

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: September 18, 2013
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.
1151 Punchbowl St., Room 132
Honolulu, Hawaii 96813

Acting Chairperson Jonathan Starr called the meeting of the Commission on Water Resource Management to order at 9:04 am.

The following were in attendance:

MEMBERS: Mr. William Balfour, Mr. Jonathan Starr, Mr. Ted Yamamura,
Mr. Milton Pavao, Mr. Kamana Beamer

ABSENT: Mr. William J. Aila Jr., Ms. Loretta Fuddy

STAFF: William Tam, Roy Hardy, Dean Uyeno, Neal Fujii, Malie Beach-Smith,
Jonas Burgon

COUNSEL: Cindy Young, Esq.

OTHERS: Jonathan Scheuer, Ken Kawahara, Isaac Moriwake

A. APPROVAL OF MINUTES

August 21, 2013

MOTION: (Balfour / Beamer)
To approve the minutes.
UNANIMOUSLY APPROVED.

B. ANNOUNCEMENTS

Roy Hardy (Branch Chief, Ground Water Regulation) gave an update on current vacancies and said staff has been conducting interviews for the IT position. So far none of the applicants have been qualified. Staff will continue to conduct interviews.

Deputy Director William Tam gave an update on the remaining vacancies.

Commissioner Starr asked if there was anything the Commission could do to improve the process.

Deputy Tam said the internal process at the Department of Human Resources Development (DHRD) needs to be improved.

Commissioner Starr asked about the status of the Water Resource Information Management System (WRIMS).

Mr. Hardy replied that the WRIMS is up and running. Improvements and enhancements continue to be made. The IT position will assist with this effort.

C. ADMINISTRATION

Deputy Tam informed the Commission about the National Park Service (NPS) Petition to Designate the Keauhou Aquifer System in North Kona as a Ground Water Management Area (GWMA). He outlined the process for designation and said the Chairperson would come back with a recommendation for designation. Various county agencies will be consulted during the investigation process.

Commissioner Pavao suggested that previous studies should be consulted during the investigation.

Deputy Tam said copies of those studies are available and will be referenced.

Deputy Attorney General (AG) Cindy Young remarked that the petition could not be discussed until it is noticed on the agenda.

Commissioner Starr confirmed that no action would be taken.

Commissioner Beamer thanked staff for bringing the petition to their attention.

1. CWRM policy on reimbursing conference fees for transportation and lodging

Deputy Tam said a policy on reimbursing conference fees for transportation and lodging is forthcoming.

Commissioner Starr asked if the policy on reimbursing conference fees was approved.

Deputy Tam said "yes" it was approved at the August 21, 2013 meeting. There is no policy on reimbursement for transportation and/or lodging.

Commissioner Pavao asked if a policy could be noticed on the next agenda.

Deputy Tam said a budget needs to be developed first.

Commissioner Starr reiterated his request to see a policy action on the next agenda.

2. Update on the process to select consultants

Deputy Tam explained the professional services process for the hiring of consultants. Staff has drafted a special request for a "water specialist" that will be submitted to the Engineering Division.

Commissioner Balfour asked if the commissioners could review the list before a consultant is selected.

Deputy Tam said it was not permitted.

Commissioner Yamamura asked if the commissioners could review the draft requirements for a “water specialist” before it goes to Engineering.

Deputy Tam said “yes.” The draft will be circulated among the commissioners for review and comment before it is finalized.

Commissioner Beamer said he respects the expertise of the staff and would like to be updated on the decision-making process.

Commissioner Pavao said he did not want to impede or delay the process.

3. Notice requirements in Stream Channel Alteration Permit (SCAP) applications

Stream Channel Alteration Permits (SCAPs) are noticed on the monthly agenda and the online bulletin. They are *not* noticed in the newspaper.

Commissioner Balfour commented that members of the public want to be kept informed.

Dean Uyeno (Acting Branch Chief, Stream Protection and Management) explained the process for review. Upon submission, applications are reviewed by various state and county agencies and comments are forwarded to staff.

Commissioner Starr said the “spirit” of the Sunshine Law should be upheld. He reiterated the need for proper notice.

Deputy Tam replied that staff would look into ways to improve the process and send materials out sooner.

Mr. Hardy clarified that staff is meeting the notice requirements in terms of water use permits.

D. STREAM PROTECTION AND MANAGEMENT

1. Request Authorization to Procure Consultant Services to Conduct a Habitat Evaluation Procedure (HEP) Analysis of Waihe‘e, Waiehu, ‘Iao, and Waikapu Streams in Nā Wai ‘Ehā, Maui

SUBMITTAL PRESENTATION by: Dean Uyeno

Dean Uyeno (Acting Branch Chief, Stream Protection and Management) introduced Item D-1. On May 22, 2013 the Commission approved the delegation of authority of the Chairperson to appoint a qualified hearing officer to proceed with the contested case on remand. On June 5, 2013, Chair Aila appointed Dr. Lawrence Miike to serve as the hearing officer. The Habitat Evaluation Procedure (HEP) for East Maui will be included in the case. The HEP analysis will bring in other resources from the Division of Aquatic Resources (DAR) and include hydrologic aspects of the 2010

study by the US Geological Survey (USGS). The consultant will provide a report documenting the analysis and results. CWRM staff estimates up to \$20,000 from general funds will be needed to complete the project.

RECOMMENDATION:

Staff recommends that the Commission:

1. Authorize the Commission staff to procure consultant services, not to exceed \$20,000, to conduct a Habitat Evaluation Procedure (HEP) analysis of Waihe'e, Waiehu, 'Āao, and Waikapu Streams in Nā Wai 'Ehā, Maui and submit the report as soon as practical.

(DISCUSSION)

Commissioner Beamer asked why the hearing officer was not present at the meeting. He requested that the hearing officer attend future meetings.

Deputy Tam said he would ask Dr. Miike to attend future meetings.

Commissioner Pavao congratulated the staff on the reasonable cost of the contract.

Mr. Uyeno replied that most of the data is already available on the Hawaii DAR Stream Atlas. A link will be shared with the commissioners.

Commissioner Pavao asked if the \$20,000 would be used to compile existing data.

Mr. Uyeno clarified that existing data would be used to investigate how water flow relates to diversions and the health of the species in the streams.

Commissioner Yamamura asked who would be qualified to conduct a HEP analysis.

Mr. Uyeno replied "very few." DAR works closely with a consultant that utilizes GIS.

Commissioner Balfour clarified that existing data would be used and field work would be limited.

Mr. Uyeno said "correct."

Commissioner Starr raised concerns about the current data and said DAR may not have been able to access certain locations.

Mr. Uyeno said he was not aware of access issues. Na Wai Eha is one of the most studied systems statewide. Funding for freshwater studies is difficult and will be an ongoing issue.

Commissioner Starr asked to be updated on the HEP at the next meeting.

Mr. Uyeno said he would send out links to the Hawaii Stream Atlas and maps of the surveyed areas.

Deputy Tam reiterated the need for money to fund freshwater research and congratulated Mr. Uyeno on his knack for finding grants.

Isaac Moriwake (Earthjustice) asked if DAR would be involved.

Mr. Uyeno said DAR was responsible for the survey work and would provide access to the database. CWRM would consider using the DAR consultant.

Mr. Moriwake encouraged staff to utilize the expertise of Skippy Hau at DAR. He asked if the timeline was realistic and commented on the USGS data.

Mr. Uyeno said the data would be used to consider which streams might be better suited for restoration.

Mr. Moriwake critiqued the phrase "ranking of management actions" and said the Commission should not rely on report cards to rate streams.

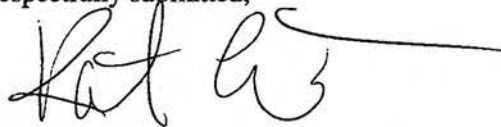
**MOTION: (Pavao / Beamer)
To approve the submittal.
UNANIMOUSLY APPROVED.**

Commissioner Pavao and Starr asked if start time for the commission meetings could be changed to 10:00am.

Deputy Tam said he would ask Chair Aila for his opinion.

Acting Chairperson Jonathan Starr adjourned the meeting at 10:05 am.

Respectfully submitted,



KATIE ERSBAK
Private Secretary to the Deputy

APPROVED AS SUBMITTED:



WILLIAM M. TAM
Deputy Director