

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: August 15, 2007
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Laura H. Thielen 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: Ms. Laura H. Thielen, Mr. James Frazier, Mr. Neal Fujiwara,
Dr. Lawrence Miike, Donna Kiyosaki

STAFF: Ken Kawahara, Lenore Nakama, Roy Hardy, Ed Sakoda, Neal
Fujii, Dean Uyeno, Robert Chong

EXCUSED: Ms. Meredith Ching, Dr. Chiyome Fukino

COUNSEL: Julie China, Esq.

OTHERS: Mr. Manabu Tagomori, Mr. Perry White, Mr. Tom Nance, Mr.
Grant Arnold

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

MOTION: (Miike/Kiyosaki)
To approve the minutes
UNANIMOUSLY APPROVED

B. ANNOUNCEMENTS

Deputy Director for the Commission on Water Resource Management, Mr. Ken Kawahara welcomed the new interim Chairperson, Laura Thielen and Ms. Donna Kiyosaki, the new Water Commissioner. Mr. Kawahara thanked Commissioner James Frazier for serving for the past 4 years and welcomed him on his re-appointment for another 4 years.

Mr. Kawahara stated that the fourth vacant position, a hydrologist, has been approved to fill by the Governor.

Regarding the Hawaii Water Plan, a draft water use and development plan for Hawaii County has been completed and is available on the website. That site is www.hawaiidws.org/wudp.html and can be reviewed there.

The first of seven meetings was conducted on Molokai for the reconvened Molokai Water Working Group (MWWG). The primary purpose of these meetings is to update the recommendations from the 1996 MWWG report to aid Maui County in their planned update of the Molokai Water Use and Development Plan, which is a component of the Hawaii Water Plan.

The Commission will be publishing a notice for the proposed modification of the Water Resource Protection Plan, which is another component of the Hawaii Water Plan. The notice will announce the dates and locations of statewide public hearings in December to gather input on the draft plan. The notice will also announce the availability of the public review draft in about mid-September.

A Day to Discover event is planned for Saturday, August 25, 2007 at Benjamin Parker Elementary School in Kaneohe. The purpose is to educate children and adults on the importance of water resources in Hawaii and the work of the Commission to protect water resources.

Mr. Kawahara stated that the Commission became a WaterSense partner. WaterSense is a voluntary no-cost program created by the U.S. Environmental Protection Agency that aims to protect the future of our nation's water supply by promoting and enhancing the market for water efficient products and services.

Commissioner Frazier stated that he noticed a lot of after-the-fact applications in the June minutes for stream channel alterations. He asked if CWRM could be more pro-active on education on these lines. It was suggested that the Commission could communicate through Neighborhood Boards that streams and stream banks are not to be made into gardens and terraces. Commissioner Miike suggested that contractors would be another group to consult.

Mr. Kawahara stated that we could educate developers who are located near stream channels through brochures about our rules and permitting process. Mr. Kawahara also stated communication with the General Contractors Association would be another route to educate others.

Chairperson Laura Thielen stated that staff could return at the next meeting and talk about strategies in notifying applicants that they need stream alteration permits.

C. GROUND WATER REGULATION

1. Hilton Hotels Corporation/State of Hawaii, APPLICATION FOR A WATER USE PERMIT, Hilton Village Lagoon Saltwater Wells 1 to 7 (Well Nos. 1750-15 to 21), TMK 2-3-37:21, WUP No. 760 New (Lagoon Water Quality and Circulation Improvement) Use for 21.600 mgd of Salt Water, Nuuanu Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

The applicant is requesting approval of a water use permit from the Commission for the use of salt water from seven new saltwater wells to improve the circulation and water quality in the Hilton Hawaiian Village Lagoon. The wells have been drilled and tested to ensure the wells will yield an adequate quantity of pure salt water. The staff has also verified that the wells meet the Commission's minimum standards for the construction of saltwater wells.

As a condition of the Special Management Permit, obtained by the Hilton for improvements on its property, the Hilton is required to attain and maintain the water quality in the lagoon to a level that provides safe and sanitary conditions for recreation.

The Office of Hawaiian Affairs (OHA) expressed concerns about the impact of discharged waters, the sediments on the lagoon bottom, and the water quality in the lagoon itself. They wanted assurances that the discharged water will be treated, including the stormwater runoff that will be rerouted away from the lagoon.

Staff informed the Commission that the final Environmental Impact Statement (EIS) for this project indicates that water quality in the lagoon will improve as a result of this proposed saltwater well system, and water quality in the nearby harbor that will receive the discharged waters should also improve because the proposed project will result in a better water quality being discharged than is occurring under the current system.

Ms. Nakama stated that the Hilton has obtained all of the required discharge permits from the Department of Health.

The Board of Water Supply (BWS) did not object to this application. However, they noted that the chemistry and temperature of the well water differs from the receiving waters and recommended that any potential environmental impacts be addressed. BWS also expressed concerns regarding ground subsidence resulting from the proposed quantity of withdrawal.

Staff stated that water quality issues had been analyzed and documented in the final EIS, which found that the proposed changes will have a generally positive effect on receiving waters. Staff also informed the Commission that the applicant had done a pumping test using packers installed in upper and lower layers of the formation. The results of the pumping test indicated that subsidence will not be a problem.

Commissioner Fujiwara asked about the proposed treatment of the water at the lagoon.

Mr. Perry White from Planning Solutions stated that the water exiting the lagoon would not be treated. However, the stormwater runoff from the property that used to flow into the lagoon will be rerouted and diverted into the inner basin of the Ala Wai Harbor. The stormwater runoff will be treated to remove about 80% of the sediments before entering the harbor.

Commissioner Fujiwara asked if the sediments that are in the lagoon came from the hotel grounds.

Mr. White stated no, it came from the ocean.

Commissioner Thielen stated that DOBOR was not a party consulted in this and asked if this process would be passed through them.

Mr. White stated that the process did include them. DOBOR is ultimately responsible, as they control the harbor. The rights to run the pipes through their property to the harbor required DOBOR approval.

RECOMMENDATIONS:

Due to the applicant’s ability to demonstrate consistency with the criteria to obtain a water use permit, staff recommends that the Commission approve the issuance of Water Use Permit No. 760 to Hilton Hotels Corporation/State of Hawaii for the reasonable and beneficial use of 21.600 million gallons per day of salt water for the Hilton Village Lagoon Saltwater Wells 1 to 7 (Well Nos. 1750-15 to 21) for the improvement of the circulation and water quality in the Duke Kahanamoku Lagoon, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. 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.
2. Standard Condition 16, requiring the submittal of a water shortage plan, is waived.

MOTION: (Frazier/Miike)

To approve the submittal

UNANIMOUSLY APPROVED

D. STREAM PROTECTION AND MANAGEMENT

1. **Application for a Stream Channel Alteration Permit (SCAP.1705.3), H-3 Halawa Viaduct Pier 26 Riprap Revetment Project, North Halawa Stream, Halawa, Oahu, TMK: (1) 9-9-010:010 and (1) 9-9-073:023**

PRESENTATION OF SUBMITTAL: Ed Sakoda

The purpose of this project is to protect the existing Pier 26 of H-3 Freeway from scouring from Halawa Stream, especially after last years heavy rains. Mr. Sakoda stated that there was erosion of the banks adjacent to Pier 26 and described the scope of work and the riprap revetment to protect both sides of the stream bank. This project will take approximately six months to complete.

Mr. Sakoda summarized comments from reviewing agencies including the U.S. Army Corps of Engineers, Department of Health Clean Water Branch, City and County of Honolulu Department of Planning and Permitting, and Aquatic Resources. State Parks, Land Division and Forestry and Wildlife had no objections to this project.

Amendments to the conditions for this submittal were approved as follows:

1. Lands denuded of vegetation should be planted or covered as quickly as possible to prevent erosion.
2. Site work, particularly excavation and grading, should be scheduled during periods of minimal rainfall.
3. The natural character of the stream bed should be protected to the greatest extent possible.
4. Site specific construction BMPs should be designed, implemented, operated, and maintained by the applicant and its contractor to properly isolate and confine construction activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.

RECOMMENDATIONS:

That the Commission approve a Stream Channel Alteration Permit to place riprap on the banks of North Halawa Stream to protect the existing H-3 Freeway Pier 26 from stream bank erosion, North Halawa Stream, Halawa, Oahu. The permit shall have a term of two (2) years subject to the Commission's standard permit conditions in Exhibit 5, and the four added conditions.

MOTION: (Miike/Frazier)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED

E. NON-ACTION ITEMS

1. Update on Drought Related Activities

PRESENTATION: Neal Fujii

A PowerPoint presentation was given outlining current hydrologic conditions. It was stated that rainfall totals are well below the normal levels throughout the state.

Drought impacts throughout each island were discussed and response actions listed to these impacts.

Mr. Fujii also discussed the County Drought Committee activities and a Hawaii Drought Council video conference meeting.

It was stated that \$4M for drought mitigation in the four Counties was appropriated under Act 238, Session Laws of Hawaii 2007. The Federal Emergency Management Agency's Hazard Mitigation Grant Program allotted \$636K for hazard mitigation in Hawaii. The Bureau of Reclamation has identified \$12M for emergency drought assistance in 17 Western states and Hawaii.

H. NEXT COMMISSION MEETINGS (TENTATIVE)

1. September 19, 2007
2. October 17, 2007

The meeting adjourned at 10:20 a.m.

Respectfully submitted,

PAULYNE K. ANAKALEA
Secretary

APPROVED AS SUBMITTED:

KEN C. KAWAHARA
Deputy Director