



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO
P.O. BOX 621
HONOLULU, HAWAII 96809

AGENDA
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: March 21, 2023
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom
Meeting ID: 834 0987 2314 / passcode: 075513

This meeting will be held using interactive conference technology under section 92-3.7, Haw. Rev. Stat. Commission 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 to allow Commissioners time to review prior to the meeting. Please submit written testimony via email to: nadine.h.pomroy@hawaii.gov or to: dlnr.cwrm@hawaii.gov or via mail at: P.O. Box 621, Honolulu, Hawaii 96809. Written testimonies may be posted upon the Commission on Water Resource Management website; so please be mindful that any personal information submitted may 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 132 (Kalanimoku Building), Honolulu, Hawaii

To provide video/Zoom testimony: Send your request in a timely manner to:

nadine.h.pomroy@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 depend 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. Although not required, we ask that you identify yourself and affiliation, if any.

A. APPROVAL OF MINUTES

January 24, 2023

B. NON-ACTION ITEMS / INFORMATIONAL BRIEFINGS

1. Briefing on the Adoption of the Maui Island Water Use and Development Plan Update
2. Executive Session to Discuss Constitutional Public Trust Obligations and Legal Authorities of the Commission on Water Resource Management Related to the Response to the Red Hill Contamination Crisis

C. ACTION ITEM

1. 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; and Approve the After-The-Fact Stream Diversion Works Permit Application (SDWP.5508.6), Kahoma Stream, Lahaina, Maui, Tax Map Key (2) 4-5-016:888 and 4-5-017:888 (Stream) and 4-5-016:009, 4-5-017:005 and 007 (End Use)
2. Approval of Stream Channel Alteration Permit Application (SCAP.5955.3) and Special Conditions to State of Hawai'i, Department of Transportation, Bridge Widening and H-1 Eastbound Highway Improvements, Kalihi Stream, Kalihi, O'ahu, Tax Map Key no.: (1) 1-3-002:044 (west bank); no TMK (east bank)

D. COMMISSION MEETING SCHEDULE (*tentative*)

April 18, 2023 (Tuesday)

May 16, 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.cwrmm@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.

Please refer to the CWRM website for complete submittals at: <http://dlnr.hawaii.gov/cwrmm/newsevents/meetings/>