



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA
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: April 21, 2026
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, Room 132
Honolulu, Hawai'i 96813
Online via Zoom, Meeting ID 827 4187 1333
<https://us06web.zoom.us/j/82741871333>

This meeting will be held using interactive conference technology under Section 92-3.7, Hawaii Revised Statutes (HRS). 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/@dlnrcwrm/streams>

To Provide Written Testimony

We encourage interested persons to submit written testimony in advance, which will be distributed to Commissioners prior to the meeting and allow a timely review. **Please submit written testimony via email to: CWRM.testimony@hawaii.gov.** Testimony can also be mailed to P.O. Box 621, Honolulu, Hawai'i 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

Attend in-person at: 1151 Punchbowl St., Room 132 (Kalanimoku Building), Honolulu, Hawai'i 96813.

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 (719) 359-4580; input the meeting ID and follow the prompts. Enter *6 to mute/unmute; *9 to raise/lower hand.

To Provide Video/Zoom Testimony

Please send your request in a timely manner to CWRM.testimony@hawaii.gov, indicating the agenda item on which you wish to testify. Once your request has been received, a confirmation email containing pertinent information will be sent. We appreciate advance notification if you plan to testify; however, advance sign-up is not required.

If you are attending virtually via Zoom and wish to provide oral testimony:

1. When you sign in on Zoom, please include your first and last name and the number of the agenda item you wish to testify on; and
2. When the Chair calls for testimony on your agenda item, please use the “RAISE HAND” feature in Zoom and wait for your name to be called. If you need to step away from the meeting, please lower your hand and raise it again when you return so that you may be called upon.

*We kindly ask that all oral/video testimony be limited to not more than two (2) minutes.
We also ask that you identify yourself and any affiliation before speaking,
but you can choose not to do so.*

A. APPROVAL OF MINUTES

1. November 10, 2025 Limited Meeting at He'eia, O'ahu
2. February 24, 2026

B. ACTION ITEM

1. Stream Protection & Management Branch –
 - (a) Amend the October 19, 2021 Commission Order Requiring Modifications to Honokōhau Ditch and Diversion 770 by Maui Land & Pineapple Co. (MLP), Owner of Diversion 770, to Restore the Requirements Originally Ordered by the Commission on November 20, 2019; Honokōhau Stream, Honokōhau Surface Water Hydrologic Unit (6014), Honokōhau, Maui; TMK: (2) 4-1-010-017;
 - (b) Find that MLP has Completed the Necessary Improvements to the Intake of Diversion 770 Providing for Remote Operation of the Control Gates to Regulate the Amount of Flow Diverted from the Stream, as Ordered by the Commission on November 20, 2019; Honokōhau Surface Water Hydrologic Unit (6014), Honokōhau, Maui; TMK: (2) 4-1-010-017; and
 - (c) Deny as Moot the Petition Requesting a Public Hearing to Adjudicate the Violations Contained in the October 8, 2025, Notice of Alleged Violation, Interim Instream Flow Standard and Failure to Follow Through with Commission Order from November 20, 2019, Honokōhau Stream, Honokōhau, Maui, Ref.: CDR.5095.6, Issued to Maui Land & Pineapple Co. filed by Larrick Kapule Eubank, Cooper Pitts, Gary W. Grube, and TY Management Corporation, a Hawai'i Corporation

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

C. NON-ACTION ITEMS / INFORMATIONAL BRIEFINGS

1. Kekaha Agriculture Association – Update Regarding Implementation of the Mediation Agreement for the Waimea Watershed Area dated April 18, 2017, Waiakōali, Kawaikōi, Kauaikinanā, Kōke'e Streams, Waimea, Kaua'i; Stipulation and Agreement Between the Parties to the April 18, 2017 Waimea Watershed Agreement, as Approved by the Commission on Water Resource Management on October 31, 2024; and Status of Kōke'e Ditch Diversion Modifications and Installation of Monitoring Stations at Waiakōali (Div. 620), Kawaikōi (Div. 616), Kauaikinanā (Div. 607), and Kōke'e (Div. 622) Streams; TMK: (4) 1-4-001:003 and 013

2. Briefing by Deputy Director – Tracked State Legislation Related to the Commission on Water Resource Management for the 2026 Legislative Session
 - i. **HB0306 HD2 SD1 — RELATING TO STATE WATER CODE PENALTIES.**

Adds a minimum penalty and maximum penalty per violation of the State Water Code and authorizes the Commission on Water Resource Management to consider each day that a violation exists or continues to exist a separate offense. Establishes factors the CWRM must consider when determining the amount of the penalty. Increases maximum fines every five years from 2030 to 2045. Effective 7/1/2040. (SD1)
 - ii. **HB0510 HD1 SD2 — RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY.**

Amends the conditions, manner, and areas in which the Commission on Water Resource Management can declare and provide notice of water shortages and emergencies. Limits the duration of a water shortage declaration to ninety days. Limits water usage restrictions imposed on a permittee or owner and operator to twenty per cent of the permittee's or owner and operator's last reported monthly use. Requires CWRM to maintain a list of names and postal or email addresses of persons who request notification of a water shortage declaration and send them a copy of a notice of a water shortage declaration whenever a water shortage is declared. Effective 7/1/2040. (SD2)
 - iii. **HB1728 — RELATING TO RAINWATER CATCHMENT SYSTEMS.**

Requires the counties to allow for the installation and operation of rainwater catchment systems for potable and non-potable uses on all properties. Authorizes the counties to regulate and enforce standards for the use of rainwater catchment systems.
 - iv. **HB1800 — RELATING TO THE STATE BUDGET.**

Adjusts and requests appropriations for fiscal biennium 2025-2027 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.
 - v. **HB2325 — RELATING TO CIVIL SERVICE EXEMPT POSITIONS WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES.**

Exempts certain positions within the State Historic Preservation Division and Commission on Water Resource Management within the Department of Land and Natural Resources from the state civil service law.
 - vi. **SB2002 — RELATING TO WATER.**

Allows the Commission on Water Resource Management to retain independent counsel. Repeals the First Deputy to the Chairperson of

CWRM. Establishes the Executive Director of the CWRM. Administratively attaches the CWRM to the Department of Land and Natural Resources. Authorizes members of CWRM to be eligible to serve as chairperson. Requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members ineligible to serve as chairperson. Adds one member to the nominating committee for CWRM, to be appointed by the Chief Executive Officer of the Office of Hawaiian Affairs. Authorizes entities to whom an emergency order is directed to challenge the order under certain conditions. Clarifies the notification requirements and contents of declarations of water shortages. Establishes fines. Makes conforming amendments.

vii. **SB2022 — RELATING TO STATE WATER CODE PENALTIES.**

Adds a minimum penalty and maximum penalty per violation of the State Water Code and authorizes the Commission on Water Resource Management to consider each day that a violation exists or continues to exist a separate offense. Establishes factors the CWRM must consider when determining the amount of the penalty. Increases maximum fines every five years from 2031 to 2046.

viii. **SB2921 — RELATING TO STATE FUNDS.**

Transfers to the general fund the excess balances of various non-general funds and programs.

D. ANNOUNCEMENTS

1. Deputy Director – Status Update on the Processing of Water Use Permit Applications for the Lahaina Surface and Ground Water Management Area

E. COMMISSION MEETING SCHEDULE (*Tentative*)

1. May 19, 2026 (Tuesday)
2. June 16, 2026 (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 Section 92-5(a)(4), Hawaii Revised Statutes, 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. The

agenda and the listed submittals will be provided in the board packet if one is made.

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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, but before the close of the Commission meeting. Any request must also be made in writing within ten calendar days. If no request for contested case is made, the Commission will make a decision. The Commission 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 or dlnr.cwrm@hawaii.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this agenda is available in alternate/accessible formats

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