

MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 19, 2007  
TIME: 9:00 a.m.  
PLACE: DLNR Board Room  
Kalanimoku Bldg.

Chairperson Laura H. Thielen called the meeting of the Commission on Water Resource Management to order at 9:05 a.m.

The following were in attendance and/or excused:

**MEMBERS:** Ms. Laura Thielen, Ms. Meredith Ching, Mr. James Frazier, Mr. Neal Fujiwara, Dr. Lawrence Miike, Ms. Donna Kiyosaki, Dr. Chiyome Fukino

**STAFF:** Deputy Director Ken Kawahara, Ed Sakoda, Robert Chong, Lenore Ohye, Neal Fujii, Roy Hardy

**COUNSEL:** Linda Chow, Esq.

**OTHERS:** Kyle Kaneshiro, Hida, Okamoto and Associates; Dave Buckley, Nuuanu Park Place AOA; Donald Garwood, Hawaiian Properties, Ltd.; Eric Hee, Engineers Surveyors Hawaii; Kristie Ching, Department of Design and Construction, C&C; Steve Bowles

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

**A. APPROVAL OF MINUTES**

November 13, 2007

MOTION: (Frazier/Ching)  
To approve the minutes.  
UNANIMOUSLY APPROVED.

**B. ANNOUNCEMENTS**

Deputy Director Kawahara said an offer will be made soon for the Geologist II position. The Hydrologist position internal recruitment did not generate any response so an external advertisement was placed on CWRM's website. Deputy Director Kawahara added that various organizations are being sought to help publicize this hydrologist, non-civil service/exempt position.

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On November 23: as part of Act 238, Governor Linda Lingle released \$4,000,000 of funding for drought mitigation projects. The four County Drought Committees reviewed and prioritized the projects specific to each County, working with a presumed budget of \$1,000,000 each.

AWUDP: a pre-final draft of the third update to the AWUDP was completed. This was accomplished through a partnership between the Commission, Department of Agriculture, U.S. Bureau of Reclamation, and University of Hawaii's College of Tropical Agriculture and Human Resources. This update included additional GIS mapping and analyses, development of a water use model to estimate irrigation requirements, assessment of agricultural potential, and the development of water use projections to the year 2030.

Draft Water Resource Protection Plan: available on CWRM's website, public libraries, and UH library system since October 1<sup>st</sup>. Statewide public hearings were conducted from December 7-17; the deadline for written comments is January 11, 2008. Concerns were expressed over the proposed sustainable yield numbers for West Hawaii and Waianae, Oahu. Testimony and written comments were received as well as new studies and other information. Deputy Director Kawahara added that all data is important to evaluate and will be taken into consideration.

On November 15: at the request of the Waimea Water Roundtable, staff presented the WRPP update and the proposed Sustainable Yield changes for West Hawaii. Staff also attended a meeting regarding water issues for government agencies at NELHA, subsequently, Roundtable members asked for staff's participation in a sustainable yield task force to review and reassess the estimates. A request was also received to help form a North Kona Water Working Group to address potential issues for future water developments.

Molokai Water Working Group: the Group decided to take a break in December but did hold four (4) meetings; the next meeting is scheduled for January 3, 2008. On a side note, Deputy Director Kawahara said funding was requested for a deep monitoring well for the Kawela area, but unfortunately, it did not make it into the current Legislative budget proposal.

Surface Water Designation for Na Wai Eha: comments were received from Maui Mayor's office, County Council and Department of Water Supply which will be presented to the Commission soon.

A Memorandum of Agreement was signed between the State and Maui County for cost-sharing towards a Department of Water Supply/University of Hawaii contract to update and publish climatological rainfall stations for Maui County.

Deputy Director Kawahara stated that during the last week of November, staff and the Division of Aquatic Resources (DAR) conducted stream surveys in East Maui as part of the process for amending the East Maui IIFS (Interim Instream Flow Standards). Unfortunately, the weather did not cooperate and (DAR) scheduled another trip to complete the stream surveys. Staff also met and conducted stream diversion verifications with consultants as part of the statewide field investigations.

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Hearings Officer, Dr. Miike, conducted contested case hearings from December 3-14, for Na Wai Eha IIFS and High Level Water in Maui. Eight (8) additional days have been scheduled in January, 2008.

Chair Thielen asked for updates from Department of Agriculture and the Commission on their portions of the Hawaii Water Plan, and also for the two (2) other State entities, Department of Health and DLNR Engineering Division.

State Water Projects Plan: Deputy Director Kawahara informed the Commission that funding was found and DLNR Engineering Division will be going out with a contract soon. State Department of Health has put together a scope and is currently looking for funding to update that portion of the Hawaii Water Plan. On a side note, Deputy Director Kawahara added that during the draft Water Resource Protection Plan hearings it seemed that people were concerned about water quality which was a big component of the testimony heard from various watershed groups and Kawaihae Harbor.

Chair Thielen commended CWRM staff for their work to update the Water Resource Protection Plan.

Lenore Oyhe, Planning Branch Chief, informed the commission that the Department of Agriculture last updated their plan in 2004 and a new pre-final draft revision was just completed; the Department of Health's plan has not been updated since its initial adoption in 1990; and the State Water Projects Plan was last updated in 2003.

Chair Thielen asked if the comments received during the public hearings about water quality were provided to the Department of Health. Deputy Director Kawahara said he is waiting for the consultants to provide a date when the transcripts would be available.

Lenore Oyhe added that a Department of Health (DOH) representative came to five of the seven meetings. The representative was actually from the Safe Drinking Water Branch; however the water quality plan encompasses more than one program area and getting funding together from all the different divisions of DOH is an issue.

Deputy Director Kawahara said in addition to DOH's representative at the Kauai meeting, there was a representative from EPA's San Francisco Region 9 Office and DOH could possibly receive funding for their portion of the plan.

Chair Thielen asked if the Aquatics Division administrator could explain to the commission what that schedule would be since CWRM is working with them on the instream flow standards.

Deputy Director Kawahara included that there is a correction to the Agenda. Item C should be Stream Protection and Management and not Ground Water.

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**C. STREAM PROTECTION AND MANAGEMENT**

**1. Application for a Stream Channel Alteration Permit (SCAP.1762.3)  
Construction of CRM Wall along Waolani/Puehuehu Stream  
Honolulu, Oahu, TMK: (1) 1-7-019:021**

PRESENTATION OF SUBMITTAL: Robert Chong

Robert Chong presented background information about the applicant, Nuuanu Park Place Association of Apartment Owners, and their request to construct a new cobble masonry wall (CRM) approximately 200 feet long along the west side of Waolani/Puehuehu Stream, Honolulu, Oahu. Construction expected to last two to three months.

Mr. Chong summarized the comments received from the U.S. Army Corps of Engineers, State Department of Health Clean Water Branch, City and County of Honolulu Department of Planning and Permitting, DLNR Division of Aquatic Resources and Engineering Division, and Office of Hawaiian Affairs.

**RECOMMENDATION:**

That the Commission approve a Stream Channel Alteration Permit to construct a CRM wall approximately 200 feet long along the west side of Waolani / Puehuehu Stream, Honolulu, Oahu. The permit shall have a term of two (2) years subject to the Commission's standard permit conditions in Exhibit 5.

MOTION: (Fujiwara/Miike)  
To approve the submittal.  
UNANIMOUSLY APPROVED.

**2. Application for a Stream Channel Alteration Permit (SCAP.1777.3)  
Maintenance Dredging at Waimalu Drainage Canal, Aiea, Oahu  
TMKs: (1) 9-8-007, 008, 009, 023, and 024**

PRESENTATION OF SUBMITTAL: Robert Chong

Robert Chong stated that the applicant, the Department of Design and Construction of the City and County of Honolulu, was requesting a SCAP to perform maintenance dredging for the Waimalu Flood Control Drainage Canal, Waimalu Stream, Aiea, Oahu. This proposed project will remove 50,000 cubic yards of sediment and may take up to one year; consequently, a SCAP is required for this proposal.

Engineers Surveyors Hawaii, Inc. prepared a Final Environmental Assessment for the Waimalu Stream Dredging Project for the City and County of Honolulu in July 2003. The Assessment resulted in a Finding of No Significant Impact (FONSI). The proposed dredging will restore the

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canal to its original design depths, facilitate the flow of storm waters, minimize the potential damage to structures, and increase public safety from flooding events within the watershed.

Mr. Chong described the first project activity which will involve dredging and the second project activity which will involve transporting and disposing of suitable dredged spoils at the Mamala Bay site approved by the Environmental Protection Agency (EPA).

Mr. Chong summarized the comments from the U.S. Army Corps of Engineers, Department of Health Clean Water Branch, City and County of Honolulu Department of Planning and Permitting, DLNR Engineering Division, and Office of Hawaiian Affairs.

### RECOMMENDATION:

That the Commission approve a Stream Channel Alteration Permit to perform maintenance dredging for the City and County of Honolulu Waimalu Flood Control Drainage Canal, Waimalu Stream, Aiea, Oahu, TMKs: (1) 9-8-007, 008, 009, 023, and 024. The permit shall have a term of two (2) years subject to the Commission's standard permit conditions in Exhibit 5.

Discussion took place about ocean disposal sites and what kind of fill is required to dress the top of landfills. Eric Hee with Engineers Surveyors Hawaii explained that one option that was considered during the environmental assessment stage was the reuse of the sediment. However, there is no place to dewater the dredged material because the area is surrounded by wetlands at the mouth of Waimalu Stream. Mr. Hee stated that the EPA had approved the use of the Mamala Bay disposal site, and it is less environmentally damaging to barge the dredged material out to sea.

Commissioner Frazier questioned if it was a five mile haul to the disposal site. Mr. Hee said that it is ten miles from the mouth of the stream, but from the shores of Pearl Harbor it is five miles. Chair Thielen added that it is far enough out so that the coral would not be affected. Mr. Hee concurred and stated that the Navy uses the site constantly since it is an EPA-designated disposal site

Commissioner Fukino asked how the dredged material was disposed of. Mr. Hee stated that once the sediment is dredged, it is loaded onto a barge; the bottom of the barge opens up; and the dredged material drops into the ocean.

Chair Thielen stated that this was not the only substance being disposed at the Mamala Bay site because this is the disposal site for EPA-approved materials. Mr. Hee stated that no contaminants were found in the sediment after a tier three testing of the sediment was done.

MOTION: (Kiyosaki/Fujiwara)  
To approve the submittal.  
UNANIMOUSLY APPROVED.

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**D. PLANNING**

**1. Request to Authorize Chairperson to Enter Into Memoranda of Agreement to Disburse Act 238, Session Laws Hawaii 2007, Drought Mitigation Appropriation**

PRESENTATION OF SUBMITTAL: Neal Fujii

Neal Fujii, Drought and Water Conservation Coordinator, explained the request for the Commission to delegate authority to the Chair, and presented background, oversight and recommendations.

Mr. Fujii recapped that a series of meetings and workshops were held for the County Drought Committees which focused on drought mitigation projects and measures. One of the key recommendations was to seek out funding for implementation. The Hawaii State Legislature passed House Bill 400, HD1, SD2, CD1, appropriating \$4,000,000 for drought mitigation and measures, to be divided to the four counties. Governor Linda Lingle subsequently signed the Bill into law as Act 238 and recently approved the released of its funding.

RECOMMENDATION:

Staff recommends that the Commission delegate authority to the Chairperson to enter into memoranda of agreement with drought mitigation project sponsors to disburse drought mitigation funds appropriated under Act 238 for the purpose of completing drought mitigation projects.

To clarify further, Deputy Director Kawahara added to the recommendation to delegate authority to the Chairperson to enter into the MOA for drought mitigation projects to specify that funding be only used for projects listed in Exhibit 2 and having a public purpose.

Furthermore, Deputy Director Kawahara explained that Exhibit 2 mentions that some projects may be implemented or partially implemented using funding sources other than Act 238 allocation. In this situation, the project no longer requiring Act 238 funding would be removed from the list(s) and new projects may be added. Deputy Director Kawahara wanted to include in the recommendations that if a project not on the list is added for consideration it should be brought back to the Commission for their review and approval

Deputy Director Kawahara also noted for the record, that the MOA mentioned under Exhibit 4 is merely a template and will be tweaked for each governmental agency. It is also subject to the terms and conditions of the Chairperson for the Department of Land and Natural Resources, and each MOA will be reviewed and approved by the Department of Attorney General.

Chair Thielen expressed concern for Maui County as to their Drought Committee's priority list and asked staff to share the other counties' list with them.

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Commissioner Ching asked that clarification be made in the Motion that the projects are being approved but notwithstanding the ranking indicated.

Commissioner Frazier pointed out that Kamehameha Schools was not represented in any of the committees. Neal Fujii mentioned that there is no formal bylaw regarding membership but will bring it to the attention of all islands.

Steve Bowles said he represented the adhoc group of farmers and collaborators on the Kohala Ditch failure. Mr. Bowles said approximately \$3.2 million was raised for the rehabilitation of the ditch and the intake system from the various agencies and within the Honakanui County complex which is owned by Kamehameha Schools and Federal monies cannot be used in there for improvements. Federal funds are committed for the rest of the ditch, some funding from the legislature last year based upon the original estimated costs to do the rehabilitation work and ended up short in the final design. Mr. Bowles said they went to the Drought Committee to ask for funding for this purpose since there is no water right now except for one pumping well and the Drought Committee put this on their priority list.

Deputy Director Kawahara summarized the recommendations for this motion.

Chair Thielen restated amended recommendation.

### AMENDED RECOMMENDATION:

Staff recommends that the Commission delegate authority to the Chairperson to enter into memoranda of agreement with drought mitigation project sponsors to disburse drought mitigation funds appropriated under Act 238 for the purpose of completing drought mitigation projects.

And, to grant authority to the Chairperson to enter into these MOAs with the four (4) stipulations:

1. Limited to the projects listed in Exhibit 2, with rankings notwithstanding;
2. The sample MOA is a template which may be adjusted;
3. Each MOA is subject to the terms and conditions stipulated by the Chair and also be reviewed by the Department of Attorney General; and
4. Any new projects not contained in Exhibit 2, be brought back to the Commission for review and approval.

MOTION: (Dr. Fukino/Ching)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

## **H. NEXT COMMISSION MEETINGS (TENTATIVE)**

1. January 14, 2008
2. February 20, 2008

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

Respectfully submitted,

KATHLEEN OSHIRO  
Secretary

APPROVED AS SUBMITTED:

KEN C. KAWAHARA  
Deputy Director