

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 13, 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 9:03 a.m.

Acting Deputy Director Dean Nakano amended the agenda, approval of minutes to read as November 15, 2006 instead of October 18, 2006.

The following were in attendance and/or excused:

MEMBERS: Mr. Peter Young, Ms. Meredith Ching, Mr. James Frazier, Mr. Neal Fujiwara, Dr. Lawrence Miike

STAFF: Dean Nakano, Roy Hardy, Ed Sakoda, Dean Uyeno, Lenore Nakama, Charley Ice

EXCUSED: Dr. Chiyome Fukino, Dr. Stephanie Whalen

COUNSEL: Julie China, Esq.

OTHERS: Yvonne Izu, Kapua Sproat, Koa Kaulukukui, Dan Polhemus, Gordon Tribble, Jane Lovell, Sonia Faust, Linda Chow, Randall Ishikawa, Colin Lau, John Ford, Faith Miyamoto

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

~~October 18, 2006~~
November 15, 2006

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

B. ANNOUNCEMENTS

Deputy Director Dean Nakano announced that the closing oral arguments for the Iao Basal CCH would be held in the Commission on Water Resource Management's Conference Room 227.

Mr. Ed Sakoda announced that the Commission received on December 6, 2006 from Earthjustice, a petition to designate the surface water management area for the Na Wai Eha Stream.

Mr. Sakoda stated that the Code requires that the Chairperson consult with the Mayor, the County Council and the Maui Department of Water Supply on this petition. Letters were sent out with the petition asking them whether or not they agree with the petition. The Chairman has 60 days from the receipt of the petition to bring a recommendation to the Commission on whether to go forward with the process of designation or not. The deadline is February 4, 2007. Depending when the responses are received from the agencies, staff may ask for more time and this is allowed in the Code. A letter from Mayor Alan Arakawa asking the Commission to give the petition most careful consideration has already been submitted.

Mr. Sakoda also stated that a hearing was held on December 12, 2006 on the waste complaint for Na Wai Eha. That contested case is taking its course.

Mr. Nakano made a request to move the non-action item first with the submittal to follow. He announced Dean Uyeno from the SPAM Branch as the presenter for the non-action item.

G. NON-ACTION ITEMS**1. Stream Protection and Management Program Briefing**

Mr. Dean Uyeno gave an update of the Stream Protection and Management Program. He recapped some of the current program activities starting with inter-agency coordination efforts, including meetings with the U.S. Geological Survey (USGS) and the Division of Aquatic Resources (DAR). Additional coordination will be implemented with the Department of Health, Corps of Engineers, Coastal Zone Management Program and the City and County of Honolulu.

The Commission has coordinated with DAR, the development of the DAR Aquatic Surveys Database. The database is a compilation of various aquatic vertebrate and invertebrate surveys that manages information on where certain species have been found and areas that have and do not have biological data. The database will aid in the Commission's regulatory process and decision making and will also provide a source of information for additional studies.

The DAR database was developed to include the presence or absence of species such as clams, crustaceans, fish, and snails. For fish, in particular, the database contains species, size and sex, survey locations, habitat types and various rankings indicating high quality populations. The database has been compiled from various sources including the 1990 Hawaii Stream Assessment, USGS, Bishop Museum, various reports and studies, along with observations made by DAR staff. A major product of the Aquatic Surveys Database is the Atlas of Hawaiian Watersheds & Their Aquatic Resources (Atlas), which has been produced for five of the main Hawaiian Islands. The Atlas is currently in draft form and will be made available to the public via the DAR website in the future.

Another project initiated, in coordination with Dr. Jim Parham, is the development of a comprehensive surface water information management system. The database will improve the management of data and regulatory processing and permitting, culminating in better information for developing measurable instream flow standards (IFS). The database aims to compile all of the Commission's surface water-related information such as requests for determination, stream channel alteration permits, registered diversions, stream diversion works permits, petitions to amend the instream flow standard, and complaints. The goal is to manage information more efficiently to enable the Commission to identify and assess watershed conditions.

The last item that Mr. Uyeno presented was the Statewide Verification of Stream Diversions Project (Project). The 2006 Legislature approved \$650,000.00 for conducting these field verifications. Staff recently completed the consultant selection process and is currently finalizing the contract scope of work.

There are approximately 1,260 registered and/or permitted diversions that are on file with the Commission and most of these diversions have not been verified. Within the scope of the Project, three priority groups of diversions have been established for verification. Priority 1 diversions include the hydrologic units affected by the pending petitions to amend the interim IFS including East Maui, Na Wai Eha, and Honokahau/Honolua streams. Priority 2 diversions are diversions with the hydrologic units affected by the irrigation systems evaluated as part of the 2004 Agricultural Water Use and Development Plan (AWUDP). Priority 3 diversions are within the hydrologic units affected by the 11 unstudied irrigation systems identified in the 2004 AWUDP.

Mr. Uyeno then presented an example of an initial inventory of instream and non-instream uses using the Punaluu watershed. The Commission is fortunate to be a member of the Punaluu Watershed Alliance (Alliance) that includes the Punaluu Community Association, Kamehameha Schools, USGS and the Board of Water Supply. The reports and studies that have been produced as a direct result of the Alliance are greatly beneficial to the Commission in supporting the establishment of measurable interim IFS for Punaluu.

As part of developing measurable interim IFS, Mr. Uyeno emphasized that staff will need to develop initial assessments for those hydrologic units related to pending IFS petitions in addition to conducting public fact gathering meetings to seek additional information or

revise existing data. The Commission's duty is to weigh the importance of present and potential instream uses or values with the importance of present or potential non-instream uses, in light of the economic impact on restricting such uses. Interim IFS may be adopted

on a stream-by-stream basis or may consist of a general interim IFS applicable to all streams within a specified area. Interim IFS may also be developed by the Commission without the necessity of a public hearing; however, the staff wants some public input process to help attain the best available information. Interim IFS adopted by the Commission may be changed based upon subsequent petitions to amend the interim IFS or upon new/additional stream information. Lastly, staff will compile and utilize the best available information in developing these recommendations.

In conclusion, Acting Deputy Director, Dean Nakano presented a draft logo and motto for the Commission to consider. The motto, "Ke Kahuwai Pono," means "The trustee who oversees the rightful sharing of water," which is befitting the mission of the Commission.

E. STREAM PROTECTION AND MANAGEMENT

1. Authorize Staff to Initiate and Conduct Public Fact Gathering to Amend Interim Instream Flow Standards

PRESENTATION OF SUBMITTAL: Ed Sakoda

RECOMMENDATIONS:

That the Commission authorizes staff to initiate and conduct public fact gathering to amend interim IFS.

MOTION: (Miike/Fujiwara)

To approve the submittal.

UNANIMOUSLY APPROVED.

Chairman Young stated that on December 18, 2006 the Budget will be announced. He stated that DLNR asked for and received \$650,000 last year. In the Biennium Budget DLNR is asking for and it is included in the Executive Budget more than what was asked for last year.

The meeting adjourned at 9:40 a.m.

H. NEXT COMMISSION MEETINGS (TENTATIVE)

1. February 21, 2007
2. March 21, 2007

Respectfully submitted,

PAULYNE K. ANAKALEA
Secretary

APPROVED AS SUBMITTED:

DEAN A. NAKANO
Acting Deputy Director