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COMMISSION ON WATER
RESOURCE MANAGEMENT
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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM
INSTREAM FLOW STANDARDS FOR
HONOPOU, HUELO (PUOLUA),
HANEHOI, WAIKAMOI, ALO,
WAHINEPEE, PUOHOKAMOA,
HAIPUAENA, PUNALAU/KOLEA,
HONOMANU, NUAAILUA, PIINAAU,
PALAUHULU, 'ŌHI'A (WAIANU),
WAIOKAMILO, KUALANI, WAILUANUI,
WEST WAILUAIKI, EAST WAILUAIKI,
KOPILIULA, PUAKAA, WAIOHUE,
PAAKEA, WAIAAKA, KAPULA,
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

PETITIONERS NĀ MOKU AUPUNI O
KO'OLAU HUI, LURLYN SCOTT AND
SANFORD KEKAHUNA'S
SUBMITTAL REGARDING
COMMISSION SITE VISIT ON
OCTOBER 2 -3, 2017; CERTIFICATE
OF SERVICE

PETITIONERS NĀ MOKU AUPUNI O KO'OLAU HUI, LURLYN SCOTT
AND SANFORD KEKAHUNA'S SUBMITTAL REGARDING
COMMISSION SITE VISIT ON OCTOBER 2 -3, 2017

Petitioner Na Moku Aupuni O Ko'olau Hui, Lurlyn Scott and Sanford Kekahuna (hereinafter, collectively, "Nā Moku"), by and through their undersigned counsel, hereby submit their response to the Commission on Water Resources Management's (Commission) Order Regarding Further Deadlines, Site Visit and Oral Argument dated August 31, 2017 ("August 31, 2017 Order").

1. **Attendance at the site visit.** The August 31, 2017 Order does not specify whether any of the parties may or must attend. To the extent that any other parties are permitted to attend, Nā Moku requests that its counsel and up to three Nā Moku representatives also be permitted to attend the site visit. Further, should any other parties request attendance at the site visit, Nā Moku requests that its counsel be notified no later than September 27, 2017 to afford all participants sufficient time to make the necessary travel and scheduling arrangements.

2. **Observance of all affected areas:** The August 31, 2017 Order identified three general areas the Commission intends to visit. Of the affected areas, it appears the Commission intends to visit all but HC&S' fields and irrigation system, to which the Proposed Decision allocates a range of 88 to 96 mgd of surface water to be supplied by the East Maui streams which are the subject of this contested case. Nā Moku requests that Commission visit all major areas affected by the Interim Instream Flow Standards (IIFS) that are the subject of this contested case hearing. Excluding the one area that stands to receive the lion's share of stream flows originating from the East Maui watershed would deprive the Commission of a full, fair, and balanced understanding of the interests at stake and the material issues in dispute in these proceedings. 3.

3. **Status Quo Streams.** The Commission should visit all streams for which no restorations were recommended by the Hearings Officer's Proposed Decision (i.e., status quo streams). A visit to **Honomanu Stream** to observe its streamflow mauka to makai is particularly critical, since whether restored flows would overcome a dry stretch in Honomanu Stream was a subject of the 2015 and 2017 hearings and a factor in establishing its IIFS.

4. **Pi'ina'au Stream.** The Commission should also visit the area mauka of Pi'ina'au Stream above Hana Highway to view the area previously impacted by a landslide. From the Pi'ina'au road access overlooking the stream, the Commission can see that the debris from the landslide no longer affects downstream flows, a factor that informed the IIFS for this stream.


5. **Abandonment Progress.** Several streams were identified by A&B for restoration of flow and abandonment of diversions. Nā Moku requests that the Commission view areas set for abandonment and restoration and review the progress (or lack thereof) on restoration efforts and the extent to which these diversions continue to impede downstream flows.

6. **Rainfall Data.** Commissioners should be informed whether (or not) stream flow and habitat conditions observed during this site visit are consistent (or not) with otherwise

normal weather conditions for this time of year and under typical restored flow patterns, and how conditions might have differed if the site visit had been scheduled during a wetter or drier period.

To the extent the Commission intends to access any areas of private property during the site visit, Nā Moku requests that the Commission provide a detailed itinerary (i.e., specific sites and timing) by September 27, 2017 to accommodate that access to the extent possible.

Dated: Honolulu, Hawai'i, September 15, 2017.


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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that the Original and three (3) copies of PETITIONERS NĀ MOKU AUPUNI O KO'OLAU HUI, LURLYN SCOTT, AND SANFORD KEKAHUNA'S SUBMITTAL REGARDING COMMISSION SITE VISIT ON OCTOBER 2 -3, 2017 was duly served on the following by hand-delivery and Email on September 15, 2017.

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The undersigned further certifies that a copy of the foregoing document was duly served on the following by Email on September 15, 2017:

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DATED: Honolulu, Hawai'i, September 15, 2017.



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