



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P.O. BOX 621 HONOLULU, HAWAII 96809

**AGENDA
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: September 20, 2022
TIME: 9:00 am
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor
& Online via Zoom / Meeting ID: 865 1822 6020
/ passcode: 697583

Board members, staff, applicants, and testifiers can choose to participate either in person, via ZOOM or by telephone. The public may view the meeting via its live stream at: <https://www.youtube.com/user/dlnrcwrm/>

To Provide Written Testimony:

We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Commissioners prior to the meeting and ensure a timely review. Please submit written testimony via email to: raeann.p.hyatt@hawaii.gov or to: dlnr.cwrm@hawaii.gov. Written testimonies may also be mailed to: P.O. Box 621, Honolulu, Hawaii 96809. Written testimonies may be posted upon the Commission on Water Resource Management website; as a precaution, please be mindful with any personal information prior to submitting unless you intend it to be shared. Late written testimony will be retained as part of the record and distributed to Commissioners as soon as practicable, but we cannot ensure the Commission will receive it in sufficient time to review, prior to decision-making.

To Provide In-Person Oral Testimony (masks are encouraged):

Attend in-person at: 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii

To provide video/Zoom testimony: *Send your request to the Commission Secretary in a timely manner to: raeann.p.hyatt@hawaii.gov with your information, email address, and the agenda item you wish to testify on. Once your request has been received, you will receive a confirmation email with pertinent information.*

To provide Testimony by Telephone - *on the day of the meeting at the start of the agenda item you wish to testify on, dial: 1-669-900-6833 (Zoom); input the meeting ID & passcode and follow the prompts.*

Note: All phone in and day of requests depends on whether they can be accommodated in sufficient time before the item has been addressed by the Commission; kindly note that due to meeting constraints only timely testimony can be addressed.

We kindly ask that all oral/video testimony be limited to not more than three (3) minutes.

A. APPROVAL OF MINUTES

August 16, 2022

B. ACTION ITEMS

1. Authorize the Chairperson to Enter into a Memorandum of Understanding (MOU) with the Hawai'i Public Utilities Commission to Encourage Information Sharing and Collaboration Between the Agencies and Delegate to the Chairperson to Finalize MOU and Make Non-Substantial Edits as Appropriate
2. Approval of Stream Diversion Works Permit Application (SDWP.5895.6) Hui o Nā Wai 'Ehā (Applicant) and Michael and Dana Pastula (Landowner) to Reestablish the North Waihe'e 'Auwai by Reconstruction of a Rockwall to Divert 1,392,326 gpd for Previously Approved Surface Water Use Permits and Find that a Petition to Amend the Interim Instream Flow Standard is Not Required; Waihe'e Stream, Waihe'e Surface Water Management Area, Maui, TMK: (2) 3-2-004:001
3. Approval of Stream Diversion Works Permit (SDWP.5804.6) Application and Special Conditions to Abandon Registration of Stream Diversion Works and Declaration of Water Use No. 475.6, North Waiehu Ditch Intake by the Wailuku Water Co., LLC and Find that SDWP.5804.6 is Exempt from Hawaii Revised Statutes, Chapter 343 North Waiehu Stream, Waiehu Surface Water Management Area, Maui, Tax Map Key: (2) 3-2-014:001
4. Approval of Stream Diversion Works Permit (SDWP.5805.6) Application and Special Conditions to Abandon Registration of Stream Diversion Works and Declaration of Water Use No. 1184.6, Kama Ditch Intake by the Wailuku Water Co., LLC. Wailuku River, 'Īao Surface Water Management Area, Maui, Tax Map Key: (2) 3-3-018:002
5. Approval of Stream Diversion Works Permit Application (SDWP.5806.6) and Special Conditions to Abandon Registration of Stream Diversion Works and Declaration of Water Use No. 1280.6, Everett Ditch Intake by the Wailuku Water Co., LLC and Find that SDWP.5806.6 is Exempt from Hawaii Revised Statutes, Chapter 343, Waikapū Stream, Waikapū Surface Water Management Area, Maui, Tax Map Key: (2) 3-5-003:001
6. Approval of Stream Diversion Works Permit Application (SDWP.5807.6) and Special Conditions to Abandon Registration of Stream Diversion Works and Declaration of Water Use No. 1186.6, Reservoir 6 Intake by the Wailuku Water Co., LLC, Waikapū Stream, Waikapū Surface Water Management Area, Maui, Tax Map Key: (2) 3-5-011:049

C. NON-ACTION ITEMS / INFORMATIONAL BRIEFINGS

1. Proposed Interim Instream Flow Standard for Huelo Streams & Department of Hawaiian Home Lands Reservation, East Maui
2. Update on the Mediation Agreement for the Waimea Watershed Area, dated and signed April 18, 2017 (re: Pō'ai Wai Ola/West Kaua'i Watershed Alliance's Combined Petition to Amend the Interim Instream Flow Standards for Waimea River and its Headwaters and Tributaries, and the Complaint and Petition for Declaratory Order Against Waste, for Waimea; Island of Kaua'i, State of Hawai'i)

D. RED HILL ITEMS

1. CWRM Staff Updates on Timeframe for Water Use Permit Modification Process and Enforcement Recommendations (*For Information Only*)
2. Presentation by Department of Health on Geology of Red Hill Area, O'ahu
3. Update by University of Hawai'i Water Resource Research Center on Hālawā (O'ahu) Stream Survey, Analytical Capacities, and Collaboration

E. COMMISSION MEETING SCHEDULE (*tentative*)

October 18, 2022 (Tuesday)

November 15, 2022 (Tuesday)

NOTE: Items may be taken out of order and will be announced at the start of the meeting

The Commission may go into Executive Session pursuant to 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

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Materials related to items on this agenda are available for review at our office at 1151 Punchbowl Street, Room 227, and will also be available at the meeting.

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In some of the matters before the Commission, a person may wish to request a contested case hearing. If such a request is made before the Commission's decision, then the Commission will consider the request first before considering the merits of the item before it. A person who wants a contested case may also wait until the Commission decides the issue, then request the contested case after the decision, it is up to you. Any request must be made orally by the end of the meeting and followed up in writing within ten days. If no request for contested case is made, the Commission will make a decision. The Department will treat the decision as final and proceed accordingly.

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If you need an auxiliary aid/service or other accommodation due to a disability, contact the Commission Secretary at: 808-587-0214 and dlnr.cwrn@hawaii.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.