



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

January 24, 2007
Honolulu, Oahu

Request for Additional Time to Consult with the County of Maui
Hui o Na Wai Eha and Maui Tomorrow Foundation, Inc.
Petition for Surface Water Management Area Action
Waihee, Waiehu, Iao, and Waikapu Surface-Water Hydrologic Units
Wailuku, Maui

PETITIONER:

Hui o Na Wai Eha and Maui Tomorrow Foundation, Inc.
c/o Earthjustice
223 South King Street, Suite 400
Honolulu, HI 96813-4501

SUMMARY OF REQUEST:

Staff requests that the Commission on Water Resource Management (Commission) allow additional time for consultation with Maui's Mayor, County Council, and Department of Water Supply.

LOCATION MAP: See Exhibit I

BACKGROUND:

On December 6, 2006, Earthjustice, representing Hui o Na Wai Eha and Maui Tomorrow Foundation, Inc. filed a petition requesting that the Commission either: (1) recognize the watersheds of Waihee, Waiehu, Iao, and Waikapu Streams (collectively, Na Wai Eha) as part of the existing Iao Ground Water Management Area, or (2) designate the Na Wai Eha Surface-Water Hydrologic Units as a surface water management area. The State Water Code, at §§174C-41 to 47, and Hawaii Administrative Rules, at §§13-171-3 to 10, cover the topic of designation of water management areas.

In brief, the process for taking action on a petition to designate an area is as follows:

Summary of Water Management Area Designation Process

- (1) Petition filed with the Commission or recommendation by Chairperson.

- (2) Consultation with Mayor, County Council, and County Department of Water Supply (DWS).
- (3) Comments received from Mayor, County Council and DWS.
- (4) Chairperson makes a recommendation to the Commission to accept or reject petition within 60 days of receipt of the petition.
- (5) Commission accepts or rejects petition. Accepting the petition continues the designation process.
- (6) Publication of notice of public hearing.
- (7) Public hearing held.
- (8) Completion of staff investigation.
- (9) Completion of findings of fact.
- (10) Consultation with Mayor, County Council and DWS.
- (11) Recommendation to Commission for or against designation
- (12) Commission final action.

ISSUES/ANALYSIS:

The current petition status is at step (2), requesting comments from the County of Maui. The 60-day deadline for the Chairperson’s recommendation to continue the process is February 4, 2007. Given the November 2006 elections and the new Mayor, new members of the County Council, and new Director of the DWS, it would seem practical to extend step (4), the 60-day deadline for the Chairperson to make a recommendation to the Commission to accept or reject the petition. This would allow more time for the county to respond to the petition and for staff to analyze the issues and county responses to the issues raised in the petition.

RECOMMENDATION:

That the Commission:

- A. Extend the 60-day chairperson recommendation deadline (step 4), an additional 60 days (to April 5, 2007), to accommodate and gather comments from the various county agencies as required by law.
- B. The chairperson shall make a recommendation on the issue of continuance of the designation process for this petition at the Commission’s March 2007 meeting.

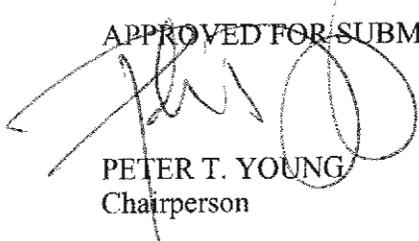
Respectfully submitted,



DEAN A. NAKANO
Acting Deputy Director

Exhibit(s): 1. (Location Map)

~~APPROVED FOR SUBMITTAL:~~



PETER T. YOUNG
Chairperson