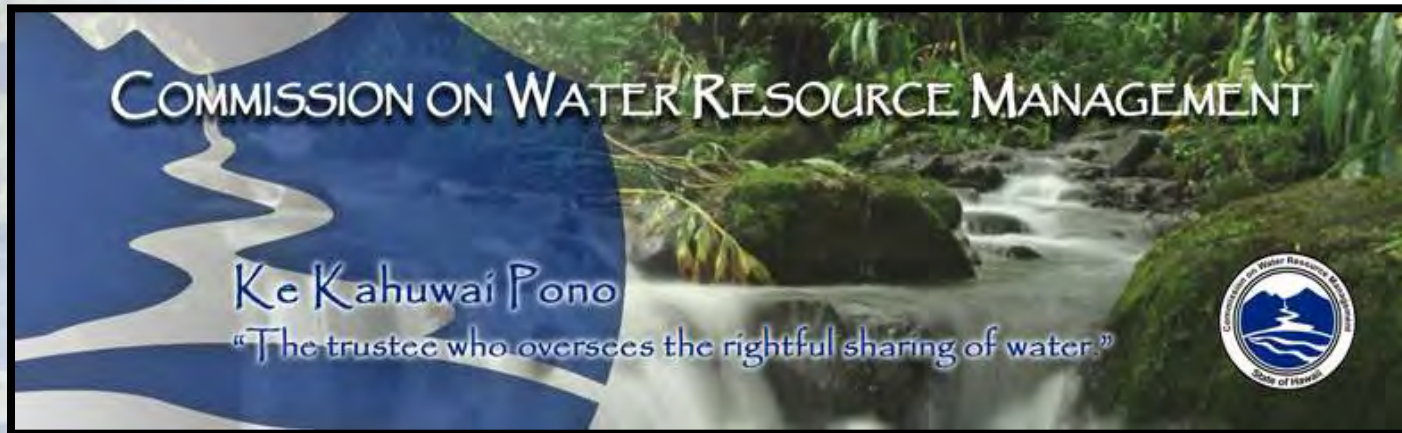


Maui Surface Water

Dean Uyeno



**1st Annual Joint State Water Conference
Wailuku, Maui
January 15, 2013**

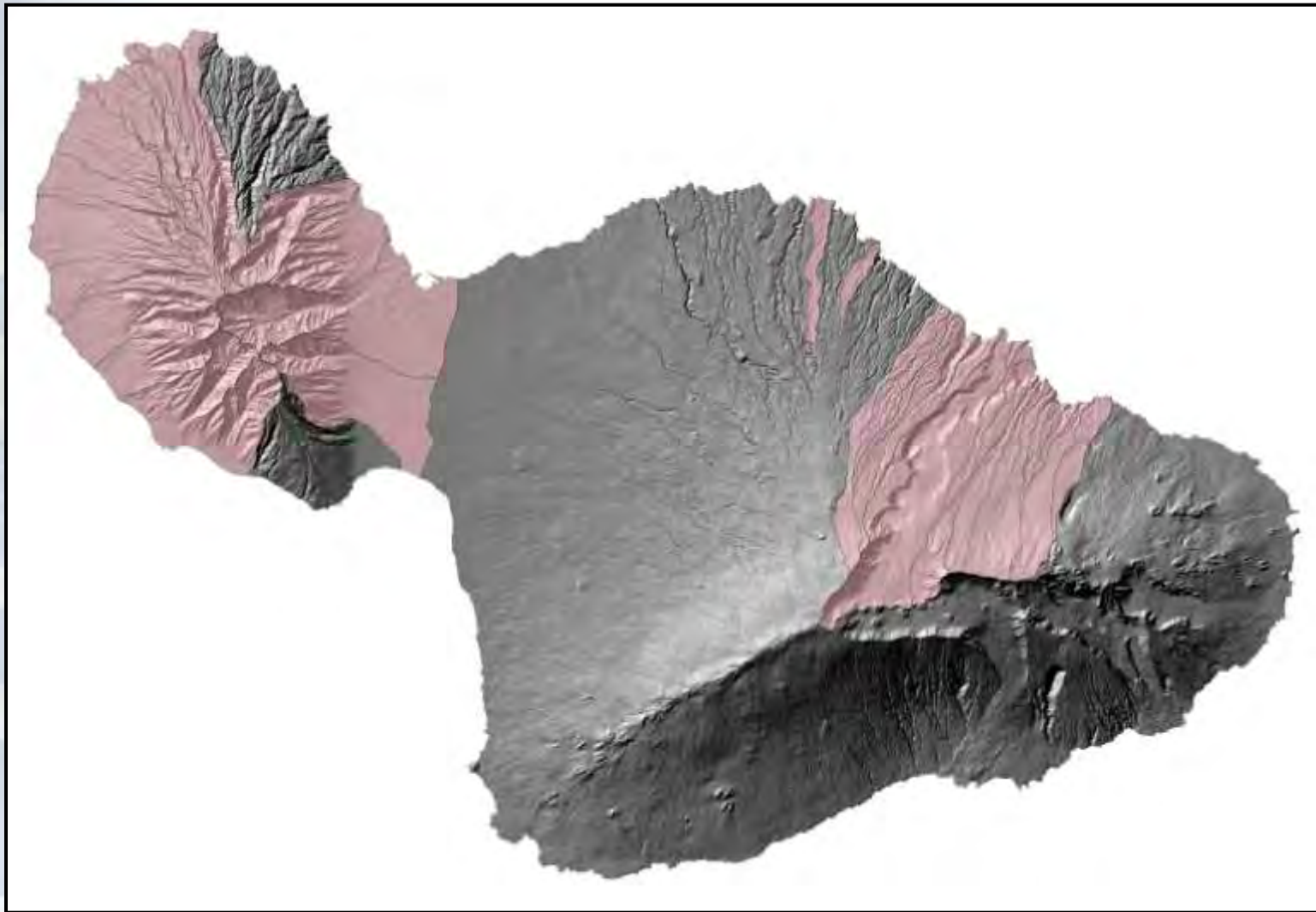
Stream Protection & Management Program

Introduction

- **Regulate stream channel alterations and stream diversion works statewide via permits**
- **Set measurable interim instream flow standards watersheds statewide**
- **Respond to requests for determination**
- **Respond to surface water-related complaints**
- **Administration of surface water use permits in surface water management areas and claims of appurtenant rights**



Current Priority Areas



Na Wai Eha (Central Maui)

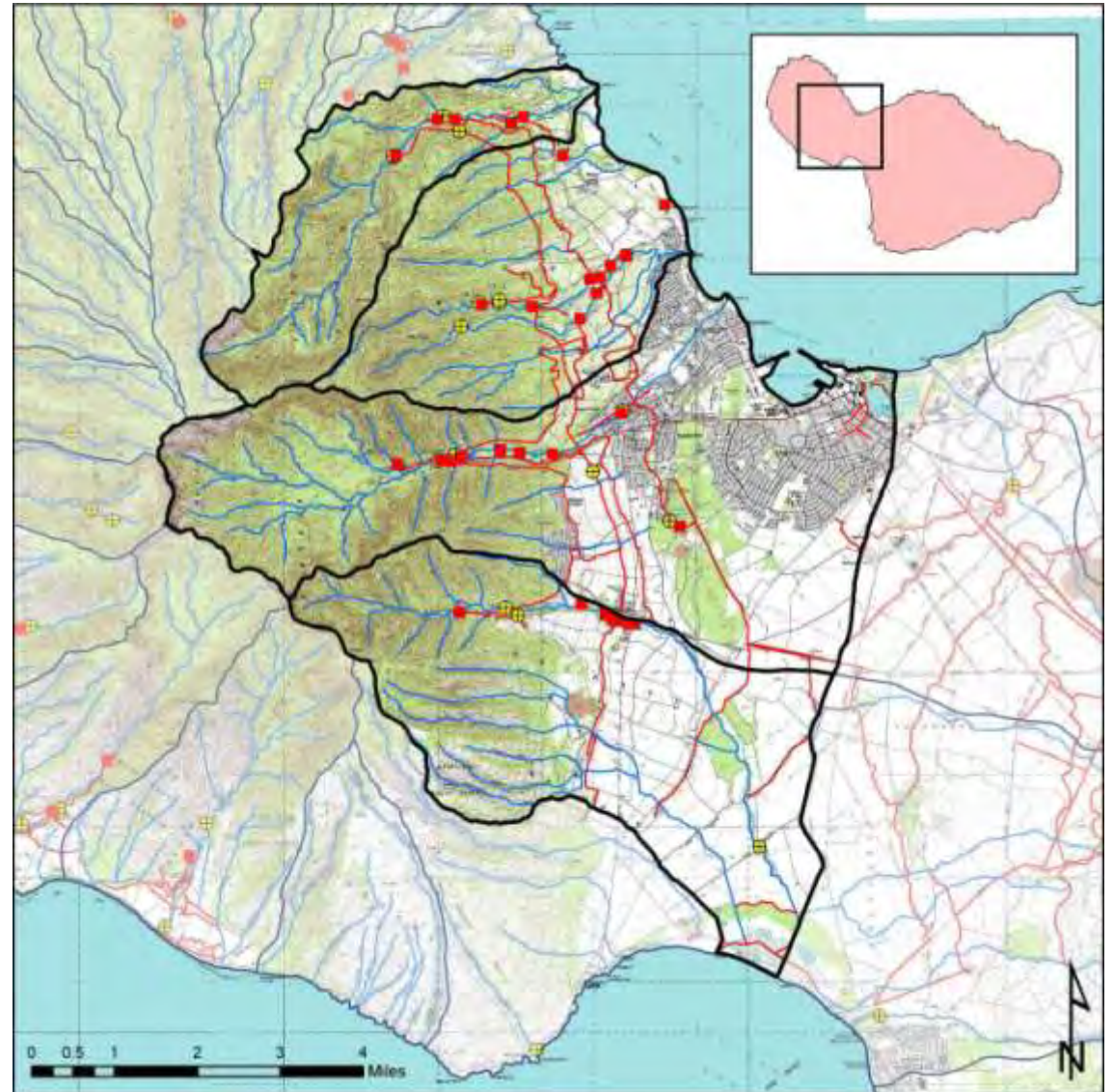
Hydrologic Units

Waihee

Waiehu

Iao

Waikapu



Na Wai Eha (Instream Flow Standards)

Background

- **July 2001** – Petition filed to designate Iao and Waihee aquifer systems as ground water management areas.
- **June 2004** – Petition to Amend the Interim Instream Flow Standards (Interim IFS) for Waihee, Waiehu, Iao and Waikapu filed by Earthjustice.
- **October 2004** – Earthjustice filed a Waste Complaint against Wailuku Water Company.
- **February 2006** – Commission initiated a contested case hearing combining Iao high-level water use permit applications and the Petition to Amend the Interim IFS.
- **June 2010** – Commission issued its Decision and Order, with water being restored to Waihee and North and South Waiehu Streams.



Na Wai Eha (Instream Flow Standards)

Decision and Order

- **Waihee River** – 10 mgd below Spreckels Ditch
- **Waihee River** – 6 mgd at the mouth of the river



Na Wai Eha (Instream Flow Standards)

Decision and Order

- **North Waiehu** – 1.6 mgd immediately below the North Waiehu Ditch diversion



Na Wai Eha (Instream Flow Standards)

Decision and Order

- **South Waiehu** – 0.9 mgd immediately below the Spreckels Ditch diversion
- **Waiehu Stream** – 0.6 mgd at the mouth of the stream



Na Wai Eha (Instream Flow Standards)

Implementation – Streamflow Measurement



Na Wai Eha (Instream Flow Standards)

Implementation – Biological Connectivity



Na Wai Eha (Instream Flow Standards)

Implementation – System Losses



North Waiehu Ditch, Waiehu



Reservoir #27, Waiehu



Waiale Reservoir, Wailuku



Reservoir #6, Waikapu



Na Wai Eha (Water Management Area)

Background

- **March 2008** – Commission designated Waihee, Waiehu, Iao, and Waikapu as Surface Water Management Areas with an effective date of April 2008.
- **April 2009** – Commission received 125 applications for existing use.
 - 115 applications were accepted (10 deemed incomplete)
 - 95 existing use applications claimed appurtenant rights
 - Note: 77 new use applications currently
- **March 2010** – Commission initiated the public hearing process on Surface Water Use Permit Applications for existing uses.
- **July 2010** – Commission staff conducted field investigations for existing uses.



Na Wai Eha (Water Management Area)

Background

- **September 2011** – Commission initiated a process for determining Appurtenant rights.
- **October 2011** – Public Notice issued to announce Appurtenant rights determination.
- **August 2012** – Public Notice issued listing all Appurtenant rights claimants, for new and existing uses, with deadline for written objections.
- **August 2012** – Commission approved appointment of a hearing's officer to handle Appurtenant rights claims.



Na Wai Eha

Where are we today?

- **August 2012** – Hawaii Supreme Court issued its opinion:
 - Failed to adequately address effect of IFS on traditional and customary Hawaiian practices.
 - Analysis of instream uses was incomplete.
 - Failed to adequately consider alternative water sources.

Court vacated the Commission's Decision and Order and remanded the case for further proceedings.

- **Another public notice will be issued for additional appurtenant rights claimants.**
- **Dr. Lawrence Miike appointed as hearings officer for appurtenant rights determination.**
- **Public hearing on surface water use permits continued to October 2013.**



East Maui

Background

- **June 2001** – Commission received 27 Petitions to Amend the Interim Instream Flow Standard for streams in East Maui from Native Hawaiian Legal Corporation (NHLC).

NHLC agreed that initial effort would focus on seven (7) streams.

- **2005/2006** – U.S. Geological Survey released findings of two cooperative studies on the hydrology and biology of East Maui streams.
- **December 2006** – Staff authorized to initiate and conduct public fact gathering meetings.
- **September 2008** – Commission approved staff recommendation to restore streamflow at measurable amounts.

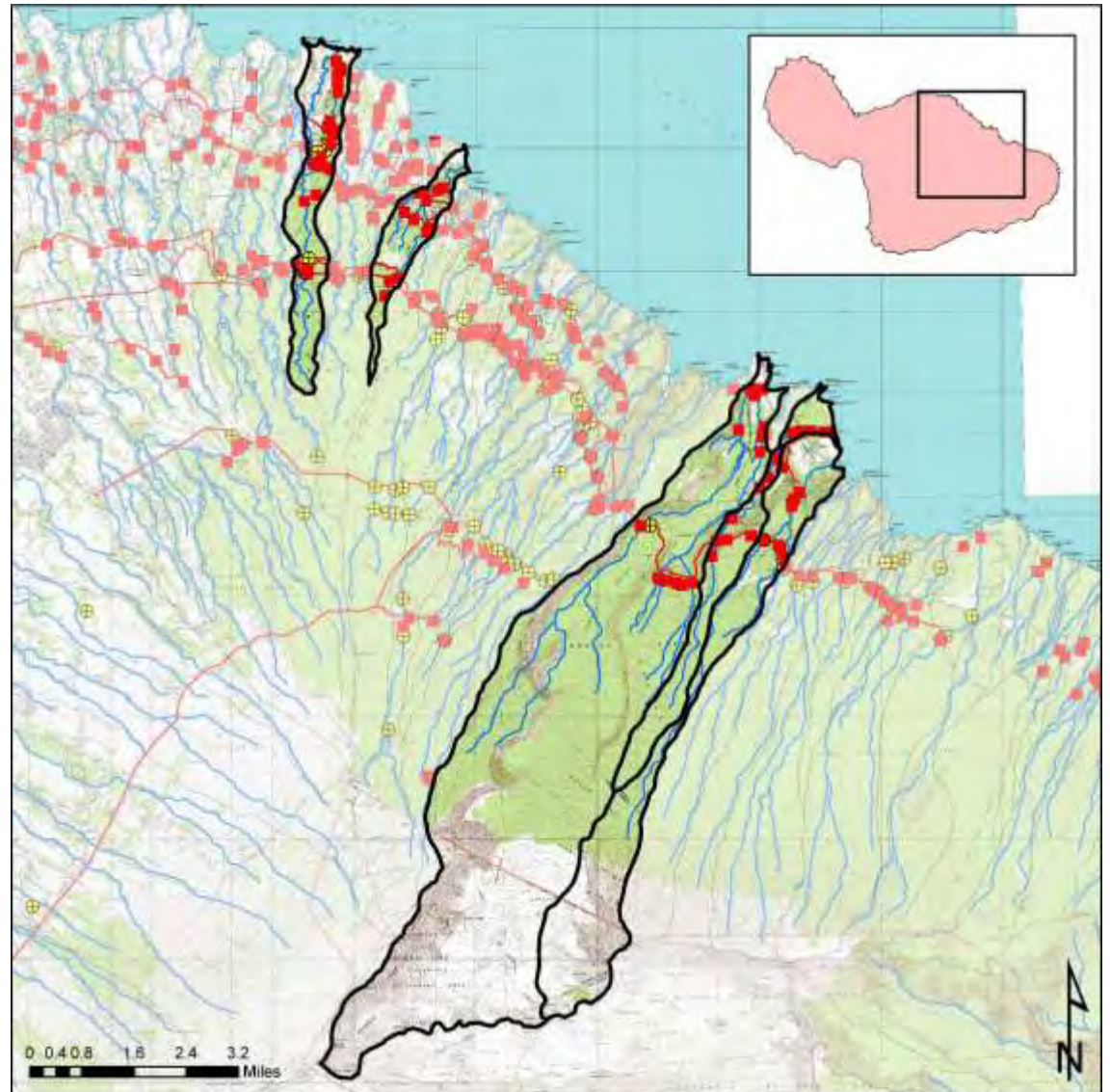


East Maui

Phase I

Hydrologic Units

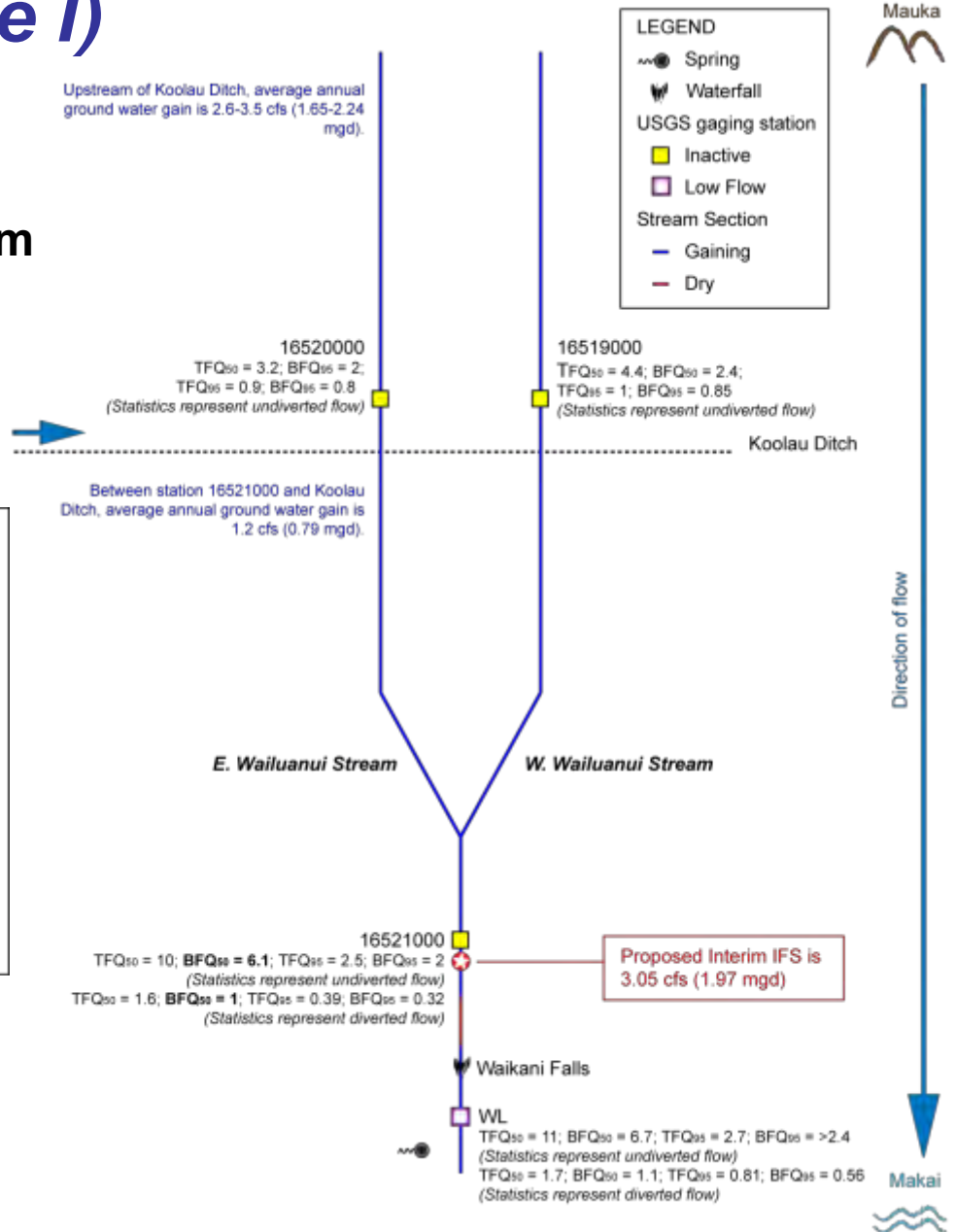
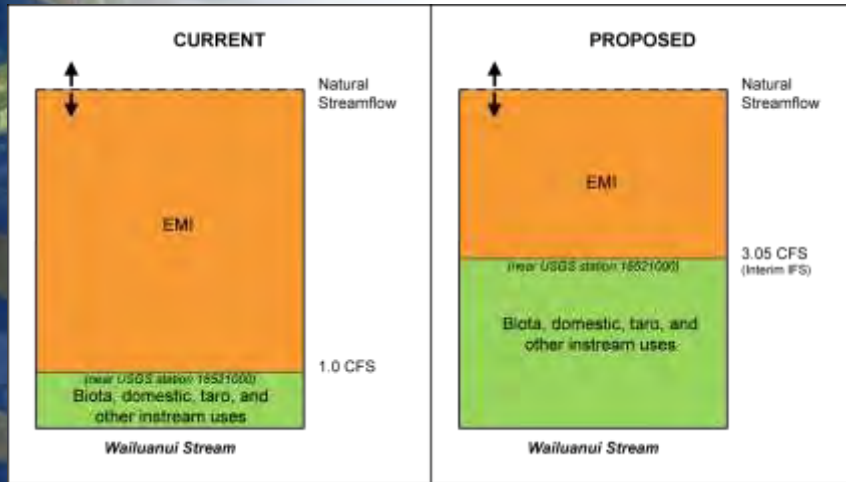
- Honopou
- Hanehoi
- Piinaau
- Waiokamilo
- Wailuanui



East Maui (Phase I)

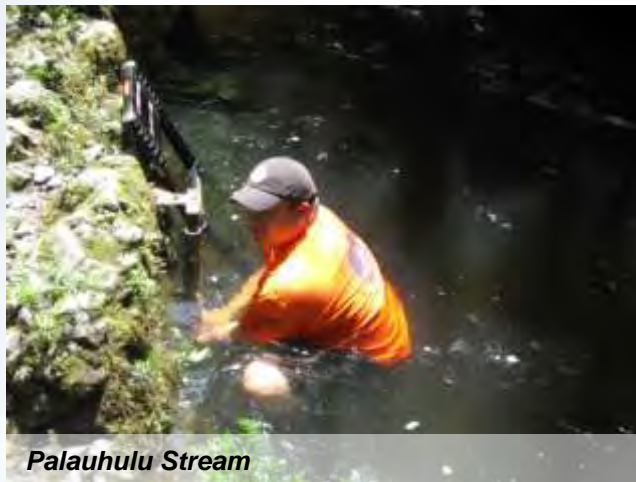
Recommendation

EXAMPLE: Wailuanui Stream



East Maui (Phase I)

Implementation – Monitoring



East Maui (Phase I)

Implementation – Investigations

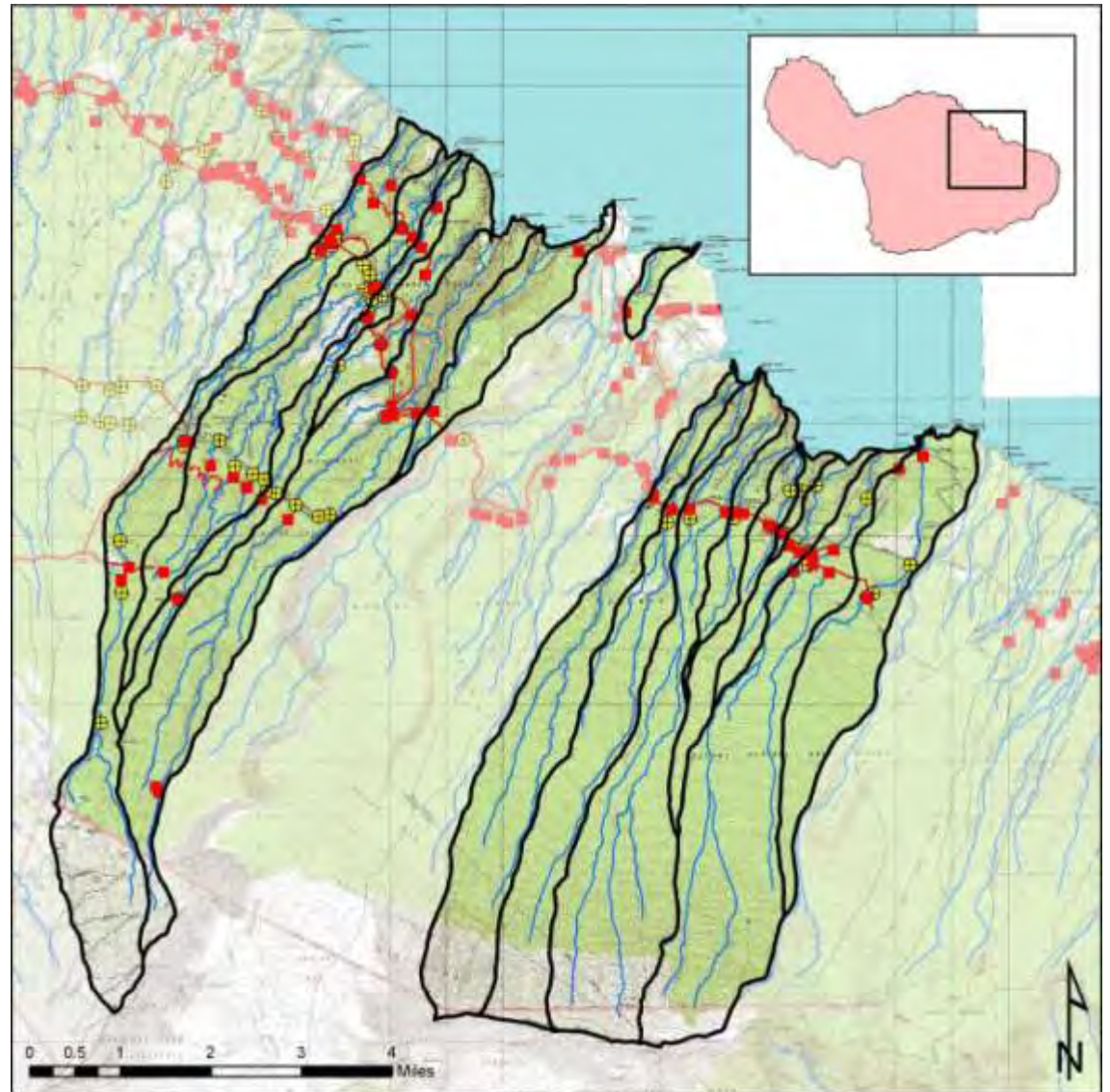


East Maui

Phase II

Hydrologic Units

- Waikamoi
- Puohokamoa
- Haipuaena
- Punalau
- Honomanu
- Nuaailua
- Ohia
- West Wailuaiki
- East Wailuaiki
- Kopilula
- Waiohue
- Paakea
- Waiaka
- Kapaula
- Hanawi
- Makapipi



East Maui

Background

- **December 2009** – Staff made recommendations on remaining 16 hydrologic units, but Commission voted to defer action.
- **May 2010** – Commission approved staff recommendation with amendments.
 - Measurable amounts, comparable to status quo.
 - Conditional amount of 0.93 cfs (0.6 mgd) on Makapipi Stream.
 - Seasonal restoration flows on Waikamoi, West Wailuaiki, East Wailuaiki, and Waiohue Streams.
 - NHLC requested a contested case hearing.



East Maui (Phase II)

Implementation – Monitoring



East Maui (Phase II)

Implementation – Streamflow Restoration



Makapipi Stream



Seasonal Release at Waiohue Stream



Seasonal Release at East Wailuaiki Stream



Seasonal Release at West Wailuaiki Stream



East Maui (Phase II)

Implementation – Biological Connectivity



Hanawi Stream



West Wailuaiki Stream



Low-Flow Channel at Honopou Stream



Fish Ramp at Honopou Stream



East Maui (Contested Case Hearing)

Background

- **October 2010** – Commission voted to deny request for a contested case hearing filed by NHLC and Maui Department of Water Supply.
- **November 2010** – NHLC filed appeal, on behalf of Na Moku Aupuni o Koolau Hui (Na Moku), with the Intermediate Court of Appeals.

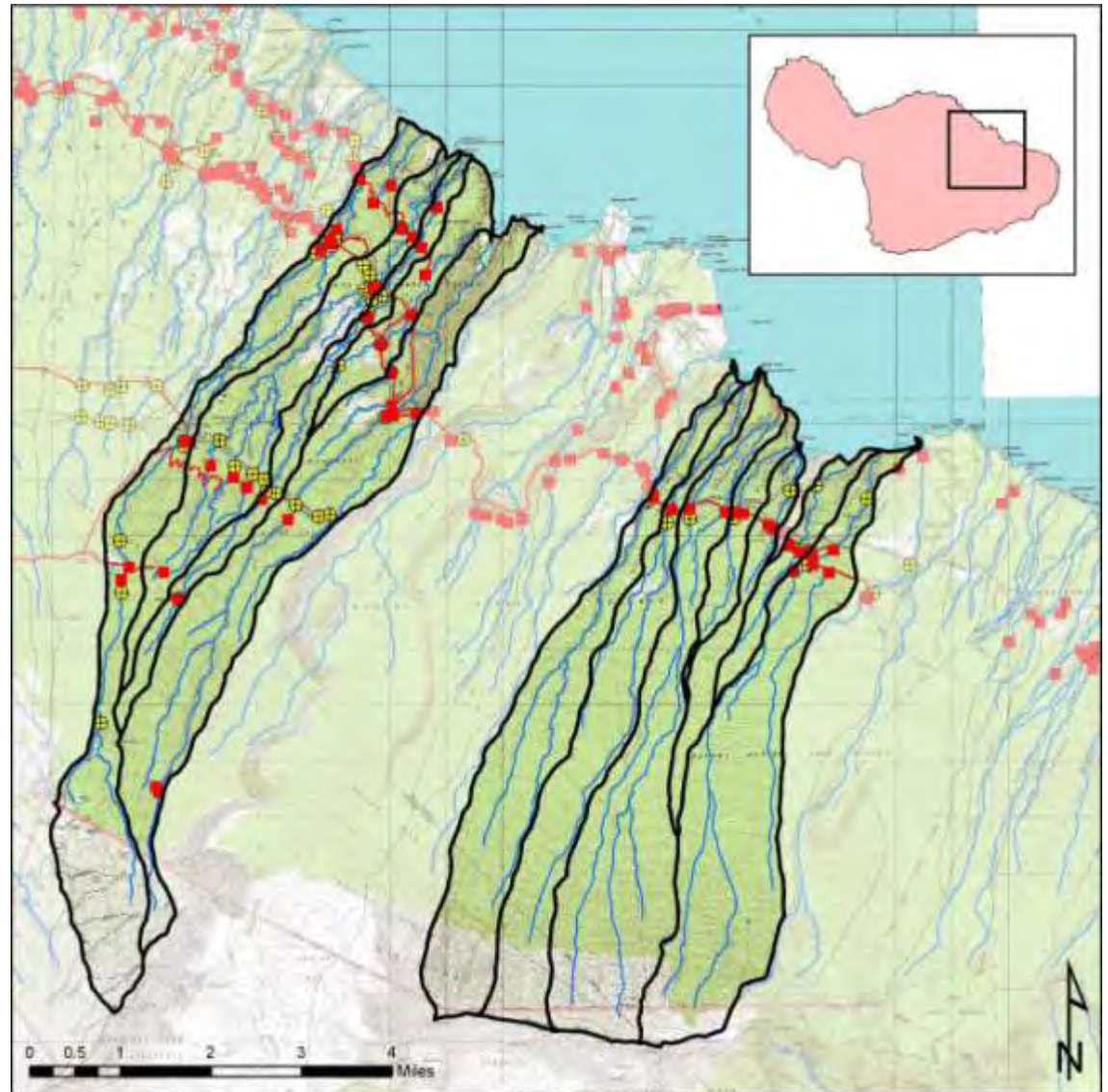


East Maui (Contested Case Hearing)

Contest

Hydrologic Units

- **Waikamoi**
- **Puohokamoa**
- **Haipuaena**
- **Punalau**
- **Honomanu**
- **West Wailuaiki**
- **East Wailuaiki**
- **Kopilula**
- **Waiohue**
- **Paakea**
- **Kapaula**
- **Hanawi**



East Maui

Where are we today?

- **November 2012** – Intermediate Court of Appeals issued opinion vacating the Commission’s decision denying Na Moku’s petition for contested case hearing.



West Maui

Background

- **August 2006** – Maui Pineapple Company (MPC) petitioned the Commission to establish amended instream flow standards for Honokohau and Honolua Streams.
- **November 2008** – Commission notified MPC that the petitions would be delayed due to Na Wai Eha.
- **June 2011** – Commission entered into a \$648,000 cooperative agreement with the U.S. Geological Survey to conduct a low-flow stream study for 10 streams in West Maui.

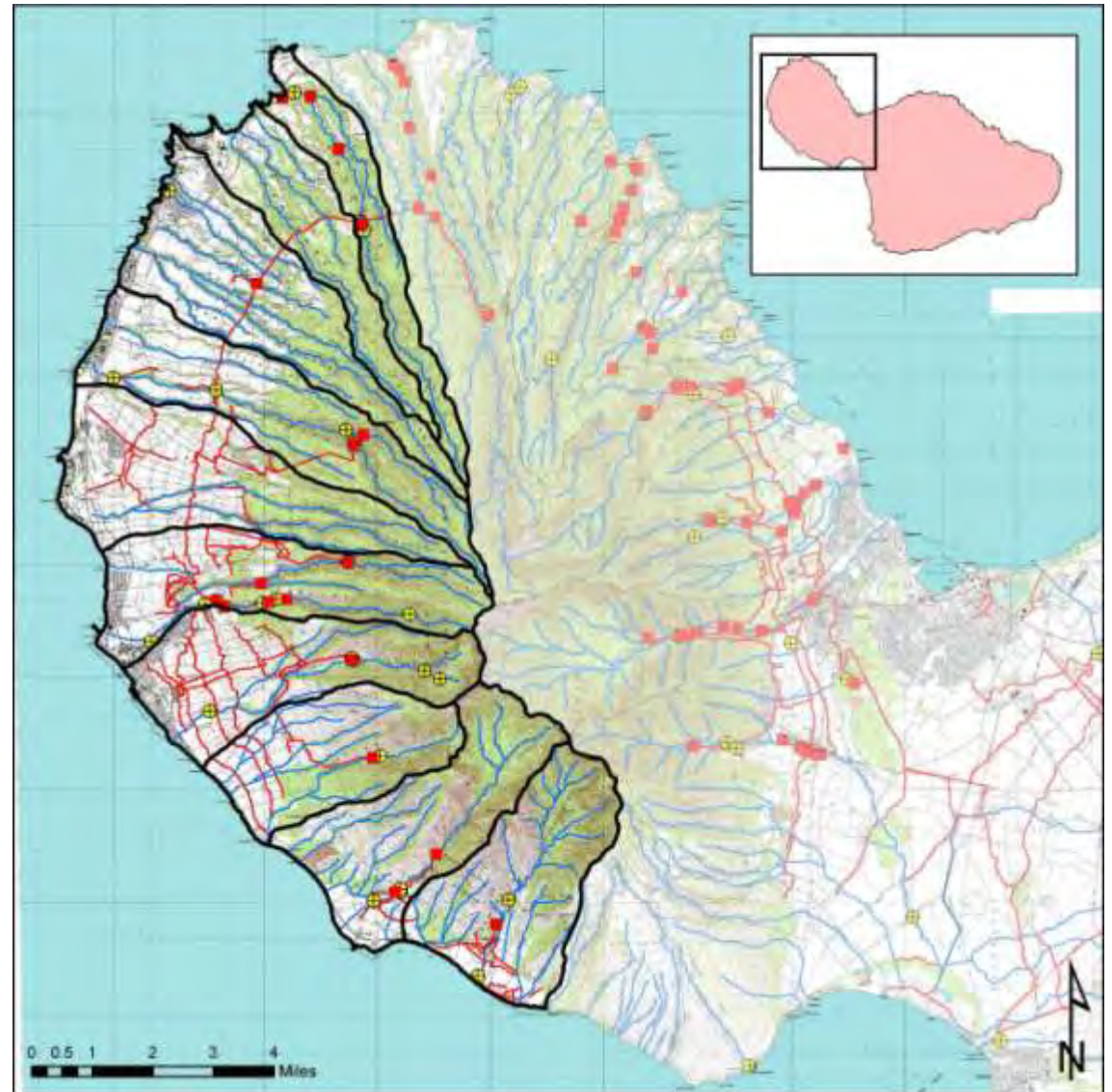
Study completion expected in June 2014.



West Maui

Hydrologic Units

- Honolua
- Honokahua
- Kahana
- Honokowai
- Wahikuli
- Kahoma
- Kauaula
- Launiupoko
- Olowalu
- Ukumehame



West Maui

Background

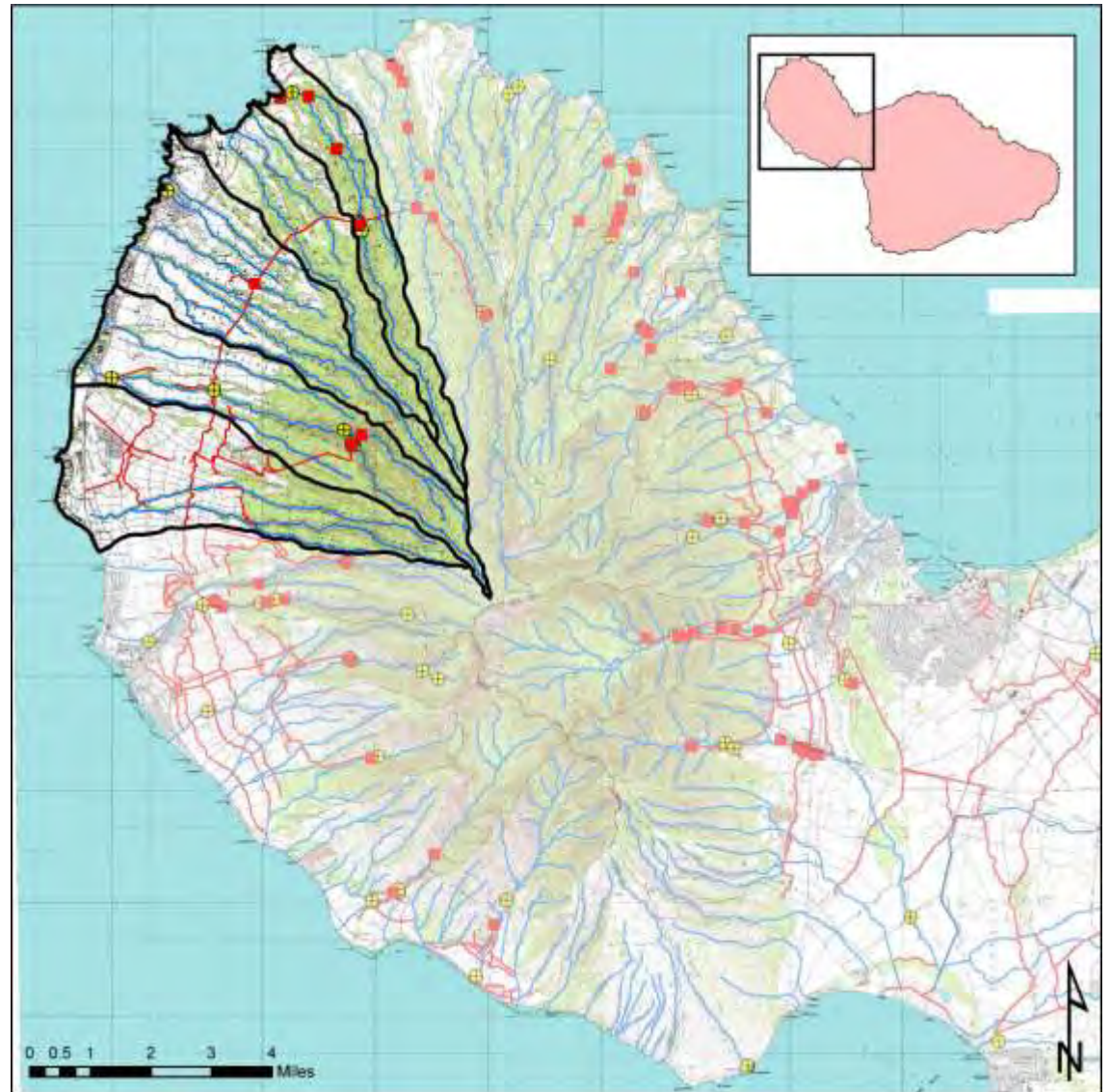
- **July 2008** – The U.S. Army Corps of Engineers (USACE) expressed interest in developing a West Maui Watershed Plan with the assistance of the Department of Land and Natural Resources (DLNR), Department of Health, and various other federal agencies.
- **September 2012** – USACE and DLNR enter into a \$3 million cost-share agreement to develop a watershed plan in support of the West Maui “Ridge to Reef” Initiative.



West Maui

Hydrologic Units

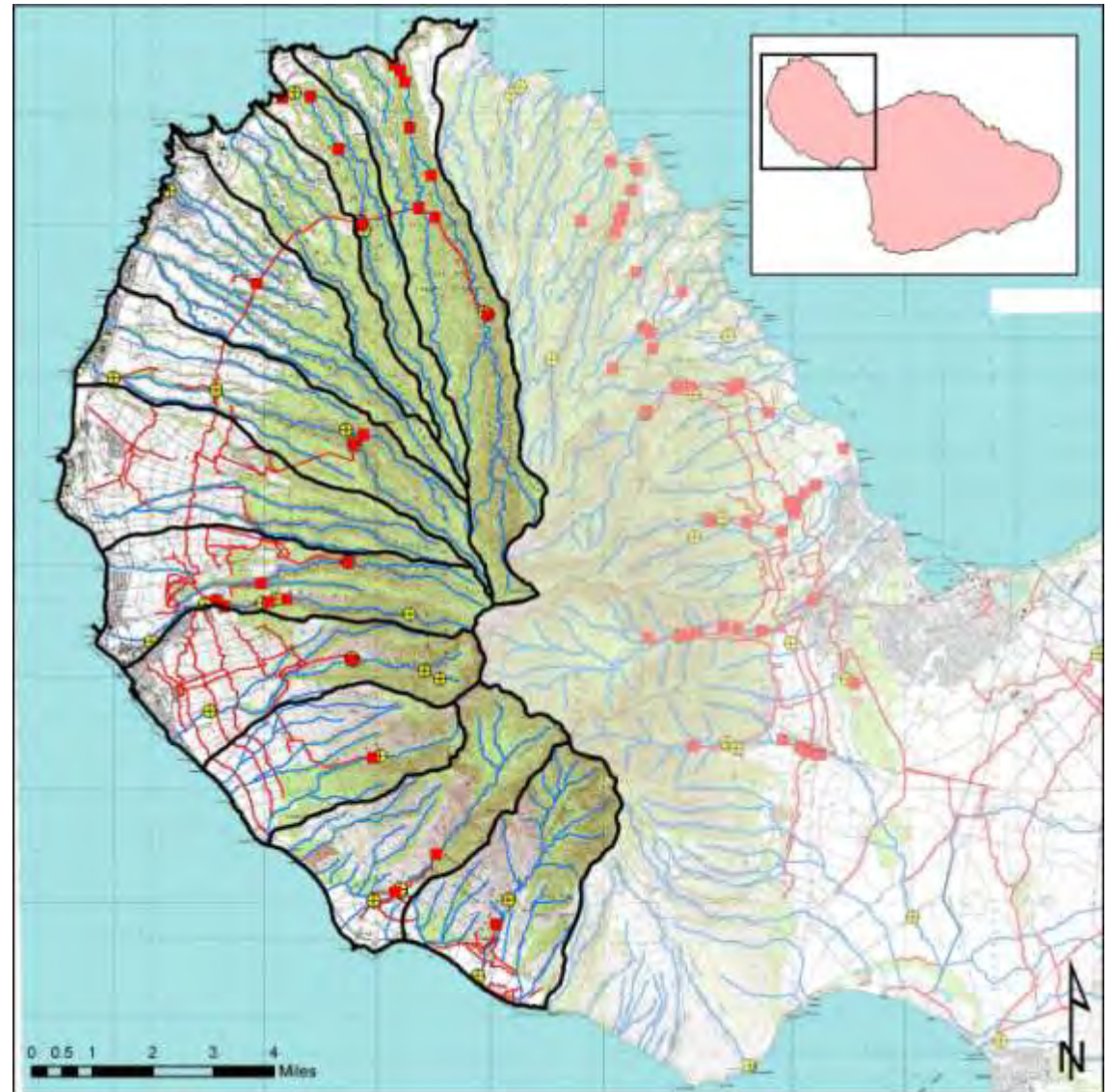
- Honolua
- Honokahua
- Kahana
- Honokowai
- Wahikuli



West Maui

Hydrologic Units

- Honokohau
- Honolua
- Honokahua
- Kahana
- Honokowai
- Wahikuli
- Kahoma
- Kauaula
- Launiupoko
- Olowalu
- Ukumehame



West Maui

Where are we today?

- USGS is in the 2nd year of its low-flow stream characterization study.

More information available at:

http://hi.water.usgs.gov/studies/lahaina_lowflow/

- Components of the West Maui “Ridge to Reef” Initiative are moving forward.

More information available at:

<http://www.hawaiicoralreefstrategy.com/>

- The Commission staff expects to begin preparing instream flow standard assessments in 2013.



COMMISSION ON WATER RESOURCE MANAGEMENT

Ke Kahuwai Pono

"The trustee who oversees the rightful sharing of water."



ABOUT US

NEWS & EVENTS

INFORMATION

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Water News

NOMINATIONS FOR COMMISSION MEMBERS

The Nominating Committee for the State Commission on Water Resource Management is soliciting nominations for two positions on the Commission starting July 1, 2013. The Nominating Committee will send the names of three individuals for each position to the Governor who selects one person for each position and submits the names to the Senate for confirmation

[Learn more about the Commission...](#)

[How to Apply...](#)

FREE ONLINE TRAINING FOR PRIVATE WELL OWNERS

The Private Well Class is a free, step-by-step education program to help well owners understand groundwater basics, well care best practices, and how to find assistance. It will also teach well owners how to sample their well, how to interpret sample results, and what they can do to protect their well and source water from contamination. The program combines a 10-part online class with live, interactive webinar events in which the



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- [Applications & Forms](#)
- [State Water Code](#)
- [Commission Meetings](#)
- [Hawaii Water Plan](#)
- [Water Resource Bulletin](#)
- [Upcoming Events](#)



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