that would make the MDWS water use more efficient for the municipal system. Hopefully this will reduce some of their municipal water demand. In addition, the Mayor has taken the necessary steps to complete the County's Water Use and Development Plan that will help provide the information that the county needs to better manage its system. They currently have hired a consultant that is doing a good job in getting things in order.

Finally, and most important, the Mayor is taking the necessary steps to restore sufficient water to Iao, North and South Waiehu and Waihee Streams, sufficient to ensure continuous mauka to makai base flow throughout the year from the streams' origins along the slopes of Puu Kukui, until they flow into the Pacific Ocean.

Ms. Sproat thanked the Commission staff, hearings officer and Acting Deputy Director Dean Nakano for their patience and support and the extensions given that provided sufficient time for the attorneys and the Office of Hawaiian Affairs to work together with Maui's Corporation Counsel.

Dr. Miike asked a question regarding the contested case. He asked if there was still an issue with Kehalani Mauka and are they still proceeding on that? Ms. Sproat stated that the Maui Department of Water Supply and Kehalani Mauka are proceeding and neither Earthjustice nor the Office of Hawaiian Affairs are requesting a contested case on that

matter. Maui County has asked Earthjustice to intervene. However, Ms. Sproat stated that the applications for intervention would be open until a week before the hearing.

Dr. Miike also asked if the dike water wells and the MDWS well were included in this agreement, and if the public hearing was still open? Ms. Sproat stated that this agreement only covers what the Commission classified as the MDWS water use permit application for the basal portion. It does not affect the applications for high-level dike sources. Communication between the county and Earthjustice are on-going.

The CWRM asked if the actual written agreement will be submitted to them to which Ms. Sproat replied that it would.

## **E. STREAM PROTECTION AND MANAGEMENT**

1. Application for a Stream Channel Alteration Permit (SCAP-OA-384), North Kahana Bridge Replacement, Kahana Stream, Oahu (TMK (1) 5-2-02:001 and 5-2-005:003)

Presentation of Submittal: Ed Sakoda

### **DISCUSSION:**

Item E1 is an application for a stream channel alteration permit by the State Department of Transportation to replace an existing deteriorated and substandard North Kahana Bridge with a bridge that conforms to current bridge design standards. The existing bridge was built in 1927. Mr. Sakoda amended the last sentence in the background. There will not be a separate bikeway as stated, just a separate walkway. The Chairman asked whether one could ride their bike on the walkway and Mr. Sakoda stated that it was probably not legal. The bridge however, would be widened from 23' to 43' so there would be ample room for bikers.

The existing bridge will be demolished and replaced with a 43' wide and 120' long bridge. The replacement is required due to the age of the bridge and its deterioration. It also lacks compliance with current live load, seismic and safety requirements. The new project will provide safer facilities for motorists, pedestrians and bicyclists.

Mr. Sakoda stated that this project requires other permits including the Conservation District Use Permit (CDUP); Coastal Zone Management, Special Management Area (SMA) Permit; Federal Clean Water Act, Wetlands Permit (Section 404); and National Pollutant Discharge Elimination System (NPDES) Permit.

Two concerns raised by the Office of Hawaiian Affairs (OHA) needed to be clarified. The first concern is if iwi or native Hawaiian cultural/traditional deposits are found during construction, that work will cease and the appropriate agencies notified. The

contractor for the project will hire a qualified archaeological consultant to implement the Archaeological Monitoring Plan.

The second concern is that OHA be notified of any changes to the current construction plan. Mr. Sakoda stated that standard condition number 5 requires permittees prior to construction to submit a set of construction plans and specifications to determine consistency with the conditions of the permit and declarations set forth in the permit application.

Dr. Jim Anthony spoke on behalf of Hawaii Laieikawai Association. He stated that the submittal does not address certain contingencies. For example, if there were a flood with an extraordinary amount of rain, as the bridge develops, what would be the impact on nearshore waters if that were to occur. Dr. Anthony stated that there is no information furnished by the Department of Transportation for providing protection against excess sedimentation that is likely to go into nearshore waters in this submittal. Kahana Bay is one of the areas that may become affected and fish that native Hawaiians and other people depend on may become contaminated from an unusual weather event. Dr. Anthony stated that there is a lack of disclosure by the Department of Transportation. He suggested that staff make that request.

Dr. Anthony stated that the Commission is entitled to know who has been hired as the qualified archaeological consultant. He asked if the Department of Transportation has already hired the archaeologist as the staff stated. If the hiring has occurred then the Commission has the responsibility to review who it is that has been hired and whether or not they are qualified. The reason Dr. Anthony is raising this issue is to avoid the same problems that the Wal-Mart project on Keeaumoku had. The Commission as well as the public should know in advance who the hired, qualified archaeologist is and will they be full or part time, in order to avoid the nasty contentious situation that came up in the Wal-Mart case. Hopefully the Commission will exercise appropriate restraint before the Commission votes on the matter.

Chairman Young noted that staff commented that the project would follow best management practices. Mr. Sakoda also stated that the submittal says, "will hire" instead of "has hired." The submittal is correct.

#### RECOMMENDATION:

That the Commission approve a stream channel alteration permit for the replacement of North Kahana Bridge, TMK: (1) 5-2-02:001 and 5-2-05:003. The stream channel alteration permit will be valid for two years and subject to the standard conditions for stream channel alteration permits in Exhibit 7.

MOTION: (Whalen/Ching)  
To approve submittal as amended  
UNANIMOUSLY APPROVED AS AMENDED

## **F. PLANNING**

### **1. Milestone Briefing by Honolulu Board of Water Supply on the Status of the Oahu Watershed Management Plan**

Mr. Jeff Overton explained how the Waianae area is an importer of water to serve the communities there, and Koolau Loa is an exporter of water. The project has been in process for over a year working with the Board and different communities, including a very involved stakeholders consultation process that involved a working group from both communities. Each area has more than 30 or more watershed management programs and projects that have been proposed by representatives in the working groups in the community. Single neighborhood boards have represented each area.

Mr. Bruce Tsuchida went over the short-, mid-, and long-range projections for the Waianae Water Supply Plan. Supply options included the Pearl Harbor Aquifer, recycled water from the Waianae Wastewater Treatment Plant, recycled water from Makaha and desal water from Kalaeloa or Waianae.

The next step as stated by Mr. Overton was the completion of the public review draft early next year. This will be circulated to the community, agencies, and members of the working group, soliciting more feedback from the watershed working groups. This will lead to the final report that will require approval by the City Council by springtime.

Mr. Tsuchida presented a map of the Waianae District stating that the directions from the Board were quite clear. They want this plan to be a holistic plan, the whole watershed, not just pumps, pipes and wells, but the water, land, people, development and resources. The second was that it must be community based, the need to get out and talk to the people and understand what are the local issues, needs and problems regarding the watershed.

Mr. Tsuchida stated that the people of Waianae still identify with the ahupuaa and it is very meaningful to them. A working draft report, which was recently submitted, is the basis of what will become the public review draft. It covers the resources of the watershed, it records the stakeholders meetings and discussions that have taken place, it discusses watershed management projects and programs for restoring, conserving, healing the watershed and resources, as well as future demands, what kind of water supply options and strategies would be appropriate to meet that demand.

A colored overview map was distributed outlining Waianae, from Nanakuli to Kaena Point with the short -, mid-, and long-range plans.

Dr. Jim Anthony stated that he was a member of the community not a neighborhood board member that participated in the ongoing discussions regarding the Koolau Loa portion. He stated that there had been intense community involvement in trying to shape the Koolau Loa Watershed Management Plan. There are still obstacles with the Koolau Loa Watershed Management Plan in as much as it is just one segment of the total proposed Oahu Water Use and Development Plan, which is in turn part of the Hawaii Water Plan. The Hawaii Water Plan has been outstanding since 1990. The Adler Report of 1996 had 58 million gallons of water a day approved by the development plan; however, there are no known sources of developable water available to meet that demand. This is the reason why the Honolulu Board of Water Supply (HBWS) is discussing desalination in this area. There are many questions about desalination that remain unanswered including questions about an aquifer and near shore water protection.

Dr. Anthony stated that we need to have an aquifer protection plan, which we don't have at this time. The only effort that has been made by the Commission at this time that roughly approximates an aquifer protection plan is the Pearl Harbor Groundwater Monitoring Group, whose report has not been completed. Dr. Anthony stated that we need comparable kinds of hydro-geological investigations that provide scientific foundation for an aquifer protection plan.

We need to also look at groundwater and surface water and get beyond looking at the problems and how they fit into the Oahu Water Use and Development Plan. We need the HBWS to be part of that partnership. The Punaluu Watershed Alliance is a good model however; we need one for the entire moku of Koolau Loa. In order for this partnership to work at all, monies have to be provided.

The public is waiting to see a draft report of the Watershed Management Plan to see if the community's input has been incorporated.

Chairman Young noted that the HBWS and the other Boards of Water Supplies are active participants in watershed partnerships around the State. Those partnerships are now protecting about a million acres of State land that are as much about having green forests and mountains as it is about protecting our coral reefs. The HBWS is an active participant as a landowner as well as funder in that program.

Dr. Dan Polhemus, Administrator for the Division of Aquatic Resources, endorses holistic planning for these watersheds. He stated that Koolau Loa is the most biologically significant hydrological unit on Oahu.

## **G. NON-ACTION ITEMS**

1. "Wai o ke Ola: Cultural Perspectives on Water and Hawaiian Life," a presentation by Kepa Maly, Kumu Pono Associates LLC

Acting Deputy Director, Dean Nakano introduced Kepa Maly who spoke on historical cultural water uses in Hawaii. Kepa and his wife, Onaona, formed Kumu Pono Associates LLC in 1995. He has been involved in researching and writing historical documentary studies, oral history studies, and developing the site preservation plan and cultural resource management plans.

Mr. Maly opened his presentation saying, "it was an honor to be here and also a little daunting. He shared quickly why he was talking about the things that he's talking about. Mr. Maly was raised on Lanai by the Kaopuiki family where Hawaiian was spoken in the home. Mr. Maly stated he learned from those kupuna and the kupuna of his wife, Mary Kawena Pukui. He has learned Hawaiian traditions and practices, and he and his wife work throughout the state on documenting traditional and historical matters.

The following is a verbatim summary of Mr. Maly's oral testimony:

We fostered a desire to document a broad range of traditional, cultural knowledge that's been retained by families and facets of the history recorded by native writers and historical observers since the 1820's. There are so many things that we have to look back to understand better, the relationship between land and water, and the environment around us. When we hear the term ahupuaa, as a native land unit--- we've coined the phrase, "social ecological systems"---because they are discreet, ecological systems with a social and cultural component. Reflected in the way people relate to and are sustained by the resources around them. In order to be sustained one needs to understand and have knowledge of those resources.

I want to share some background information that comes from years of research. We site our resources very carefully, and from 30 years of oral history interviews with kupuna that were born as early as the 1880's, and in our work, focus on individuals in their 70's, 80's, 90's and 100 years old. We interviewed native speakers, elders and other kamaaina who have generational attachments to the land, water resources, and fisheries.

I wanted to share an idea, a concept, and a value of something that is embodied in a phrase. One elder Hawaiian gentleman of the Kona District where no water flows above ground on a regular basis shared with me a riddle in Hawaiian. "He ma'i ka honua, he 'aha la'au?" (The earth is ill, what is it's medicine?) Eia ka puana---here is the replay, "Ua! (Rain!) No ka mea, "Uwe ka lani, ho'ola ka honua!" Because when the rain falls---like tears---from the heavens, they give life, they nurture, they bring life to the earth!" This was a way the Hawaiian people have traditionally and over a long period of time looked at the wealth and the nature of resources around them, it was a living thing.

In the earliest of the genealogies, the cosmology---creation, we find that unlike our view today...So often we are looking at how much we can get, what is it's sustainable capacity? Hawaiians and many old kamaaina and families---and it's being re-integrated into the naau, the spirit or gut of the Hawaiian---we look at it as being family. There's a

mele, Ua hanau ka moku, a kupu, a lau a ao, a mu'o..." (The islands were born, shooting forth, spreading out, taking form and budding forth...) Each island from Hawaii to Niihau, and Na Moku Manamana (the Northwestern Hawaiian Islands)---each of these islands were born to creative forces of nature. After the birth of these islands, the kinolau (myriad body forms) of every part of nature---the plants, the bodies of water that flows from mountain peaks to valleys, across the plains and out to the ocean; the clouds, the stars and the heavens, every facet of nature was alive.

When Hawaiians look at it, they're not looking at it as detached inanimate things; there is a familial relationship. And we see this too in the Hawaiian relationship with water, even out to the "kai popolohua a Kane," the deepest black, purple ocean of Kane. This comes into the context in this belief as family, the god Kane created the waters of life. There's a wonderful old mele, "He ui he ninau, e ui aku ana au ia 'oe, aia ihea ka wai a Kane..."(A query, a question, I put to you, where is the water of Kane...)

An acknowledgment of Mr. Kepa to understand traditional cultural practices and knowledge and oral history. A two-volume study was just completed as well as a 400-study page plan for overall water by Townscape, Inc., that deals with an ahupuaa in Punaluu. This was done in consultation through Kamehameha Schools, and elder families that have worked that land, who have descended from it, who are participants in some of the processes that Dr. Anthony had mentioned.

These are real knowledge and when going through traditional records like in the Mahele, the original records rather than dealing with the contemporary translation, we went through the original records and found that if we looked at the claims that were issued by native tenants from the land, that is pre-Chinese rice introduction, pre Western modification and use of the land, just in Punaluu alone there were 500 loi kalo (taro) pond fields that were being worked and irrigated on the land in 1848. How do we plan? What is the sustainable carrying capacity? What was used before? It's helpful if we go in and do some extensive background research and understand the history of the lands that we are speaking of, what were the water resources, what were the land use activities, where were the auwai? Important is looking at the historical land records, looking at the background research and get people to start using them again.

State wide, island wide fisheries, there is a relationship, what flows from the mountain across the land to the nui wai, to the stream systems, feeds the lo ko i'a (fishponds, and then nurtures the wealth of the oceans resources.

The most frequently named fish in the Mahele in bounded commission testimonies covering the period from 1848 to 1893, after which time the testimonies changed in tenure, they weren't so interested in what were the traditional customary rights or practices was the Waianae, the most commonly named fish claimed by native tenants of the given lands across the islands from Niihau through Hawaii was ohu, fresh water fish from the streams. Where is that water today? We often see where there are resources we

see that there has been so much change in the landscape that we begin to lose some. Waianae even claimed shark fishery. There are resources that are available to us.

When we talk about cultural affiliation or attachment place in water resources...I've just summarized brief histories, stories from Tutu Kawena, you've read time and time again, water, wai, wai wai in the Hawaiian context was wealth. When I talk with kupuna today they liken the value, the need, the importance of water to a given landscape and to the well being of the people, maybe even more valuable than oil. We've lived without oil in the past but you can't live without water. In the cultural context when the Hawaiians look at wai, wai wai, we see a spring; today we generally know the term as punawai. Tutu Kawena actually said it that the root of the word was pu'u, a mound that rises up. Some places across the islands where one can actually see in the springs, the water actually wells up, that is pu'una, pu'unawai, the upwelling of water. This goes back to the relationship of people to land and the resources around them.

In the spiritual context the islands are born of the creative forces of nature, all forms of nature, from the stars down to the oceans depths, everything is related, the body form of these creative forces of nature. The people themselves were born, haloa, haloa nau ka palini, the first child born, miscarried very often, grew from the grave as kalo, the taro. From that, the 'oha, the shoots branch out, 'oha e laua'e, it grows and extends. The traditional Hawaii people acknowledged the relationship that they shared with the land, the water, the ocean and resources around them. They were part of the natural setting, not a part from it. They even used water to describe the relationship of their elders to their families. One interpretation from Tutu Kawena about the word kupuna, ku (that you stand), puna (the source of water). In reality what is that saying? That you stand at this source of wealth, and it's not the kala (dollar sign), it's the knowledge, the generational attachments, the information and traditional knowledge that has been handed down from one generation to the next. So, kupuna are those that stand at this source of knowledge.

In the traditional family context, the keiki were born, reared by the kupuna, the parents were out fishing and working the land, making kappa, weaving lauhala, doing the things that needed to be done. The bottom line is our tutu taught us, you are related to that which is around you, water is included.

We have another concept, what are the values that are handed down by the Hawaiian people? Over the generations we see one saying as an example, "ho'omoe wai kahi i ke kao'o" (We must flow like water in one direction, that we work in unity, taking the water resource, the idea of the relationship of water). These are handed down over the generations. There is a wealth of information there, we must insure that we bring it to the table so that we may be better managers, better stewards of the resources to ensure that over the generations that we not leave those that follow with headaches or unsolved issues.

I want to share with you some Hawaiian expressions. “Malama ka’ai na’ai malama ia ’oe” (Care for the land, the earth, the environment around you); “Hanai ia ai” (We care for it, we nurture those things that surround us and we will be fed, we will be sustained also)

Mr. Maly also acknowledged Commissioner Meredith Ching and the appreciation and opportunity of working on the East Maui ethnography. It provided us with an opportunity to document the rich history that had been handed down for generations in written form from native kupuna and land use records, water use records, to the living interviews. Some of these kupuna are now gone, and had we not interviewed them; we lose their knowledge and experience on land.

There is a difference in attitude, is it ours to control and manipulate or use without careful thought? Or is it something we need to sustain, care for with respect? Reclamation, so interesting was it ever lost? Water that flows from the mountain to the sea in the Hawaiian concept is a living, viable, valuable system. Other people, particularly in economic times see it as a waste, “poho” we lose all that water, we should capture or do something with it. What we see is that we capture the water, divert it, and the kupuna just recognizes it like in the ahupuaa concept. When they gather the water out, brought it into the lo’i or “pool” or pu’uone ponds it continued flowing, just took a little detour, and then came back returned to the system, either sub-surface or through the muliwai system, caught up in clouds and once again brought back to the mountains. A wonderful system, and as I understand it this was the way the Hawaiians looked out and lived within the system, water that flowed in one direction, in unity, together. “Malama i ka wai” (Care for the land and the water). We need to meet needs today but we also need to recognize what our carrying capacity is like Dr. Anthony mentioned. How much can we actually sustain and support?

Mr. Maly’s real goal and treasury is to bring these kinds of records and materials into a source so that more information could be in front of us. One of the difficulties is trying to find a history of how the Punaluu Water System was actually developed. There are some historical records on Oahu, the system that Castle established in 1907. However, in those records we could find almost no documentation in comparison to East Maui Ditch Development, where careful, methodical records of how the whole process occurred. Also, working closely with Kamehameha Schools, we were unable to find the specifics, the engineering, what happened?

Chairman Young thanked Mr. Maly and acknowledged his work with the fishery said and the Nature Conservancy and desire to incorporate some of that in DLNR’s process on fisheries.

Mr. Maly ended with a phrase, “O ka mea maka’i malama, o ka mea maika’i ole, ka pae ia” (Keep the good, set the bad aside), I did not mean to say anything offensive to anyone, we have great opportunities to do even better ‘ea?)

Aloha and mahalo.

A nice way to end the year.

**H. NEXT COMMISSION MEETING (TENTATIVE)**

1. January 11, 2006
2. February 15, 2006

The meeting was adjourned at 10:34 a.m.

Respectfully submitted,

PAULYNE K. ANAKALEA  
Secretary

Approved as submitted:

DEAN A. NAKANO  
Acting Deputy Director