

COMMISSION ON WATER RESOURCE MANAGEMENT CASE NO. CCH-MA1301

JOHN BLUMER-BUELL, Hana, Hawaii, Email blubu@hawaii.rr.com Telephone 808-248-8972
POSSIBLE WITNESS CALLED AT THE DISCRETION OF HEARING OFFICER DR. LARRY MIIKE
POSSIBLE WITNESS FOR JEFFREY C. PAISNER

December 29, 2014

SUBJECT: STATEMENT & EXHIBITS regarding Makapipi Stream (Hydrologic Unit 6065) and Hanawi Stream (Hydrologic Unit 6064).

Aloha Hearing Officer Miike and Members of the State Commission on Water Resource Management,

The information and exhibits I offer for your consideration are particularly important to the East-Maui Community. The information is brought to your attention for consideration within the “big picture” and long-term context of the problems you are meeting to resolve.

I expect the Native Hawaiian Legal Corporation and Maui Tomorrow to raise the primary issues of importance to this case. As you know, the State of Hawaii has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people. And, all public natural resources are held in trust by the State of Hawaii. Clearly, the public trust is not intended for the benefit of private for-profit corporations.

While some issues I raise may not be your primary concerns, I bring them forth for your consideration on behalf of the long-term interests of the community. All of the issues have relevance to the long-term use of Makapipi Stream, Hanawi Stream, and the connected watershed resources.

The 1994 Hana Community Plan states, “Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”. After more than a hundred years of conflict, it is unacceptable that the issues before you have not been resolved according to what is morally right, fair, lawful and pono. The issues include the desecration of the Hawaiian people, Hawaiian culture and our God-given environment. Truly, justice delayed is justice denied.

The issues are before you. "Not to know is bad. Not to want to know is worse. Not to hope is unthinkable. Not to care is unforgivable." - Nigerian saying.

DISCUSSION AND RELEVANCE OF EXHIBITS H 1-9

Exhibit H1: 1994 Hana Community Plan. Ordinance No. 2347, Effective July 1, 1994.

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- a) Page 15 states in part, “Ensure that groundwater and surface water resources are preserved and maintained at capacities and levels to meet the current and future domestic, agricultural, commercial, ecological and traditional cultural demands of each area in the Hana District”.
- b) Page 16 states in part, “Explore methods to diminish out-of-district diversions of the district’s groundwater and/or surface water resources in order to meet current and future domestic, agricultural, commercial, ecological, and traditional cultural needs within the district”.
- c) Page 22 states in part, “Improve water source and delivery facilities to ensure that water supplied to the region’s residents and visitors is of the highest quality”. And, “Identify water service area expansion needs in the Hana region”.
- d) Page 23 states in part, “Provide municipal water service to Kipahulu and **Upper Nahiku**” (my emphasis).
- e) On page 24 under PHYSICAL INFRASTRUCTURE the plan states in part, “Prepare a domestic water system master plan and a wastewater master plan for the Hana region”.

The plan has not, yet, been prepared. The plan would likely and logically propose use of the Makapipi Stream watershed, Kuhiwa well and/or the “Betsill well” in Nahiku for municipal water service to Upper Nahiku.

I respectfully request you to “reserve” water for future municipal water service in Nahiku and other anticipated future water uses in the Hana Community Plan District now, without further delays. In the best interests of the East-Maui and the Nahiku Community I request you to fully restore stream flow in Makapipi Stream.

Exhibit H2: State of Hawaii Commission on Water Resource Management, MA-CC-91-1, “Findings of Fact, Conclusions of Law and Decision and Order, dated October 2, 1991. In Re Application of MAUI PINEAPPLE COMPANY, LTD., Pump Installation Permit, Kuhiwa, Nahiku, Maui, Hawaii”.

I included Exhibit H2 because there is a great deal of relevant and valuable information regarding Makapipi and Hanawi Streams. The “unnamed stream” between Makapipi and Hanawi Streams, is not one of the streams under consideration. However, it is hydrologically very closely related and important. Big Spring adjoins and flows into Hanawi Stream. Big Spring is truly a miraculous part of the gift of water from which Hanawi Stream benefits and survives. Big Spring needs to be regularly monitored and fully protected. Hanawi Stream is documented as an outstanding stream. However, there is often little to no water flowing from mauka of the Hanawi Bridge to makai of the bridge. Stream flow in Hanawi needs to be restored so there is continuous flow from mauka to makai. I cannot overstate the need to regularly monitor and protect Big Spring.

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For your information, Parley Kanakaole and I represented the Hana Community Association in the Kuhiwa Well contested case hearing. I request the “Findings of Fact, Conclusions of Law and Decision and Order” be brought up to date by the Commission on Water Resource Management. This will help in making your recommendations while understanding the cumulative “big picture”.

For example, please document how much water has actually been pumped from Kuhiwa Well with pumping and electricity use records since the permit was granted. It is my understanding Maui Land and Pineapple and successor Haliimaile Pineapple have pumped the well very little. The substantiated facts need to be considered in the big picture.

The Betsill well, Exhibit H9, also needs to be considered in that context through documented records, not hearsay.

Exhibit H3: Tri-Isle Resource Conservation & Development Council, Inc. and Hana Soil and Water Conservation District Rural Water Project Assessment. Project Site: Hana Highway, from Nahiku Road to Kaeleku.

The “Rural Water Project Assessment” documents overwhelming support the 1994 Hana Community Plan language stating, “Provide municipal water service to Kipahulu and Upper Nahiku”. The “Rural Water Project Assessment” was distributed solely to the Upper Nahiku to Kaeleku Community.

The Kipahulu Community, located roughly 20 miles or so from Makapipi Stream, has a completely different set of circumstances. The Kipahulu Community has been actively trying to access potable water for agricultural food product processing. The same problems with food product processing exist in Upper Nahiku. A good example is the fast becoming famous “Coconut Glen’s Ice Cream”.

Exhibit H4: Dr. Jeanne L. Fitzpatrick, August 12, 1998, letter to County of Maui Board of Water Supply regarding “water-born contaminants and related health risks in the Upper Nahiku.....”

This short letter ends with, “The high incidence of these water-borne contaminants is a costly and potentially serious health risk in East Maui”. The municipal water service for Upper Nahiku is the solution to Dr. Fitzpatrick’s concerns.

Exhibit H5: Delores Soler, R.N., June 30, 1997, letter to County of Maui Board of Water Supply regarding “The high incidence of these water-born contaminants.....and potentially serious health risk in East-Maui”.

In part, this letter discusses health issues, “Ova and parasites” in East-Maui that can be addressed in Nahiku with municipal water service.

Exhibit H6: Honolulu Advertiser, October 22, 2001, “Ignorance adds to dengue fever woes on Maui”.

This article documents a serious health problem, dengue fever, in East-Maui and Nahiku. Mosquito breeding grounds can be reduced with increased streamflow. Mosquito borne diseases are a serious threat to the Maui County and State of Hawaii tourist based economy. Restoring the natural stream flow of Makapipi Stream is part of the solution.

I have heard unsubstantiated rumors regarding the possible presence of the mosquito aegypti in Nahiku stream waters. Apparently, that mosquito can carry the West Nile virus, dengue, Chikungunya and other diseases. It is important to get the facts for your consideration. Please see http://en.wikipedia.org/wiki/Aedes_aegypti Perhaps, aegypti was the previous carrier of dengue fever in Nahiku.

Exhibit H7: Maui News, April 10, 2011, “Dengue fever expert: Prevent spread”.

The article states in part, “He (Dr. Lorrin Pang) also said he hoped that East Maui Irrigation could be convinced to increase flows at Makapipi Stream, and maybe other waterways, so that faster-moving water could flush out mosquito larvae”.

Dr. Pang, a world recognized epidemiologist, would certainly be able to identify all the relevant mosquitos and related diseases. We are fortunate to have his knowledge available on Maui.

Exhibit H8: New York Times, November 5, 2014, “A Mosquito-Borne Virus Sweeps the Caribbean”.

This recent New York Times article documents a mosquito born virus in the Caribbean. “Chikungunya” and additional mosquito borne illnesses must be considered in making State of Hawaii stream-flow decisions. Future outbreaks could devastate the visitor industry and economy for months or years.

Exhibit H9: David Craddick, Director of County of Maui Water Department, September 16, 2001, letter to Sharon Sousa of U.S. Department of Agriculture regarding “Volume of capacity for Betsill Well”.

This email contains “hearsay” that the Betsill Well may be a potentially 700 gallon per minute source. It is my hearsay understanding the well is in place, pumping and distributing water. The pump location appears to be across the road, Hana side, from the existing County of Maui water tank just off the Lower Nahiku Road. I previously requested documentation from the State Commission on Water Resource Management. I received no response. I ask the commission to document the existence, location and possible use of this well. If the well exists, please consider the capacity and impacts as part of the proceedings.

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The potential cumulative impacts of Kuhiwa Well and the “hearsay” Betsill Well need to carefully considered. Have the combined impacts ever been considered? Please document.

Thank you for your careful consideration of my exhibits, discussion, the Hawaii State Constitution and the law.

Sincerely yours,

John Blumer-Buell

LIST OF EXHIBITS

H1) **1994 Hana Community Plan.** Ordinance No. 2347, Effective July 1, 1994.

H2) **State of Hawaii Commission on Water Resource Management, MA-CC-91-1, “Findings of Fact, Conclusions of Law and Decision and Order, dated October 2, 1991. In Re Application of MAUI PINEAPPLE COMPANY, LTD., Pump Installation Permit, Kuhiwa, Nahiku, Maui, Hawaii”.**

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H4) **Dr. Jeanne L. Fitzpatrick, August 12, 1998, letter to County of Maui Board of Water Supply** regarding “water-born contaminants and related health risks in the Upper Nahiku.....”

H5) **Delores Soler, R.N., June 30, 1997, letter to County of Maui Board of Water Supply** regarding “The high incidence of these water-born contaminants.....and potentially serious health risk in East-Maui”.

H6) **Honolulu Advertiser, October 22, 2001, “Ignorance adds to dengue fever woes on Maui”.**

H7) **Maui News, April 10, 2011, “Dengue fever expert: Prevent spread”.**

H8) **New York Times, November 5, 2014, “A Mosquito-Borne Virus Sweeps the Caribbean”.**

H9) **David Craddick, Director of County of Maui Water Department, September 16, 2001, letter to Sharon Sousa of U.S. Department of Agriculture** regarding “Volume of capacity for Betsill Well”.

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