

WATER RESOURCE PROTECTION PLAN HAWAI‘I WATER WORKSHOP – MAUI

March 12, 2015



The Commission on Water Resource Management (Commission) is currently updating the State Water Resource Protection Plan (WRPP), a long-range plan that provides guidance and direction for protecting and managing Hawai‘i’s water resources. As a part of the WRPP update process, the Commission is hosting seven “Hawai‘i Water Workshops” throughout the state to hear about water management issues and ideas in those communities. This will inform the Commission’s thinking as it formulates the WRPP Update. **These notes are for the third workshop, held on Maui at the Wailuku Community Center on March 12, 2015.**

ATTENDANCE

Community Participants: 76 participants signed in, it was estimated that 100 people were present

Water Commissioners: Jonathan Starr

Commission Staff: Dean Uyeno, Lenore Ohye, Jeremy Kimura, Neal Fujii

Townscape (Consultant): Bruce Tsuchida, Sherri Hiraoka

“ONE BIG WATER ISSUE”

Participants were asked to share their one big water issue to give the group an idea of where interests lay. Those issues included:

1. Department of Hawaiian Home Lands (DHHL) water rights
2. Get agricultural water for the Department of Hawaiian Home Lands
3. Agricultural water for Keokea (DHHL ag lots)
4. Agricultural water use
5. Protect water rights
6. Protecting water rights
7. Water rights
8. Water rights
9. Water rights
10. Water rights
11. Protecting the public trust
12. Public trust doctrine
13. Uphold the public trust doctrine
14. Protect traditional and customary practices
15. Traditional and customary practices

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ONE WATER ISSUE (CONTINUED)

16. Kuleana rights
17. Aha Moku representation
18. Maintain mauka to makai stream flow; remove unnecessary diversions
19. Mauka to makai stream flow
20. Mauka to makai stream flow
21. Mauka to makai stream flow
22. Water does not reach the ocean
23. Stream flow
24. Stream flow
25. Stream flow
26. Stream flow
27. Stream flow
28. Stream flow
29. Water flow
30. Impact of community and residential development on stream flow
31. Water restoration in the streams
32. Health and cleanliness of streams
33. Aquifer recharge and sustainable yield
34. Ground water contamination
35. Watershed protection
36. Watershed protection
37. Watersheds
38. Watersheds
39. Mauka watershed protection
40. Protecting native ecosystems
41. The island cannot survive without the ecosystem, including nearshore ecosystems
42. Water resource availability
43. Water availability
44. Compliance
45. Enforcement
46. Economic development of water resources

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ONE WATER ISSUE (CONTINUED)

47. Better use of wastewater
48. Increase water storage capacity
49. Storm water recapture
50. Wastewater management
51. Efficient management of water resources

PRESENTATION

Lenore Ohye welcomed participants to the meeting and thanked everyone for attending and Sherri Hiraoka discussed the importance of water and gave a brief introduction to water management in Hawai'i. Jeremy Kimura then provided an overview of the Commission on Water Resource Management, Hawai'i's ground and surface water resources, the Hawai'i Water Plan, known water resource issues, and water resource management strategies.

BREAKOUT GROUPS

Participants broke out into four groups to discuss water resource issues. Groups identified several issues and focused on a few issues to discuss more in depth, along with potential actions to address the issues. All of the topics are recorded below and are consolidated by topic, rather than by what group they came from.

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COMMENT/ISSUE		RESPONSE
ALTERNATIVE WATER SOURCES		
1	Explore alternative water sources, such as storm water	CWRM believes alternative water sources should be used to the maximum practicable extent possible and agree that stormwater is a valuable and underutilized resource in Hawaii. Section 7 of the updated WRPP will discuss various alternatives, associated issues, and provide recommendations on how to advance the use of alternative water sources, including storm water.
2	Capture and use storm water runoff	See above response.
3	Water should not be wasted – wastewater should be reused and not go to the ocean.	See response to Comment 1. The Department of Health is currently updating its Reuse Guidelines. These guidelines will clarify where reuse water may be applied and any restrictions or monitoring in order to protect ground water quality. CWRM also recently updated its statewide survey of water reuse. This report also discusses opportunities and obstacles for implementing reuse projects.
4	Upgrade the water system. Identify sources and availability.	Maui County is updating its Water Use and Development Plan, which objective is to set forth the allocation of water to land use. The plan should include strategies for meeting existing and future demands, which could include new source development, subject to the limits of available supply established by CWRM in the Water Resource Protection Plan. Please contact the Maui DWS’ Resources and Planning Division at 808-463-3110 for more information.
5	Water storage	Section 7 of the updated WRPP will have more information about the Department of Land and Natural Resources (DLNR) dam safety program and issues regarding increasing storage.
6	Pipes are not water sources	Infrastructure upgrade or expansion may enable fuller utilization of existing water source supplies.

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Data Collection, Monitoring, and Analysis		
7	More monitoring is needed	More data and monitoring are always desirable. Section 4 of the updated WRPP will have more information about the existing monitoring programs of CWRM and others and will include recommendations to improve data collection and monitoring.
8	Water use reporting needs to improve	With the implementation of the online reporting system, CWRM is increasing compliance with the water use reporting requirements. CWRM is currently conducting outreach and education on the water use reporting requirement and use of the new online system.
9	Need to better map the streams. Go to the Aha Moku Council representatives and get assistance with walking the streams, mapping them, and identifying diversions	Mahalo for the offer of assistance. CWRM recognizes the need to engage the community and will include a discussion and strategies for community outreach and engagement in the updated WRPP. CWRM's Stream Protection and Management Branch is compiling best available information, reviewing interim instream flow standards for selected streams, and implementing and enforcing established interim instream flow standards. Please contact the Branch at 984-2400 (extension 70234) for more information.
10	Need a good inventory of all features; Talk to communities; Get in the field	See above response.
11	If there are no funds to monitor, can Maui folks create their own system to monitor and enforce? What about Aha Moku Councils?	See response to Comment 9.

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Ground Water Protection		
12	Concerned that we are over-estimating aquifer sustainable yield	To be precautionary, CWRM has adopted only the most conservative estimate of sustainable yield, unless there is a robust monitoring network, hydrologic studies, and numerical models. Section 3 of the updated WRPP will have more discussion on the process to determine sustainable yields.
13	Sustainable yields need better data to back them up – what are the most current numbers? Monitoring wells; How much of sustainable yield is potable? Do we need to designate Maui as a ground water management area?	Section 3 of the updated WRPP will have a detailed discussion on the estimation of sustainable yield values. The sustainable yield values include brackish water. There are legal criteria that the CWRM must consider in designating a water management area. Currently on Maui, the Iao Aquifer System Area and Na Wai Eha have been designated as ground and surface water management areas, respectively.
Implementation of Management Strategies		
14	The Commission needs more resources to do their job!	Thank you for your support!
15	More funding for DLNR	We agree DLNR is severely underfunded to carry out its many mandates and responsibilities.
Public Trust		
16	The public trust doctrine is not being followed - defend the public trust.	Section 2 of the updated WRPP will have more information about CWRM’s legal responsibilities in terms of water resource management.
17	Which public are the resources for? Whose trust? Who protects? If some rights are superior, someone is inferior; Public trust doesn’t exist because some rights are superior; Interest belongs to Kanaka	CWRM is required to balance protection of the public trust with reasonable and beneficial use of our water resources. There is no hierarchy amongst the four public trust uses. Section 2 of the updated WRPP will have more discussion about the public trust doctrine and other CWRM legal mandates.
18	There is a lack of sharing of water.	Please contact CWRM at 984-2400 (extension 70214) if there is a specific water dispute we can mediate.
19	Water is not being used for the best uses and in the public interest.	The 1978 amendment of the State Constitution recognizing water as a public trust resource and 1987 promulgation of the State Water Code established new protections for water resources in Hawaii. CWRM, with the guidance of the Supreme Court, must determine how to protect public trust resources and uses, while allowing for reasonable and beneficial water uses in the public interest.

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Public Trust		
20	Balance use with protection.	See response to Comment 17.
21	Application of reasonable beneficial use seems backward. The hierarchy of who gets water seems like a “hierarchy of need.” We need to define water users and priorities.	See response to Comment 17.
22	Priority of water use should take into account type of water: Clean fresh water should be used for drinking; Streams can be used for agriculture; Water should also be allocated for streams to flow!	CWRM advocates that the quality of water should match its intended use. The updated WRPP will have more information about alternative water promotion as a means to encourage non-potable water use where applicable.
23	Balance economics with sustainability: do we have enough water to protect ecosystems? Land use is tied to water use.	Water in its natural state (i.e. water for ecosystems), is an identified purpose of the water resources trust. This need must be balanced with other public trust uses and with proposed reasonable and beneficial uses in the public interest. The process for addressing the connection between land use and water use is the County Water Use and Development Plan process. Maui DWS is currently in the process of updating its Water Use and Development Plan for Maui Island.
24	Privately owned water purveyors and systems are a concern	The State Water Code does not prohibit private ownership of water systems; however, water resources are held in trust for the benefit of the citizens of the State. This means that no one owns or can charge for water per se, although owners of water systems may charge for the cost of producing, treating, and delivering the water.
25	What are the impacts on food security?	Agriculture needs water to succeed. The Agricultural Water Use and Development Plan (AWUDP) component of the Hawaii Water Plan focuses on the maintenance and rehabilitation of public and private legacy irrigation systems as a means to support agricultural irrigation. The Department of Agriculture is currently updating its AWUDP. For a copy of the latest plan, please visit our website at http://dlnr.hawaii.gov/cwrm/planning/hiwaterplan/awudp/ .

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Public Trust		
26	Out of watershed transfers	Section §174C-49(c) provides for transport of water outside of the watershed of origin if CWRM determines that such transport and use are consistent with the public interest and the general plans and land use policies of the State and counties.
27	<p>Water rights – possible solutions: Convene all stakeholders without lawyers for mediation; Manage water as if it were family; De-commoditize water; More efficient water use; Increase use of recycled water; Teach correct water uses/practices and have users self-govern; Water conservation ordinance; Establish a sustainability coordinator position in Maui County; Commission should issue a formal statement to HC&S about water use and waste</p>	<p>Water in Hawaii is a public trust resource and not treated as a commodity, as is the case in other states. The 1978 amendment of the State Constitution recognizing water as a public trust resource and 1987 promulgation of the State Water Code established new protections for water resources in Hawaii. CWRM, with the guidance of the Supreme Court, must determine how to protect public trust resources and uses, while allowing for reasonable and beneficial water uses in the public interest.</p> <p>Water conservation and the use of alternative water sources where practicable are promoted by CWRM through its long-range planning and regulatory programs. Discussions and recommendations for increased water conservation and resource augmentation will be included in the updated Water Resource Protection Plan.</p>
Stream Protection		
28	Stream health/invasive species.	Streams in Hawaii are protected through the establishment of instream flow standards, which is the amount of water required to be in the stream to protect beneficial instream uses. Studies have shown that increased flows serve to flush out invasive species and favor native species. Mauka to makai flows are important for the health and procreation of native diadromous species.
29	Need to look at stream’s needs first.	See response to comment 28.
30	Streams need to reach the ocean	See response to comment 28.

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Stream Protection		
31	Stream restoration.	Please contact the CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you would like information about stream restoration.
32	Restore streams for traditional practices	See response to Comment 28 above. The protection of traditional and customary Hawaiian rights is recognized as an instream use worthy of protection under the State Water Code.
33	Restore Waikapū Stream mauka to makai and all streams on Maui.	See responses to Comments 28 and 31 above.
34	Stream restoration will help with self sufficiency	See responses to Comments 28 and 31 above.
35	Why are perennials streams becoming intermittent? We need to know which streams are becoming intermittent and if they are drying up because of human actions.	It may be due to human actions or possibly lower than normal rainfall. The U.S. Geological Survey published a report documenting statistically significant downward trends in annual base flows from selected long-term trend stations statewide, which correspond to long-term downward trends in rainfall for the period 1913-2002. The report is available online at http://pubs.usgs.gov/sir/2004/5080/ These downward trends may be related to climate change. The updated WRPP will have a discussion of climate change, the possible implications for our water resources, and strategies to mitigate impacts.
36	Diversions are still a major problem	Please contact the CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you have specific complaints regarding stream diversions.
37	Are any of the diversions unnecessary?	Over time, end uses may change, and there may be cases where diversions are no longer serving their original purposes. As water is held in trust public by the state for the benefit of the people, under the State Water Code, water must be used for reasonable and beneficial uses. Complaints of waste are investigated by CWRM.
38	Accountability – there needs to be justification for diversions	Please contact the CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you have specific complaints regarding stream diversions.

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Stream Protection		
39	Limit diversions. Diversions were previously for agriculture, but now they are selling the resource. Revisit Memoranda of Understanding (MOUs); agriculture needs less water now	See response to Comment 37. CWRM is currently adjudicating the quantities of water needed to support instream uses and the amounts that may be diverted for offstream uses in Na Wai Eha and East Maui.
40	West Maui diversions led to designation	The State Water Code established legal criteria for water management designation. CWRM must find that at least one of the criteria are met in order to designate.
41	Look at all diversions – who profits?	CWRM maintains a database of known surface water diversions. Please contact CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you have specific questions regarding stream diversions.
42	Why are diversions and private control of water allowed?	The State Water Code does not prohibit private ownership of water systems; however, water resources are held in trust for the benefit of the citizens of the State. This means that no one owns or can charge for water per se, although owners of water systems may charge for the cost of producing, treating, and delivering the water. Under the State Water Code, water must be used for reasonable and beneficial uses. Private entities may divert and use water provided they comply with CWRM laws, rules, and policies. Complaints of waste are investigated by CWRM.
43	There is a lack of mauka to makai stream flow and a political history of HC&S use.	Please contact the CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you have specific complaints regarding stream diversions.
44	Beneficial use needs to be ensured.	Any water use permitted by CWRM needs to be deemed reasonable and beneficial. Under the State Water Code “reasonable-beneficial use” means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest. The State Water Code directs CWRM to protect and conserve water resources while obtaining maximum beneficial uses.

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Stream Protection		
45	We need to take into account impacts to coastal resources	Although the State Water Code states that “[n]o provision of this chapter shall apply to coastal waters” (§174C-4(a) HRS), CWRM recognizes if an activity that CWRM permits may have an impact on coastal waters, that the impact to coastal waters must be taken into account in its decision.
46	Where does the water go?	Please contact the CWRM Stream Protection and Management Branch at 984-2400 (extension 70234) if you would like information about a specific stream diversion or ground water well or if you would like to file a complaint.
47	There are impacts of lack of stream flow on traditional and customary practices (gathering rights, etc.) and ecosystems.	When assessing instream flow standards, CWRM carefully considers the impacts of stream flow on traditional and customary practices as well as ecosystems. Section 3 of the updated WRPP describes the process and factors involved in assessing instream flow standards.
48	There is a lack of enforcement of IIFS. Commission is not ensuring IIFS flows.	CWRM has been collecting stream flow data to ensure that the IIFS are enforced. Data can be found on the CWRM website at: http://dlnr.hawaii.gov/cwrmsurfacewater/monitoring/
49	There is a lack of fair allocation and equity	See response to Comments 44 and 46.
50	Where is the water going? There are diversions for uses that are no longer in existence; Water is being used for purposes it shouldn't be used for – it is not benefitting the people	See responses to Comments 37 and 46.
51	Water is being used for the wrong type of agriculture: sugar, instead of food. Corporations can grow food instead.	See response to Comment 44.
52	Corporations should assist us in restoring streams	When establishing measurable instream flow standards, the CWRM may require the amount of diverted water to be reduced in order to protect beneficial instream uses.
53	How do we stop private companies from taking all of the water?	See responses to Comment 43 and 44.

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Stream Protection		
54	Commission needs to enforce existing Interim Instream Flow Standards (IIFS)	See response to comment 48.
55	Commission needs to monitor instream flows	The CWRM Stream Protection and Management Branch has been actively monitoring stream flow in the streams in Na Wai Eha and East Maui. See current data on the CWRM website: http://dlnr.hawaii.gov/cwrmsurfacewater/monitoring/ . Section 4 of the updated WRPP will have information about the surface water monitoring program and recommendations for improving monitoring and data collection.
56	State needs to expand stream monitoring. Do remote monitoring and put data on a public website. Use community monitoring; Aha Moku is already doing monitoring. See Acts 212 and 288.	See above response.
57	Commission not listening, use “hammer.”	CWRM does have enforcement powers that include daily fines of up to \$5,000. CWRM is also planning to utilize the Department of Land and Natural Resources’ Civil Resource Violation System in the future to enforce Water Code provisions.
58	Ensure support of the County system is sustainable. Health implications. Maintenance costs less.	CWRM does not have regulatory authority over infrastructure or water systems. Please contact the Maui Department of Water Supply if you have concerns about their water system.
59	Some kuleana depend on the old ditch systems	CWRM takes into account current and proposed future uses of ditch systems in its adjudication of instream flow standards, appurtenant rights, and surface water use permitting.
60	Set up a mechanism and fund to help communities to clean the watershed and streams and maintain overgrowth	Stream maintenance is the responsibility of the landowner and/or the county, depending on the specific stream in question.

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Stream Protection	
61	<p>Stream flow solutions: Establish a hotline and app to report violations;</p> <p>Get more community involvement and enforcement;</p> <p>Enable community authority for enforcement and establish guidelines;</p> <p>Community involvement in data collection; do training;</p> <p>Communities need to know how to fight for their water.</p> <p>Provide assistance to communities;</p> <p>More Aha Moku coordination and connection with the Commission and other government agencies;</p> <p>More stream gaging in critical streams;</p> <p>List of streams for gaging and associated community members;</p> <p>Education for visitors and new community members on the importance of water resources (e.g., airline videos for arrivals) and involvement of the Hawaii Tourism Authority;</p> <p>Restore stream flows by stopping diversions and plugging wells;</p> <p>Enforcement – remove unneeded diversions so streams will flow;</p> <p>Levy fines for violations of IIFS</p>
	<p>Thank you for your suggestions. These will be considered as we update the WRPP, which will include discussion of community outreach and education and identify priority actions for implementation.</p>

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Water Management		
62	“Reasonable and beneficial use” needs to be defined	Under the State Water Code, “reasonable-beneficial use” means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest. (§174C-3 HRS)
63	There needs to be a vision for water	The updated WRPP will include CWRM’s mission, vision and goals for water resource protection and management and will identify priority actions and strategies.
64	We need a vision for the ecosystem, for management, and for resource allocation. Right now there is no balance.	See above response. The 1978 amendment of the State Constitution recognizing water as a public trust resource and 1987 promulgation of the State Water Code established new protections for water resources in Hawaii. CWRM, with the guidance of the Supreme Court and deference to the Water Code, must determine, on a case-by-case basis, how to protect public trust resources and uses, while allowing for reasonable and beneficial water uses in the public interest.
65	We need effective management strategies	See response to Comment 63.
66	The current regulatory system pits the state vs. the county	The Hawaii Water Plan process encourages State and County agencies to work together through comprehensive water resource planning. CWRM also consults and coordinates with the counties in regulatory matters. However, coordination amongst all government agencies is an area in need of continual improvement and innovation.
67	Management should take a broad approach and consider energy, stream flow, and ocean impacts	When assessing instream flow standards, CWRM carefully considers the requirements of instream uses as well as off-stream uses. Section 3 of the updated WRPP describes the process and factors involved in assessing instream flow standards.
68	Hydroelectric, if put in properly, can be a reasonable and beneficial use.	Power development is recognized as a beneficial use under the State Water Code. The impact of hydroelectric power development on stream resources is evaluated on a case-by-case basis as part of the instream flow standard setting process.

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Water Management		
69	Commission needs to hold those that harm public trust resources accountable. Enforce with fines and sanctions. Fines should be used to fund gages for monitoring.	Please contact CWRM to report any violations of the State Water Code. CWRM has the authority to levy fines and other sanctions on a case-by-case basis.
70	There is a lack of timely communication, response, and enforcement	The updated WRPP will include strategies to improve community engagement and outreach.
71	There is a lack of enforcement	Please contact CWRM at 984-2044 (extension 70214) if you have information regarding lack of compliance or enforcement of Water Code provisions, CWRM decisions, or permit conditions. CWRM has the authority to levy fines and other sanctions on a case-by-case basis.
72	Commission accountability	CWRM actions are subject to judicial review by the State Supreme Court which may remand decisions back to the CWRM if it finds inconsistency with the State Constitution, State Water Code, or case law.
73	Enforce the enforcers	See responses to Comments 71 and 72.
74	Accountability, enforcement	See responses to Comments 71 and 72.
75	Commission is not doing its job	See responses to Comments 71 and 72.
76	Commission/staff is not enforcing compliance	See responses to Comments 71 and 72.
78	Commission needs an on-island presence	CWRM has only 23 authorized positions and all are located on Oahu. Should additional staff resources be secured, consideration will be given to establishing neighbor island offices. The updated WRPP will include strategies to improve community engagement and outreach.
79	Maui-based staff person is needed	See above response.
80	There needs to be more connection among the Commissioners, staff, and community	See response to Comment 78.
81	All Commissioners should come here	CWRM will make every attempt to hold Commission meetings on the neighbor islands when action is needed on items that affect those island communities.

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Water Management		
82	There needs to be fairness in water use: farmers vs. corporations	All water uses must be reasonable and beneficial under the State Water Code. In designated water management areas, if there is insufficient water to accommodate competing needs, CWRM must determine which proposed use best serves the public interest.
83	Water Balance: if we take water, we should be required to replenish the resource; Consider the example of the Endangered Species Act “take” permit	A plan to replenish water resources through watershed management activities was proposed in 2001. The Watershed Protection Board was created by Act 152 in the 2002 legislative session. Under the Act, the board was charged with developing a watershed master plan to identify and protect watershed management areas, implement watershed management projects, identify potential funding sources, and analyze problems and issues related to equitable levy and assessment on water users. The board found, among other things, that the success of watershed projects was dependent on a combination of funding sources including agency appropriations, grants, public and private source contributions, landowners, water purveyors, and other beneficiaries. The board considered a tax on water use, but noted funding through the general fund would be more equitable. The board submitted its master plan to the Legislature in Jun 2001 as required by the Act. Act 152 was sunset in 2002.
84	We need more information: How many diversions are there? How much water is being diverted? What infrastructure is in place? What are the water management policies?	Please contact the Stream Protection and Management Branch at 984-2400 (extension 70234) if you would like information about existing stream diversions. The Branch maintains an inventory of all known diversions and best available information on sources and end uses. The 2004 Agricultural Water Use and Development Plan, prepared by the Department of Agriculture and currently being updated, contains information on selected irrigation systems. Please visit our website to view the 2004 plan: http://dlnr.hawaii.gov/cwrm/planning/hiwaterplan/awudp/ .

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Water Management		
85	Combine the Commission with County water departments.	CWRM and the County Water Departments exist as separate entities for many reasons. One of them being that the mission of the County Water Departments is development and delivery of water to support land use policies and plans. Combining the CWRM with the County water departments would pose a conflict of interest with other public and private source developers and with the resource management and protection provisions of the State Water Code.
86	Public-based report card for the Commission	Community input, comments, and concerns that were obtained through these workshops will be shared with the CWRM.
87	Native Hawaiians were good stewards. How does the modern economy get factored in?	One member of the CWRM must have expertise in traditional Hawaiian resource management techniques and traditional Hawaiian riparian usage. CWRM decisions are guided by and must be consistent with the State Constitution, State Water Code, and relevant case law.
88	Hawaiians should get 30% of State land lease rents	The public land trust is addressed in §171-18 HRS, administered by the Department of Land and Natural Resources' Land Division. Please contact Land Division at 984-2044 (extension 70400) for more information about fund allotments.
89	Learn from the traditional Aha Moku system of management	The 2012 Legislature established the Aha Moku Committee to advise the Chair of the Board of Land and Natural Resources on indigenous resource management practices and to foster understanding and use of native Hawaiian resource knowledge, practices, and expertise, among other things. CWRM has worked with the Committee through its Executive Director on a number of issues and appreciates their advice and guidance.
90	Aha Moku councils should be a part of the Commission	See responses to Comments 87 and 89.

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Water Quality		
91	Aquifer contamination	If you would like specific information about aquifer or ground water contamination please visit the Department of Health’s ground water contamination viewer page at: http://health.hawaii.gov/sdwb/groundwater-contamination-viewer/
92	Ground water contamination	See above response.
93	Pollution of the aquifers, ex: Haiku wells	See response to Comment 91. The Safe Drinking Water Act requires all public water systems to be monitored and tested at the entry point distribution system. If the water does not meet established drinking water standards, then treatment is adequate treatment is required.
94	Need source protection	The DOH’s Safe Drinking Water Branch administers the source water assessment and protection program. For more information about this program, please contact the DOH Safe Drinking Water Branch at 586-4258. Counties may also have their own programs. Maui Department of Water Supply has a wellhead protection program that will be discussed in their Water Use and Development Plan, which is currently being updated for the island of Maui.
95	The Water Department uses pesticides near the streams, but shouldn’t	The Departments of Agriculture and Health have programs related to pesticide regulation and monitoring. For more information, please view DOH’s Pesticide Fact Sheet at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CCoQFjAC&url=http%3A%2F%2Feha-web.doh.hawaii.gov%2Feha-cma%2Fdocuments%2F1326618d-b8ec-4b82-a363-9e6dcb3f38d5&ei=1f1oVYSSBsGfyATN0ILYDg&usg=AFQjCNG42ZyqvVkB AH9I7oH21b3r9AfhwA .
96	EMI is spraying Roundup	See above response.
97	Need stricter laws on contamination	The DOH administers the federal Safe Drinking Water and Clean Water Acts. For more information you can contact the DOH Safe Drinking Water Branch at 586-4258 or the Clean Water Branch at 586-4309.
98	Stop sewage pollution of the ocean	See above response.

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Water Rights		
99	Kanaka rights (Kingdom vested HRS 7-1) vs. non-kanaka, e.g.: appurtenant, riparian rights	CWRM is required to adhere to the State Constitution, State Water Code, and relevant case law to guide their decision-making. All Hawaii Supreme Court cases and laws up to 1898 are technically “kingdom laws.” And throughout the years since then, the territorial and now state supreme court has made various decisions that expanded on, revised, or rejected their rulings previously made during the kingdom. Examples of rights that can be traced back to Kingdom laws and/or Hawaiian usage include appurtenant rights, and traditional and customary practices.
100	Traditional and customary rights should be the highest priority	Traditional and customary rights are one of the four public trust uses of water established by the State Supreme Court. The other three public trust uses are environmental needs, domestic water use, and Department of Hawaiian Home Lands reservation allotments. There is no hierarchy amongst the 4 public trust purposes.
101	All water should be returned uncontaminated.	The Clean Water Act establishes standards for all inland and marine waters of the State. Please contact the Clean Water Branch at (808) 586-4309 for more information.
102	All agricultural water should return to the stream of origin. Current infrastructure does not allow for this.	The benefits and impacts of out of watershed transport are examined by the CWRM in its setting of measurable interim instream flow standards on a case-by-case basis.
103	There is a lack of protection for traditional and customary practices and water use.	See response to Comment 100. CWRM and all other State and county agencies are required to assess impacts on traditional and customary practices and require mitigation measures if there is an impact.
104	Cannot exercise traditional and customary rights without access to ocean	The public has a right of access along the beaches and shorelines in the State situated below the "upper reaches of the wash of the waves." (HRS §§ 115-4, 115-5, Revised 2010).
105	Water is needed for taro – there are unnecessary diversions	CWRM assesses the quantity of water needed for taro cultivation as well as to sustain instream values in its setting of measurable interim instream flow standards, which is done on a case-by-case basis.

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Water Rights		
106	Restore taro to increase water. Taro is not just food, it is a part of who kanaka are; Disallow waste	See above response. Under the State Water Code, waste of water is not allowed. Please contact the CWRM at 984-2044 (extension 70214) if you have information about ongoing waste of water.
107	Stream diversions take away from my culture	See response to Comment 105. While Native Hawaiians traditionally diverted water from streams to support taro cultivation, newer diversions may need to be modified to protect instream uses and ensure sufficient water for taro.
108	I fish for the whole people	Thank you for your comment.
109	Food program for Hawaiian kids	The Department of Education administers the Hawaii Child and Adult Care Food Programs. For an overview, please visit their website: http://hcnp.hawaii.gov/overview/cacfp/ .
110	Aha Moku system/community associations: Community-based; Takes action to protect; Volunteers to assist	The 2012 Legislature established the Aha Moku Committee to advise the Chair of the Board of Land and Natural Resources on indigenous resource management practices and to foster understanding and use of native Hawaiian resource knowledge, practices, and expertise, among other things. CWRM has worked with the Committee through its Executive Director on a number of issues and appreciates their advice and guidance.
111	More education of the public is needed.	The updated WRPP will include strategies to improve public education, community engagement and outreach.
112	Establish a konohiki for each stream to allow the community to take ownership of management	See above response.

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Water Scarcity/Availability of Water		
113	Concerns about drought	Section 8 of the updated WRPP will have more discussion on the CWRM drought mitigation program.
114	Water availability	Section 3 of the updated WRPP will have more discussion on the processes used to determine water availability.
115	Impacts of commercial and residential development on water resources	The County Water Use and Development Plan process allows the County to determine whether current land use entitlements can be met with existing water resources. Maui DWS is currently updating the WUDP for Maui island.
116	Private (HC&S) control of water and waste	Water is held in trust public by the state for the benefit of the people. Under the State Water Code, water must be used for reasonable and beneficial uses. Private entities may divert and use water provided they comply with CWRM laws, rules, and policies. Complaints of waste are investigated by CWRM.
117	Private water companies	See response to Comment 116.
Water Uses		
118	Define sustainable economic development related to water resources	The County Water Use and Development Plans are a mechanism for the county to plan and program water source development strategies to support the county’s land use visions, policies, and plans.
119	Efficient use of water resources	CWRM encourages efficient water use whenever possible, and a showing of efficiency is part of the reasonable-beneficial use test for obtaining water use permits. Section 7 of the updated WRPP will have more information about the CWRM water conservation program.
120	Prioritize uses and users	The State Supreme Court has identified four public trust uses. The State Water Code further defines beneficial uses and public interest objectives.
121	Water is being hoarded for a new town	See response to Comment 115.
122	Water is needed for agriculture	See response to Comment 115. Agricultural water needs must be identified and source strategies to meet demands should be included in the County Water Use and Development Plans.

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Water Uses		
123	Water for DHHL agricultural lots	Please contact the DHHL Community Relations Office at 808-620-9590.
124	Make water available for agriculture: kalo, food systems, farms that feed locals	In most areas of the State, a shared use doctrine prevails. In designated water management areas, shared use is replaced by a water use permitting system. There are legal criteria that must be met in order to obtain a water use permit from CWRM. Sometimes, lack of water supply is due to infrastructure limitations, rather than resource availability. CWRM has jurisdiction over the latter, but not the former.
Watershed Management		
125	Invasive species	The Hawaii Invasive Species Council was established to provide cabinet-level direction on invasive species. To learn more, please visit their website at http://dlnr.hawaii.gov/hisc/ .
126	Restoration of native forests: Insufficient funding; how do we not waste money? State should support restoration; Protect the mountains from development; Agency cooperation to incentivize conservation up mauka; Mandate protection	The Department of Land and Natural Resources' Division of Forestry and Wildlife oversees the Watershed Partnerships Program, which provides technical and financial support for implementation of watershed plans. Please contact them at 587-0166 for more information.
127	Who should get funding for watershed protection/restoration? Public/private partnerships; Watershed Partnership Program	See response to Comment 126.
128	What are the watershed priorities? What is money spent on: administration vs. restoration?	See response to Comment 126.
129	Impacted communities need to be involved and informed and participate in restoration. There needs to be more open and transparent communication with the public.	See response to Comment 126.
130	What are the boundaries of protection?	See response to Comment 126.

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Watershed Management		
131	Empower the community to form their own watershed partnerships	If you would like information on starting a watershed partnership or joining an existing one, please contact the Division of Forestry and Wildlife at 808-587-0166.
132	Native ecosystems	See response to Comment 126.
133	Watershed protection	See response to Comment 126.
134	Ecological systems are threatened by invasive species, which affect the ability of the forests to replenish water resources	See response to Comments 125 and 126.
135	Prioritize water rights	CWRM, with the guidance of the Supreme Court and deference to the Water Code, must determine, on a case-by-case basis, how to protect public trust resources and uses and water rights, while allowing for reasonable and beneficial water uses in the public interest.

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NEXT STEPS

- Workshop notes
 - Notes from the Water Workshops will be posted to the Water Resource Protection Plan Update website at:
<http://dlnr.hawaii.gov/cwrm/planning/hiwaterplan/wrpp/wrpp2014/>
 - The Commission will share the notes from this workshop with other water agencies that had comments and/or questions relating to their missions and purviews.
- Remaining Workshops: Workshops are being held on Moloka‘i, Kaua‘i, Hawai‘i Island (Kona and Hilo). Please see the WRPP Update website for dates and locations.
- Schedule: The Public Review Draft WRPP Update is expected in Summer 2015. Public Hearings on the Draft will be held in late 2015, with the Final Plan report expected in Spring 2016.

HANDOUTS

- WRPP Update Fact Sheet
- Hawaii Water Workshop Agenda
- Slideshow Presentation
- Comment Sheet