

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

IN RE: ) HA - WMA 2013-1  
)  
UNITED STATES NATIONAL PARK ) PRELIMINARY ORDER  
SERVICE PETITION TO DESIGNATE )  
THE KEAUHOU AQUIFER SYSTEM, )  
KAILUA-KONA, HAWAII AS A GROUND )  
WATER MANAGEMENT AREA )

**PETITION TO DESIGNATE  
KEAUHOU AQUIFER SYSTEM AREA, KAILUA-KONA, HAWAII  
(STATE AQUIFER CODE 80901)  
AS A GROUND WATER MANAGEMENT AREA**

**PRELIMINARY ORDER  
(December 10, 2014 Meeting)**

**DECEMBER 29, 2014**

## **A. BACKGROUND**

On September 13, 2013, the United States National Park Service (“NPS”) (Tammy A. Duchesne, Superintendent, Kaloko-Honokohau National Park) submitted a petition to the Commission on Water Resource Management (“Commission”) to designate the Keauhou Aquifer System Area, Kailua-Kona, Island of Hawaii as ground water management area under the Hawaii Water Code (“Water Code”), Hawaii Revised Statutes (“Haw. Rev. Stat.”) chapter 174C, Part IV Regulation of Water Use.

On October 16, 2013, the Commission voted to extend the time period from November 20, 2013 to December 31, 2014 in order to undertake further “scientific investigations and study” that would provide a better factual basis on which to decide whether to continue the process for designation.

Immediately thereafter, The Commission directed its staff to investigate the Keauhou Aquifer System Area, Kailua-Kona, Hawaii for possible designation as a ground water management area and begin preparation of the Preliminary Findings of Fact pursuant to the requirements of the Hawaii Water Code, Haw. Rev. Stat. chapter 174C, Part IV Regulation of Water Use. The Commission staff began to monitor the progress of technical studies and other information, including articles and individual testimony. Commission staff attended public forums, received technical information on the scientific and other issues, and sought technical information on the subject.

On September 17, 2014 and October 9, 2014 the Commission made site visits and held informational meetings in Kailua-Kona to become familiar with the conditions in Keauhou and to receive information from experts, government officials, and individuals with special knowledge of the area.

On November 19, 2014, the Commission received additional information from the Hawaii County Planning Department and Hawaii Department of Water Supply (“HDWS”) regarding projected water demand, “authorized planned uses” of water, County-approved projects, and planned land use developments.

**B. DECEMBER 10, 2014 MEETING**

On December 10, 2014, the Commission held a public meeting at the West Hawaii Civic Center, Kailua-Kona, to review the Preliminary Findings of Fact (“FOF”) and to hear public testimony. The Commission staff made a presentation of the preliminary findings. The Commission then heard and received testimony from the County of Hawaii Mayor, National Park Service representatives, County of Hawaii Department of Water Supply and Hawaii County Planning Department representatives, the United States Geological Survey, and more than 170 members of the public. The testimony was informed, fairly presented, and well received. Seventy people signed up to testify. More than forty (40) people actually spoke. Everyone who asked to testify was given time and did so.

Following nearly nine and one half (9.5) hours of testimony, the Commission deliberated in an open meeting for more than one hour.

Based upon more than fourteen (14) months of investigations, two day-long site visits by the Commission to the Keauhou Aquifer System Area, numerous scientific reports and studies, meetings with both public and private hydrologic experts, many (and repeated) consultations with federal, state, and county officials and departments (all outlined in the Preliminary Findings of Fact and included through the web links provided on the Commission website <http://dlnr.hawaii.gov/cwrm/groundwater/activities/keauhou/>), and after public

meetings and deliberations, the Commission made the following decision and preliminary order:

**C. PRELIMINARY RECOMMENDATIONS AND BENCHMARKS**

In light of the record and proceedings to date, and the Preliminary Findings of Fact, the Commission extends the investigation and study period to a date no later than May 30, 2015. Prior to the May 30, 2015 date, there are a series of benchmarks that are to be met.

Commissioner Buck made three recommendations. Commissioner Starr amended, expanded, and clarified the recommendations, which are clarified and broken into subparts as follows:

1. The purpose of the time extension to May 30, 2015 is to allow some of the important and ongoing hydrologic studies of the area to be completed and/or analyzed.
2. The Commission specifically requests that the County of Hawaii submit a revised project description and revised scope of work by January 15, 2015 for the proposed revision to the County of Hawaii's Water Use and Development Plan ("WUDP") that will include the considerations discussed in these proceedings. The Commission staff will provide comments back to the County by February 1, 2015. The County will then provide a draft of the revised WUDP to the Commission by May 15, 2015.
3. The National Park Service (Kaloko-Honokohau National Historical Park) is requested to provide specific information to the Commission about:
  - a) The quantity of ground water needed to support 1) natural resources, and 2) cultural resources of the Kaloko-Honokohau National Historical Park.
  - b) Specific traditional and customary practices that are exercised in the Kaloko-Honokohau National Historical Park.

c) How NPS manages traditional and customary practices in the Kaloko-Honokohau National Historical Park.

4. The County of Hawaii is requested to create a scope, timeline, and funding methodology for an infrastructure improvement plan to alleviate existing source, chloride, transmission, storage, and well interaction issues in the Keauhou Aquifer System Area and submit it to the Commission by May 30, 2015.
5. The County of Hawaii and the National Park Service (at Kaloko-Honokohau National Historical Park) (with the participation of the Commission staff) are requested to meet and, in good faith, explore and negotiate alternative paths of action, other than ground water designation of the Keauhou aquifer to address the issues in these proceedings. The Commission requests that both the County and the National Park Service report back to the Commission on the status of the discussions not later than Monday, May 4, 2015, to provide the Commission sufficient time to evaluate the situation.
6. While the negotiations between the County of Hawaii and the National Park Service proceed, the County is requested to refine its projected water demands and “authorized planned uses” by working with the Commission staff to clarify the methodology used under different scenarios.
7. The County of Hawaii, the National Park Service, and members of the public are requested to submit any additional information they believe important regarding the petition to the Commission by January 30, 2015 in order for it to receive full consideration.

**D. ACTION**

At the December 10, 2014 Commission meeting in Keauhou, Kona, Hawaii, Commissioner Buck moved to approve the recommendations, as amended by Commissioner Starr. The amended motion was adopted 5-0-1. Chair Aila and Commissioners Antolini, Beamer, Buck, Starr voted in the affirmative; Commissioner Pavao abstained. That Motion as further clarified in the above text is hereby adopted and ordered by the Commission.

This Preliminary Order continues the scientific investigation and study period under the Water Code, and is not a decision on the merits of the Petition.

This Order may be approved in counterparts.

APPROVED AND SO ORDERED. December 29, 2014

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Jonathan Starr

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Denise Antolini

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Department of Health Director

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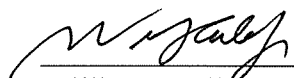
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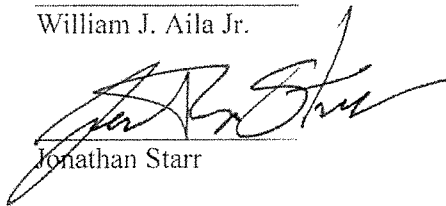
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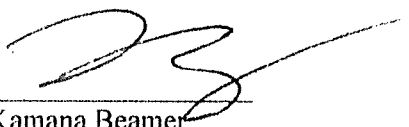
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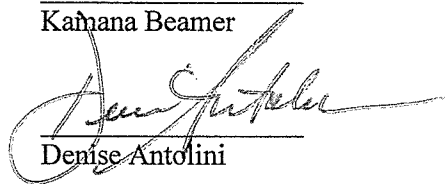
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