



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

May 18, 2021
Honolulu, Hawai'i

Approval of the County of Maui Department of Water Supply's
Project Description to Update the Water Use and Development Plan for the Island of Moloka'i

SUMMARY OF REQUEST

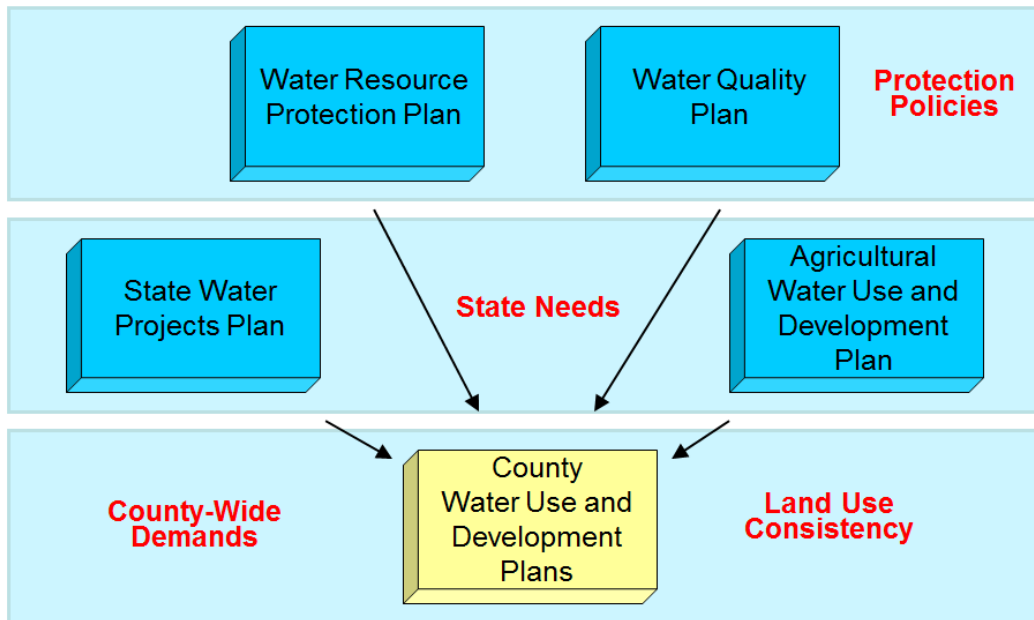
Staff requests that the Commission approve the project description to update the Water Use and Development Plan for the Island of Moloka'i submitted by the County of Maui Department of Water Supply (Maui DWS).

BACKGROUND

The State Water Code, Chapter 174C, HRS, requires that the Commission on Water Resource Management (Commission) implement and utilize comprehensive water resources planning in its regulation and management of our State's water resources. The Water Code sets forth the requirement for initial development and updating of the Hawai'i Water Plan (HWP) to guide the Commission in executing its general powers, duties, and responsibilities assuring economic development, good municipal services, agricultural stability, and environmental protection.

The HWP is intended to serve as a continuing long-range guide for water resource management. The HWP currently consists of five major components (plans) identified as the: 1) Water Resource Protection Plan, 2) Water Quality Plan, 3) State Water Projects Plan, 4) Agricultural Water Use and Development Plan, and 5) County Water Use and Development Plans (WUDP). The Water Code mandates that these individual plans be prepared and integrated to provide for effective coordination and long-range planning between state and county agencies.

Figure 1. Hawai'i Water Plan Components



To fulfill this mandate, the components of the HWP must be reviewed and updated on a regular basis. The initial HWP adopted by the Commission in 1990, provided the means to address many issues including, but not limited to, establishment of ground water hydrologic units, estimates of sustainable ground water yields and surface water flows by island, existing water systems, and an initial evaluation of current and projected water needs for the State and the Counties.

An updated HWP is considered essential to coordinate the protection and efficient use of water resources. Proactive planning enables the community and decision makers the ability to implement holistic community-growth strategies, which can avoid conflicting objectives or uses that threaten our State's limited water resources. For the Commission, the lack of up-to-date demand projections and proposed strategies to meet such demands limits the ability to proactively protect public trust resources and fulfill the mandates set forth in the State Water Code.

In updating the HWP components, there is consensus among State and County agencies that a comprehensive water resource planning process is needed to guide the supply, demand, and conservation of water. Accordingly, the required updates/revisions to the HWP should follow and utilize an evaluation and assessment process that emphasizes the consideration of various planning scenarios incorporating uncertainties, environmental externalities, and public needs into a strategic decision-making process.

COUNTY WATER USE AND DEVELOPMENT PLAN ELEMENTS

Updating the various components of the HWP should take into consideration current statutory objectives that include, but are not limited to, obtaining maximum reasonable-beneficial uses of water; protection of natural resources; existing water rights (including the Department of Hawaiian Home Lands) and traditional and customary Hawaiian practices; protection and procreation of fish and wildlife; and the maintenance of proper ecological balance, scenic beauty, and recreation.

In addition, the updating process should lead to refinement of demand projections, planning principles, and strategies associated with water resource planning and development. Such efforts should result in: identification and assessment of potential new sources; more realistic demand projections/forecasts; improvements in the operation of existing systems; application of various screening criteria/analyses; more effective integration between demand- and supply-side resource options; and overall improved coordination between State and counties.

The planning objectives described above are clearly set forth and established within *The Statewide Framework for Updating the Hawai‘i Water Plan* (Framework) adopted by the Commission in February 2000. Recommended planning elements for each component of the HWP are prescribed in the adopted Framework, including issues that should be addressed as part of a comprehensive updating process.

In addition to the statutory requirements set forth in the Water Code, §174C-31, Hawai‘i Revised Statutes (HRS), key elements of the Framework pertaining to the update of the County WUDPs include, but are not limited to:

- Submission of a County-Specific WUDP Project Description for review and approval by the Commission. The Project Description should include:
 - Identification of specific issues relating to land use, water use and resource development, and the relative priority of the issues to be addressed in the WUDP update;
 - An outline of the County's plan for establishment of planning objectives and evaluation criteria;
 - A description of its public/stakeholder participation and public information program;
 - A description of its plans for identification of: water demand forecasts (and the consideration of future uncertainties) within the hydrologic units and water availability limits established by the Commission, conservation and demand-side management programs, source development options and any potential impacts to the resource, and the development and integration of resource development strategies;
 - A schedule for the County's updating of the WUDP, which shall:
 - Outline the different stages and activities of the County's planning effort;
 - Indicate the approximate times and anticipated duration for public participation activities;
 - Indicate the approximate timeframe for County approval of the WUDP and submission of the WUDP to the Commission for adoption;

- A description on how information from the State Water Projects Plan and the Agricultural Water Use and Development Plan will be integrated and used in updating the WUDP.
- A facilitated public participation process involving the community, public interest groups, and government agencies involved in the preparation of the County WUDPs.
- Each County shall brief the Commission and its staff regarding any planned updates of the County WUDP; and
- Lastly, periodic milestone briefings to the Commission by the County shall also be required as part of the WUDP updating process.

In accordance with the State Water Code, all WUDPs shall include:

- Consistency with:
 - The Water Resource Protection Plan and Water Quality Plan;
 - County land use plans and policies; and
 - State land use classification and policies.
- The status of water and related land development including an inventory of existing water uses;
- Future land uses and related water needs;
- Regional plans for water developments including recommended and alternative plans, costs, and adequacy of plans;
- Consultation and careful evaluation of recommendations of concerned Federal, State and County agencies;
- Incorporation of the current and foreseeable development and use needs of the Department of Hawaiian Home Lands (DHHL); and
- Updating and modification of the WUDP as necessary to maintain consistency with its zoning and land use policies.

The statutory and Framework provisions described above set forth the minimum requirements for updating the WUDP component of the HWP, including the overall-planning framework that should be followed by the Counties in updating their respective WUDPs. The required elements are consistent with the goals and policy of the Water Code and the Commission's mandate to manage and protect the State's water resources. The envisioned outcomes, benefits, and products are directly supportive of the Commission's duties and responsibilities set forth in §174C-5, HRS, and the requirements of the HWP described in §174C-31, HRS.

ACT 170 SESSION LAWS OF HAWAI‘I (SLH) 2016

In 2016, Governor Ige signed into law Act 170, SLH 2016. This Act amends the Hawai‘i Water Plan section of the State Water Code to add an additional objective of utilizing reclaimed water for non-potable uses in 100% of all State and County facilities by December 31, 2045. Planning and budgeting for such an ambitious goal requires time and significant resources. Therefore, efforts should be made in the WUDP to discuss the feasibility of meeting the goals and intent of the Act.

COUNTY OF MAUI WATER USE AND DEVELOPMENT PLAN EFFORTS

The March 1990 Maui County Water Use and Development Plan was prepared by the County of Maui Department of Water Supply and Planning Department. The 1990 Plan was approved by County ordinance on October 19, 1990 and by the State Commission on Water Resource Management on November 14, 1990. The County ordinance named the County of Maui Department of Water Supply as the agency responsible for the Water Use and Development Plan. This initial county-wide plan included the islands of Maui, Moloka‘i, Lāna‘i and Kaho‘olawe. A draft update of the Maui County Water Use and Development Plan was prepared in 1992 for the individual islands in Maui County, but these island plans were never approved by the Commission. In August 2012 the Commission adopted the Lāna‘i Island Water Use and Development Plan. The March 2019 Maui Island Water Use and Development Plan Draft is currently undergoing the public review process. The 1990 Maui County Water Use and Development Plan remains in effect for all islands except for Lāna‘i.

MOLOKA‘I WATER USE AND DEVELOPMENT PLAN PROJECT DESCRIPTION

On March 30, 2021, the County of Maui Department of Water Supply (Maui DWS) submitted the *Proposal for: Water Use and Development Plan Update for the Island of Moloka‘i* (Project Description) to Commission staff, which describes their approach for updating the Moloka‘i Water Use and Development Plan. This document is attached as Exhibit 1. On April 20, 2021, Maui DWS gave an informational briefing to the Commission on the proposed process for updating the Water Use and Development Plan for the Island of Moloka‘i (<https://files.hawaii.gov/dlnr/cwrm/submittal/2021/sb20210420C2B.pdf>). Staff has evaluated the planning elements described in the Project Description and has determined that it meets the provisions and guidelines set forth in the State Water Code and the Commission’s Statewide Framework for Updating the Hawai‘i Water Plan.

For clarification, staff would like Maui DWS to also include the following items in the update process:

1. Discussion of applicability and feasibility of meeting the requirements of Act 170, Session Laws of Hawai‘i 2016;
2. Utilization of conservation strategies as a source option;
3. Categorization of demand scenarios according to the Commission’s hydrologic units;
4. Acknowledgement of the connection of ground and surface water resources where known; and
5. Incorporation of authorized planned use projections into the water demand analysis.

Staff expects that the efforts of the Maui DWS will result in development of a robust evaluation and assessment process, emphasizing the integration of various planning scenarios, and incorporating uncertainties, environmental externalities, and public needs into a strategic decision-making process.

Staff looks forward to the County's implementation of a comprehensive planning approach, which facilitates the development and regular updating of a WUDP that conforms to the intentions of the county land use plans. The WUDP should provide guidance for decision-making on water allocation requests, as well as guidance for the formulation of recommended and alternative strategies for resource development to meet future demand scenarios.

RECOMMENDATION

Staff recommends that the Commission approve the Project Description to update the Water Use and Development Plan for the Island of Moloka'i submitted by the County of Maui Department of Water Supply, with the inclusion of the following elements:

1. Discussion of applicability and feasibility of meeting the requirements of Act 170, SLH 2016;
2. Utilization of conservation strategies as a source option;
3. Categorization of demand scenarios according to the Commission's hydrologic units;
4. Acknowledgement of the connection of ground and surface water resources where known; and
5. Incorporation of authorized planned use projections into the water demand analysis.

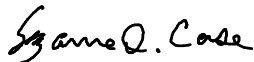
Ola i ka wai,



M. KALEO MANUEL
Deputy Director

Exhibit 1: Proposal For: Moloka'i Water Use and Development Plan Update for the Island of Moloka'i (Project Description)

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson