



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

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

February 15, 2022
Honolulu, O‘ahu

Delegation of Authority to the Chairperson to Modify Any Orders of the Commission in CCH-MA15-01, Surface Water Use Permit Applications, Integration of Appurtenant Rights and Amendments to the Interim Instream Flow Standards, Nā Wai ‘Ehā Surface Water Management Areas of Waihe‘e, Waiehu, ‘Īao and Waikapū Streams, Maui for the Purpose of Allowing for Implementation of the Decision and Order

SUMMARY OF REQUEST:

Delegation of Authority to the Chairperson to Modify Any Orders of the Commission for CCH-MA15-01, Surface Water User Permit Applications, Integration of Appurtenant Rights and Amendments to the Interim Instream Flow Standards, Nā Wai ‘Ehā Surface Water Management Areas of Waihe‘e, Waiehu, ‘Īao and Waikapū Streams, Maui for the purpose of implementation of the Commission’s Decision and Order.

BACKGROUND:

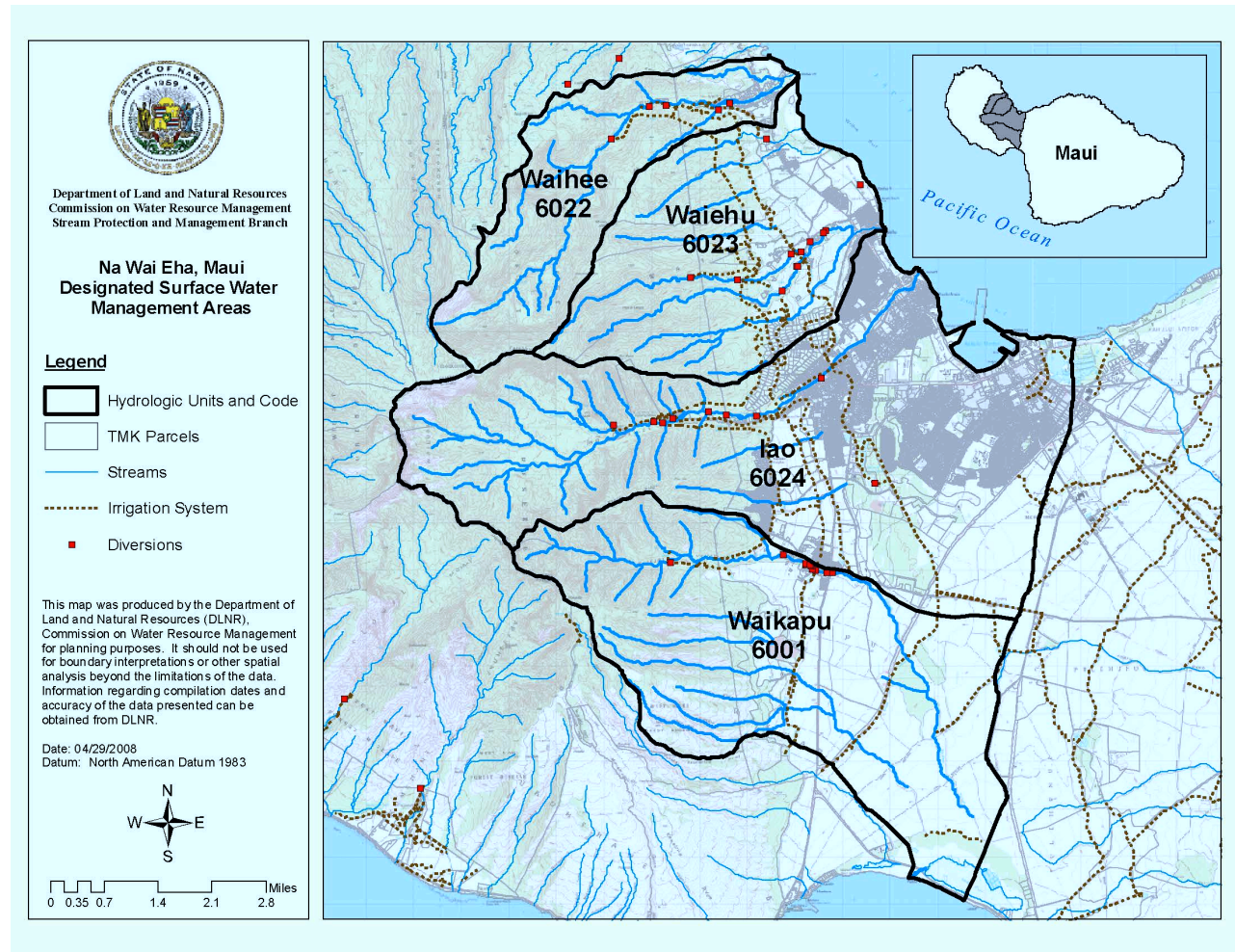
On June 28, 2021, the Commission on Water Resource Management issued its Findings of Fact, Conclusions of Law and Decision and Order in CCH-MA15-01 regarding permit applications resolving appurtenant rights, and consequent amendment to interim instream flow standards for the four streams of the Nā Wai ‘Ehā Surface Water Management Areas.

On June 30, 2021 the Commission on Water Resource Management issued an Errata to Findings of Fact, Conclusions of Law, and Decision and Order making specific revisions.

To avoid undue delay, staff recommends the Commission delegate to the Chairperson the express authority to implement and modify orders of the Commission specific to the CCH-MA15-01 to address matters requiring timely implementation and resolution, especially aside from matters which otherwise are limited by the Commission’s monthly meeting schedule.

LOCATION MAP:

Figure 1: Nā Wai ‘Ehā Surface Water Management Area



LEGAL AUTHORITY

Although the Final Decision and Order for this contested case is currently on appeal before the Hawai‘i Supreme Court in SCOT-21-0000581, the resultant order of the Commission in CCH-MA15-01 has not been stayed and as appropriate can be implemented and modified by the Commission.

RECOMMENDATION:

The staff recommendation is to:

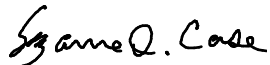
1. Delegate authority to the Chairperson to implement and/or modify the resultant orders of the Commission for CCH-MA15-01, Surface Water User Permit Applications, Integration of Appurtenant Rights and Amendments to the Interim Instream Flow Standards, Nā Wai 'Ehā Surface Water Management Areas of Waihe'e, Waiehu, 'Īao and Waikapū Streams, Maui, from the Commission's Decision and Order in the contested case for the purpose of implementing the intent and operation of the Decision and Order.
2. Report back to the Commission on any modifications the Chairperson makes.

Ola i ka wai,



M. KALEO MANUEL
Deputy Director

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson