

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: September 20, 2006
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Peter T. Young called the meeting of the Commission on Water Resource Management to order at 9:07 a.m.

The following were in attendance and/or excused:

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

STAFF: Dean Nakano, Roy Hardy, Ed Sakoda, Kevin Gooding, Lenore Nakama, Dean Uyeno, Charley Ice, Josh Hekekia

EXCUSED: Dr. Chiyome Fukino and Mr. James Frazier

COUNSEL: Linda Chow, Esq.

OTHERS: Gordon Tribble, Steve Anthony, Kapua Sproat, Jonathan Scheuer, Yvonne Izu, Dr. Clark Liu, Barry Hill, Larry Yamamoto, Dudley Kubo, Doug Tewes, James Lum, Kent Matsutani

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.

A. APPROVAL OF MINUTES

August 16, 2006

Corrections to the minutes on page 3, first paragraph, last sentence after DISCUSSION: should read as follows:

Whatever decision is made, ~~we will have to hold off any action until~~ it will be modified when the second contested case is resolved regarding petitions and the permitting of the off-stream uses ~~which will have to address the waste complaint.~~

MOTION: (MIIKE/WHALEN)
To approve the minutes as amended.
UNANIMOUSLY APPROVED AS AMENDED.

B. ANNOUNCEMENTS

None

D. SURVEY

1. Cooperative Agreement with U.S. Geological Survey for Statewide Hydrologic Data Collection and Water Resource Investigations for Fiscal Year (FY) 2007

PRESENTATION OF SUBMITTAL: Kevin Gooding

RECOMMENDATIONS:

Staff recommends that the Commission authorize the Chairperson to enter into a cooperative agreement between the Commission and the U.S. Geological Survey to undertake the specified monitoring activities. The terms of this agreement will be subject to the approval of the Chairperson and the Department's Deputy Attorney General. Contract execution will be done in accordance with Chapter 103D, HRS, and Chapter 3-122, Hawaii Administrative Rules.

DISCUSSION:

Commissioner Whalen asked USGS to explain the 31% cost increase in 1 year.

Mr. Barry Hill responded by stating that the increase is a cumulative effect from late 1990s because no inflation increase was asked for at that time. Normally, increases are approximately 4% each year for salaries. USGS is requesting a single increase to make up the difference.

Mr. Gordon Tribble added that the program has been running in a deficit for many years. Funds from other programs have been used and cannot be sustained anymore. USGS was concerned that gages would be lost if funds were not sustained at that time. He also stated that support through partnerships with other state and county agencies are being looked into.

Acting Deputy Director Nakano added that as part of the budget, CWRM is trying to seek additional funds to sustain and hopefully enhance the current monitoring program.

Dr. Jonathan Scheuer, Office of Hawaiian Affairs (OHA), stated that they are picking up the cost of the Kamananui Stream gage in Waimea Valley. They are currently working on a contract.

MOTION: (WHALEN/CHING)
To approve the submittal.
UNANIMOUSLY APPROVED.

Commissioner Ching recused herself from participating on Item E-1.

E. STREAM PROTECTION AND MANAGEMENT

1. Cooperative Agreement (Phase 2) with U.S. Geological Survey and the Commission on Water Resource Management for Streamflow and Stream-Macrofauna Characteristics, Central Maui, Hawaii

PRESENTATION OF SUBMITTAL: Ed Sakoda

RECOMMENDATIONS:

Staff recommends that the Commission authorize the Chairperson to enter into Phase 2 of the cooperative agreement between the Commission and the U.S. Geological Survey to undertake the specified monitoring activities and analyses. The terms of this agreement will be subject to the approval of the Chairperson and the Department's Deputy Attorney General. Contract execution will be done in accordance with Chapter 103D, HRS, and Chapter 3-122, Hawaii Administrative Rules.

DISCUSSION:

Commissioner Whalen asked if the data will help CWRM in a practical or scientific way. She asked for explanation on the value and how will the Commission use the results of this study.

Mr. Sakoda stated the information will give staff a better understanding of protecting instream uses and values. When the hydrology and biology are understandable, staff will be able to better explain the concepts to the Commission to help in decision making.

Dr. Miike stated that if a contested case were to be held on these 4 streams, offstream uses would also be included. One of the questions that will need to be answered is how much water will be needed to put back into the streams. By stating that any amount of water will improve the stream will not be helpful in trying to determine how much water is needed to be put back into the streams.

In answer to Commissioner Fujiwara's question on what role does the Division of Aquatic Resources (DAR) play, Acting Deputy Director Nakano answered that regular coordination meetings have been held with DAR, as well as USGS and NRCS to develop and refine ongoing studies. Information is being shared to avoid duplication and staff is working cooperatively to address various water-related issues.

Kapua Sproat, Earthjustice (EJ), representing Hui O Na Wai Eha and Maui Tomorrow Foundation, Inc., stated that all parties that are participating in the on-going mediation and

contested case need the information that will be provided as part of the study. She commended the government agencies and community groups in coming together to provide the scientific basis that is necessary to determine how much water is needed in the streams. For these reasons, EJ supports staff's submittal. For the record, instead of moving into a contested case, EJ would like to try and work things out cooperatively as much as possible.

Mr. Steve Anthony, USGS, pointed out an error in staff's submittal. On page 4, the contribution from USGS in fiscal year 2007 should be \$190,000 and not \$194,500. The total cost for fiscal year 2007 would then be \$380,000. The same would also occur in fiscal year 2008 where the total would also be \$380,000. The additional \$4,500 from fiscal years 2007 and 2008 would then be shown in the total cost for fiscal year 2009 for \$141,000.

To provide some clarity regarding Commissioner Whalen's concerns, Mr. Anthony stated that USGS will be taking the known stream flow characteristics of the stream and applying the information to determine what would naturally occur below the diversions. Currently that information is not known. One of the primary outcomes is to understand the stream flow characteristics below the diversions so that the balancing and competing beneficial uses of water, would realize how much would naturally be there below the diversions. Secondly, on the aquatic habitat, how would the different flows of streams affect the percentage of habitat that is available. That is the other primary element; if the stream flow is changed, how does that change the habitat that is available?

Lastly, Mr. Anthony stated that he would be glad to meet with the Commissioners to explain in detail, how these studies would be beneficial.

Ms. Yvonne Izu, on behalf of Hawaiian Commercial & Sugar (HC&S), which is a party in the contested case, is participating in the mediation that is currently going on. Although HC&S did not participate in the first year funding, they are working cooperatively in an effort to participate in further phases of the study. HC&S's main concern is with the controlled releases. Controlled releases will provide valuable information, however, the impact on the company will be significant. The parties need to discuss what other types of studies need to be done to provide the kind of information that will be helpful to the Commission, short of controlled releases. These points are in discussion with the parties at this time as well as changing parameters that are not set as yet.

Dr. Jonathan Scheuer stated that OHA is participating in these studies. It is in their interest that things move forward. OHA supports restoration and would like to see what the stream looks like year round. The studies will provide an essential component to make a balance and determination. This is not the only study that needs to be done. There needs to be involvement on the cultural uses and impacts of instream restoration. There should be some sort of controlled releases.

MOTION: (WHALEN/MIIKE)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

G. NON-ACTION ITEMS**1. Application of Modified RAM for Estimating Sustainable Yields of Hawaiian Basal Aquifers, a presentation by Professor Clark C.K. Liu, University of Hawaii.**

Dr. Clark Liu gave a progress report on the Re-evaluation of the Sustainable Yield of Hawaiian Basal Aquifers. The objective is to find a better estimation of sustainable yield from basal aquifers. The RAM2 model of Pearl Harbor was completed last year and a report submitted to the Commission. Dr. Liu reported on the preliminary results of re-evaluation of the Iao and Kualapuu aquifers on Maui and Molokai, respectively, using the RAM2 model. This major effort was to make use of the deep monitoring well data. There are 9 other aquifers that are currently being worked on by Dr. Liu, which are expected to be completed by the end of this year. A report will be forthcoming early next year. Dr. Liu will be developing further methodology that will be able to estimate sustainable yield of the other basal aquifers where the deep monitoring well data are not available.

2. Natural Resources Conservation Service (NRCS) Program Briefing.

Mr. Larry Yamamoto, Director of the Pacific Islands Area, Natural Resources Conservation Service, gave a brief description of the agency's duties and responsibilities. NRCS works with people to protect and conserve soil and other natural resources on private, State, and County lands, and not Federal lands. The various types of programs that NRCS is involved in include agricultural development, environmental, watershed, conservation security, incentives programs, watershed and conservation and technical assistance programs.

H. NEXT COMMISSION MEETINGS (TENTATIVE)

October 18, 2006

November 15, 2006

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

DEAN A. NAKANO
Acting Deputy Director