

Frequently Asked Questions

What is an Instream Flow Standard (IFS)?

An instream flow standard (IFS) defines a quantity of flow of water or depth of water which is required to be present at a specific location in a stream at certain specified times of the year to protect fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses.

What is the Instream Flow Standard Assessment Report?

The Instream Flow Standard Assessment Report (IFSAR) is a compilation of the hydrology, instream uses, and noninstream uses related to a specific stream and its respective surface water hydrologic unit. Under the State Water Code (Code), Chapter 174C, Hawaii Revised Statutes, the Commission on Water Resource Management (Commission) has the responsibility of establishing instream flow standards on a stream-by-stream basis whenever necessary to protect the public interest in the waters of the State. The Commission has adopted a process by which interim instream flow standards will be developed based on “best available information” and assessed according to a more standardized methodology. The purpose of the IFSAR is to present the best available information for a given hydrologic unit. The IFSAR is also intended to act as a living document that should be updated and revised as necessary.

Why is the Commission focusing on amending (or revising) interim instream flow standards?

The Commission established interim IFS statewide in 1988 to retain the status quo and prevent future harm to streams, while recognizing the need for more scientifically-based standards to be developed. However, there are no simple answers to weighing competing water uses and the range of scientific unknowns. The Commission staff has thus embraced the need to develop measurable standards based on best available information. Measurable IFS are necessary for general planning purposes, to prevent, as the Supreme Court opined in Waiahole, “risking an ad hoc planning process driven by immediate demands.”

The Commission is working expeditiously to develop measurable interim IFS using a modified process. This process provides the opportunity for agency/public review and comment, while giving the Commission staff greater flexibility in developing more measurable standards statewide. This is particularly important should staff need to reevaluate an established interim IFS based upon new information resulting from returned flows to or additional diversions from a given stream. Conversely, modifications to permanent instream flow standards would require a lengthy notification and public hearing process.

What are the differences between interim and permanent instream flow standards?

There are four key differences between interim and permanent IFS: 1) Only the Commission, on its own motion, may initiate the establishment of a permanent IFS, whereas anyone, with proper standing, may petition for the amendment of an interim IFS; 2) A Notice of Intent must be issued for a permanent IFS, where none is required for interim IFS; 3) The Commission is required to consult with various other agencies as part of its investigation for a permanent IFS; and 4) the Commission must give notice and hold a public hearing on the proposed permanent IFS.

In regards to the setting of permanent IFS, only the Commission may initially establish a permanent IFS, but once it's been established anyone with proper standing may petition to amend the standard. Hence, the fundamental difference between the two is simply the public hearing process.

What is the purpose of the public fact gathering meeting?

As described above, the Commission is focused on developing measurable interim IFS based upon best available information. However, the interim IFS process defined by the Code does not provide for agency review and public hearings. The Commission believed that a public process was necessary to ensure that stream management decisions were based on best available information, including any additional information that the public could provide. The purpose of the public fact gathering meeting is to inform the public of the interim IFS process and solicit information from all interested people that may be affected by such water management decisions. The public fact gathering meeting will generally be conducted within, or near, the affected area whenever possible.

What are the current interim instream flow standards?

The current interim IFS are status quo, effectively setting the standards as that amount of water flowing in each stream on the effective date of each respective standard. For most streams, the interim IFS have not been amended, with the exception of individual streams amended on a case-by-case basis and those streams related to the Waiahole Combined Contested Case Hearing.

Why is surface water so difficult to assess?

The diversion of surface water is a convenient and low-cost source as opposed to the more costly alternative of ground water which generally requires drilling a well and installing a pump to bring it to the surface. This convenience results in a wide variety of diversion structures from hand-built rock walls and PVC pipes, to large concrete structures with systems that can carry water for miles. In addition, surface water users vary widely, from the homeowner diverting water to feed their koi pond, and the small farmer growing a few crops, on up to the large-scale agricultural operations.

The inherent nature of surface water is another factor, since streams react directly to heavy rainfall and drought. Quantification of streamflow is made more difficult by constantly changing conditions, such as flood flows that drastically alter the stream channel. The combination of all these factors, along with the unique characteristics of each stream, increases the complexity of regulation, and requires the Commission to assess issues on a case-by-case basis.

Why are the Commission's efforts focused on Maui?

On one hand, the “squeaky wheel gets the grease.” Petitions to amend the interim IFS have been filed for 27 streams on East Maui, four streams in Central Maui, and two streams in West Maui. No other petitions, for the sole purpose of amending the interim IFS, have been filed. On the other hand, a multitude of issues including Maui’s burgeoning population, changing water use practices of many former large-scale agricultural operations, and the presence of the State’s largest remaining sugar operation, have pushed competing demands on surface water use to the forefront.

Where can I review the public review drafts of the IFSAR?

The public review drafts of the IFSAR are available online on the CWRM website: <http://www.hawaii.gov/dlnr/cwr/>. They may also be reviewed at the CWRM office at the Kalanimoku Building, Room 227, 1151 Punchbowl Street in Honolulu or at the following locations on Maui:

Hawaii State Public Library System Libraries in Hana, Kahului, and Wailuku
Maui Community College Library

How do I submit my comments on the public review drafts of the IFSAR?

All interested persons are urged to attend the public fact gathering meeting and submit comments, orally or in writing. The Commission will continue to accept comments until June 10, 2008. Comments can be submitted in the following ways:

Mail: Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809.

Facsimile: (808) 587-0219

E-mail: dlnr.cwr@hawaii.gov

For more information

You may contact the Commission on Water Resource Management, Stream Protection and Management Branch at (808) 587-0214 with questions regarding the drafts IFSAR or the public fact gathering meeting. You may also access information on the agency’s programs via the CWRM website: <http://www.hawaii.gov/dlnr/cwr/>.