

MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: February 16, 2011  
TIME: 9:00 am  
PLACE: DLNR Board Room  
Kalanimoku Bldg.

Chairperson William J. Aila, Jr. called the meeting of the Commission on Water Resource Management to order at 9:00 a.m.

The following were in attendance:

**MEMBERS:** Mr. William J. Aila, Jr., Mr. Neal Fujiwara, Dr. Lawrence Miike, Mr. Sumner Erdman, Mr. William Balfour, Jr., Ms. Donna Fay Kiyosaki, and Ms. Loretta Fuddy.

**STAFF:** William Tam, Lenore Ohye, Roy Hardy, Robert Chong, Neal Fujii, Ryan Imata, Susan Hoagbin and Ingrid Kunimura

**COUNSEL:** Linda Chow, Esq.

**OTHERS:** Derrick Elfalan, Joyce Kainoa, Tim Lui-Kwan, George Kuo, Tom Nance, Kara Versage, Wendell Lee and Todd Apo

Chairperson Aila read and presented a Resolution, signed by the Commissioners, to Ms. Ingrid Kunimura congratulating and thanking her for her dedication of 34 years service with the State of Hawaii. Ms. Kunimura will retire February 28, 2011.

**A. APPROVAL OF MINUTES**

January 20, 2010

**MOTION:** (Miike/Sumner)  
To approve the minutes.  
UNANIMOUSLY APPROVED.

**B. ANNOUNCEMENTS/ADMINISTRATION**

1. Bill Tam announced that Kathleen Oshiro recently resigned and accepted a position with the City and County of Honolulu. In addition to Ms. Oshiro's departure, some individual staff will be retiring in the near future. The Commission staffing is thin right now. Because of all these personnel changes, it is important the Legislature does not reduce the Commission's funding. The specialized positions (Hydrologists and Geologists) are paid by Special Funds.

Minutes

**C. GROUND WATER REGULATION**

- 1. Aulani Disney Resort and Spa, APPLICATION FOR A WATER USE PERMIT, Disney Well 1 (Well No. 2007-04), TMK 9-1-057:037, WUP No. 905, Future (Marine Habitat) Use for 0.072 mgd, Makaiwa Ground Water Management Area, Oahu**

Staff presentation by Ryan Imata.

**DISCUSSION:**

Commissioner Erdman asked why the County Water Department's pump does not provide water for the Marine Habitat. The applicant stated that they need relatively fresh water to mix with brackish water to prevent the salinity from rising.

Commissioner Erdman asked if the salinity will rise once they start pumping. Tom Nance, consultant for the applicant, responded that if the pond is just replaced with pump water then the salinity would increase and that fresh water must be added to keep the water within the appropriate saline range. The upper bound prevents the water from getting saltier than ocean water.

Commissioner Balfour asked if water was being withdrawn from the lens below the aquifer. Mr. Nance responded that water is being withdrawn at the upper end of the caprock lens. They encountered 8 parts per thousands water but there was no yield.

Commissioner Balfour asked why the water was not just withdrawn from the ocean. Mr. Nance responded that the Commission's permits are easier to obtain than permits necessary to draw water from the ocean.

Commissioner Miike asked if the well will impact the aquifer since it is drilled only about 300 feet below sea level and is located next the ocean. Roy Hardy stated that because the well is in the aquifer system area, the water may freshen after years of pumping.

Commissioner Miike asked why freshwater is needed if 20% of it is changed daily. Mr. Nance responded that the evaporative loss would leave the remaining water at a higher salinity.

Commissioner Kiyosaki asked about the temperature. Mr. Nance stated that the temperature of the water was found to be 72 degrees (cooler than ocean water).

**RECOMMENDATION:**

Staff recommends that the Commission approve the issuance of water use permit no. 905 to Aulani Disney Resort and Spa for the reasonable and beneficial use of 0.072 million gallons per day of Salt water for Marine Habitat use from the Disney Well 1 (Well No. 2007-04), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

## Minutes

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
2. 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.
3. Standard Condition 16 for a water shortage plan requirement is waived.

**MOTION:** (Sumner/Fujiwara)

To approve the submittal.

UNANIMOUSLY APPROVED.

2. **Island Dairy, Inc., APPLICATION FOR AN AFTER-THE-FACT PUMP INSTALLATION PERMIT, Island Dairy Well (Well No. 6016-01), Pump Installation: 90 gpm for Irrigation use, TMK 3-9-001:002, Hawaii**

Staff presentation by Ryan Imata.

### DISCUSSION:

DLNR (Land Division) asked if the applicant must obtain a water lease. Commissioner Miike asked staff to clarify with the landowner DLNR (Land Division) if a water lease is legally required. Mr. Imata will clarify the matter with the DLNR (Land Division).

William Tam added that this well is on state land and triggers an Environmental Assessment unless exempted. An exemption is allowed under the Hawaii Administrative Rules §11-200-8(3d), which provides an exemption from the construction of location of single small new facilities.

Commissioner Fujiwara asked if the applicant Island Dairy had reported their water usage all this time. Mr. Imata responded that although Island Dairy is required to report their water usage, they have not been in compliance.

Commissioner Sumner recused himself from the decision making for this agenda item.

### RECOMMENDATION:

That the Commission:

1. Find Island Dairy, Inc. in violation of HAR §13-168-12(a).
2. Impose a fine of \$150 on Island Dairy as summarized in Exhibit 3, payable within 30 days.

## Minutes

2. Approve the issuance of an after-the-fact pump installation permit for the Island Dairy Well (Well No. 6016-01), subject to the standard conditions in Exhibit 4, and the following special condition:

Approve the permit after the fine described in Item B is paid by the applicant.

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

### **D. STREAM PROTECTION AND MANAGEMENT**

1. **Application for Stream Diversion Works Permit to Remove Kolea Reservoir and Stream Channel Alteration Permit to Restore Kolea Stream, Kailua, Maui, TMK: (2) 1-1-001:050**

Item D1 is withdrawn from the agenda.

### **F. PLANNING**

1. **Request to Authorize the Chairperson to Enter Into Consultant Contract Agreements to Update the Hawaii Water Reuse Survey and Report, The County Drought Mitigation Strategies, and the Hawaii Drought Plan**

Staff presentation by Neal Fujii.

#### **DISCUSSION:**

Neal Fujii provided the Commissioners charts of the Hawaii Drought Leadership Structure. He presented a general broad overview of the chart to update the new Commissioners and others.

Chair Aila asked if the Water Reuse Survey and the County Drought Mitigation Strategies are incorporated into the final Hawaii Drought Plan. The County Drought Mitigation Strategies is incorporated by reference but it is not included as part of the document. He added that the Water Reuse Survey is a separate document.

Chair Aila asked if the incorporated revision to the Hawaii Drought Plan includes the new models for climate change. Mr. Fujii responded that results of rainfall and evapotranspiration studies may not be available at the time but believes that more focus on climate change should be added into the Hawaii Drought Plan.

Minutes

**RECOMMENDATIONS:**

1. Staff recommends that the Commission authorize the Chairperson to enter into consultant contract agreements and to approve funding not to exceed \$175,000 to complete the three projects listed below. Funding is available from general funds or special funds or a combination of both (subject to the availability).
  - a. Update of the 2004 Hawaii Reuse Survey and Report
  - b. Update of the County Drought Mitigation Strategies
  - c. Update of the Hawaii Drought Plan
2. Staff recommends that the Commission authorize the Chairperson to further amend or modify these contract agreements provided that such amendment or modification does not include any additional funding.

The terms of these agreements will be subject to the approval of the Chairperson and the Department's Deputy Attorney General.

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

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

1. March 16, 2011
2. April 20, 2011

Meeting was adjourned at 9:45 a.m.

Respectfully submitted,

SUSAN HOAGBIN  
Secretary

APPROVED AS SUBMITTED:

WILLIAM TAM  
Deputy Director