



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: November 15, 2022
TIME: 9:00 am
PLACE: DLNR-CWRM Conference Room (*limited capacity*)
*1151 Punchbowl Street, Rm. 227 / and Online via Zoom
Meeting ID: 857 7243 8936 / passcode: 477087

Board members, staff, applicants, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone. The public may also view the live 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 highly encouraged):

*Attend in-person at: 1151 Punchbowl St., Room 227 (Kalanimoku Building), Honolulu, Hawaii *(enter through the basement level in the parking garage, blue section)-CWRM located on the 2nd floor*

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

October 18, 2022

B. ACTION ITEMS

1. Approval of Stream Channel Alteration Permit Application (SCAP.5927.3) State of Hawai‘i, Department of Agriculture Spillway Rehabilitation and Vegetation Clearing at the Decommissioned Tai Lee Reservoir, Kahawai Stream, Waimānalo, O‘ahu, TMK: (1) 4-1-024:068
2. Approval of Stream Channel Alteration Permit Application (SCAP.5933.6) County of Maui, Department of Public Works, Kaupakalua Road Culvert Repair, Opaepilau Stream, Ha‘ikū, Maui, TMK: (2) 2-7-013:097
3. Approval of Stream Channel Alteration Permit Application (SCAP.5909.6) County of Maui, Repair and Installation of New Revetment Levee 27, Wailuku River, ‘Īao Surface Water Management Area, Maui, TMK: (2) 3-4-020:075; 3-4-030:888 Parcel C; 3-4-032:001; and Imi Kala Street and Eha Street (no TMK)
4. Approval of Stream Channel Alteration Permit Application (SCAP.5926.6) Phase 1 Repair, conducted under an Emergency Authorization (EA.5849.6), and Approval of Stream Channel Alteration Permit Application (SCAP.5914.6) Phase 2 Modification Wailuku Water Company, Waihee Ditch Siphon Repair and Modification, Wailuku River, ‘Īao Surface Water Management Area, Maui, TMK: (2) 3-3-018:002
5. Address the Petition to Amend Instream Flow Standards (PAIFS.5784.6) by Amending the Interim Instream Flow Standards and Reserving a Portion of the Flow for the Department of Hawaiian Home Lands for the Huelo-Region Surface Water Hydrologic Units of Ho‘olawa (6035), Waipi‘o (6036), Hoalua (6038), Hanawana (6039), Kailua (6040), Naililihale (6041), Puchu (6042), ‘O‘opuola (6043), Ka‘aiea (6044), Punalu‘u (6045), Kōlea (6046), East Maui
6. Reservation of Non-potable Water for the Department of Hawaiian Home Lands From East Maui Streams in the Nāhiku, Ke‘anae and Honomanū Regions and Amend Interim Instream Flow Standards For the Surface Water Hydrologic Units Of Waikamoi (6047), Honomanū (6051), Nua‘ailua (6052), West Wailuaiki (6057), Waiohue (6060), East Maui
7. Approval of Well Construction and Pump Installation Application with Special Conditions for HWC-1 (State Well No. 8-1128-003) and HWC-2 (State Well No. 8-1128-004) to Water Resources International, Inc., TMK (3) 9-6-002:016, Nā‘ālehu Aquifer System Area, Hawai‘i
8. Find that Olowalu Water Company, LLC, Owner and Operator of Diversion 961 Violated the Interim Instream Flow Standard on Olowalu Stream, and Accept Alternative Settlement in Lieu of the Total Estimated Fines and Order Modifications to Diversion 961, Olowalu Surface Water Hydrologic Unit, Lahaina, Maui

9. Find that Patrick and Naomi Guth (Guth Farms), Applicant Violated Section 174C-93, HRS and Section 13-168-32, HAR Construction of a Stream Diversion Works Without a Permit, Find that No Fine be Imposed on the Applicant, Approve the After-The-Fact Stream Diversion Works Permit (SDWP.5508.6) Application, Kahoma Stream, Lahaina, Maui, Tax Map Key (2) 4-5-016:888 and 4-5-017:888 (Stream) and, 4-5-017:005 and 007 (End Use)

10. Approval of the Stream Diversion Works Permit (SDWP.5889.6) Application and Surface Water Use Permit (SWUP.5848.6) Application for New Uses, Thomas Bashaw, for New Diversified Agriculture, Irrigation, and Domestic Use for 4,450 gpd Wailuku River, ‘Āao Surface Water Management Area, Maui, TMK: (2) 3-3-018:007

AND

Request Approval of Standard Surface Water Use Permit Conditions for New and Existing Uses

11. Approve Implementation Actions to Provide Water to Mary Ann Velez (Higa) (SWUPAs 2241/2242N), Jordanela Ciotti (SWUPAs 2247/2248N), and Greg Ibara (SWUPAs 2245/2246N) on the Wailuku Town Kuleana ‘Auwai, Nā Wai ‘Ehā Surface Water Management Area, Wailuku, Maui

C. ANNOUNCEMENTS

1. Water Resilience in Hawai‘i Conference – October 28, 2022
2. Native Hawaiian Law Training Course for Decisionmakers – December 5 & 12, 2022

D. COMMISSION MEETING SCHEDULE (*tentative*)

December 20, 2022 (Tuesday)
January 17, 2023 (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.